

# River Bend Police Department

## Use of Less Lethal Force

### General Order 13

**Effective Date 05/01/2012**

See General Order 18 for CEW and Bean Bag Round

- 13.01**      **Purpose:** The purpose of this policy is to provide officers of the River Bend Police Department with guidelines on the proper use of less lethal force. In today's society, officers are confronted daily with situations where control must be exercised to affect arrests and to protect the public's safety. Control may be achieved through officer presence, advice, warnings, persuasion or, when all other reasonable means have failed, by the proper use of physical force. This policy shall be in effect whether an officer is on or off-duty.
- 13.02**      **Policy:** Officers of the River Bend Police Department will only use the force necessary and reasonable under the circumstances to affect their legal duty. The use of necessary force is permitted only after all other reasonable means of effecting compliance have failed. No officer will use unreasonable or excessive force toward any person. Documentation of the use of force will be in compliance with the provisions of Section 13.11.
- 13.03**      **Definitions:** The following definitions of terms will apply throughout this general order.
- Deadly Force:* Deadly force is that force that is intended to or likely to inflict serious bodily injury or death.
- Non Deadly Force:* Non-deadly force is force that is not reasonably likely to inflict serious bodily injury or death.
- Excessive Force:* Excessive force is any force that is unreasonable or unnecessary under the circumstances. Excessive force is inappropriate and will not be tolerated.
- Reasonable Belief:* When facts or circumstances the officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
- Serious Physical Bodily Injury:* Serious physical bodily injury that creates a substantial risk of death, permanent disfigurement, or long-term loss or impairment of the function of any bodily member or organ.
- 13.04**      **Disclaimer:** This policy is for River Bend Police Department use only and does not apply in any criminal or civil proceeding. The department policy shall not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this policy will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.
- 13.05**      **Use of Less Lethal Physical Force:** The first step in controlling any situation is to attempt to inspire respect and generate cooperation and approval of the public. The manner in which an employee speaks can be an effective means of exerting verbal force in order to control a situation. Volume and tone control in and of itself may be progressive in nature depending upon the circumstances. By using reasonable and necessary verbal force, employees may not have to resort to the use of other forms of force.

Police officers are justified in using force that they reasonably believe is necessary to take a person into custody and/or defend themselves or others from bodily harm while making an arrest.

**13.05.01** Parameters for Use of Less Lethal Physical Force: When deadly force is not authorized, officers shall use only that level of force on the **Continuum of Force** that is reasonably necessary to de-escalate the incident and bring it under control.

Officers are authorized to use less lethal physical force techniques and issued equipment for resolution of incidents as follows:

1. To protect themselves or another from physical harm.
2. To restrain or subdue a resistant individual.
3. To bring an unlawful situation safely and effectively under control.

**13.06** **Less Lethal Weapons:** Department authorized less lethal weapons include impact weapons, chemical agents, Taser, Bean bag rounds and OC Spray. All personnel authorized to carry a less lethal weapon shall receive a copy of and instruction in this general order prior to being issued a less lethal weapon. The use of less lethal weapons shall conform to the guidelines of this order and General Order 18

**13.06.01** Officers shall carry only those weapons authorized by the Chief of Police through the policies of the department. Weapons and devices such as saps, blackjacks, sap gloves, brass knuckles and hunting knives are prohibited.

**13.06.02** Flashlights are intended to be used as illuminating devices only, and not as weapons. However, when circumstances dictate the use of a flashlight as an impact weapon, all the provisions of section 13.08 will apply.

**13.06.03** Officers shall only carry the department issued chemical agent. This sub-section shall not apply to the use of other chemical agents when authorized by the Chief of Police during special operations.

**13.07** **Less Lethal Weapons Training**

**13.07.01** The department shall train all authorized personnel bi-annually alternating between the use of impact weapons and OC Spray.

**13.08** **Impact Weapons:** Impact weapons are issued as a progressive escalation in the use of force which is less than deadly force and another alternative to the use of firearms or other lethal force as a means to defend officers and citizens from physical attack and to control hostile suspects during an arrest situation. The provisions of this order apply to the collapsible baton (ASP), unless specifically stated otherwise.

**13.08.01** **Intentionally** striking the head with an impact weapon shall be considered **deadly force**, and must comply with department policies on the use of deadly force in General Order 15 - Use of Force and Firearms.

**13.08.02** **Any** incident in which an officer uses an impact weapon to strike a person or to apply a pain compliance technique must be reported to the Chief of Police. Documentation shall comply with Section 13.11.

- 13.08.03** General Use of the Collapsible Baton (ASP): The collapsible baton is regarded as a weapon, and the use of the baton is an escalation of normal force; therefore, sound judgment must govern its use. The use of any baton must be consistent with department policies on the use of force. When utilizing the collapsible baton, officers shall use only that degree of force that is reasonable and necessary to protect citizens and law enforcement personnel from physical attack or to overcome actual physical resistance to arrest.
- 13.08.04** Any officer carrying the collapsible baton on duty must have satisfactorily completed an approved training course in its use. Any officer failing to satisfactorily complete a required training course shall receive remedial training to correct any identified deficiencies.
- 13.08.05** Uniformed officers assigned to field patrol duties shall carry the issued collapsible baton and have readily available the issued flashlight as an integral part of the uniform while on duty.
- 13.08.06** The issued collapsible baton and flashlight shall be carried and/or utilized only as issued and authorized, and no changes, alterations, modifications, or substitutions shall be made to the issued collapsible baton.
- 13.09** **O.C. Spray:** Any officer carrying O.C. spray on duty must have satisfactorily completed an approved training course in its use. Officers shall carry only the O.C. spray issued by the River Bend Police Department. The use of O.C. spray constitutes a use of force and is subject to the same documentation and review as outlined in Section 13.11.
- 13.09.01** Medical Treatment of Suspects: O.C. spray does not normally cause long lasting effects.
1. Individuals sprayed with O.C. spray shall be sanitized when practical and/or afforded medical treatment if requested, prior to being transported.
  2. When practical, individuals sprayed with O.C. spray should be removed to an area of uncontaminated air and faced into the wind prior to being transported.
  3. If an individual has not fully recovered from the effects of the spray after 45 minutes, medical attention shall be obtained immediately.
  4. Employees should be alert for persons who suffer from profuse sweating, chest pains or slow, shallow breathing as they may be experiencing cardiac distress, not as a result of the spray, but as a result of the incident.
  5. Any individual who experiences any of those symptoms or other unusual reactions or who complains of symptoms other than those that are normally expected from the use of O.C. spray must be afforded medical attention immediately regardless of the amount of time between the use of O.C. spray and the onset of the symptoms.
- 13.09.02** **Positional Asphyxia:** *Because of the danger of suffocation, officers shall not allow a suspect who has been sprayed to remain on the suspect's stomach while the suspect is in a restraint device.*
- 13.10** **Officer Involved Use of Less Lethal Force:** An officer who is involved in the use of less lethal force as described in Section 13.05, shall immediately comply with the following:
- A. Ensure that the suspect is no longer a threat to the officer or others, determine the extent

of any injuries, and summon the appropriate emergency medical aid.

- B. Notify the Chief of Police of the incident and location.
- C. Remain at the scene unless doing so would further endanger the officer or unless directed otherwise by a supervisor.
- D. Protect the scene and locate possible witnesses.

**13.11 Documentation of Use of Force:** The Defensive Tactics Review Form (RBPd#11) and an Offense/Incident Report will be completed whenever an officer takes any action that results in injury or a complaint of injury to another person, or when an officer takes any of the following actions:

- A. Uses an impact weapon, OC spray, hard empty hand control, or higher response listed on the Use of Force Continuum to overcome resistance by a suspect during an arrest or detention or to defend any person from an aggressive action by a suspect; **or**
- B. Such use of force to require medical treatment (Note: Not applicable if EMS is refused.)

**13.11.01** A supervisor who becomes aware that an officer has taken any action that resulted in, or is alleged to have resulted in, the injury of another person or has used any physical force against another person as defined in 13.05 shall conduct a preliminary investigation of the incident to determine compliance with department policy and procedure and shall ensure that the officer has properly documented the incident, prior to going off duty.

- 1. The reviewing supervisor will prepare a Use of Force Review packet containing a copy of the original police report or Field Interview Report, the original Defensive Tactics Review Form (RBPd#11) and any photographs. The Use of Force Review packet will be forwarded to the Chief of Police prior to the officer going off duty.

**In all cases, the Use of Force Review packet will be forwarded to the Chief of Police for final review and determination of compliance with department policy.**

**13.11.02** Exceptions: Officers are not required to complete a Defensive Tactics Review Form (RBPd#11) under the following circumstances:

- 1. For merely using a firm grip control or taking the subject to the ground, that does not result in injury, or merely using force necessary to overcome passive resistance due to physical disability or intoxication that does not result in an requiring medical treatment. (Note- Does not apply if EMS is refused)
- 2. Routine handcuffing of an arrested person.
- 3. Routine handcuffing of a detained person where the person/suspect is:
  - A. Lawfully detained under the constitution and
  - B. Possess a real or potential threat of harm to the officer or others on scene **or**,
  - C. Felony/High Risk Traffic Stop driver/occupants.
- 4. Justified destruction of an animal or reptile. .

**13.11.03** Retention of Files: All Use of Force Review packets will be retained by the Chief of Police. There will be a regular review of Use of Force Review packets by the Chief of Police to ascertain the need for remedial training and/or policy revision.

**13.12** **Relief from Duty:** Any officer whose use of force results in the serious physical bodily injury of another person, shall be placed on administrative leave with pay or assigned administrative duties pending the outcome of the investigation.

The Chief of Police shall determine when the involved officer(s) will be returned to regular duty status and shall notify the officer(s) of the final outcome as soon as feasible. Where practical, the involved officer(s) shall be informed weekly of the status of the investigation.

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