

RICHLAND POLICE DEPARTMENT
Use of Force

Subject: Use of Force	Policy Number: 2000-202
Issue Date: August 2000	Revision Date: March 23, 2022
Approval Authority Title and Signature: Nick McLendon, Chief of Police	

PURPOSE:

The purpose of the order is to provide guidelines on using both lethal and less than lethal force and to ensure the proper documentation and investigation of incidents involving the use of force.

POLICY:

It is the policy of the Richland Police Department to provide clear procedures to sworn members regarding the use of lethal force in the performance of their duties. The safety of innocent persons and officers is of paramount importance.

The use of less than lethal weapons is classified as a use of force and is governed by this policy. The officers of this agency are authorized to carry less than lethal weapons so that they may successfully defend themselves and others from combative, resisting and/or violent individuals. A less than lethal weapon is another tool that can be used at the discretion of the officer when the decision is made that the use of force is necessary and reasonable under the circumstances. As with any use of force, the officer is accountable to the Police Department for the use of weapons less than lethal.

DEFINITIONS:

Deadly Force: Any use of force that is likely to cause death or serious bodily harm.

Non-Deadly Force: Any use of force other than that which is considered deadly.

Reasonable Belief or Reasonably Believes: A person, acting as a reasonable man, believes that the described facts exist.

Great Bodily Harm: Great bodily harm is serious bodily injury that creates a substantial risk of death, causes serious or permanent disfigurement, or results in long-term loss or impairment of the functioning of any bodily member or organ.

I. PROCEDURE:

A. Level of Force Continuum:

- a. Level 1: Officer's Presence - An officer's appearance may be enough to dissuade some persons from engaging in resistive behavior. Factors, which contribute to this level, include perceptions of the officer's attitude, ability, and self-confidence.
- b. Level 2: Verbal Direction - Dialogue used by an officer can serve to diffuse potentially violent confrontations. It is important to observe that this level relates to WHAT an officer says and HOW he says it. The factors involved include the officer's language, voice tone, and confidence and/or posture and body language.
- c. Level 3: Empty Hand Control or Use of Chemical Spray: The use of spray is authorized if, in the opinion of the officer, the use of empty hand techniques would pose unnecessary risk of injury to the offender and or the officer, or if empty hand techniques would be ineffective in gaining control of the offender.
- d. Level 4: Deadly Force: Deadly force can be realized through the application of a variety of measures. Although commonly related to an officer's use of a firearm, deadly force can also be applied by use of severe hard empty hand control and other measures.

II. USE OF DEADLY FORCE:

- 1. Members of the Police Department shall, when feasible, exhaust all reasonable alternatives before resorting to the use of deadly force.
- 2. The use of deadly force must be based upon reasonable belief by the officer that such force is necessary.
- 3. Deadly force must never be used based on mere suspicion.

A. When to Use Deadly Force:

- a. An officer may use deadly force only when the officer reasonably believes that the action is in defense of human life, including the officer's life, or in defense of any person in immediate danger or great bodily harm.
- b. Deadly force may only be used against a "fleeing felon" when the officer reasonably believes that the action is in defense of human life, including the officer's life, or in defense of any person in immediate danger of great bodily harm.
- c. Deadly force may only be used against a "fleeing felon" when the officer reasonably believes that delayed apprehension would pose a significant threat to human life.
- d. Before using a firearm, police officers shall identify themselves, if feasible, stating their intention to shoot.
- e. Officers are also authorized to discharge a weapon under the following circumstances:
 - 1). During range practice or competitive sporting events.

- 2). To neutralize an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured.

II. PROHIBITIONS:

- A. Except for maintenance or during training, police officers shall not draw or exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance with this policy.
- B. Warning shots are prohibited.
- C. No shots will be fired from moving vehicles or at moving vehicles unless the situation becomes one of self-defense or defense of other lives.
- D. No shots will be fired into buildings or through doors, windows or other openings unless the situation becomes one of self-defense or defense of other lives.

IV. NONDEADLY FORCE:

- A. Where deadly force is not authorized, officers should assess the incident in order to determine which non-deadly technique or weapon will best de-escalate the incident and bring it under control in a safe manner.
- B. Police officers are authorized to use departmental approved non-deadly force techniques and issued equipment for resolution of incidents as follows:
 - a. To protect themselves or another from physical harm.
 - b. To restrain or subdue a resistant individual.
 - c. To bring any unlawful situation safely and effectively under control.

V. TRAINING AND QUALIFICATIONS:

- A. The provisions set forth elsewhere in this manual shall govern the training and qualification for use of deadly weapons.
- B. An officer is not permitted to use a non-deadly weapon unless training in its proficient use has been completed.

VI: USE OF FORCE REPORTING:

- A. A *Use of Force* report shall be prepared in the following circumstances:
 - a. When a use of force results in injury or death.
 - b. When a non-lethal weapon is used on a person.
 1. Supervisory Responsibility:
 - 1). A supervisor shall be immediately summoned to the

scene and will comply with investigative procedures as required by the department in the following situations:

- (a). When a firearm is discharged outside of the firing range.
- (b). When a use of force results in death or serious injury.
- (c). When a subject complains of an injury that may have been inflicted by the officer.

VI. DEPARTMENTAL RESPONSE:

A. Deadly Force Incident:

- a. Where a police officer's use of force causes death or injury, the officer shall be placed on administrative leave until all departmental internal investigations are completed, and it is determined that the police officer is ready to return to duty.
- b. The Chief of Police or his designee shall contact the Mississippi Bureau of Investigation.

B. Administrative Review of Critical Incidents:

- 1. All reported uses of force will be reviewed by the appropriate departmental authority to determine whether:
 - 1). Departmental rules, policy or procedures were violated.
 - 2). The relevant policy was clearly understandable and effective to cover the situation.
 - 3). Department training is currently adequate.
- 2. All findings of policy violations or training inadequacies shall be reported to the appropriate unit for resolution and/or discipline.
- 3. *All Use of Force* reports shall be retained as required by State Law.
- 4. There shall be regular review of use of force incidents by the appropriate departmental authority to ascertain training and policy needs.

CONCLUSIONS:

This directive is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense concerning third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department and then only in a non-judicial administrative setting.

BY ORDER OF:

A handwritten signature in blue ink, appearing to read 'N. McLendon', written over a horizontal line.

NICK MCLENDON
CHIEF OF POLICE