



## **POLICY AND PROCEDURE MANUAL**

### **(GENERAL ORDERS)**

---

**GENERAL ORDER:** 1.3

**TITLE:** Use of Force

**ISSUE DATE:** January 31, 2017

**EFFECTIVE DATE:** January 31, 2017

**REVISION DATE(s):**

**DISTRIBUTION:** All Departmental Personnel

**PAGES:** 9

---

#### **A. POLICY: [MSLEAC 1.9]**

The ability to use force is one of the most basic factors that distinguish police officers from the rest of society. State statute affords sworn police officers and law enforcement trainees under the direct supervision of a sworn police officer the authority to use force to accomplish legally justifiable objectives. [1.9c]

The use of force by police officers is governed by the principle of “objective reasonableness” and is controlled by the basic elements of a reasonable officer’s perception and a reasonable officer’s response. [1.9a] Based on this principle, officers may de-escalate or use only the necessary force to accomplish legally justified objectives, such as to make arrests and protect from injury or death bystanders, suspects, and other officers. [1.9 (b)(d)] Any force greater than what is necessary is considered excessive force and may lead to a violation of one’s rights as protected by the United States Constitution.

Legally justified objectives, for which force may be used, include:

- A. To preserve the public peace;
- B. To defend themselves, or others against unlawful violence;
- C. To prevent the commission of self-inflicted injury or suicide by any person;

#### **RESTRICTED LAW ENFORCEMENT DATA**

The data contained within this policy is proprietary and will not be duplicated, disclosed, or discussed, without the written permission of the Chief of Police. Data subject to this restriction is contained throughout this policy.

- D. To make lawful arrests or searches and/or to overcome resistance to such arrests or searches;
- E. To prevent escape from custody, and;
- F. To prevent or interrupt an intrusion on, or interference with the lawful possession of property.

Prior to the issuance of, or authorization to carry, any weapons, either deadly or non-deadly intermediate weapons, employees shall acknowledge receipt of this policy and receipt of instruction with regards to the elements of this policy. To familiarize themselves with the agency's use of force policy, each officer shall review at least annually; take and pass a written exam through PowerDMS or another agency recognized training platform. The Chief of Police or designee may require additional training as needed. [1.13a]

## **B. DEFINITIONS:**

1. **Deadly Force:** An action with or without the use of a weapon intended to cause death or serious bodily injury or the use of any object in a manner intended to cause death or serious bodily injury.
2. **Non-Deadly Force:** Actions not reasonably calculated under the circumstances to cause death or serious bodily injury.
3. **Reasonable Force:** Only the amount of force needed to gain or maintain control of a subject to accomplish legally justified objectives.
4. **Probable Cause:** The totality of facts and circumstances within a police officer's knowledge, of which he or she has reasonable trustworthy information, that would cause a prudent person to believe, under the circumstances show, that the suspect committed, or is committing, or about to commit a criminal offense.
5. **Serious Bodily Injury:** Harm that creates substantial risk of death, serious permanent disfigurement or loss or impairment of any body function or organ.

## **C. Levels of Resistance:**

Although defining Levels of Force can never provide specific officer responses to every conceivable offender action, it provides a reasonable guideline to the officer for the use of force based on policy, state law, and federal law. [1.9c] Officers should whenever practical, attempt to de-escalate and control a situation before using force. There is no requirement that the officer escalate through the various levels of force. If a mid-level response or the highest level of force is justified, then it should be used immediately. However, no greater level of force should be used than is appropriate to gain a subject's compliance. [1.9d] Before using a firearm, police officers should identify themselves and state their intent to shoot.

Levels of Resistance and Force Response are as follows:

**Level 1 – Dialogue:** The suspect is perceived by the officer to be compliant. The appropriate level of response is cooperative controls, including officer presence, hand signals, verbal commands and instructions, and light touching or patting.

**Level 2 – Passive Resistance:** The suspect is perceived by the officer to be passively resistant and simply refuses to comply with the officers legally justified orders and/or commands. The appropriate level of response is contact controls, including strong or forceful soft hand, hand and arm holds, pressured physical movement of the suspect and removal. Escorts Techniques (hands-on techniques with minimal pressure applied) are a means of providing a low level, non-threatening and non-violent

### **RESTRICTED LAW ENFORCEMENT DATA**

The data contained within this policy is proprietary and will not be duplicated, disclosed, or discussed, without the written permission of the Chief of Police. Data subject to this restriction is contained throughout this policy.

compliance procedure used to remove an individual from an area that may present danger to the officer or the subject.

**Level 3 – Active Resistance:** The suspect is perceived by the officer to be actively resistant against the officer's efforts to accomplish a legally justified goal. The appropriate response is compliance techniques. This is the threshold for any reasonable officer to consider this suspect to be a potential threat to himself, the officer, or other citizens. Compliance techniques may include all reasonable means to cause the suspect to comply as soon as reasonably possible. These techniques may include use of electronic weapons, use of restraints, forced movement, forcing a suspect's limbs behind his back, forcing a suspect down on the floor or against a wall, or using other forms of pain compliance and mechanical control. Once suspects are perceived as actively resistant, officers should not relax care until the subject is fully secure.

Officers may draw and ready any authorized weapons for use only when they reasonably anticipate that they may have to use such weapons. Readying weapons does not require the officer to use the weapons and weapons should be restored to the officer's duty belt when compliance is successfully gained.

**Level 4 – Assaultive:** The suspect is perceived by the officer to be assaultive and a threat to bodily harm. The appropriate level of response is immediate defensive tactics. The original assaultive behavior may have been directed at a fellow suspect, apparent victim, or the officer. Defensive tactics may include impact weapons, hard fist, or any other reasonable means available and at hand to stop the aggression, defend against the attack, and bring the suspect into compliance. It is contemplated and understood that reasonable officers, while employing defensive tactics, may cause injury, serious injury, and in some isolated instances, death without intending such consequences.

**Level 5 – Deadly Force:** The suspect is perceived by the officer to be assaultive to an extent where serious bodily harm or death may occur without immediate intervention. The appropriate response is deadly force. Deadly force includes firearms, knives, or any other means immediately available that a reasonable officer, in the same circumstance, would consider as potentially causing death or serious bodily injury. [MSLEAC 1.10]

#### **D. APPLICATION OF DEADLY FORCE: [MSLEAC 1.10] [1.13]**

1. Clinton Police Officers are authorized to use deadly force when:
  - i. There is immediate and serious danger of serious bodily injury or death to an officer or bystander, or;
  - ii. The suspect has demonstrated dangerousness by the previous use or threatened use of deadly force.
2. Instances when deadly force may be the appropriate response include, but are not necessarily limited to:
  - i. The officer has probable cause to believe that the suspect has committed a crime involving the infliction or threatened infliction of serious bodily harm and continues to present an immediate threat of death or serious bodily harm to others;
  - ii. The officer has probable cause to believe that a fleeing felon poses an immediate threat of death or serious bodily harm to the officer(s) or others; [1.10]
  - iii. When attempting to recapture an escaped felon whom the officer has Probable cause to believe that if the apprehension were delayed, there would be an immediate threat of death or serious bodily harm to a member of the community.
3. Special Consideration concerning the use of deadly force include:

#### **RESTRICTED LAW ENFORCEMENT DATA**

The data contained within this policy is proprietary and will not be duplicated, disclosed, or discussed, without the written permission of the Chief of Police. Data subject to this restriction is contained throughout this policy.

- i. Suspicion and/or flight alone **ARE NOT** sufficient objectives for the use of deadly force; [1.10]
- ii. Officers are not justified to use deadly force to affect the arrest of a misdemeanor offender; unless the arrest is met with resistance by the suspect that escalates to the point the officer must defend himself or another person from death or serious bodily injury;
- iii. Whenever possible, the officer will announce their intention to arrest and/or use force of any type;
- iv. Officers shall not use deadly force when it appears likely that an innocent person may be injured except in a situation that is imminently life threatening to the officer or another;
- v. Officer may unholster and display their weapons when the possibility of danger to themselves or another person exists;
- vi. Deadly force shall NOT be used as a warning or threat or with the intent to maim or cripple a person. **WARNING SHOTS ARE STRICTLY PROHIBITED.** Firearms shall NOT be used to shoot from or at a moving vehicle, unless no other reasonable means of force exist for the emergency circumstances at hand; [MSLEAC 1.15]

#### 4. Choke Holds and Neck Restraints [MSLEAC 1.13]

Neck restraint and choke hold techniques are intended to temporarily incapacitate a person by rendering them unconscious. They are applied by exerting pressure on one or both sides of one's neck to inhibit blood flow through the carotid arteries and air flow through one's airway and is typically accomplished with use of one's hands or constricting instrument.

Because of the possibility of incorrectly applying these types of force and the effects such misapplication could have, the use of these types of restrained **are prohibited** except for officer survival or deadly force is justified. [MSLEAC 1.13 (b) (c)]

### E. Deadly Force Incident Response [MSLEAC 1.18] [1.13]

When incidents involving the use of deadly force occur, all officers will assist in every way possible with the investigation. This includes remaining in-service for call taking once the scene has been secured and command of the scene has released officers not directly involved in the incident or its investigation.

1. Officer Responsibilities – officers directly involved in a deadly-force incident shall:
  - i. Make all reasonable attempts to secure the suspect(s) and scene for the safety of bystanders and responding back-up first responders;
  - ii. Notify dispatch via the police radio of the incident and request emergency medical assistance; [MSLEAC 1.18]
  - iii. Render aid to the extent of officer's training until medical personnel arrive;
  - iv. Refrain from making any statements to the media, other officers, or supervisors beyond the initial briefing of the first responding supervisor;
  - v. Refrain from discussing the matter between officers or witnesses (if more than one officer);
  - vi. Refrain from completing any reports or non-administrative statements for at least twelve (12) hours.

#### **RESTRICTED LAW ENFORCEMENT DATA**

The data contained within this policy is proprietary and will not be duplicated, disclosed, or discussed, without the written permission of the Chief of Police. Data subject to this restriction is contained throughout this policy.

2. First Responder Responsibilities – first officers not directly involved in the deadly-force incident that respond to the scene shall:
  - i. Ensure the safety of all officers involved;
  - ii. Establish a scene command and begin setting a perimeter;
  - iii. Establish a crime-scene log and record all persons entering and exiting the scene;
  - iv. If suspects are not in custody or not on scene, begin transmitting descriptive information (including personal and vehicular descriptors) to dispatch to be broadcast to other officers and nearby law enforcement agencies;
  - v. Only relinquish command of the scene to a responding supervisor.
3. Dispatcher Responsibilities – dispatchers notified of an officer involved deadly-force incident shall:
  - i. Immediately limit traffic on the radio channel to emergency traffic only for officer(s) on scene and open another channel for other traffic;
  - ii. Notify area units to respond and secure the scene;
  - iii. Notify the on-duty supervisor to respond to take command of the scene;
  - iv. Continuously monitor radio traffic and log all radio transmissions in the Computer-Aided Dispatch;
  - v. Notify Command Staff as directed by established Dispatch Standard Operating Procedures.
4. Supervisor Responsibilities – supervisors responding to the scene shall assume command of the scene and: [1.13f]
  - i. Request additional resources and medical assistance as needed;
  - ii. Move officers involved to a quiet location to remove them from the scene and arrange for their transportation back to the police station;
  - iii. Interview the officer(s) involved regarding the facts of the incident so to ascertain a brief understanding of the incident. *A more detailed debriefing will be conducted at a later time;*
  - iv. Advise officer(s) involved that an investigation will occur concerning the incident, and that they may seek legal counsel;
  - v. Advise the officer(s) involved to refrain from discussing the incident with anyone, except a personal or agency attorney, or department investigator, until the preliminary investigation is concluded;
  - vi. Notify command staff and investigators of details regarding the incident and seek further instruction; [1.13i]
  - vii. Allow the involved officer(s) to notify their families about the incident as soon as possible;
5. Investigation of Deadly Force incidents – whenever there is an incident involving the use of deadly force, there will be two types of investigations conducted [1.13d,e]
  - i. There will be an Internal Investigation conducted to determine compliance of departmental policy.

**RESTRICTED LAW ENFORCEMENT DATA**

The data contained within this policy is proprietary and will not be duplicated, disclosed, or discussed, without the written permission of the Chief of Police. Data subject to this restriction is contained throughout this policy.

- ii. There will also be a Criminal Investigation conducted by Mississippi Bureau Investigations (MBI) with the assistance of the department's Criminal Investigation Division, if needed.
6. Media relations- information to the media will only be relayed through the Chief of Police or designee when ready for public release. [1.13]

## **F. Application of Non-Deadly Force**

The purpose of the use of various force options by police is to gain compliance to preserve peace, protect citizens, and affect arrests. Clinton Police Officers have non-deadly force options:

### **1. Hand Controls & Defensive Tactics**

Hand controls and defensive tactics as instructed in Pressure Point Control Techniques (PPCT) and Police Subject Control (PSC) are authorized for passively and actively resistant subjects so to gain compliance and affect arrests. These controls provide a means of low level, non-threatening, and non-violent compliance used to remove an individual from an area that may present danger to the officer or subject. Officers are instructed in these specific techniques in an approved Law Enforcement Basic Course and during in-service training. Appropriate controls included strong or forceful soft hand, hand and arm holds, pressured physical movements, and escort techniques.

### **2. Chemical Agents**

Upon successful completion of a basic oleo resin-capsicum (OC) certification course offered at the Clinton Police Department or in the approved Basic Law Enforcement Course, officers will be issued OC Spray as an additional use-of-force option for gaining compliance of resistive or aggressive individuals. The approved chemical spray for police officers is the departmental issued **non-conductive** OC spray, gel, or aerosol. Officers shall **ONLY** carry departmentally authorized / issued canisters on their duty belts.

OC Spray may be used when:

1. Verbal dialogue has failed to bring about the subject's compliance, and;
2. The subject has signaled his intention to actively resist the officer's efforts to accomplish legally justifiable objectives.

When practically reasonable, officers should verbally warn persons before exposing them to OC spray. Officers shall be constantly aware of their surroundings and deploy OC spray under conditions that least affect innocent bystanders.

The effects of OC spray vary among individuals. Therefore, all suspects shall be hand-cuffed as soon as possible after being sprayed. Officers should be prepared to employ other means to control suspects if OC spray fails or doesn't bring about the desired compliance. Suspects that have been exposed to OC spray shall be monitored continuously for indication of medical problems and shall not be left alone while in police custody and while any effects of exposure to OC spray are still apparent. Upon observing any medical problems or if the suspect requests medical assistance, the officer shall immediately summon emergency medical aid. Once compliance is gained, officers should assist with decontamination by irrigating the exposed area with clean water.

Personnel certified to carry OC spray shall carry such spray while on duty. Replacing damaged, inoperable, or empty OC containers may be accomplished through a request to

### **RESTRICTED LAW ENFORCEMENT DATA**

The data contained within this policy is proprietary and will not be duplicated, disclosed, or discussed, without the written permission of the Chief of Police. Data subject to this restriction is contained throughout this policy.

police supply and is the responsibility of the officer. Officers shall regularly inspect their issued OC container for damage and proper spray stream.

Officers should be prepared to decontaminate individuals exposed to OC spray. Clean water may be stored in containers in patrol vehicles to be used to flush the eyes and face of individuals exposed to OC spray. Air will normally begin reducing the effects of OC spray within 15 minutes of exposure. Suspects that have been sprayed shall be monitored continuously for indications of medical problems and shall not be left alone while in police custody, while there are any remaining signs that the suspect is still feeling the effects of the OC spray.

Tactical team members may deploy other chemical agents as approved by the Chief of Police and documented in the Tactical Team's Standard Operating Procedure (SOP).

**3. Electronic Control Weapon (ECW): See General Order 1.4 CEW / TASER**

**4. Terminating Use of Force**

As soon as a subject is no longer actively/passively resisting or becomes compliant, the use of force shall cease. [1.9e]

**G. REMOVAL FROM DUTY**

Any employee whose actions, omissions, or use of force, while in an official capacity, lead to the death or serious bodily injury of any person, or if another person dies while in one's custody, they shall be immediately removed from any line-duty assignment pending an administrative review as directing by the Chief of Police. [MSLEAC 1.24] [1.13g]

Any police officer whose use of force causes death or serious bodily injury shall be placed on administrative leave pending the completion of any internal investigation requirements. The Chief of Police retains the right to immediately allow any officer on administrative leave to return to normal duty, or other light-duty assignment, prior to the completion of the internal investigation.

All officers directly involved in an incident where deadly force is employed, shall undergo counseling and evaluation by a mental health professional as soon as practical after the incident before his or her return to normal duties. After the counseling sessions, the mental health professional will advise the agency:

- A. Whether it is in the officers' best interest to return to unrestricted duty, be placed on administrative leave or light duty, and for how long;
- B. The best continued course of action going forward.

The Clinton Police Department encourages employees, officers, and family members involved in incidents of deadly-force on in-custody deaths, to take advantage of available counseling services and peer support groups. In any case where such an incident occurs, the Clinton Police Department will:

- A. Investigate the incident as soon as practical;
- B. Brief other agency members concerning the incident to minimize rumors. Agency members are encouraged to show the involved officers their concern;
- C. Respond to media inquiries, and release appropriate information regarding the incident to local media representatives;
- D. Request that involved officers consider having phone calls answered by someone else for several days if their names are released to the public.

**RESTRICTED LAW ENFORCEMENT DATA**

The data contained within this policy is proprietary and will not be duplicated, disclosed, or discussed, without the written permission of the Chief of Police. Data subject to this restriction is contained throughout this policy.

- E. Supervisors will monitor the behavior of unit members for symptoms of post traumatic stress disorder or changes in behavior that suggest the members are having difficulty with stress regarding the incident. Supervisors will report, to their chain of command, any behavior changes that might indicate a need for the effected officer to seek assistance or counseling from a mental health professional upon a reasonable belief that stress may be disrupting job performance.

#### H. REPORTING USE OF FORCE [MSLEAC 1.21]


Any use of force, above and beyond simple officer presence and dialogue, shall be documented in the officer's investigative reports as evidence to the behavior and justification of the use of such force. Specific instances in which reports must be completed at the earliest reasonable time include, but are not limited to:

1. Anytime a firearm is discharged, except during training exercises; [a]
2. Anytime actions by an officer result in, or allegedly result in, any injury or death of another person; [b]
3. Any force through the use of lethal or less lethal weapons to include firearms, batons, chemical agents, electronic weapons, or any other reasonable object used in an emergency situation; [c]
4. Any force, through the use of weaponless physical tactics to include pressure points and subject control techniques, combative handcuffing techniques, and tactical escort techniques used on non-compliant subjects. [d]

Any use of force required to be documented shall be immediately reported via the police radio to the dispatcher and the on-duty supervisor once the situation is under control and compliance gained by all subjects. Supervisor notification may be done via the police radio, telephone, or verbally if a supervisor is on scene.

The most important part of a force investigation is the officer's ability to articulate his/her perception of the incident, not match his/her perception to that of the recorded video.

#### A. Use-of-Force Reports

The Use-of-Force report is a supplemental module attached to the Incident Report in RMS. Once a new incident report is saved the Use-of-Force button  is activated and the reporting officer may complete that portion of the report. [1.22a] The initial, or primary, reporting officer shall notate their use of force in their narrative report along with the Use-of-Force report. All other officers who were present and used force or witnessed the use-of-force shall complete a Supplement report to document their own actions and observations. Once the supplement report is saved, the Use-of-Force report is activated and shall be completed.

All information requested of the Use-of-Force report shall be entered in the various spaces of the report. Once completed, the officer shall notify the on-duty supervisor that the report is complete and needs approval. The Supervisor shall review the report for completeness and policy compliance and approve the report by entering his/her name in the "Direct Supervisor" space provided and make any necessary comments regarding the report.

The Supervisor will notify the Commander of Uniformed Operations of the Use-of-Force report/incident via email for review by Command Staff. [MSLEAC 1.22]

#### B. Specific Reporting Requirements for Tasers

When a Taser is deployed, the officer shall in addition to the above state requirements:

##### **RESTRICTED LAW ENFORCEMENT DATA**

The data contained within this policy is proprietary and will not be duplicated, disclosed, or discussed, without the written permission of the Chief of Police. Data subject to this restriction is contained throughout this policy.



1. Collect the used cartridge as evidence and enter the cartridge information in the property section of the Incident report notating specifically the serial number of the cartridge for tracking;
2. Supervisors should flag/mark recorded evidence from the *BODY WORN* body cameras and inform the Chief of Police or his designee to the fact that recorded evidence exists (*all audio/video recordings captured by departmental BODY WORN cameras are considered evidence and shall not be released to any individual outside the Clinton Police Department without the proper approved public records request*).

#### **I. APPLICATION OF FORCE-ANIMAL CONTROL**

Clinton Police Officers are authorized to use deadly force to prevent roaming at large by obviously mad or vicious animals and/or to relieve animals so badly injured that it cannot reasonably survive from injuries causing prolonged suffering. Officers shall notify their direct supervisor when reasonably able prior to the use of force with regards to animals. Officers shall immediately notify their supervisor after any use of force towards an animal. All required reports due for any use of force apply to the use of force against mad, vicious, or injured animals.

#### **J. ADMINSTRATIVE REVIEW-USE OF FORCE**

All Use of Force Reports shall be submitted to the reporting officer's Captain through their respective chain of command. The supervisor shall review the report for accuracy, content, thoroughness, and compliance to applicable policy and law.[1.9f] Once reviewed and approved by the Supervisor, the report will be forwarded to the Captain.

Captains will review the reports for compliance to applicable policy and law also to identify areas of concern with regards to possible failures in policy or specific patterns of behavior of employees. If issues and concerns arise, Captains shall recommend needed adjustments and changes to the Lieutenant. Captains will forward all reviewed Use of Force Reports to the Chief of Police.

Annually, all Use of Force reports for the prior year will be collectively reviewed and audited by the Command Staff in an effort to identify patterns or trends of behavior and force that could indicate a need for additional training needs, equipment upgrades, and/or policy modifications.  
[MSLEAC 1.22]

#### **RESTRICTED LAW ENFORCEMENT DATA**

The data contained within this policy is proprietary and will not be duplicated, disclosed, or discussed, without the written permission of the Chief of Police. Data subject to this restriction is contained throughout this policy.