



GENERAL ORDER

Section 105-3

CHAPTER: 105 Regulations		ACCREDITATION REFERENCE STANDARD 20.1-20.6-21.2	
SUBJECT: Use of Force / Response to Resistance			
ISSUE DATE: 2/17/1999	EFFECTIVE DATE: 3/20/1999	REVISES/SUPERSEDES: 11/22	PAGE: 1 of 6

PURPOSE

To establish guidelines for the use, reporting and review of physical force, including deadly physical force, by sworn members of the Department.

POLICY

It shall be the policy of the Department that the amount of force used by officers to effect an arrest, prevent an escape, in defense of themselves or others, or for any lawful purpose shall be *objectively reasonable* under the circumstances. The standard of objective reasonableness, as established by the United States Supreme Court, is intended to provide officers with guidelines for the use of force, including deadly physical force, which embodies allowance for the fact that police officers are often forced to make split-second judgments in circumstances that are tense, uncertain and rapidly evolving.

DEFINITIONS

1. **Objectively Reasonable** - An objective standard used to judge an officer's actions. Under this standard, a particular application of force must be judged through the perspective of a reasonable officer facing the same set of circumstances, without the benefit of 20/20 hindsight, and be based on the totality of the facts that are known to that officer at the time that the force was used.
2. **Physical Injury** - Impairment of physical condition or substantial pain.
3. **Serious Physical Injury** - Physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.
4. **Deadly Physical Force** - Physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.

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EQUIPMENT

Officers shall only carry Department issued and/or approved use of force equipment in the performance of their official duty. In exigent circumstances officers may use any equipment or resources that may become available in accordance with any lawful use of force.

USE OF FORCE

1. In general terms, force is authorized to be used when reasonably believed to be necessary to effect a lawful arrest or detention, prevent the escape of a person from custody, or in defense of one's self or another.
2. The officer shall use only such force as is *objectively reasonable* as judged from the perspective of a reasonable officer on the scene under the totality of the circumstances known at the time.

FACTOR TO AID IN THE DETERMINATION OF OBJECTIVELY REASONABLE FORCE

1. Factors that may be used in determining the reasonableness of force include, but are not limited to:
 - a. The severity of the crime or circumstance;
 - b. The level and immediacy of the threat or resistance posed by the subject;
 - c. The potential for injury to citizens, officers, and subjects;
 - d. The risk or attempt of the subject to escape;
 - e. The knowledge, training, and experience of the officer;
 - f. Officer/subject considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers or subjects;
 - g. Other environmental conditions or exigent circumstances.

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USE OF DEADLY PHYSICAL FORCE

1. Officers may use Deadly Physical Force to protect themselves or others from what the officer reasonably believes is an imminent threat of serious physical injury or death.
2. Deadly physical force may be used to stop a fleeing suspect where:
 - a. The officer has probable cause to believe the suspect has committed a felony involving the infliction or threat of serious physical injury or death; **and**,
 - b. The officer reasonably believes that the suspect poses an imminent threat of serious physical injury or death to the officer or others
3. Where feasible and with due regard to the safety of the officer(s) and others, some warning should be given prior to the use of deadly physical force.

DE-ESCALATION

When feasible and practicable, and with due regard to the safety of the officer(s) and others, officers should strongly consider the use of de-escalation techniques before further escalation of force as may be reasonable.

PROHIBITED USES OF FORCE

1. Force shall not be used by an officer for the following reasons:
 - a. To extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present;
 - b. To coerce a confession from a subject in custody;
 - c. To obtain blood, saliva, urine, or other bodily fluids or cells from an individual for the purposes of scientific testing in lieu of a court order where required;
 - d. Against persons who are handcuffed or restrained unless used to prevent injury, escape or otherwise overcome active or passive resistance posed by the subject.

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2. Officers shall not apply pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air or obstruct the circulation of blood except in such exigent circumstances where the officer reasonably believes Deadly Physical Force would be authorized.

SPECIFIC CONSIDERATIONS

1. Firing at Moving Vehicles: Officers may only fire at moving vehicles when they reasonably believe there is no feasible alternative to defend against Deadly Physical Force being used or threatened against themselves or others.
2. Warning Shots: Officers shall not fire so-called “warning shots.”
3. Firing Shots for Alarm: Officers shall not discharge firearms to summon assistance except where the officer’s safety or that of another is endangered and there is no reasonable alternative.
4. Recreational Use: Officers may discharge firearms for lawful recreational purposes including, but not limited to, target practice, competitions and hunting, in accordance with applicable law, rules and regulations.

DUTY TO INTERVENE

1. Any officer present and observing another officer using force that such officer reasonably believes to be clearly beyond that which is *objectively reasonable* under the circumstances shall intercede to prevent the use of unreasonable force, if and when the officer has a realistic opportunity to prevent harm.
2. In the event an officer observes another officer using such unreasonable force, the officer shall promptly report such observations to the On-Duty Supervisor or the Division Commander in his/her absence.
3. Upon receipt of such report, the Duty Supervisor, Division Commander or his/her designee shall submit a Personnel Complaint Form for Department investigation in accordance with General Orders Section 120-2 *Personnel Complaints*.

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MEDICAL AID

1. Where any weapon is used by an officer, such officer, or another if he/she is incapable, shall promptly evaluate the need for medical assistance.
2. Any injuries resulting from a use of force incident shall result in the appropriate and timely medical attention being provided to the injured party.

REPORTING AND REVIEW

1. Where an officer uses force that results in a physical injury, such incident shall be promptly reported to the On-Duty Supervisor. If there is no supervisor on duty, the Desk Officer shall promptly report such incident to the Division Commander.
2. An official blotter and/or incident report and a Department *Use of Force Report* shall be completed to document any *Reportable Use of Force* incident.
3. A Reportable Use of Force shall consist of the following:
 - a. Use of physical force that results in physical injury or complaint of pain except complaints of minor discomfort from compliant handcuffing;
 - b. Use of force incidents that a reasonable person would believe is likely to cause an injury;
 - c. Brandish, use or discharge a firearm at or in the direction of another person
 - d. Use of a chokehold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air;
 - e. Brandish, use or deploy a chemical agent;
 - f. Brandish, use or deploy an impact weapon;
 - g. Brandish, use or deploy a conducted energy device (CED);
 - h. Conduct which results in death or serious physical injury.

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SUPERVISORY REVIEW

1. The On-Duty Supervisor or Division Commander may respond to the scene to supervise the investigation of a Reportable Use of Force.
2. Upon notification of a Reportable Use of Force, the Supervisor shall:
 - a. ensure medical attention has been offered or provided as necessary;
 - b. ensure the completion of blotter(s), incident report(s) and *Use of Force Report(s)* are completed as soon as practicable;
 - c. ensure photographs are taken of any observed or reported injuries.
 - i. Consideration should be given that photographing the lack of injury may be helpful in the proper documentation of a use of force.
3. The Division Commander shall complete the *Use of Force Review* form upon completion of the investigation of a Reportable Use of Force.
4. When the discharge of a firearm by an officer results in the physical injury or death of another person, the On-Duty Supervisor shall secure said firearm for investigatory purposes and shall issue a replacement firearm as soon as is reasonable and practicable.
5. The involved firearm shall be handled as evidence and its condition properly documented.

TRAINING

1. All officers shall receive training and demonstrate their understanding on the proper application of force.
2. Training topics shall include use of force, conflict prevention, conflict resolution and negotiation, and de-escalation techniques and strategies including, but not limited to, interacting with persons presenting in an agitated condition as well as duty to intervene and prohibited conduct.