



Tulsa Police Department

This policy statement and the procedures thereunder are intended for Police Department use only. The policies, procedures, and regulations are for internal Police Department administrative purposes and are not intended to create any higher legal standard of care or liability in an evidentiary sense than is created by law. Violations of internal Police Department policies, procedures, regulations, or rules form the basis for disciplinary action by the Police Department. Violations of law form the basis for civil and/or criminal sanctions to be determined in a proper judicial setting, not through the administrative procedures of the Police Department.

Policy # 101A
Policy Name Use of Force
Approved by *Dennis Larsen, Chief of Police*

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PURPOSE OF CHANGE:

Updated reporting procedures for Axon.

POLICY:

The Tulsa Police Department places the highest value on the preservation of life. Personnel will use only that force which is objectively reasonable. Reasonableness is not capable of precise definition or mechanical application. Its proper application requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene at the time of the incident and on whether the officer's own reckless or deliberate conduct during the seizure unreasonably created the need to use such force.

The use of unnecessary or excessive force will result in departmental discipline and may create personal liability for the officer with civil and/or criminal penalties. Actions that do not meet the spirit of this policy will neither be condoned nor tolerated merely because the acts were lawful.

The Use of Force Continuum is included as a guide in the appropriate use of force. It is recognized that it cannot be rigidly applied in rapidly unfolding and fluid situations. Officers should generally use the level of force which can reasonably be expected to succeed in controlling the situation. Officers are not required to move in a hierarchical fashion through all the levels of control, but instead, should use that level of force which is appropriate and reasonable under existing circumstances.

Deadly force may be used if the officer has probable cause to believe that the suspect poses an imminent threat of serious physical harm, either to the officer or others, to defend an officer or others from the threat of immediate physical harm from a dangerous animal, or to destroy a seriously injured animal when other dispositions are impractical and when approved by a supervisor.

An officer may use deadly force when making an arrest or preventing an escape from custody following an arrest. The officer must reasonably believe that such force is necessary to prevent the arrest from being defeated by resistance or escape, there is probable cause to believe that the person to be arrested has committed a crime involving the infliction or threatened infliction of serious physical harm, and the escape of the subject poses an imminent threat to the officer or others. Deadly force may also be used if the person to be arrested is attempting to escape by use of a deadly weapon (21 O.S. 732). When feasible, a verbal warning will be given to the offender prior to the use of deadly force.

The use of deadly force is not authorized when its use would constitute a greater threat to innocent human lives than the actions of the suspect. Officers or employees must always be aware of the probable and possible result of their use of force. Officers or employees are never justified in using deadly force in a reckless manner disregarding the safety of themselves, other officers, or innocent bystanders. Officers or employees must identify and acquire the specific threat before using deadly force.

For the purpose of this policy, use of any firearm to discharge a projectile composed of any material which may be reasonably expected to cause death or great bodily injury is considered deadly force and shall only be employed in

circumstances where the use of deadly force would be justified. The use of a flexible baton, 37/40mm Launcher, PepperBall launcher, breaching gun, or any similar launcher or chemical agents will not be considered deadly force when used as trained and designed as a less lethal alternative.

De-Escalation

Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used. An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training whenever possible and appropriate before resorting to force and to reduce the need for force.

Officers or employees shall not use tactics solely to justify the escalation of force when such escalation of force would not otherwise be appropriate (e.g., it would not be appropriate for personnel to step in the path of a moving vehicle solely to justify the use of great or deadly force as self-defense).

Shooting at Moving Vehicles

Shooting at a moving vehicle is often ineffective and unpredictable. In addition, incapacitating the driver may result in the uncontrolled operation of the vehicle and thereby increase the potential of injury to bystanders. There is also a greater risk of a bullet missing the intended target or ricocheting. As a fleeing vehicle creates distance from an officer, it becomes more difficult to isolate the target and identify backdrop hazards. Shooting from a moving vehicle decreases accuracy and increases the risk to the public.

Officers shall only fire at or from moving vehicles when deadly force is justified as written in current policy and when its use would not constitute a greater threat to human lives than the actions of the suspect.

Deadly Force or Force Involving an Injury with Substantial Risk of Death Review

There will be an administrative review immediately following any use of deadly force, or any use of force that involves an injury with substantial risk of death. The Detective Division will conduct a criminal investigation into any use of deadly force, or any use of force that involves an injury with substantial risk of death. The Deadly Force Review Board will review all uses of deadly force referred by the Chief of Police. The Board reviews the administrative and criminal investigations, as well as testimony from officers and witnesses, when necessary.

DEADLY FORCE		
All Deadly Force Applications	Likely to produce great bodily injury or death	Calculated to Incapacitate (STOP)
ADVANCED FORCE		
Police Canine Bite, Launched Chemical Agents, 37/40mm Launcher, 12-Gauge Flexible Baton, Personal Impact Strikes to Head, Conducted Electrical Weapon, Impact Weapons, Flash Sound Diversionary Devices, Direct Impact Pepper Ball,	Low expectation of great bodily injury or death, some possibility of injury, involves some pain compliance techniques	Calculated to Control and/or Overcome
INTERMEDIATE FORCE		
Personal Impact Strikes, Physical Control Holds, Area Saturation Pepper Ball, Vehicle Containment, Chemical Agents, OC Spray	Less possibility of injury than Advanced Force, involves some pain compliance techniques	Calculated to Control and/or Overcome
LOW FORCE		
Firm Grip or Gesture, Verbal Commands, Uniform Presence	Little to no expectation of injury, low visual impact	Calculated to Gain Compliant Behavior

SUMMARY: Procedures for the use of force.

APPLIES TO: All police personnel.

DEFINITIONS:

DE-ESCALATION – taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

CAROTID RESTRAINT CONTROL HOLD (CRCH) – a bilateral vascular restraint where pressure is applied to the sides of the neck compressing the carotid arteries and jugular veins resulting in diminished cerebral cortex circulation, potentially rendering the subject unconscious while the subject retains the ability to breathe. (See policy 101G for clarification)

CHEMICAL AGENTS – CS (Ortho Chlorobenzalmalononitrile) or OC (Oleoresin Capsicum) utilized via hand thrown or launched delivery systems.

DEADLY FORCE – that force which is likely to cause death or serious physical harm.

IMMEDIATE THREAT – a significant threat that an officer reasonably believes will result in death or serious physical harm to the officer or others. The threat is not limited to being instantaneous. A person may pose an immediate threat even if they are not at that moment pointing a weapon at the officers or others.

PHYSICAL CONTROL HOLD – grabbing or applying bodily pressure to a person counter active resistance.

RESISTANCE:

ACTIVE RESISTANCE: A person’s non-assaultive physical efforts to prevent or overcome an officer’s attempt to control that person (e.g., isometric tensing/stiffening, pulling away, flight, etc.).

ASSAULTIVE RESISTANCE: Any person’s willful attempt or offer with force or violence to do bodily hurt to an officer.

PASSIVE RESISTANCE: Persons who refuse to obey lawful verbal directions but are not actively resisting.

SERIOUS PHYSICAL HARM/GREAT BODILY HARM – injury that causes a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

USE OF FORCE CONTINUUM – a visual representation of force options designed to facilitate an understanding of appropriate levels of force by officers.

WEAPONLESS CONTROL TECHNIQUES – gestures, verbal commands, or physical control holds utilized to gain compliance from a subject.

PROCEDURES:

A. USE OF FORCE REPORTS

1. In other than testing or training situations, personnel will complete a *Use of Force Report* in Axon Standards within three shifts worked of the use of force and forward it through the chain of command when any intermediate or greater force is utilized. If the force used involves an injury with substantial risk of death, do not complete a *Use of Force Report*. Follow protocol in Procedure C, *Incidents Involving Deadly Force, or Force Involving Injury with Substantial Risk of Death*.

2. When force is used, complete a *Use of Force Report*. Complete one *Use of Force Report* per incident. Each report shall include the names of all personnel utilizing force and all of the known identity information for the suspect(s).
3. When a physical control hold is used without injury, the officer will complete a Phys Cntrl, No Injury Report in Axon Standards.
4. When force is used and the suspect(s)' identities are unknown, a *Use of Force Report* will be completed, listing the suspect as a known person with whatever identifiers that the officer knows.
5. When force is used involving multiple suspects and all their identities are unknown, select that force was used against "Multiple Persons" in the response action card. In addition, the narrative section of the *Use of Force Report* will include the approximate number of individuals on whom force was used and circumstances contributing to the inability in determining the suspects' identities.
6. The officer's supervisor will ensure that *Use of Force Reports* with all necessary documentation are completed within three shifts worked. The officer's captain may grant an extension to the three shifts deadline for extenuating circumstances, such as overly complex incidents, technical issues, the injury of the officer, etc. Any extension will be noted in the narrative of the *Use of Force Report*, including the name of the approving captain.
7. The *Use of Force Report* and video evidence shall be reviewed by the involved officer's chain of command. If the use of force is a physical control hold with no injury the reports shall be sent through the officer's chain of command to their captain. The captain may recommend in-policy and forward to Internal Affairs or cite any concerns and forward to their division commander for normal use of force routing. All other *Use of Force Reports* shall be forwarded to their division commander. The division commander may recommend in-policy and forward to Internal Affairs or may recommend review by the UFRB. Advanced force, with the exception of CEW, and any use of force from any level suspected to be out-of-policy or questionable on other grounds shall be forwarded to the UFRB by the division commander. The UFRB will forward their recommendations to the Chief of Police for final determination.
8. When a firearm is unintentionally discharged, the personnel involved shall complete a *Firearm Discharge Form* in Axon Standards, explaining the details of the circumstances to the officer's bureau commander. The bureau commander will also review and forward all findings and recommendations to Internal Affairs.
9. Any lethal, non-lethal or less-lethal force (i.e., firearm, CEW, OC spray, personal impact strikes, impact weapon strikes, PepperBall, 12-gauge flexible baton, etc.) used against an animal will be documented in an *Animal Encounter Form* in Axon Standards and forwarded through the chain of command to the officer's division commander. The officer's division commander will review and forward all findings and recommendations to Internal Affairs.
10. All *Use of Force Reports* will be reviewed by Internal Affairs (IA) for possible eligibility in the Employee Tracking and Assistance Program (ETAP).
11. When the use of deadly force involves a department-issued or approved firearm or department-issued weapon in accordance with the Uniform Specifications Manual, the investigatory process shall be applicable to both on-duty and off-duty incidents.
12. Annually, the Training Division will complete the following documented analyses:
 - a. An analysis of the department's use of force incidents, policies, and practices, which should include:
 - 1) Date and time of incidents,
 - 2) Types of encounters resulting in use of force,
 - 3) Trends or patterns related to race, age and gender of subjects involved,

- 4) Trends or patterns resulting in injury to any person, including employees,
- 5) Impact of findings on policies, practices, equipment, and training,
- 6) An assessment of contributing officer safety tactics, policies, and training; and
- 7) Conclusions, recommendations, and proposals.

b. An analysis of all assaults on Tulsa Police officers, which should include:

- 1) Trends or patterns,
- 2) An assessment of contributing officer safety tactics, policies, and training; and
- 3) Conclusions, recommendations, and proposals.

B. NOTIFICATIONS

1. When force is used that requires a *Use of Force Report*, with the exception of a physical control hold with no reported injury, an employee will notify a field supervisor as soon as possible. The supervisor will report to the scene.
2. The supervisor on scene will then follow policy 308 – *Staff Notifications*.

C. INCIDENTS INVOLVING DEADLY FORCE, OR FORCE INVOLVING INJURY WITH SUBSTANTIAL RISK OF DEATH

1. Upon arrival, a supervisor shall assign an officer to remain and “walk through” the scene with Detectives.
2. The officer(s) or employee(s) directly involved in the use of deadly force or force involving injury with substantial risk of death will go directly to the Detective Division, Patrol Division or other location as directed by Incident Commander or other supervisor when relieved from the scene. An uninvolved officer shall accompany them to maintain the evidentiary chain of custody. The officer(s) shall remain at Detective Division until chain of custody issues have been resolved.
3. The Detective Division will conduct a criminal investigation upon notification of the use of deadly force, or force involving injury with substantial risk of death.
4. The involved personnel will remain available for the Detective Division to contact and schedule an in-depth interview at their earliest convenience.
5. The involved personnel may be represented by legal counsel, if desired, during the criminal investigation.
6. The Detective Division will submit an Interoffice Correspondence to the Chief of Police by 0800 hours on the day following the occurrence, outlining the following:
 - a. The need for the force used.
 - b. The type of force used.
 - c. How and where the force was used.
 - d. Additional information regarding the use of force (e.g., injuries, backdrop, witnesses).
7. The Chief of Police, or designee, may place involved officer(s) on administrative leave pending the results of the criminal investigation.
8. The weapon used in a deadly force incident will be given to Detectives and will be sent to the lab for testing. When the weapon is relinquished, a division commander, or their designee, will supply the officer with a replacement weapon to carry. This division commander, or their designee, will then email the Range with the firearm’s serial number, the assignment to which officer, and the divisional safe from where it was assigned. The Rangemaster shall ensure all necessary inventory information is updated in the inventory management system.

9. Upon completion of the testing, the weapon will be released as soon as possible by the Detective Division to the Range. The Rangemaster, or their designee, will collect the weapon. A certified armorer will complete any necessary maintenance and function test of the weapon. As soon as possible, the Range will contact the officer and schedule a time for the officer to pick up their weapon at the Range. During the weapon pick-up, the officer will return their replacement items (e.g., weapon, magazines, weapon box, etc.).
10. The Rangemaster will ensure an adequate number of replacement weapons, magazines, and ammunition at the pre-designated Divisions.

D. ADMINISTRATIVE REVIEW PROCESS

1. After receiving a clearance sheet from the DA regarding the criminal investigation of an incident involving the use of deadly force, or force involving injury with substantial risk of death, IA will conduct an administrative investigation on:
 - a. On-duty employees of the Tulsa Police Department, or an on-duty Tulsa Police Reserve Officer, or any other person acting in concert with Tulsa Police Officers.
 - b. Off-duty employees of the Tulsa Police Department or an off-duty Tulsa Police Reserve Officer when the use of deadly force involves a department issued or approved firearm as described in the Uniform Specifications Manual.
 - c. Employees of the Tulsa Police Department or a Tulsa Police Reserve Officer who accidentally discharges their firearm which causes injury to any person.
2. IA will prepare and submit a complete report to the Chief of Police within 30 days of each incident. The IA Commander may grant an extension if the investigation will not be completed within the 30-day time frame.
3. When the actions of an employee, while working in an official capacity, involve the death or injury with substantial risk of death of another, the Chief of Police, or designee, shall remove the employee from the operational assignment pending an administrative review of the incident.
4. After receiving approval by the Chief of Police, or designee, to return to their duty assignment, the employee's division commander will coordinate with the employee the exact time and date the employee shall return to their normal duties.

REGULATIONS:

1. Officers shall use only that force which is objectively reasonable.
2. Any time the actions of officer or employee result in injury or alleged injury to another person, once the subject is properly restrained, officers will perform the following:
 - a. Render necessary first aid.
 - b. Request EMSA to respond to the scene, if appropriate.
 - c. Immediately notify a supervisor.
3. If a subject exhibits signs of medical distress prior to or after force is used or exhibits signs of medical distress after the subject was involved in a prolonged struggle prior to being restrained, Officers shall summon emergency medical personnel immediately to the scene and advise them of the situation.
4. When officers or employees use the level of force described in procedures A.1. and A.3., they shall make the appropriate reports and notifications as set forth in this policy.

5. Officers and employees shall not discharge firearms for the purpose of warning shots or for any indiscriminate use. Officers or employees shall use firearms only as authorized by this policy.
6. Officers or employees shall identify and acquire a specific threat/target before using deadly force.
7. Officers shall not intentionally place themselves in the path of a vehicle.
8. When feasible, officers shall move out of the path of a moving vehicle to a position of cover.
9. Officers shall not place themselves or any part of their body on or inside a vehicle unless exigency exists for the preservation of life, or the vehicle is inoperable or immobilized.
10. Officers shall only fire at or from moving vehicles when deadly force is justified as written in current policy and when its use would not constitute a greater threat to human lives than the actions of the suspect.
11. Only Precision Rifle Operators under direction of SOT leadership will fire at a vehicle to disable or immobilize a vehicle.
12. The CRCH and Choke Holds shall only be used when deadly force is authorized, i.e., if the officer has probable cause to believe the suspect poses an imminent threat of serious physical harm, either to the officer or others. (See policy 101G for clarification.)
13. Only personnel who have been trained, and have demonstrated proficiency in the use of, departmental-authorized weapons will be approved to carry such weapons.
14. Agency personnel will be issued a copy of, and be instructed in, the content of this policy before being authorized to carry lethal and less lethal weapons.
15. A report must be submitted whenever an employee takes an action that results in, or is alleged to have resulted in, injury or death of another person. This report will be either a *Use of Force Report*, an Interoffice Correspondence, or a statement to the Detective Division as outlined in this policy. Field supervisors will ensure that reports on any other injuries are completed.

REFERENCES:

21 O.S. 732
101B, Review Boards
101C, Vehicle Containment
101D, Use of OC Spray
101E, Use of Electronic Control Device
101G, Carotid Restraint Control Hold
301C, Axon Standards Workflows
308, Staff Notifications
304C, Employee Tracking and Assistance Program
Uniform Specifications Manual