

2.1 USE OF FORCE

I. PURPOSE

The use of physical force is, at times necessary to effect a lawful arrest, to place a person into protective custody, to effectively bring an incident under control, or to protect the lives or safety of the officer and others. The purpose of this policy is to proscribe approved methods and circumstances for the use of force by officers of this Department.

II. POLICY

It is the policy of the Department that:

1. Officers use only the force that is reasonably necessary to accomplish lawful objectives such as to make a lawful arrest, to place a person into protective custody, to effectively bring an incident under control, or to protect the lives or safety of the officer and others.
2. When exigent and unforeseen circumstances cause officers to deviate from the provisions of this rule, officers are still expected to act with intelligence, sound judgment and in full conformity with both state and federal laws and constitutional provisions. Any such deviations from the provisions of this rule shall be examined on a case by case basis.

III. DEFINITIONS

1. *Force*: Any physical effort used to compel, repel, and/or control.
2. *Non-Lethal Force (Non-Deadly Force)*: That force which is not likely or intended to cause serious bodily harm or death.
3. *Lethal Force (Deadly Force)*: That force which is likely or intended to cause serious bodily harm or death.
4. *Bodily Harm*: A bodily injury that does not create a substantial risk of death; causes serious and/or permanent disfigurement; or results in significant loss or impairment of the functioning of any body part.
5. *Serious Bodily Harm (Serious Bodily Injury)*: A bodily injury that creates a substantial risk of death; causes serious and/or permanent disfigurement; or results in significant loss or impairment of the functioning of any body part.

IV. PROCEDURES

A. Use of Force by Sworn Officers

1. Officers use only the force that is reasonably necessary to accomplish lawful objectives such as to make a lawful arrest, to place a person into protective custody, to effectively bring an incident under control, or to protect the lives or safety of the officer and others.
2. The level of force used by an officer shall be a response based upon:
 - a. The reasonable officer's perspective of the situation (threat perception) in reference to the severity of any crime, the existence of an immediate safety threat to the officer or others, and the degree of compliance from the subject;
 - b. The subject action(s) as perceived by the reasonable officer (perceived subject actions).
 - 1) *Compliant*: The officer maintains or gains compliance to desired directives via options of tradition, time, communication skills, etc.

- 2) *Passive Resistive*: The subject's degree of noncompliance is free of physical or mechanical enhancement, other than sheer unresponsiveness.
 - 3) *Active Resistive*: The subject's noncompliance has become more active in scope and intensity to a level of energy enhanced physical or mechanical defiance.
 - 4) *Assaultive (Bodily Harm)*: An actual attack upon the officer or others. The scope and severity of the attack would not support the reasonable officer's assessment of death or serious bodily harm to occur to the officer or others.
 - 5) *Assaultive (Serious Bodily Harm/Death)*: The reasonable officer could conclude that death or great bodily harm may be inflicted as a result of the subject's actions.
3. Reasonable officer responses may include:
- a. *Cooperative Controls: (Compliant)*: Includes the subject's acceptance of authority by the use control techniques including; communication skills, common tactics, body language, etc.
 - b. *Contact Controls: (Passive Resistant)*: "Hands on" techniques used to guide or direct the subject. The primary force component at this level could be non-pain compliance techniques, etc.
 - c. *Compliance Techniques: (Active Resistant)*: The force forms could include elements of pain compliance, chemical irritants, joint restraints, electrical weapons in drive stun mode, etc.
 - d. *Defensive Tactics: (Assaultive)*: The officer is justified in taking appropriate steps to immediately cease the assaultive action and to gain compliance and maintain control of the subject. Force could include weapon (baton) strikes and, and electrical weapon deployment.
 - e. *Deadly Force: (Lethal)*: Absolute and immediate tactics must be deployed to stop the lethal risk and secure conclusive compliance and control. Force options could include those leading to permanent debilitation or even death, including firearms and weapons of available means.

B. Use of Deadly Force

1. Officers are authorized to use deadly force to:
 - a. Protect the officer or others from what is reasonably believed to be a threat of death or serious bodily injury; and/or
 - b. To effect an arrest only if¹:
 - 1) The arrest is for a felony;
 - 2) The officer reasonably believes that the force employed creates no substantial risk to innocent persons; and
 - 3) The officer reasonably believes (i.e. has "probable cause" to believe) that:
 - a) The crime for which the arrest is to be made involved conduct including the use or threatened use of deadly force; or
 - b) There is a substantial risk that the person to be arrested will cause death or serious bodily harm if such person's apprehension is delayed.
2. Where practical prior to discharging a firearm, officers shall identify themselves as law enforcement officers and state their intent to shoot.
3. Officers may use deadly force to euthanize an animal that represents a threat to public safety or as a humanitarian measure where the animal is seriously injured and when the officer reasonably believes that deadly force can be used without harm to the officer or others.

C. Deadly Force Restrictions

1. Firearms shall not be discharged as a bluff, warning, or signal shot.

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2. Officers should refrain from discharging a firearm at a moving or fleeing vehicle unless any occupant is using or threatening to use deadly force. Officers should not shoot when the vehicle is no longer an imminent threat.

D. Use of Non-Lethal Force

1. Where deadly force is not authorized, officers may use only that level of force that is reasonably necessary to bring an incident under control.
2. Officers are authorized to use Department-approved, non-deadly force techniques and issued equipment to:
 - a. Protect the officer or others from physical harm;
 - b. Restrain or subdue a resistant individual, while making a lawful arrest or placing a person in protective custody; and/or
 - c. Bring an unlawful situation safely and effectively under control.
3. The mere placing of handcuffs on a prisoner will not be construed to be a use of physical force. Use of restraining devices is mandatory on all prisoners, unless, in the officer's judgment, unusual circumstances exist which make the use of restraining devices impossible or unnecessary (e.g., very young juvenile, handicapped, injured).

E. After Care

1. Suspects subdued by the use of an electrical weapon must receive specific after care. See the department policy on *Electrical Weapons* for further information.
2. Suspects subdued through the use of pepper spray may need to be decontaminated.
 - a. Refrain from decontaminating detainees while they are violent or assaultive.
 - b. The officer should remove suspect from contaminated area. If the subject was sprayed in a closed room or vehicle, ventilate the area.
 - c. Instruct the suspect to try to be calm and not to touch their face. If wearing contact lenses, the should remove them as soon as reasonably possible.
 - d. Allow the suspect access to a running hose, holding cell sink or eye wash station if circumstances permit. The effected area may be washed with soap and water.
 - e. Creams and oils should be avoided as they lock the capsicum against the skin.
 - f. If symptoms such as breathing difficulties, gagging, profuse sweating, or loss of consciousness persist, seek medical attention.

F. Medical Attention

1. After any level of force is used (including weaponless tactics), the officer shall immediately evaluate the need for medical attention or treatment for that person upon whom the force was used and arrange for such treatment when:
 - a. The suspect is in obvious need of medical attention.
 - b. The suspect has a serious visible injury; or
 - c. The suspect complains of injury or discomfort and requests medical attention.
2. Any person requesting and/or deemed in need of immediate medical attention shall be evaluated by medical personnel or transported (in accordance with the Departmental policy on *Transporting Prisoners*) to the appropriate hospital or medical facility. All medical treatment received shall be noted in the officer's report.
 - a. If the suspect displays impaired thinking, disorientation, hallucinations and/or delusions, intense paranoia, violent and/or bizarre behavior and exhibits great strength, and/or a diminished

sensitivity to pain, the individual may be showing signs of Excited Delirium. In such circumstances, sudden death may ensue. Arrestees displaying these symptoms should be checked by medical personnel.

- b. Persons suffering from cocaine intoxication, particularly if additional alcohol is used, are subject to increased blood pressure, heart rate and body temperature. Sudden death may occur in such persons. Arrestees displaying these symptoms should be checked by medical personnel.
- c. Psychiatric patients who display hyperthermia (over heating), are in and out of consciousness and have lumpiness of skeletal muscles may be suffering from Neuroleptic Malignant Syndrome and may also be prone to sudden death. Arrestees displaying these symptoms should be checked by medical personnel.

¹ *Com. v. Klein*, 372 Mass. 823, 363 N.E.2d 1313 (1977)