

# Use of Force

## 3.00.00

### 3.00.00.010 INTRODUCTION

While in the performance of official duties, the use of force may be necessary to maintain order, enforce the law, and protect life and property. Legal limits have been placed on police use of force to ensure the rights of individuals. The purpose of this policy, and those following in this section, is to establish guidelines for the reasonable use of force by department personnel.

Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force.

### 3.00.00.020 FORCE DEFINED

Force is defined as *the power used to obtain compliance with the law or control of a situation*. This power includes more than physical action. Verbal commands or the mere presence of the officer often may be sufficient to control a situation. However, physical force may be required to safely obtain compliance or gain control of a situation.

### 3.00.00.030 FORCE OPTIONS

Force options are choices available to a police officer concerning the methods available to control a suspect. These force options may include the controlling of a suspect through advice, warning, persuasion and the use of physical force. The use of physical force is sometimes necessary for the protection of the public, the suspect and/or the officer. When physical force is applied, the officer may be required to escalate or de-escalate the force used depending on the suspect's level of force or resistance. An officer's selection of a force option or the amount of force should be based on the degree of resistance of the suspect as well as other relevant conditions or circumstances of the specific situation.

Every situation is unique, and an officer may be required to initiate force at any level, however, the following force options should be used as a guideline for determining the reasonable options available.

- a. Officer Presence: An officer's presence alone is a form of power and control. An officer's authority and uniform are frequently enough to bring about order or compliance.
- b. Tactical Communications: Effective communications are a basic element of the use of force. A major goal of law enforcement is to generate voluntary compliance without resorting to physical force. This may include persuasion, advice and warnings.
- c. Controlling Force: This is the lowest level of physical force and the goal is the application of pain without injury to gain compliance. This would include such tactics as firm grip control, escort holds, and compliance holds.
- d. Intermediate Force: This involves the use of the baton, Taser, less lethal devices, carotid control hold, chemical agents and any other available instrument or tactic that may result in injury to the suspect. This level of force should only be used when a suspect fails to submit to Controlling Force techniques or when Controlling Force tactics reasonably appear to be inappropriate.
- e. Lethal Force: This is the ultimate use of force, which generally refers to the use of firearms. However, any use of force that creates a substantial risk of causing death or serious bodily

injury may be considered lethal/deadly force, and should only be used by an officer when it reasonably appears objectively reasonable:

1. To protect himself/herself or others from what he/she reasonably believes would be an immediate threat of death or serious bodily injury.
2. To prevent a crime where the suspect's conduct places a person or persons in danger of death or serious bodily injury.
3. To apprehend a fleeing felony suspect if:
  - a. There is reasonable cause to believe the suspect has committed a crime involving the infliction or threatened infliction of serious bodily injury, AND
  - b. The suspect would pose a continuing threat to officers or the community, AND
  - c. Deadly force appears necessary to prevent escape, AND
  - d. A verbal warning should be given where it is practical under the circumstances.

### 3.00.00.040 "REASONABLENESS" OF FORCE

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to affect the arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance (Penal Code §835(a)).

Officers shall use only that amount of force, which is "objectively reasonable" to effectively bring an incident under control. "Reasonableness" of the force used must be judged from the perspective of any objectively reasonable officer on the scene at the time of the incident. When evaluating the "reasonableness" of force options, a number of factors should be taken into consideration. These factors include, but are not limited to:

- a. The conduct of the individual being confronted as reasonably perceived by the officer at the time. This may include passive and active resistance, combative resistance and life threatening resistance;
- b. Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion, number of officers vs. subjects);
- c. Influence of drugs/alcohol (mental capacity);
- d. Proximity of weapons;
- e. The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- f. Availability of other options (resources reasonably available);
- g. Seriousness of the suspected offense or reason for contact with the individual;
- h. Officer's training and experience;
- i. Potential for injury to bystanders, officers and suspects;
- j. Risk of escape;
- k. Other exigent circumstances.

It is recognized that officers are expected to make split-second decisions and that the amount of an officer's time available to evaluate and respond to changing circumstances may impact his/her decision. While various degrees of force exist, each officer is expected to use only that degree of force reasonable under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

It is recognized however, that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the standard tools, weapons or methods provided by the Department. Officer may find it more effective or practical to improvise their response to rapidly unfolding conditions they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree reasonably necessary to accomplish a legitimate law enforcement purpose.

Duty to Intercede: Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of such excessive force. Such officers should also report these observations to a supervisor without delay.

### 3.00.00.050 MEDICAL ASSISTANCE

As soon as it is reasonable under the circumstances to do so, medical assistance shall be obtained for subjects who have sustained injury, express a complaint of injury, who have been rendered unconscious, or who have had a carotid control hold applied to them. Refer to the medical assistance matrix that follows.

### 3.00.00.051 MEDICAL AND ADMINISTRATIVE RESPONSE TO THE USE OF FORCE

<b>FORCE OPTION USED</b>	<b>MEDICAL AID</b>	<b>DOCUMENTATION</b>	<b>NOTIFICATION</b>
<b>Controlling Force</b>	OCFA and/or hospital if officer deems necessary	<ul style="list-style-type: none"> <li>• Arrest/Crime/Incident Report</li> <li>• Photographs, if a supervisor deems necessary</li> </ul>	<ul style="list-style-type: none"> <li>• On-duty Supervisor</li> <li>• If significant injury or admit to hospital - Command Duty Officer, OPS</li> </ul>
<b>OC Spray</b>	Flush eyes. OCFA and/or hospital if officer deems necessary	<ul style="list-style-type: none"> <li>• Arrest/Crime/ Incident Report</li> <li>• Force Evaluation Report</li> <li>• Photographs, if a supervisor deems necessary</li> </ul>	<ul style="list-style-type: none"> <li>• On-duty Supervisor</li> <li>• If significant injury or admit to hospital - Command Duty Officer, OPS</li> </ul>
<b>Taser™ (Contact Stun)</b>	Hospital for Treatment and Medical Clearance	<ul style="list-style-type: none"> <li>• Arrest/Crime/ Incident Report</li> <li>• Force Evaluation Report</li> <li>• Photographs</li> </ul>	<ul style="list-style-type: none"> <li>• On-Duty Supervisor</li> <li>• If significant injury or admit to hospital - Command Duty Officer, OPS</li> </ul>
<b>Taser™ (Probes)</b>	Hospital for Treatment and Medical Clearance	<ul style="list-style-type: none"> <li>• Arrest/Crime/ Incident Report</li> <li>• Force Evaluation Report</li> <li>• Photographs</li> </ul>	<ul style="list-style-type: none"> <li>• On-duty Supervisor</li> <li>• If significant injury or admit to hospital - Command Duty Officer, OPS</li> </ul>
<b>Impact Weapon</b>	OCFA and/or hospital if the investigating officer, field supervisor or Command Duty Officer deems necessary.	<ul style="list-style-type: none"> <li>• Arrest/Crime/ Incident Report</li> <li>• Force Evaluation Report</li> <li>• Photographs</li> </ul>	<ul style="list-style-type: none"> <li>• On-duty Supervisor</li> <li>• If significant injury or admit to hospital - Command Duty Officer, OPS</li> </ul>
<b>Carotid</b>	Hospital for Treatment and Medical Clearance	<ul style="list-style-type: none"> <li>• Arrest/Crime/Incident Report</li> <li>• Force Evaluation Report</li> <li>• Photographs, if a supervisor deems necessary</li> </ul>	<ul style="list-style-type: none"> <li>• On-duty Supervisor</li> <li>• If significant injury or admit to hospital - Command Duty Officer, OPS</li> </ul>

<b>Less-Lethal</b>	OCFA and/or hospital if the investigating officer, field supervisor or Command Duty Officer deems necessary.	<ul style="list-style-type: none"> <li>• Arrest/Crime/ Incident Report</li> <li>• Force Evaluation Report</li> <li>• Photographs</li> </ul>	<ul style="list-style-type: none"> <li>• On-duty Supervisor</li> <li>• If significant injury or admit to hospital - Command Duty Officer, OPS</li> </ul>
<b>Lethal</b>	As determined by OCFA or qualified medical personnel.	<ul style="list-style-type: none"> <li>• Arrest/Crime/ Incident Report</li> <li>• Force Evaluation Report</li> <li>• Photographs</li> </ul>	<ul style="list-style-type: none"> <li>• On-duty Supervisor</li> <li>• If significant injury or admit to hospital - Command Duty Officer, OPS</li> </ul>

### 3.00.00.060 SUPERVISOR RESPONSIBILITIES

Supervisors shall respond to all uses of force and carry out the following responsibilities:

1. Ensure that the use of force is documented on a Force Evaluation Report (IPD Form 71- 22) in addition to all other required reports if applicable;
2. Ensure that CSI photographs will be taken of the suspect if mandated by policy or if the suspect has injuries or a complaint of pain;
3. Ensure that officers have included all critical information in their reports and that the chronology and specifics for the event, as well as the people involved, are properly documented;
4. Ensure that all notifications are made in accordance with Policy §2.00.14 – Command Notification Protocol. In circumstances where a suspect has a significant injury or is hospitalized, the on-duty or on-call command duty officer shall be notified;
5. Ensure that an assessment of the event is completed. This assessment should include the force options utilized, injuries to the suspect and officers, and an evaluation of the totality of the circumstances surrounding the event. This assessment may include, but is not limited to, tape recordings of witnesses and suspects, written statements, photographs of injuries to involved parties, etc.

### 3.00.00.070 DOCUMENTATION OF USE OF FORCE

When officers of this Department have employed a force option, reports must include the critical information in order to ensure that the chronology and specifics of the events, as well as the people involved, are properly documented.

Supervisory notification shall be made as soon as practical following the application of physical force which appears likely to have caused physical injury. All use of physical force shall be documented in an appropriate arrest report, crime report, or incident report. Use of the carotid control hold or any particular weapons, such as chemical agents, Taser, less lethal or impact weapon shall also require completion of the Force Evaluation Report (IPD Form 71-22).

### 3.00.00.080 SUMMARY

The decision to use force places a heavy responsibility on each officer. While there is no way to provide specific guidelines for every particular situation, officers are expected to make every effort to act professionally, impartially and safely when dealing with resisting suspects and to use only the amount of force reasonable to deal with the situation.