

GENERAL ORDER: 91-12		Use of Force
Applicable Statutes:		
Date Implemented:	January 15, 1991	Authority
Date Revised:	March 23, 1995; December 23, 1997; January 22, 2001; March 22, 2004; July 1, 2017; January 01, 2021	Nikki Pullen, Chief of Police
Date Reviewed:	July 1, 2023	<i>NJP</i>

**I. PURPOSE**

Even at its lowest level, the use of force is a serious responsibility. The purpose of this policy is to provide officers of this department with guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation each officer is expected to use these guidelines to make such decisions in a professional, impartial, and safe manner.

**II. POLICY**

- A. This department recognizes and respects the value and special integrity of each human life. In vesting police officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. The degree of force used depends on what the officer perceives as reasonable and necessary under the circumstances at the time he or she decides to use force.
- B. Facts and circumstances unknown to the officer shall not be considered in later determining whether the force used was justified.
- C. Any interpretation of "reasonableness" must allow for the fact that police officers are often forced to make split second decisions in circumstances that are tense, uncertain, and rapidly evolving-about the amount of force that is necessary in a particular situation.
- D. An officer has a duty to intervene to prevent or stop the use of excessive force by another officer when it is safe and reasonable to do so.

**III. DEFINITIONS**

- A. **DEADLY FORCE** - Any use of force that is likely to cause death or serious bodily harm.
- B. **NON-DEADLY FORCE** - Any use of force other than that force which is considered deadly force.
- C. **FIREARMS** - Any weapon from which a projectile is forcibly ejected by an explosive.
- D. **REASONABLE BELIEF** - When facts or circumstances the officer knows or should know are such as to cause an ordinary and prudent person to act or think reasonably in a similar way under similar circumstances.

- E. **SERIOUS BODILY HARM** - A physical injury, which creates a substantial, risk of death, or which causes death or serious and protracted disfigurement, or impairment of the function of any bodily organ or limb.
- F. **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.

**IV. PARAMETERS FOR USE OF DEADLY FORCE** - When firearms may be used

- A. Police Officers are authorized to fire their weapons under the following circumstances.
- B. Protect the police officer or other persons from what is reasonably believed to be an immediate threat of death or serious bodily harm; or
- C. Prevent the escape of a fleeing felon whom the officer has probable cause to believe will pose a significant, immediate threat to human life should escape occur.
  - 1. In evaluating a “significant threat” the officer must reasonably believe that the person has either used deadly force in the commission of a crime or may inflict death or serious harm to the officer or others if apprehension is delayed.
  - 2. Where feasible, before using a firearm under the circumstances enumerated in IV C 1 & 2, officers shall identify themselves as police officers and state their intent to shoot.
  - 3. During range practice or competitive sporting events; or,
  - 4. To destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured.

**V. PARAMETERS FOR USE OF NON-DEADLY FORCE**

- A. Where deadly force is not authorized, officers should assess the incident in order to determine which non-deadly techniques or weapon will best deescalate the incident and bring it under control in a safe manner.
- B. Police officers are authorized to use department approved non-deadly force techniques and issued equipment for a resolution of incidents, as follows:
  - 1. To prevent the escape from custody, make an arrest or an investigative detention of a person the officer believes has committed a crime.
  - 2. To bring an unlawful situation safely and effectively under control.
- C. It is understood that no policy can realistically predict every possible situation an officer might encounter and therefore officers must be

entrusted with well-reasoned discretion in determining the appropriate use of force in each incident.

- D. An officer need not attempt to gain control over an individual by use of the lowest level of force on the continuum when reason dictates and the officer can articulate that a higher level of force is reasonable and therefore the skipping of steps may be appropriate given the resistance encountered.
- E. The following discussion enforces key principles of training.
  - 1. Verbal control refers to the manner in which the officer speaks to a person, which alone can manage a situation. Verbal control includes advices, persuasion, admonitions, or orders. The volume and tone of the officer's speech may also contribute to control without having to resort to another method of force. The department urges the use of verbal commands without use of profanity or disrespectful or argumentative behavior.
- F. Non-deadly force, weapons and methods
  - 1. Contact Controls
    - a. Body Positioning
    - b. Placing of Hands
    - c. Assistance in Movement
    - d. Pressure and Leverage
  - 2. Compliance Techniques
    - a. Pressure Points
    - b. Pulling and Pushing
    - c. Cuffing and Restraints
    - d. Pepper (OC) Spray
    - e. Electronic control device
  - 3. Defensive Tactics
    - a. Fist, Feet and Legs
    - b. Collapsible Baton
      - i. The baton shall not be used to strike handcuffed individuals or to threaten or intimidate people.
- G. When an officer employs a use of force the officer is responsible for the following:
  - 1. Once the situation is contained, officers shall provide or arrange to provide medical help as necessary.
  - 2. Notify the on duty supervisor if the force used is Level 2 or above.
- H. AUTHORIZED WEAPONS
  - 1. While on duty, police officers shall carry only weapons and ammunition authorized by department general order, the Chief of Police or Assistant Chief of Police. (Weapons shall include but not be limited to the following examples: firearms, impact weapons, chemical spray, knives other than pocket knives or lock blade knives, batons, brass knuckles, slap jacks, or sticks.)
- I. Authorized weapons are those issued by the department and referenced in General Order 91-13 IV A 1 a-g. Secondary weapons are authorized

when determined to be suitable for use by the lead departmental firearms instructor pursuant to General Order 91-13 IV A 2 a.

1. Additionally, the officer is only authorized to carry and use those weapons and tactics, which the officer has met the training requirements as, prescribed in General Order 91-13.

**J. LIMITATIONS ON USE OF FORCE**

1. Except for maintenance or during training, police officers shall not draw or exhibit their firearms unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance with this policy
2. Warning shots are prohibited.
3. Police officers shall not fire their weapons from a moving vehicle.
4. Firing at a moving vehicle is prohibited except where the officer reasonably believes that:
  - a. An occupant of the vehicle is using, or threatening to use, deadly force by a means other than the vehicle; or
  - b. A vehicle is operated in a manner deliberately intended to strike an officer or a citizen and all other reasonable means of defense have been exhausted (or are not present), including moving out of the path of the vehicle, and the safety of innocent persons would not unduly jeopardized by the officer's actions.
  - c. Officers shall not fire at or in the direction of a vehicle that no longer poses an immediate threat.
5. Firing at suspect when there is any substantial danger to innocent bystanders.
6. Application of a choke hold or carotid hold, except when the officer reasonably believes such holds are the only means of protecting him/herself or another person from an imminent threat of serious physical injury or death.
7. Use of streamlites or kel-lites or other flashlights as batons. An officer may use a flashlight or other object designed for a use other than as a weapon only to defend him or herself or another then only if departmentally sanctioned methods are not available or are impractical.
8. Use of deadly force against unarmed non-dangerous fleeing felons, fleeing misdemeanants, or traffic offenders.
9. Hog-tying - Officers shall not use any type of leg restraints in combination with any other device to accomplish hog-tying any person. Drawing a person's legs backward at a 90-degree angle in an "L" shape and then securing them in that position accomplish hog-tying.
10. Any use of force not reasonably necessary in light of the circumstances confronting the officer.
11. Any forcible enforcement action when off duty except in circumstances which seriously threatens life or public order.

## **VI. DE-ESCALATION**

- A. 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.
- B. 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.

## **VII. DEPARTMENTAL RESPONSE**

### **A. Deadly Force Incident**

- 1. Where a police officer's use of force causes death or serious bodily injury the following provision will apply:
  - a. Pending administrative review, any officer who has taken life or seriously injured another person shall be removed from line-duty assignment. This action protects both the officer's and the community's interest until the situation is resolved.
  - b. The Chief of Police or Assistant Chief of Police whenever deemed appropriate will normally direct psychological follow-up of post-trauma. During an internal investigation, the department shall do all within its power to avoid placement of a stigma on the officer who discharges a firearm in the performance of duty. Following a shooting resulting in death, the officer shall not return to duty until the officer has received any necessary counseling.
  - c. The department shall conduct an administrative investigation to determine if the use of force was in compliance with department policy, the Major will normally conduct this investigation.

### **B. Non-Deadly force incident**

- 1. The appropriate division commander will be responsible for investigating the following non-deadly use of force issues and may delegate such investigations to subordinate supervisory personnel. The Major will review all reports on non-deadly use of force incidents to ensure compliance with training standards and to determine any training deficiencies that may exist.
  - a. When a subject complains that an injury has been inflicted or it is apparent to the officer(s) on scene or the shift supervisor that an injury has been inflicted.
  - b. When a non-lethal weapon is used on a person.

## **VIII. REPORTING USES OF FORCE**

- A. A written report, Use of Force Report, prepared by the officer(s) involved in the use of force, will be required in the following situations:
  - 1. When a firearm is discharged outside the firing range.
  - 2. When a use of force results in death.

3. When a non-lethal weapon is used on a person.
4. When a subject complains that an injury has been inflicted or it is apparent to the officer(s) on scene or the shift supervisor that an injury has been inflicted.

**IX. ADMINISTRATIVE REVIEW OF USE OF FORCE**

- A. The command staff will conduct a final review of all reports and memorandums submitted by Division Commanders or other subordinate personnel to determine whether:
  1. Department rules, policy and procedures were violated.
  2. The relevant policy was clearly understandable and effective to cover the situation.
  3. Department training requires revision.
- B. The command staff may call the shift commander and any officer participating involved in a use of force to give explanation on specific details of the use of force.
- C. The command staff will issue a finding in writing identifying compliance or violation of this or any other general order, any failure of policy or any training revision that may be required.
- D. There will be an annual review of use of force incidents by the command staff to identify training and policy needs.