

#### **3.1.4.4 USE OF FORCE**

A police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is necessary in all circumstances.

Force should be used with the greatest restraint and after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer will refrain from applying the unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person. (See also § 3.1.6, use of force.)

#### **3.1.6 USE OF FORCE**

##### **3.1.6.1 GENERAL GUIDELINES (KACP)**

In all instances, police officers of this Department are expected to use the minimum force necessary to lawfully and properly neutralize an unlawful assault or that which is necessary to overcome resistance by a person taken into custody.

The Department has a number of policing equipment and/or tools that are manufactured with the intent to be used as less than lethal force devices and/or distraction devices. If and when equipment and devices of this nature are used, they should be used within the manufacturer's guidelines and by personnel that have been trained in their respective use. However, nothing in this policy prohibits their use in extraordinary situations or circumstances that were not or could not be reasonably foreseen.

An officer is not justified in the use of deadly force to protect himself or others from assaults which are not likely to result in death or serious physical injury.

##### **3.1.6.2 USE OF FORCE CONTINUUM (KACP)**

Use of force generally holds the following options that can be selected by an officer based on the totality of the circumstances.

###### **1) Officer's Presence in Uniform**

###### **2) Verbal Commands**

- Verbal Communication
- Non-Verbal Communication

###### **3) Canine Unit Presence**

###### **4) Passive Control**

- Pain Compliance Holds
- Escort Techniques
- Light Subject Control

###### **5) Oleoresin Capsicum Aerosol Spray**

- OC Products

###### **6) Taser**

###### **7) Decentralization**

- Heavy Techniques of Subject Control
- Defensive Tactics

###### **8) Empty Hand Impact**

- Stunning Techniques

###### **9) Aerosol Chemical Agents**

- CN Tear Gas
- CS Irritant

###### **10) Less Lethal Force**

- Pepper Ball
- Bean Bag
- Baton Rounds

###### **11) Canine Deployment**

- Canine is instructed by handler to apprehend

###### **12) Intermediate Force**

- Baton

### **13) Lethal Force**

- Firearms

#### **3.1.6.3 SPECIFIC (KACP)**

1) The use of physical force by an officer upon another person is justifiable when the officer, acting under official authority, is making or assisting in making an arrest, and he:

a) Believes that such force is necessary to effect the arrest;

b) Makes known the purpose of the arrest or believes that it is otherwise known or cannot reasonably be made known to the person to be arrested; and

c) Believes the arrest to be lawful.

2) The use of deadly physical force by an officer upon another person is justifiable under the circumstances listed above only when:

a) The officer, in effecting the arrest, is authorized to act as a peace officer; and

b) The arrest is for a felony involving the use or threatened use of physical force likely to cause death or serious physical injury; and

c) The officer believes that the person to be arrested is likely to endanger human life unless apprehended without delay.

3) The use of physical force, including deadly physical force, by an officer upon another person is justifiable when the officer is preventing the escape of an arrested person, but is limited to the same requirements of justification of the use of force under items 1) and

2) above to re-effect the re-arrest:

4) Force likely to cause death or serious physical injury may not be used on mere suspicion that a crime, no matter how serious, was committed or that the person being pursued committed the crime. Officers should either have witnessed the crime or should have probable cause to believe the suspect committed an offense for which the use of deadly force is permitted. Flight in and of itself is not necessarily evidence of the commission of a crime and is not sufficient reason for the use of firearms.

5) Justification for the use of deadly force must be limited to what reasonably appears to be the facts known by an officer at the time he decides to use such force. Facts unknown to the officer, no matter how compelling, cannot be considered in later determining whether the shooting was justified.