The Allegheny County Chiefs of Police Association

MODEL USE OF FORCE PROCEDURES

Initial issue 1999.
Revised 2004, 2007, 2008, 2009, 2011, 2019, 2021, 2022

In Partnership With
The Allegheny County District Attorney's Office

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Summary of Model & Revised Use of Force Development Process

The Allegheny County Chiefs of Police Association in partnership with the Allegheny County District Attorney's Office periodically creates and distributes model policies and forms for a variety of topics of interest to our Officers. These model policies are for the use of any law enforcement agency in need of sample policies, whether or not an officer of our Association. We encourage agencies to tailor policies for their own needs and circumstances, so we view these policies as a logical starting point for agencies which are creating new policies or reviewing existing policies. We endeavor to make available models which set forth "best current practices" and Pennsylvania Law Enforcement Accreditation Commission (PLEAC) standards, but we do not attempt to impose upon any agency any specific policies in whole or in part. To best serve your department, any changes to your existing Use of Force Policy should be reviewed by you, your municipality, and its insurance carrier to coincide with department size, population density and other unique characteristics of your community before being implemented.

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties. Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

Our Association first created and distributed a Model Use of Force Policy in 1999, with revisions in 2004, 2007, 2008, 2009, 2011, 2019, 2021 and 2022. In 2018 and 2021, our Association created a working committee and reviewed our model policy. We met multiple times for numerous hours with robust debate on several areas. Below is an outline of how the committee initially developed this model policy and revisions based upon ever-changing best practices.

First, the previous policy used the then-popular Use of Force Continuum as a logical progression through the stages of force. More recently, many agencies have moved away from the rigid progression of this continuum and its diagrams and wheels and have instead adopted policies which rely upon the "objective reasonableness standard" as its premise in conformity with current case law. Under the objective reasonableness standard, force options available to an officer are not ranked on any particular level. Instead, officers are given the flexibility and discretion to choose the force option that is most reasonable based upon the totality of the facts known to him/her about a specific situation. We believe that this flexibility is easier to understand and allows officers to make quicker decisions than the use of force continuum. The continuum model is not based in law and may in fact be in conflict with what would be considered objectively reasonable. Although experts nationwide continue to debate this issue, our committee finds the use of an objective reasonableness standard to be the best practice.

Second, we spent a great deal of time attempting to streamline the policy. Our concern is that we do not want officers to be mentally overloaded with minutia when quick actions are required. Instead, officers should be looking at the totality of the circumstances known to them and making decisions which are reasonable under those circumstances.

As a result, we have taken specific force options such as chemical agents, conducted electrical weapon aka TASER**,** and assorted other options available to officers and placed them in appendices rather than in the policy itself. This way, each agency can adopt and tailor its policies to suit the needs of its officers in light of the equipment it has authorized. K-9 and Civil Disobedience are not included in the model appendices; we felt they should be separate policies. We have also attempted to separate policy from important training issues (e.g. verbal judo, de-escalation, slowing things down when possible) so that agencies can make their own decisions, regarding training which best suits their needs.

However, we strongly recommend that you require a review of your respective Use of Force Policy/Justification during annual firearms qualifications. It is as important to the "qualifications" as demonstrating proficiency with a firearm.

Third, we spent a lot of time in drawing the distinction between the use of deadly force and the use of less lethal force. We use the term "less lethal force" to recognize the fact that force that is not intended to be lethal can under certain circumstances result in death.

Fourth, we hotly debated language in Section 07(B)(2), which deals with the use of deadly force. It is our belief that 18PaCSA §508 does NOT set forth best current practices in that it permits the use of deadly force on a fleeing forcible felon without the added requirement that the suspect presents an immediate threat. While 18PaCSA §508 may present a defense to a criminal charge of improper use of deadly force, we do not believe that it is best current practice. **Additionally, 18PaCSA §508 likely conflicts with current court decisions interpreting the U.S. Constitution**. This statute is currently under review by the Pennsylvania Supreme Court.

Fifth, we wanted to emphasize that officers must be accountable for their actions and must be able to articulate the facts and circumstances known to them which make the force used objectively reasonable. For this reason, the model policy includes **requirements regarding reporting the use of force, notification of supervisors, and use of force reviews** by the agency. As chief, it is your decision on the appropriate report(s) e.g. incident, arrest, use of force, etc. to require. It also includes "**Duty to Intervene**" should an officer know or have reason to know that **any** officer regardless of rank is about to use, or is using, unreasonable force or a person in custody needs medical aid. Intervention is required even if the officer using unreasonable force is a supervisor or from another agency.

Sixth, we recognize that the primary responsibility of law enforcement is to protect people, their property, their rights, liberty and the **sanctity of human life** (MPOETC 19-001, 21-001, 22-301 Legal Updates). When force is used, our policy emphasizes the importance of medical considerations **(requesting EMS and rendering appropriate medical aid within the limits of their training**) as quickly as reasonably possible.

Finally, we recognize that there is no way to specify the exact amount or type of reasonable force to be applied in every situation. Because there are an unlimited number of possibilities, allowing for a wide variety of circumstances, no rule can offer definitive rules for every situation in which the use of force becomes necessary. This model policy is intended to provide guidelines so that officers can make such decisions in a professional, impartial, and reasonable manner.

MODEL USE OF FORCE

01. PURPOSE

The purpose of this policy is to provide Police Officers with general guidelines on the Use of Force. Changes in law and procedure, as well as training provided on this procedure, will give rise to modifications and updates.

This policy should be reviewed annually with firearms qualifications.

02. POLICY

It is the policy of this department that Police Officers shall use only that force that is **objectively reasonable** considering the totality of the circumstances known to the officer at the time, to effectively bring an incident under control, while protecting the lives of the officer(s) and others in a fair and unbiased manner.

03. DEFINITIONS

Deadly Force – Force, which, under the circumstances in which it is used, is readily capable of causing death or serious bodily injury.

De-escalation – If feasible, taking action to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

De-escalation Techniques – Actions used by officers, when safe and **feasible** without compromising law-enforcement priorities, that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of gaining voluntary compliance from a subject.

Duty to Intervene - When in a position to do so, officers have a duty to intervene should they know or have reason to know that **any** officer regardless of rank is about to use, or is using, unreasonable force or a person in custody needs medical aid.

Forcible Felony – Those felony crimes that are against persons, not property, and the force used has caused or immediately threatens to cause death or serious bodily injury.

Intellectual Developmental Disability **(IDD)** – A group of disorders characterized by limited or diminished intellectual functioning, communication skills, and social skills and difficulty with understanding and following verbal directions (See Autism/IDD Policy for complete def.).

Less-Lethal Force - Any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.

Imminent – Likely to happen without delay; impending; threatening.

Objectively Reasonable - This term means that, in determining the necessity for force and the appropriate level of force, officers shall objectively evaluate each situation in light of the known facts and circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject and the danger to the community.

Probable Cause - Facts or circumstances that would lead a reasonable person to believe that an offense has been committed; or that seizable objects are in the place to be searched.

Serious Bodily Injury (SBI) – Bodily injury, which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

04. AUTHORIZED USE OF FORCE

A. Use of Force - Use of force is the amount of effort required by Police to compel compliance from a person. This includes any use of force occurring while the officer is acting in an official law enforcement capacity. Force used must be "objectively reasonable" based on the facts and circumstances confronting the officer(s) and judged from the perspective of a reasonable officer on the scene (MPOETC 22-301 Use of Force, 23-201, 24-201 Legal Updates). **See GRAHAM v. CONNOR 490 U.S. 386 (1989).**

B. All Officers are responsible for the review and knowledge of Pennsylvania Statute Title 18, Chapter 5, General Principles of Justification. Specifically, officers are governed by Section 505, Use of Force in Self-Protection; Section 506, Use of Force for the Protection of Other Persons; Section 507, Use of Force for the Protection of Property; and Section 508, Use of Force in Law Enforcement. These statutes, along with case law, have been used to form the basis of this policy.

C. The degree of force that is employed should consider the totality of the circumstances. These factors may include, but are not limited to:

1. Whether the subject is armed;
2. The severity of the crime at issue;
3. Whether the subject poses an immediate threat to the safety to officers or others;
4. Whether the subject is actively resisting arrest or attempting to evade arrest by flight;
5. Individual's mental state or capacity;
6. The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained (Officers must be particularly aware of asphyxia issues in conjunction with prone or compressed and restrained positioning);
7. The availability of other options and their possible effectiveness;
8. Seriousness of the suspected offense or reason for contact with the individual;
9. Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others;
10. The number of persons with whom the officer must contend;
11. The training and experience of the officer.

D. **De-escalation** (MPOETC 17-002 PJ, 18-002 De-escalation, 21-004 Special Needs, 22-301 Use of Force, 23-201 Legal Updates, 24-301 Suicide by Cop).

When feasible, officers will employ de-escalation (slowing things down) techniques in an effort to increase the likelihood of voluntary compliance.

05. FORCE OPTIONS

The department recognizes that some situations require the application of force. Under the law, officers are not obliged to retreat when confronted with a threat. The department relies on the officer's training, judgement and discretion to employ objectively reasonable force under each unique circumstance. The Force Options are examples of force tactics and techniques available to Police Officers when force is used against a subject.

Officers should use an appropriate/proportional force option based on subject behavior. Officers are not required to use the least intrusive degree of force possible but are required to use reasonable force. Officers should continually assess the situation and adjust the use of force accordingly.

Examples of options for control and force response include but are not limited to:

A. **Officer Presence**
Definition: Identification of authority. Presence of a police officer in uniform, or the verbal identification of a police officer not in uniform.

B. **Verbal Control**
Definition: Dialogue or commands of direction or arrest. It may include advice, persuasion, warnings or orders. (Should be used in conjunction with all other uses of force).

C. **Restraint Control** (Examples not ranked in any particular level include but are not limited to the following):

1. **Soft empty hand control**
Definition: Control techniques that have a minimal probability of injury if the subject resists the technique, i.e., holding, grasping, compliant cuffing, escorting, etc.
Note: Use of neck restraints or similar weaponless control techniques (Lateral Vascular Neck Restraint) is prohibited unless deadly force is warranted

2. **Chemical Agents**: OC (Oleoresin Capsicum) Chemical Aerosol
Definition: An organic agent that is inflammatory. Causes localized topical heat, redness, inflammation and pain to all exposed skin and tissues. Effective time is 30 to 45 minutes. Usually does not require medical attention.

3. **Hard empty hand control**
Definition: Techniques that have a greater potential of injury and include pain compliance techniques such as joint manipulation, pressure points, takedowns and strikes to the subject with an officer's personal weapons, e.g. open hand, clenched fist, forearm, foot, leg. The strikes should be aimed at the major muscle masses of the body – legs, arms, shoulders and side of the neck. However, if the resistance level continues to escalate, then it may be necessary to strike areas with greater injury potential, such as the face or other sensitive areas.

4. **Impact Devices/ Police Batons**
   Definition: Police Batons (straight or expandable) that can provide means by which an officer can defend himself/herself or others from injury when targeted towards appropriate target areas to cause incapacitation and/or compliance.

5. **CEW - Conducted Electrical Weapon aka TASER**
   Definition: A device which delivers an electrical energy charge that when deployed in probe mode is designed to override the central nervous system and take control of the skeletal muscles of a subject. It may also be used in a pain compliance/drive stun mode.

6. **Deadly Force**
   Definition: Force, which under the circumstances in which it is used, is readily capable of causing death or serious bodily injury.

06. **EXAMPLES OF RESISTANCE/BEHAVIOR BY THE SUBJECT MAY INCLUDE**:

A. **Verbally non-compliant**
Definition: Dialogue in the form of verbal resistance, the unwillingness **or inability (IDD)** to comply or cooperate and/or threats. Includes non-verbal actions (body language), as well as, speech and tone of the subject.

B. **Passive resistance**
Definition: Is a disobedience technique where a subject does not take action to prevent being taken into custody and his/her resistance in the form of non-compliance or inaction, e.g., a subject to be taken into custody let's his/her body go limp - the subject must then be carried away upon arrest.

C. **Defensive resistance**
Definition: Include actions that attempt to prevent an officer from taking control of a subject, such as evasive actions, tensing of muscles, pulling away, bracing, grasping an object, etc. The subject's actions never rise to the level of being assaultive towards the officer, but he/she nevertheless is resistive, requiring sometimes substantial force to overcome. (For the purposes of this policy defensive resistant behavior includes "active resistance" behavior and the difference is more a matter of terminology than actions).

D. **Active aggression**
Definition: Assaultive behavior by the subject with personal or other weapons not perceived to be deadly or cause SBI. It includes the verbal threats of imminent assault or associated body language consistent with a substantial step toward that assault.

E. **Aggravated active aggression**
Definition: Assaultive behavior by the subject with personal or other weapons perceived to be deadly or may cause SBI. Involves actions where the subject is assaulting or threatening an imminent assault to the officer or someone else, with a weapon, techniques or object that is likely to cause SBI or death.

07. **USE OF DEADLY FORCE**

A. Officers shall only use deadly force in the performance of official duties in accordance with this regulation, other department regulations, and existing statutes. Nothing contained in this regulation shall preclude the use of deadly force in self-defense, when legally justified.

1. Officers who are trained and authorized to carry firearms shall only discharge a firearm against another when the use of deadly force is justified.

2. Deadly force is not limited to use of a firearm. It may become necessary for officers to protect themselves or others with means other than a firearm.

B. Officers are authorized to use deadly force when one or both of the following apply:

1. Protection: Officers may use deadly force to protect themselves or another from what they reasonably believe to be an imminent danger of death or serious bodily injury.

2. Arrest: To affect an arrest or prevent an escape when:

a. Such force is necessary to prevent the arrest from being defeated by resistance or escape; and

b. The person to be arrested has committed or attempted a forcible felony; and

c. there is probable cause to believe that the person to be arrested possesses a deadly weapon and poses a threat of death or serious bodily injury to the officer or others, or otherwise indicates that he/she will endanger human life or inflict serious bodily injury unless arrested without delay.

C. If feasible, an officer shall give warning before employing deadly force.

SEE:
TENNESSEE v. GARNER, 471 U.S. 1 (1985)
GRAHAM v. CONNOR 490 U.S. 386 (1989)

08. **LESS-LETHAL FORCE—GENERAL**

A. Officers may use less-lethal force in the performance of official duties in accordance with this regulation, other department regulations, and existing statutes.

B. Use of Less-Lethal Force: Unless further restricted by this regulation or other statutes, officers may use less-lethal force under the following circumstances:

1. **Protection**: Officers may use less-lethal force when they reasonably believe that such force is immediately necessary for the purpose of protecting themselves or another from bodily injury, from the unlawful force of another person, or the actions of a dangerous animal.

2. **Arrest:** Officers may use less-lethal force which they reasonably believe to be necessary to make an arrest and defend themselves or another from bodily harm while making an arrest.

3. **Prevent escape**: Officers may use less-lethal force which they reasonably believe is necessary to prevent the escape of a person in their custody and defend themselves while preventing the escape.

4. **Preventing suicide/injury**: Officers may use less-lethal force which they reasonably believe is necessary to prevent another person from committing suicide or inflicting bodily injury upon themselves.

5. **Prevent crime**: Officers may use less-lethal force which they reasonably believe is necessary to prevent another person from committing or consummating the commission of a crime involving, or threatening, bodily injury, damage to or loss of property, or a breach of the peace.

C. Considerations: Officers shall consider the totality of the circumstances when making a determination as to the reasonableness of using less-lethal force.

09. LESS-LETHAL WEAPONS—SPECIAL CONSIDERATIONS, RESTRICTIONS, AND WARNINGS

A. General: Officers shall only utilize less-lethal weapons in the performance of official duties.

B. Use of Less-Lethal Weapons: Officers shall only use a less-lethal weapon in the manner in which they have received department training on the use of the weapon. The playful, punitive, wanton, careless, or negligent use of a less-lethal weapon on duty, or any use of a less-lethal weapon not in the performance of duty, is prohibited.

10. DUTY TO INTERVENE: (MPOETC 19-001, 21-001, 22-301 Legal Updates).

A. When in a position to do so, officers have a duty to intervene should they know or have reason to know that **any** officer regardless of rank is about to use, or is using, unreasonable force or a person in custody needs medical aid.
(See 14. MEDICAL CONSIDERATIONS)

B. Officers shall promptly report any use of unreasonable force and the efforts made to intervene to a supervisor. Intervention is required even if the officer using unreasonable force is a supervisor or from another agency.

11. REPORTING THE USE OF FORCE

A. Any use of force by an officer of this department shall be documented promptly, completely and accurately in an appropriate report, including photographing injuries where applicable, depending on the nature of the incident.

B. The officer should articulate the factors perceived and why she/he believed the use of force was reasonable under the circumstances.

C. To collect data for purposes of training, resource allocation, analysis and related purposes, the department may require the completion of additional report forms, as specified in department policy, procedure or law.

D. Any action taken by an officer that results in injury or alleged injury should be reported under this policy.

12. NOTIFICATIONS TO SUPERVISORS

A. Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

1. Any application of deadly force;
2. The application caused a visible injury;
3. The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort;
4. The individual subjected to the force complained of injury or continuing pain;
5. The individual indicates intent to pursue litigation;
6. Any application of the **CEW** or control device (e.g., OC, Impact Device, etc...);
7. Any application of a restraint device other than handcuffs, shackles or belly chains;
8. The individual subjected to the force was rendered unconscious;
9. An individual was struck or kicked by an officer;
10. An individual alleges any of the above has occurred.

13. USE OF FORCE REVIEW

A. Any time force is used by a police officer an administrative review shall be conducted in accordance with department policy.

B. When a police officer's use of force causes death or serious bodily injury, she/he shall notify the department Supervisor/OIC, who in turn shall notify the Chief of Police, who will conduct or cause an administrative review and investigation.

C. When a police officer's use of force causes death or serious bodily injury, an outside agency as selected by the Chief of Police will also be contacted and requested to conduct an independent investigation.

D. When a police officer's use of force causes death or serious bodily injury, the officer(s) involved shall be placed on administrative leave after completing all internal investigative requirements and until it is determined by a mental health professional that the officer(s) is ready to return to duty.

14. MEDICAL CONSIDERATIONS

A. Appropriate medical assistance is to be obtained as quickly as reasonably possible for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Such individual shall be continuously monitored until she/he can be medically assessed.

B. If reasonably safe to do so, while waiting for medical assistance officers will render appropriate medical aid within the limits of their training.

C. Medical assistance may also be obtained when in an officer's judgement a medical evaluation is needed for any other reason not previously addressed in this policy.

D. Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency Medical Services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

E. The on-scene supervisor or, if not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would potentially be safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

F. Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered **medical emergencies**. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

G. Officers must be particularly aware of asphyxia issues in conjunction with prone or compressed and restrained positioning.

ACCPA-DA MODEL Use of Force Policy Quiz

1. It is the policy of this department that Police Officers shall use only that force that is _____ _____considering the totality of the circumstances known to the officer at the time, to effectively bring an incident under control, while protecting the lives of the officer(s) and others.

2. Deadly Force is force which, under the circumstances in which it is used, is readily capable of causing _____ or _____.

3. Force used must be _____ _____based on the facts and circumstances confronting the officer(s) and judged from the perspective of a reasonable officer on the scene.

4. If in a position to do so, officers have a _____ ____ _____ should they know or have reason to know that another officer is about to use, or is using, unreasonable force or a person in custody needs _____ _____.

5. Use of neck restraints or similar weaponless control techniques (Lateral Vascular Neck Restraint) is prohibited unless _____ _____is warranted.

6. Officers may use _____ _____to protect themselves or another from what they _____ _____to be an imminent danger of death or serious bodily injury.

7. If feasible, an Officer shall give _____before employing deadly force.

8. The playful, punitive, wanton, careless, or negligent use of a less-lethal weapon on duty, or any use of a less-lethal weapon not in the performance of duty, is _____

9. Any use of force by an officer of this department shall be documented _____ _____ _____ _____ in an appropriate report, depending on the nature of the incident.

10. _____ _____ shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. If reasonably safe to do so, while waiting for medical assistance officers will render appropriate _____ _____ within the limits of their training.

11. As with any use of force option, OC does not always function as intended and is not effective on every subject. If ineffective, reassess (CDM) the situation and _____ _____.

12. Protestors/Demonstrators who are exercising their Constitutional Rights of Free Speech or Assembly and are non-compliant and passively resisting officer's commands, OC, shall _____to overcome the resistance. Rather, officers will disengage and contact a supervisor.

13. OC _____ be used once a subject is incapacitated and/or restrained and under control.

14. Officers must be particularly aware of _____issues after OC usage in conjunction with prone or compressed and restrained positioning.

15. Once under control, notify _____ to check the subject and place in a recovery position (side, sitting, standing).

16. Multiple CEW applications of either mode, particularly continuous cycling, may increase the risk to the subject, should be avoided and absent exigent circumstances not exceed a recommended maximum of _____ _____or a total of _____ seconds.

17. As with any use of force option, a CEW does not always function as intended and is not effective on every subject. If ineffective, reassess (CDM) the situation and _____.

18. CEW Primary Target Area
FRONT:.
BACK:

19. The five (5) second cycle can be used as a window of opportunity to control the subject while they are affected. If feasible, _____to minimize the total duration of CEW exposure(s).

20. Officers must be particularly aware of asphyxia/breathing issues after CEW usage in conjunction with prone or compressed and restrained positioning. Once under control, notify ____to check the subject and place in a _____.

USE of FORCE POLICY QUIZ ANSWERS

1. Objectively reasonable
2. Death or serious bodily injury
3. Objectively reasonable
4. Duty to Intervene, medical aid
5. Deadly force
6. Deadly force, reasonably believe
7. Warning
8. Prohibited
9. Promptly, completely and accurately
10. Medical assistance, medical aid
11. Consider other control/force options available if feasible.
12. Not be used
13. Shall not
14. asphyxia/breathing
15. EMS
16. Three (3) five (5) second successful applications, 15
17. Consider other control/force options available or disengagement, if feasible.
18. **FRONT**: Mid chest line down to avoid the heart to dart ratio **BACK**: Center mass
19. Quickly begin restraint procedures
20. EMS Recovery position

APPENDIX 1
GUIDELINES FOR THE USE OF FIREARMS

Departmental Authorized Firearms - Those firearms authorized by the department to be carried by police officers, including firearms personally owned or issued by the agency.

A. General Provisions

1. Firearms will be used in accordance with current training, departmental Use of Force policy and in accordance with the guidelines and procedures in this regulation.

2. Only Departmental Authorized Firearms for which officers have been qualified, and department issued ammunition, are permitted to be utilized.

3. Only Department authorized ammunition shall be used in firearms.

4. All officers must qualify annually and demonstrate proficiency with any Departmental Authorized Firearm used/carried, and as mandated by the MPOETC and Department Standards.

5. Officers shall never display or draw their firearms unnecessarily or in situations in which the use of deadly force is clearly inappropriate.

6. Other than for routine training or recreational purposes, all Departmental Authorized Firearms discharged while on-duty, while off duty, or by accident, shall be immediately reported per Use of Force Policy procedures.

7. Officers shall only discharge a firearm when the use of deadly force is justified, unless otherwise exempted by this policy.

8. Officers shall shoot to stop the action by causing the instant incapacitation of the threat.

    a. Primary target area: for maximum stopping effectiveness, and to minimize the danger to innocent bystanders, officers should shoot at the center of available body mass presented by the threat.

    b. Alternative target areas: should be considered (such as the head or pelvic area) when circumstances render the center mass of torso target ineffective at immediately stopping the action.

    c. Head shots: should be considered when the officer has a reasonable belief that the subject is in possession of a bomb or other explosive device, with the intent to carry out a suicide/homicide bombing, in order to facilitate the instant incapacitation of the subject while minimizing the potential for striking the bomb/explosive device.

9. Risk to Innocent Bystanders: Officers must be cognizant of any innocent third parties that may be present in or near the line of fire or in deadly proximity to an explosive blast in the case of a suicidal/homicidal bomber. Officers are prohibited from discharging firearms when it appears reasonably likely an innocent person may be injured, unless failure to use deadly force would likely result in the immediate death or serious bodily injury of the officer or other innocent persons.

10. Upholstering and Handling of Firearms: Officers may remove their firearm from their holster or other carrying devices in certain situations for safety (e.g., building searches for subjects, serving high-risk search or felony arrest warrants, checking vehicles in high-risk situations, felony arrest situations). They shall exercise a reasonable standard of care with the drawn firearm and in accordance with current department training.

11. Officers are expected to maintain proficiency with regard to the safe handling and use of all Departmental Authorized Firearms. Except for general maintenance, storage, or authorized training, officers shall not draw or exhibit a firearm unless circumstances create a strong reasonable belief it may be necessary to use the firearm in conformance with department policy.

12. The playful or wanton pointing of a firearm at anyone, on or off duty, or the careless or negligent handling or use of a firearm, is prohibited.

13. Shooting at or From Moving Motor Vehicles or Machinery (Associated Policy: see “Vehicle Pursuits” policy):

    a. The use of firearms to disable a pursued vehicle is not generally effective and involves all the responsibilities and dangers associated with discharging firearms.

    b. In addition to justifying the use of deadly force, the following factors must have been considered, as applicable:

        i. The difficulty of hitting a moving target, and/or the difficulty of hitting a target while shooting from a moving vehicle or machinery.

        ii. Ricocheting bullets striking unintended targets.

        iii. Population density.

        iv. The inability to stop a vehicle or machinery’s momentum, even when the target actor is hit, and the damage or injury which might result from causing a vehicle or machinery to go out of control.

14. Warning Shots: are prohibited under any circumstances.

15. Rescue Shots: A rescue shot identifies a location and signals for appropriate assistance. Officers who are in danger of death or serious bodily injury and incapacitated to the extent they cannot signal in any other manner, may fire a rescue shot(s). Officers must exercise reasonable care (e.g., shooting away from any other individuals, homes, vehicles) when firing rescue shots.

16. Directed-Fire Shots: In some extreme circumstances, it may be necessary for officers to employ weapon(s) fire directed at a subject's location with the intent of stopping his/her actions, restricting his/her movement, and/or preventing him/her from endangering law enforcement officers or innocent persons in vulnerable positions. This tactic is a limited, task-specific action used to affect an arrest(s), rescue a trapped individual(s), maneuver out of the kill zone, and/or accomplish other emergency objectives. Officers shall be cognizant of any innocent third parties that may be present in or near the line of fire when employing this tactic.

17. Destruction of Animals: Officers may use a firearm to kill a dangerous animal in self-defense or defense of another person, or to terminate the suffering of a critically injured or sick animal, when other means of disposal are impractical. Whenever possible, the owner of the animal to be destroyed shall be contacted and permission obtained. Whenever the shooting of an animal is necessary, precautions shall be taken to protect any nearby persons or property.

B. Subject Handling

Shall be in compliance with Use of Force Policy procedures **Section 14 MEDICAL CONSIDERATIONS.**

1. All subjects struck by a firearm round(s) must be evaluated by emergency medical services and then be transported to a medical facility for further treatment/evaluation.

C. Reporting

1. Intentional uses of a firearm against an individual in an enforcement capacity shall be reported to the officer's immediate supervisor as soon as possible and comply with Use of Force Policy procedures “NOTIFICATIONS TO SUPERVISORS”.

2. The use of a firearm constitutes a use of force and, as such, shall be reported in accordance with department Use of Force Policy reporting procedures.

3. Attempts shall be made to photograph any/all injuries caused by a firearm and documented within a report.

4. The report must include a description of the incident, the reason for the firearm use, officers involved, type and number of rounds fired, where the rounds struck the subject, the response of the subject, obvious injuries, as well as treatment rendered.

D. Supplemental Firearms

1. Patrol Rifle

2. It is a Departmental Authorized Firearm either owned or approved for use by the department. It is a supplemental resource to the duty handgun.

3. Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

   a. Situations where the officer reasonably anticipates and can articulate an armed encounter;
   b. When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range;

   c. When an officer reasonably believes that there may be a need to deliver fire on a barricaded subject or a subject with a hostage;

   d. When an officer reasonably believes that a subject may be wearing body armor;

   e. When authorized or requested by a supervisor.

APPENDIX 2
GUIDELINES FOR USE OF AEROSOL DEFENSIVE SPRAY

Oleoresin Capsicum (OC) Chemical Aerosol - An organic agent that is inflammatory. Causes localized topical heat, redness, inflammation and pain to all exposed skin and tissues.

A. General Provisions

1. As with any use of force option, OC does not always function as intended and is not effective on every subject. If ineffective, reassess (CDM) the situation and consider other control/force options available, if feasible (See Section 05 Force Options, subsection C Restraint and Control).

2. OC will be used in accordance with current training, departmental Use of Force policy and in accordance with the guidelines and procedures in this regulation.

3. No officer of this department will be permitted to carry or use OC until he/she has successfully completed the approved training course.

4. Reasonable uses include:

    a. An officer perceives he/she is being threatened with physical force.

    b. A person actively resists arrest.

    c. A person assaults or attempts to assault a police officer or another person.

    d. Other means of controlling the subject are unreasonable or could cause injury to the subject, the officer or others present.

    e. An officer is threatened by a dangerous animal.

5. OC shall not be used when:

    a. Protestors/Demonstrators who are exercising their Constitutional Rights of Free Speech or Assembly and are non-compliant and passively resisting officer's commands, OC, shall not be used to overcome the resistance. Rather, officers will disengage and contact a supervisor.

    b. A person submits peacefully to arrest and complies with lawful demands during an arrest or while in custody/detention.

    c. A person is simply passively resistant.

    d. A person complies with lawful commands during a valid investigative stop or stop for citation purposes.

    e. Once a subject is incapacitated and/or restrained and under control.

6. Other considerations for use:

    a. Whether innocent bystanders could be affected.

    b. Whether subject is operating a motor vehicle.

    c. Environmental considerations.

    d. Subject location.

    e. Known health conditions of subject.

7. Officers shall carry only department authorized OC canisters in the prescribed manner as authorized by the department.

8. Officers will not brandish or use OC as an intimidation or coercing device, unless the officer is attempting to prevent the further escalation of force.

9. Whenever additional officers are present and it is practical and reasonable, officers should issue and repeat the verbal warning “CLEAR-OC” prior to using OC against a subject.

10. Officers shall distance themselves from the subject to allow the dispensing officer a clear line of fire.

11. Normally subjects should not be provided with the “courtesy” warning before dispensing OC if cross contamination of other officers is not an issue.

B. Subject Handling

1. The effects of OC vary among individuals. Therefore, all subjects shall be handcuffed as soon as practical after being sprayed. Officers must balance the need to control the subject and protect him/her from injuries VS. rushing in too quickly before the spray has had an opportunity to take effect. If ineffective, reassess (CDM) the situation and consider other control/force options available, if feasible.

2. Immediately after spraying a subject, the officer shall:

   a. Give strong, loud, simple verbal commands to the subject while moving laterally out of the subject’s pathway.

   b. Be alert to any indications that the subject needs prompt medical care. This includes, but is not limited to, breathing difficulties, gagging, profuse sweating, and loss of consciousness (See Use of Force Procedures Section 14 Medical Considerations).

   c. Remove the subject from contaminated area as soon as practical.

3. Officers must be particularly aware of asphyxia/breathing issues after OC usage in conjunction with prone or compressed and restrained positioning.

4. Once under control, notify EMS to check the subject and place in a recovery position (side, sitting, standing).

C. Decontamination (Person): The below procedures are not intended to be done in the listed sequence but as quickly as possible.

1. As soon as practical after the subject has been controlled by the use of OC, the officer shall:

    a. Expose the subject to fresh air, if practical.
    b. Flush the subject's face and other affected areas with water or other approved remedy if the subject cooperates.
    c. Ask if the subject suffers from any respiratory disease or other problems such as asthma, bronchitis or emphysema. If the subject complains of or displays symptoms of respiratory distress, medical attention should be summoned immediately.
    d. Assure the subject that the effects of the chemical agent are only temporary.
    e. Remove the affected person from the area.

D. Subject Medical Considerations

1. Shall be in compliance with Use of Force Policy Procedures **Section 14 MEDICAL CONSIDERATIONS.**

2. Subjects that have been sprayed shall be monitored continuously for indications of medical problems and shall not be left alone while in custody until the effects of the OC spray have subsided (typically 30-45 minutes).

3. The officer will ensure any contaminated subject requesting medical treatment will receive treatment from responding EMS without undue delay.

E. Reporting

1. The use of OC constitutes a use of force and, as such, shall be reported in accordance with department Use of Force reporting procedures.

2. Intentional uses of OC against an individual in an enforcement capacity, shall be reported to the officer's immediate supervisor as soon as possible and comply with Use of Force Policy procedures "NOTIFICATIONS TO SUPERVISORS".

3. Any use of OC except during testing and training shall be documented in accordance with department policy.

4. Included in any report will be: a description of the incident, the reason for use, officer(s), type and amount used, response of subject, obvious injuries, as well as, treatment type.

F. Decontamination (Buildings & Vehicles) - Buildings and vehicles where OC has been employed should be decontaminated.

G. Maintenance

1. Officers shall routinely inspect their OC canisters for signs of leakage, damage, expiration date, etc.

2. OC should not be stored in direct sunlight or in areas where the temperature may exceed 120 degrees Fahrenheit.

APPENDIX 3
GUIDELINES FOR THE USE OF THE CONDUCTED ELECTRICAL WEAPON (CEW)

CONDUCTED ELECTRICAL WEAPON (CEW) aka TASER - A device which delivers an electrical energy charge that when deployed in probe mode is designed to override the central nervous system and take control of the skeletal muscles of a subject. It may also be used in a pain compliance/drive stun mode.

A. General Provisions

1. Multiple applications of either mode, particularly continuous cycling, may increase the risk to the subject, should be avoided and absent exigent circumstances not exceed a recommended maximum of three (3) five (5) second successful applications or a total of 15 seconds.

2. As with any use of force option, a CEW does not always function as intended and is not effective on every subject. If ineffective, reassess (CDM) the situation and consider other control/force options available or disengagement, if feasible.
(See Section 05 Force Options, subsection C Restraint and Control)

3. Officers must access the effectiveness of each application and determine if future applications are warranted and objectively reasonable.

4. The CEW authorized for use by the department is the Axon Taser.

5. A CEW has two modes in which it may be used:

   a. Neuro – Muscular – Incapacitation (NMI) or Probe mode: delivers a high voltage, low power charge of electricity that is designed to override the central nervous system (CNS) and take control of the skeletal muscles of the body.

   b. Drive stun mode: delivers the electrical current causing localized pain but does not have a significant effect on the CNS.

6. Officers shall use CEW's when warranted in accordance with the guidelines and procedures in this regulation:

    a. Only officers who have completed the prescribed course of instruction on the use of a CEW are authorized to carry the device.

    b. Officers whose normal duties/assignments may require them to make arrests or supervise arrestees and have been properly trained will carry a department authorized CEW while on duty, if available.

    c. Uniformed officers shall carry only a department authorized CEW in the manner prescribed by the department. Non-uniformed officers may carry a CEW in alternative devices as authorized by the department.

    d. CEW Force is considered a use of force and shall be employed in a manner consistent with the department's Use of Force policy. A CEW may be used to overcome active resistance in accordance with this policy, current case law and current Taser training.

    e. All CEW devices shall be maintained in an operational and charged state by assigned personnel. It will be the responsibility of the officer to whom the device was issued to report damaged, inoperable, or malfunctioning devices to their immediate supervisor. Devices needing repair will be taken out of service.

7. **A CEW may be used:**

    a. Verbal dialogue has failed to bring about the subject's compliance, and;

    b. The subject has signaled his intention to <u>actively resist</u> the officer's efforts to make the arrest or control him/her.

    c. The actions of the subject pose an imminent danger to officers, the public or themselves.

    d. Use of the CEW is reasonable given the circumstances.

8. **CEW shall not be used when:**

    a. Protestors/Demonstrators who are exercising their Constitutional Rights of Free Speech or Assembly and are non-compliant and passively resisting officer's commands, CEW, shall not be used to overcome the resistance. Rather, officers will disengage and contact a supervisor.

    b. Once a subject is incapacitated and restrained.

c. When an officer is attempting to overcome verbal defiance or passive resistance by a subject.

d. Near flammable liquids or fumes or in the immediate area of a suspected methamphetamine laboratory.

e. At a location where if the subject falls he/she is subject to additional injury e.g. elevated areas, proximate to water.

f. When the subject is visibly pregnant, unless deadly force is justified.

g. For belligerence punishment.

h. For horseplay.

9. **CEW deployment should be avoided when:**

   a. The subject is at the extremes of age or physically disabled.

   b. Deadly force is clearly justifiable, unless another officer is present and capable of providing deadly force coverage, to protect the officers and/or civilians as necessary.

   c. The subject is operating a motor vehicle.

10. **Usage Procedures** - CEW's will be used in accordance with current CEW training manual and departmental Use of Force policy to include the following:

    1. Multiple applications of either mode, particularly continuous cycling, may increase the risk to the subject, should be avoided and absent exigent circumstances not exceed a recommended maximum of three (3) five (5) second successful applications or a total of 15 seconds.

    2. If the initial application is ineffective, reassess (CDM) the situation and consider other control/force options available or disengagement, if feasible (See Section 05 Force Options, subsection C Restraint and Control).

    3. Never aim the CEW at sensitive tissue areas such as the eyes, face or groin. Keep hands away from the front of the weapon at all times unless the safety is activated and the CEW deactivated.

    4. Primary Target Area (See TASER Training Manual).
       FRONT: Mid chest line down to avoid the heart to dart ratio.
       BACK: Center mass.

5. Whenever additional officers are present, and it is practical and reasonable, officers should issue and repeat the verbal warning “TASER” prior to using a CEW against a subject.

6. If additional officers are on the scene they should be prepared to use other control or force options if the CEW is ineffective.

7. Allow a reasonable amount of time to assess the effectiveness of the cycle, and to give the subject the opportunity to comply with the verbal commands given.

8. Officers will not deploy multiple CEWs at the same subject, unless the first deployed device fails.

9. When a CEW is used against a subject, it will be for the standard five (5) second cycle or less and then evaluate the need to apply a second cycle after providing the subject with a reasonable opportunity to comply.

10. Only the minimum number of five second cycles necessary to place the subject in custody will be used. Each subsequent cycle requires separate justification based on the “objectively reasonable” standard of Graham v. Connor, 490 U.S. 386 (1989).

11. Be aware that an energized subject might not be able to respond to verbal commands during or immediately following exposure.

12. The five (5) second cycle can be used as a window of opportunity to control the subject while they are affected. If feasible, **quickly** begin restraint procedures (i.e. cuffing under power) to minimize the total duration of CEW exposure(s).

13. Officers must be particularly aware of asphyxia/breathing issues after CEW usage in conjunction with prone or compressed and restrained positioning.

14. Once under control, notify EMS to check the subject and place in a recovery position (side, sitting, standing).

NOTE: **Officers shall be aware there is a higher risk of sudden death, which may exist in subjects under the influence of illicit drugs and/or exhibiting symptoms associated with excited delirium**.

11. Subject Handling

1. Shall be in compliance with Use of Force Policy Procedures **Section 14 MEDICAL CONSIDERATIONS**.

2. Officers will monitor all subjects who have sustained a CEW application while they are in police custody.

3. Probes are not to be removed from the subject until the subject has been secured with handcuffs (and other restraints as necessary).

4. Probes can be removed in accordance with current CEW/Taser training and recommendations.

5. After probes are removed, the sites shall be photographed.

6. Cartridges, probes, wires and AFID's shall be collected as evidence and shall be retained in accordance with department evidence procedures.

7. Should the probes penetrate soft tissue in areas such as the face, neck, groin, probes are to be removed only by medical (hospital) personnel.

12. Reporting

1. The use of a CEW constitutes a use of force and, as such, shall be reported in accordance with department Use of Force reporting procedures.

2. Intentional uses of a CEW against an individual in an enforcement capacity, as well as, accidental discharges shall be reported to the officer's immediate supervisor as soon as possible and comply with Use of Force Policy procedures "NOTIFICATIONS TO SUPERVISORS".

3. All discharges of a CEW except during testing and training shall be documented in accordance with department policy.

4. Included in any report will be: a description of the incident, the reason for use, officer(s), type and serial number of unit(s), mode used, expended cartridge serial number (if used), where CEW struck subject, response of subject, obvious injuries, as well as, treatment type.

13. Supervisor/OIC Responsibilities:

1. Ensure that officers who deploy the CEW are qualified to do so and that a report indicating its use is completed.

2. Respond to the scene when a CEW has been used.

3. Conduct scene investigation when a CEW has been used.

4. Ensure that EMS personnel examine the subject as required by policy; if the subject makes a formal request to be checked; or if the subject is having an apparent problem as a result of the CEW use.

5. Ensure that the leads used are collected, as well as the expended cartridge and several of the AFID's. Submit all as evidence.

6. When practical, photographs should be taken documenting any injuries.

APPENDIX 4
GUIDELINES FOR THE USE OF POLICE BATONS

Police Batons (straight or expandable) are impact devices that can provide means by which an officer can defend himself/herself or others from injury when targeted towards appropriate target areas to cause incapacitation and/or compliance.

A. General Provisions

1. As with any use of force option, an impact device does not always function as intended and is not effective on every subject. If ineffective, reassess (CDM) the situation and consider other control/force options available, if feasible (See Section 05 Force Options, subsection C Restraint and Control).

2. Batons are considered a use of force and shall be employed in a manner consistent with this regulation and department Use of Force policy. It is considered an "Impact Force" technique that should be considered with other available alternative techniques.

3. No officer shall carry a baton unless it has been authorized by the department and they have completed approved training.

4. Depending on baton type, the baton should be carried in a baton ring, appropriate scabbard or in a low-profile position when the baton is not in use.

5. The officer will not unnecessarily brandish or use the baton as an intimidation or coercing device, unless the officer is attempting to prevent the further escalation of force.

6. In the event that the officer's use of the baton is not feasible, it may be objectively reasonable to use an alternative object.

7. As with other uses of force, application of batons will cease when the subject stops resistance or aggression, or when the arresting officers(s) have gained sufficient control of the subject.

8. Protestors/Demonstrators who are exercising their Constitutional Rights of Free Speech or Assembly and are non-compliant and passively resisting officer's commands, impact devices, shall not be used to overcome the resistance. Rather, officers will disengage and contact a supervisor.

B. Usage Procedures

1. Strikes with a baton should be delivered to the following areas:

   a. Primary targets - major muscle masses. The primary targets are the major muscle masses, such as the forearm, thigh, or calf. These locations should be selected because of low implication of injury to the subject. Impacts to these areas normally create severe muscle cramping which inhibits the subject's ability to continue aggression.

   b. Secondary target areas - joints or bones. If primary areas are unavailable or unreasonable target areas, secondary target areas are joints or bones. For example, elbows, wrists and knees. These areas carry a higher probability of creating damage to soft or connecting tissues, as well as bone fractures.

   c. Deadly force targets. Include head, neck, throat, spine and internal organs and are considered target areas which the officer may strike if justified in using deadly force. These impact points have high implications of creating severe injury in the form of great bodily harm or death. Therefore, the officer will avoid intentionally striking these areas during any confrontation, **unless the level of resistance is severe enough to justify the use of deadly force.**

C. Subject Handling

1. Shall be in compliance with Use of Force Policy Procedures **Section 14 MEDICAL CONSIDERATIONS**.

D. Reporting

1. The use of an impact device constitutes a use of force and, as such, shall be reported in accordance with department Use of Force reporting procedures.

2. Intentional uses of an impact device against an individual in an enforcement capacity shall be reported to the officer's immediate supervisor as soon as possible and comply with Use of Force Policy procedures "NOTIFICATIONS TO SUPERVISORS".

3. Any and all injuries caused by an impact device shall be photographed and documented within a report.

4. The report must include a description of the incident, the reason for the impact device, officers involved, where the device struck the subject, the response of the subject, obvious injuries, as well as treatment rendered.

APPENDIX 5
GUIDELINES FOR THE USE OF EXTENDED RANGE IMPACT DEVICES

Extended range impact devices are approved for use in subduing violent or potentially violent individuals recognizing that combative, non-compliant, armed and/or violent subjects cause handling and control problems that require special training and equipment.

Protestors/Demonstrators who are exercising their Constitutional Rights of Free Speech or Assembly and are non-compliant and passively resisting officer's commands, EXTENDED RANGE IMPACT DEVICES, shall not be used to overcome the resistance. Rather, officers will disengage and contact a supervisor.

A. General Provisions

1. Only department issued and specifically designated less-lethal weapon systems and munitions/impact projectiles are authorized. They may include the 12-gauge bean bag round and/or the 40mm Foam Round.

2. Officers shall use extended range impact devices when warranted in accordance with the guidelines and procedures in this regulation.

3. Only officers that have successfully completed a departmental approved training and qualification course in the proper use and deployment of extended range impact projectiles will be authorized to deploy them during actual operations.

4. Any officer that has been trained and is currently qualified to use the extended range impact device may use this weapon if justified by the circumstances. The Supervisor/OIC will be notified as soon as practical of the impending/intended use of these devices.

5. Extended range impact devices are considered a use of force and shall be employed in a manner consistent with the department's Use of Force policy. It is considered an "Impact" force technique that should be considered with other available alternative techniques. Circumstances that may justify the use of these devices include, but are not limited to:

   a. Situations where subjects are actively aggressive toward officers or bystanders.

   b. Safely controlling violent or potentially violent persons.

   c. Subduing vicious animals.

d. Situations where a Supervisor/OIC deems their use to be reasonably necessary to safely resolve the incident and prevent escalation of an incident to a life threatening situation.

e. Restoration of order during civil disturbances (**not peaceful demonstrations/marches**) involving active aggression toward persons or property

f. Where deadly force is clearly justifiable; however, another officer must be present and capable of providing deadly force coverage, to protect the officers and/or civilians as necessary.

6. Any deployment of these devices shall be done within accordance of all department policy, less-lethal manufacturer recommendations, as well as department device training and standards.

7. As with other uses of force, application of extended range impact devices will cease when the subject stops resistance or aggression, or when the arresting officers(s) have gained sufficient control of the subject.

8. The following conditions may preclude the use of extended range impact devices, unless deadly force is justified:

a. Where the size, age, and/or weight of the subject would increase the potential of serious bodily injury or death.

b. Where there is an obvious or known medical condition that would increase the potential of serious bodily injury or death to the subject.

c. Where the use of an extended range impact device would increase the risk to hostages or other person(s).

B. Usage Procedures

1. If possible, officers on scene should be notified that the impact device will be deployed should issue and repeat the verbal warning “BEAN BAG” prior to using against a subject.

2. Subject target areas are based on the circumstances and level of force authorized:

a. Primary targets - major muscle masses. The primary targets are the major muscle masses of the lower body. These locations should be selected because of low implication of injury to the subject. Impacts to these locations normally create severe muscle cramping which inhibits the subject’s ability to continue aggression.

b. Secondary target areas - joints or bones. If primary areas are unavailable or unreasonable target areas, secondary target areas are joints or bones, preferably of the lower body. These areas carry a higher probability of creating damage to soft or connecting tissues, as well as bone fractures.

c. Deadly force targets. Include head, neck, throat spine, internal organs and are considered target areas which the officer may strike if justified in using deadly force. These impact points have high implications of creating severe injury in the form of great bodily harm or death. Therefore, the officer will avoid intentionally striking these areas during any confrontation, **unless the level of resistance is severe enough to justify the use of deadly force**.

d. Rounds are to be precisely aimed at portions of the subject's body. Consideration must also be given to target isolation so innocent people in the immediate area are not harmed should a round miss the intended target.

C. Effects of an extended range impact device.

1. They should temporarily incapacitate subjects, reducing the ability to continue aggressive action. Incapacitation occurs from the shock wave, pain and movement of tissue and injury.

D. Subject Handling

1. Shall be in compliance with Use of Force Policy Procedures **Section 14 MEDICAL CONSIDERATIONS**

2. All subjects struck by less-lethal projectile impact munitions must be evaluated by emergency medical services. They shall then be transported to a medical facility for further treatment if necessary.

E. Reporting

1. The use of less-lethal impact projectile munitions constitutes a use of force and, as such, shall be reported in accordance with department Use of Force reporting procedures.

2. Intentional uses of a less-lethal impact projectile against an individual in an enforcement capacity shall be reported to the officer's immediate supervisor as soon as possible and comply with Use of Force Policy procedures "NOTIFICATIONS TO SUPERVISORS".

3. Any and all injuries caused by less-lethal impact projectile munitions shall be photographed and documented within a report.

4. The report must include a description of the incident, the reason for the use of less-lethal force, officers involved, type and number of rounds fired, where the rounds struck the subject, the response of the subject, obvious injuries, as well as treatment rendered.

APPENDIX 6
GUIDELINES FOR THE USE OF HANDCUFFS - FLEXIBLE CUFFS – LEG SHACKLES

A. General Provisions

Every individual who is taken into custody shall be properly restrained by the use of handcuffs or flexible handcuffs. So as to eliminate the possibility of the prisoner utilizing the handcuffs as a weapon, unless a pre-existing injury, medical condition, age or physical reasons prohibit, the prisoner's hands are to be handcuffed behind the back with palms together or back-to-back.

Once controlled, based on subject size, consider using "Double Cuffing" option. This allows the chest to have better expansion for breathing.

1. An exception to this procedure will be the use of an approved handcuff waste belt.

2. The use of leg shackles and waist belts when transporting a prisoner are permissible. Some factors that may be considered when using these devices include:

    a. The nature of the charges against the prisoner.
    b. The escape potential of the prisoner.
    c. The risk of assault by the prisoner.
    d. Number of officers on the transport.
    e. Age and health of subject, pregnancy, and/or physical disability

3. Whenever handcuffs or leg shackles are utilized, they will be double-locked.

4. As soon as possible and safe to do so, handcuffs and if applicable leg shackles, shall be checked for proper fit (i.e. visual inspection, finger sweep test).

5. Indicate in the narrative portion of the arrest/incident report that handcuffs, flexible handcuffs and if applicable leg shackles, were checked for fit (tightness) and double locked.

6. If a prisoner makes a complaint with respect to the tightness of handcuffs, flexible handcuffs or leg restraints, as soon as possible and safe to do so, recheck for proper fit and document your efforts in the narrative portion of the arrest/incident report.

7. Officers must be particularly aware of **asphyxia issues** in conjunction with prone or compressed and restrained positioning. As soon as possible and safe to do so, get him/her off their stomach and place in a side, seated or standing position.

8. Arrestees shall not be handcuffed to any part of the transporting vehicle, such as a door post.

9. In the event an individual is handcuffed for "Officer Safety" purposes and not arrested or cited, the reporting officer must be able to articulate facts and circumstances that would lead an objectively reasonable officer to believe that there is a reasonable safety concern.

10. Additional restraint devices may be approved and be used to secure an individual who violently resists arrest or who acts in a manner that indicates he or she poses a threat to him/her or to the public. Officers should use only those restraints that appear necessary to control the situation and only for the period of time required.

11. When practicable, the requirements of this directive will be followed when transporting mentally disturbed prisoners. For those situations in which the mentally disturbed prisoner poses a significant threat to him/her self or the officer(s), an additional restraining device, such as medical restraints or a stretcher with restraining devices, may be used in order to securely restrain the individual.

SIX REMINDERS:

* ASAP and safe to do so, get him/her off their stomach and place in a side, seated or standing position.
* ASAP and safe to do so, check for fit after the cuffs/shackles are applied (visual inspection, finger sweep test).
* Always, double lock.
* ASAP and safe to do so, respond to any complaint of tight restraints and *document your response.*
* Remove cuffs/shackles when safe to do so.
* Once controlled, based on subject size, consider using "Double Cuffing" option. Allows better chest expansion for breathing.

APPENDIX 7
USE OF FORCE REPORT

INSTRUCTIONS: Complete for each arrest whenever physical force is used to overcome resistance to an arrest or when any device other than handcuffs is used. Check all that applies in each category.
PLACE (X) MARK OR NUMBER AT EACH ITEM AS APPROPRIATE

Incident #_____

Officer:_____

Date:_____ Time:_____

Division/Unit (one only): UNIFORM ☐ DETECTIVE ☐ TASK FORCE ☐ OTHER ☐

Characteristics of Officers		
	1st Officer	2nd Officer
Age		
Ht.	inches	inches
Wt.	lbs.	lbs.
Sex	M☐ F☐	M☐ F☐
Race	W☐ B☐ O☐	W☐ B☐ O☐

Characteristics of Suspects		
	1st Suspect	2nd Suspect
Age		
Ht.	inches	inches
Wt.	lbs.	lbs.
Sex	M☐ F☐	M☐ F☐
Race	W☐ B☐ O☐	W☐ B☐ O☐

Suspect			Officer	
Y	**N**	**Medical Attention**	**Y**	**N**
		Offered & Refused		
		1st Aid at Scene		
		EMS		
		Transport to Hosp.		

# Present at Scene Including Self		
# Present	**Initially**	**Completion**
# of Officers		
# of Suspects		
# of Bystanders		

Suspect			Officer	
Y	**N**	**Words Between Officer & Suspect**	**Y**	**N**
		Conversational Voice		
		Command Voice		
		Shouting/Cursing		
		Verbal Threats		

Prior Knowledge of Suspect	**Y**	**N**
Believed to Carry Weapons		
Believed to Have a Crim. Record		
Believed to be Assaultive		
Believed to be Cooperative		
Believed to be Uncooperative		
No Prior Knowledge		

Suspect's General Response To Police	**Y**	**N**
Immediate Compliance with Officer's Requests		
Disrespectful or Obscene Gesture		
Threatening Stance		
Verbal Resistance		
Passive Resistance (go limp, etc.)		
Defensive (active) Resistance		
Evade, Hide or Flee From Police		
Assaultive Toward Police		
Used or Tried to Use Deadly Force Against Police		

Suspect			Officer	
Y	**N**	**Weaponless Tactics**	**Y**	**N**
		Threatened Force		
		Spit		
		Grab Arm		
		Twist Arm		
		Push/Shove		
		Wrestle/Scuffle		
		Hit or Punch		
		Kick		
		Bite, Scratch		
		Pressure Point		
		Control Hold:		
		Other:		

Y	**N**	**Type of Approach**
		Routine Approach
		Backup Requested
		Code 2 Response
		Code 3 Response

Impairment	**Yes**	**No**	**Unknown**
Drugs			
Alcohol			
Other			