

# SPRINGFIELD POLICE DEPARTMENT

<input checked="" type="checkbox"/> <b>DEPARTMENT DIRECTIVE</b> <input type="checkbox"/> <b>DIVISION DIRECTIVE</b>		<b>DIRECTIVE NUMBER</b> 20-057	<b>UOF-01</b>
<input checked="" type="checkbox"/> <b>GENERAL ORDER</b> <input type="checkbox"/> <b>NOTICE</b> <input type="checkbox"/> <b>SPECIAL ORDER</b> <input type="checkbox"/> <b>LEGAL NOTICE</b>			<b>ISSUE DATE</b>
<b>SUBJECT:</b> <b>USE OF NON-LETHAL/LESS LETHAL FORCE</b>	<b>DISTRIBUTION</b> A, B	<b>REVISION DATES</b> 06/05/00, 09/22/00, 01/19/05, 08/16/06 11/06/08, 05/13/10, 05/13/10, 01/17/18, 08/28/19	<b>EFFECTIVE DATE</b>
<b>REFERENCES:</b> G.O. ROC-2, Rules of Conduct, Ad. 1, 2, PPCT Defensive Tactics Instructor Manual; 720 ILCS 5/7-5.5(c)			<b>RESCINDS:</b> UOF-01 / 19-013

## I. PURPOSE

This general order states Department policy and guidelines regarding:

- A. Provisions of the law relating to the use of non-lethal and less lethal force by police officers in response to resistance;
- B. The treatment of citizens by Department members concerning verbal communication and the use of non-lethal and less lethal force by police officers.

## II. POLICY

It is the policy of this Department to:

- A. Authorize an officer to use non-lethal and less lethal force as defined in this order only when it is objectively reasonable under the totality of the circumstances. All officers will comply with existing law regarding the use of non-lethal and less lethal force.
- B. Have the affirmative duty to value and preserve human life. Officers shall use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the officer and others.
- C. Use force only when no reasonably effective alternative appears to exist and shall use only the level of force which an objectively reasonable officer would use under the same or similar circumstances
- D. Have the affirmative duty to intervene to prevent or stop any unreasonable force being used by another officer whenever it is safe and reasonable to do so. All instances of unreasonable force will be immediately reported to a supervisor irrespective to the success or failure of the intervention.
- E. Use de-escalation techniques to prevent or reduce the need for force when it is safe and feasible to do so based on the totality of the circumstances. This includes continually assessing the situation and modifying the use of force as circumstances change and in ways that are consistent with officer safety, including stopping the use of force when it is no longer necessary. Examples of de-escalation techniques include but are not limited to:
  - 1. Providing a warning and exercising persuasion and advice prior to the use of force
  - 2. Determining whether the officer may be able to stabilize the situation through the use of time, distance, or positioning to isolate and contain a subject.
  - 3. Requesting additional personnel to respond or make use of specialized units or equipment including crisis-intervention-team trained officers, as necessary and appropriate.
- F. Protect the rights of all persons regardless of the relationship (i.e. victim, complainant, suspect, or arrestee) between the officer and the citizen.
- G. Accord equal treatment to any person regardless of color, ethnic origin, political philosophy, race, religion, sex, sexual preference, social status, or physical or mental disability.
- H. Adhere to the Pressure Point Control Tactics (PPCT) "One Plus One" theory. However, because subject resistance can begin anywhere on the continuum, officer response can begin at any point on the continuum that represents an "objectively reasonable" response. It is important to understand that officers do not need to escalate response controls in a step-by-step progression.
- I. Document any use of force utilized by an officer on Departmental reports.

III. DEFINITIONS

- A. **Active Aggression** - Physical actions/assaults against an officer or another person with less than deadly force. Examples include: advancing toward, challenging, punching, kicking, grabbing, or wrestling with an officer or bystander.
- B. **Chokehold** – applying any direct pressure to the throat, windpipe, or airway of another with the intent to reduce or prevent the intake of air. "Chokehold" does not include any holding involving contact with the neck that is not intended to reduce the intake of air. The use of any Chokehold is prohibited unless the use of deadly force is justified.
- C. **Deadly Force** - Any use of force that creates a substantial risk of causing death or serious bodily injury.
- D. **Deadly Force Assault** - Force used against an officer and/or another person that may result in death or great bodily harm. It does not have to involve the use of a weapon if the officer reasonably believes that the force could cause death or great bodily harm.
- E. **De-Escalation** - Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning
- F. **Defensive Resistance** - Any action by a subject that attempts to prevent an officer from gaining control of the subject, but is not an attack on the officer. Examples include: pulling/pushing away, resistance to handcuffing, fleeing, or attempting to defeat the "escort position".
- G. **Hard Empty Hand Control** - Techniques that have a probability of injury in the form of bruises, contusions, or lacerations and designed to control active aggression. They can be used to control defensive resistance when lower forms of control have failed or when the officer "believes" lower forms of control will fail. An example is a defensive counterstrike (front kick, knee strike, angle kick, palm heel strike, and the brachial stun). All the techniques (except the front kick) target the large muscle mass and avoid joints, and vital organs that are close to the skin.
- H. **Intermediate Weapon** - The application of any weapon that is not part of the human body to control resistance with the intent to temporarily disable a subject but never with the intent to cause permanent injury. Examples include chemical agents, impact weapons, TASERS and emergency/improvised impact weapons (flashlight, radio, and broomstick). The use of such weapons is justified when lower forms of empty hand control will be insufficient. Examples of justification include: controlling active aggression or an assault on an officer or another, controlling defensive resistance when previous forms of empty hand control have failed or when variables clearly demonstrate that using empty hand control would be dangerous to the officer and potentially escalate the subject's resistance.
- I. **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.
- J. **Objectively Reasonable** – The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar situations.
- K. **Officer Presence** - The identification of a police officer's authority, by the uniformed presence or the verbal identification of being a police officer. In either case, an officer's identification of their authority brings with it the assumption the public must obey a lawful order.
- L. **One Plus One Theory** - An officer can use one level of force higher than the level of resistance used by the subject. In each case, the officer can match the subject's level and intensity of resistance with techniques that have the same potential for injury. The only time an officer can reasonably escalate to the next level of force, is when the officer finds lower levels of force ineffective, or reasonably believes that a lower form of force will be ineffective.
- M. **Passive Resistance** - Any resistance where a subject does not attempt to defeat an officer's attempt to touch or control, but will not voluntarily comply with verbal and physical attempts of control. Examples include: dead weight or no response to verbal commands.
- N. **Psychological Intimidation** - Resistance that may or may not accompany verbal resistance. Examples include: attitude, appearance, physical readiness, blank stare, clenching of fists, and the tightening of jaw muscles.
- O. **Saturation** – in this order saturation is to introduce a chemical agent to an open air area or confined space which may cause irritation to skin, eyes, and respiratory discomfort. The authorized chemical agents being OC, CS, or PAVA
- P. **Serious Bodily Injury** – Injury that involves a substantial risk of death, protracted and obvious disfigurement, or extended loss or impairment of the function of a body part or organ.
- Q. **Soft Empty Hand Control** - Techniques with little or no potential for injury designed to control passive or defensive resistance. They are used when verbal direction/commands are not effective and there is noncompliance with lawful orders. They include strength techniques, joint locks, pressure points or a light knee strike/distraction technique to the subject's thigh. While these techniques may inflict pain to gain control, they generally will not cause any form of bruising or injury.

- R. **Vascular Restraint** – Conduct that applies pressure to the side(s) of the neck, rather than the trachea to create venous compression which results in congestion of the vascular bodies in the head and neck. This alone can cause unconsciousness.
- S. **Verbal Direction** - The request or order made by an officer verbally to a subject.
- T. **Verbal Non-compliance** – Any verbal response indicating subject unwillingness to obey commands of detainment, arrest or to stop unlawful or dangerous behavior. Examples could be a quiet statement such as “No, I will not put my hands behind my back,” and threatening verbal statements directed at the officer.

IV. 720 ILLINOIS COMPILED STATUTES

Article 7, Section 7-5: Peace Officer's Use of Force in Making an Arrest states in part:

"A peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he reasonably believes to be necessary to affect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest.

V. GUIDELINES

A. Officers will:

1. Maintain a courteous and professional demeanor when dealing with the public.
2. Exercise advice, persuasion and warning prior to the use of force. This decision to use physical force should be based on factors which include but are not limited to:
  - a. Age of the person,
  - b. Availability of assistance,
  - c. Circumstances of the particular situation, including the nature of the offense,
  - d. Mental state of the individual,
  - e. Size and gender of the individual as compared to the officer(s),
  - f. Number of suspects compared to the number of officer(s),
  - g. Availability of weapons to the suspect,
  - h. Officer's injuries,
  - i. Officer on the ground (An officer on the ground is in a more vulnerable position than when on his feet).
3. Not use excessive force, unwarranted physical force, or verbal abuse. Use of force employed by officers should be in compliance with PPCT defensive tactics guidelines,
4. Use only the amount of force necessary to accomplish a lawful objective, control an individual or effect and maintain an arrest, and only in conformity with state law, and the Illinois and U.S. Constitutions.
5. Document any and all uses of force on departmental report forms, including the department use of force report form. Officers need to justify using higher degrees of control methods when a subject's resistance does not escalate, and the officer's attempt to control the subject is not successful. Increasing the amount of force or degree of control response should only occur when the officer reasonably believes that control must be immediately established to prevent a further escalation of active resistance.
6. When the subject(s) has/have been handcuffed and are in the prone position they should be placed onto their side, in a seated position, or into a standing position. This should be accomplished when tactically advantageous but as soon as reasonably feasible to minimize the risk of positional asphyxiation, difficulty breathing, or/ and to minimize any other medical duress which may be caused by being in the prone position.
7. Not use Tasers on subjects offering only passive resistance or to prevent them from swallowing contraband.
8. Document any action that results in, or is alleged to have resulted in, injury or death to another person, on departmental report forms, including the Department use of force report form.
9. Complete all reports regarding any use of force and submit the reports to a watch supervisor for review and signature by the end of the shift.

B. Supervisors will:

1. Review the BWC video and the Officer's police report of any use of force incident that involves force that is reasonably expected to cause pain or injury. This would involve the use of the following force in response to active resistance of a subject.
  - a. Pressure point compliance and joint manipulation techniques;
  - b. Wristlocks, arm bars, and other firm grips, and;
  - c. Any leg sweep, takedown, or weaponless direct mechanical action or technique (including kicks, knee strikes, elbow strikes, closed hand strikes, or punches) that do not result in an injury or complaint of injury.
2. Respond to scene and investigate anytime a department member uses force that includes the use of a less-lethal weapon or that causes an injury or results in a complaint of injury. Upon completing an informal investigation notify the Watch Command Officer and document the findings. The informal investigation will include but not be limited to the review of BWCs, surveillance video, canvass for witness, witness statements, etc., These use of force incidents would include:
  - a. Force used against a subject who is handcuffed or otherwise restrained
  - b. Impact weapons strikes (baton, ASP expandable baton, or other impact weapon) to the body other than the head or neck;
  - c. Any leg sweep, takedown, or weaponless direct mechanical action or technique (including kicks, knee strikes, elbow strikes, closed hand strikes, or punches) that does result in an injury or complaint of injury.
  - d. OC spray or other chemical weapons;
  - e. Taser deployment;
  - f. Specialty Impact Munitions
  - g. Any use of force involving a department canine
  - h. An unintentional firearms discharge or a firearm discharge solely to destroy/deter an animal that did not involve a firearm discharged at a person and did not result in an injury to any person. This does not include the humane euthanization of an animal.
3. Respond to the scene and make immediate notification to the Watch Command Officer when a Department Member does any of the following:
  - a. Uses any force that constitutes deadly force, including:
    - 1) Anytime an officer displays a firearm as a result of a potential deadly force encounter.
    - 2) Discharging a firearm, (excluding an unintentional firearms discharge or a firearm discharge solely to destroy/deter an animal that did not involve a firearm discharged at a person and did not result in an injury to any person).
    - 3) Using an impact weapon to intentionally strike a person's head or neck;
    - 4) Using a chokehold, or other maneuvers for applying direct pressure on a windpipe or airway
    - 5) Vascular restraint
  - b. Uses any force that causes injury to any person resulting in admission to a hospital
  - c. Uses any force that causes the death of any person.
4. The Watch Command Officer will immediately notify the Staff Duty Officer whenever an officer's actions or use of force results in physical injury or death to an individual. A physical injury is an injury that requires immediate professional treatment in a medical facility other than minor cuts/scraps or complaint of pain. This definition of physical injury includes fatal injury. Though there is a superficial skin puncture involved when a person has the tethered TASER darts deployed against them, there is no need to contact the Staff Duty Officer on each of these instances.

VI. ASSESSING USES OF FORCE

The Springfield Police Department recognizes that Department members are often forced to make split-second decisions about the level of force that is reasonable and necessary in situations that are dynamic, tense, uncertain, and rapidly evolving.

- A. These decisions must be reviewed based on the totality of the circumstances known by the member at the time of the incident and from the perspective of a reasonable officer on that scene.
- B. Every Department member involved in a use of force incident will make an independent assessment and decision based on the totality of the circumstances and will be individually responsible for articulating those specific details that justify their use of force.

VII. LEVELS OF CONTROL

- A. Officer Presence – (e.g. identification as a police officer, uniform, badge, symbols of authority). An officer's presence sends a message of professionalism and readiness.
- B. Verbal Directions - Commands of arrests or direction:
  - 1. Verbal direction should be clear and concise,
  - 2. Officers will not use abusive language.
- C. Use of Less-Lethal Force - When de-escalation techniques are not effective or appropriate, an officer may consider the use of less-lethal force to control a non-compliant or actively resistant individual. An officer is authorized to use agency-approved, less-lethal force techniques and issued equipment:
  - 1. To protect the officer or others from immediate physical harm,
  - 2. To restrain or subdue an individual who is actively resisting or evading arrest, or
  - 3. To bring an unlawful situation safely and effectively under control.
- D. Soft Empty Hand Control - Pressure points may be used against passive resisters as well as any other level of resister they would be effective on.
- E. Hard Empty Hand Control - Strikes, punches, kicks, elbows, brachial stuns, knee strikes, directed to large muscle mass of the forearms, arms, abdomen, side of the neck and legs, used against persons showing active aggression against an officer which includes physical actions/assaults against the Officer or another person with less than deadly force (e.g. punching, kicking, striking, grabbing, wrestling, etc.):
  - 1. Strikes directed at the face and joints should only be used when the level of force justifies its use, understanding that those strikes have the potential of a higher degree of injury. Higher levels of force should be used when lower levels of force are ineffective or would not be effective if used,
  - 2. Vascular neck restraints, chokeholds, and similar control tactics are not authorized to be used by members of the Springfield Police Department, except in deadly force encounters as set forth in 720 ILCS 5/7-5 ("Peace Officer's use of force in making arrest") and General Order UOF-02.
- F. Intermediate Weapons - Strikes with a baton or improvised impact weapon, the use of Oleoresin Capsicum (O.C.), the use of a TASER, or the use of a police canine against persons showing active aggression by use of punches, kicks, biting, and striking against the officer, and lesser uses of force have failed or would likely fail:
  - 1. Target areas for the baton and improvised impact weapon are the centers of the major muscles of the forearms, arms, legs and in some cases (baton only) the solar plexus and pectoral,
  - 2. Baton strikes should be used when lower levels of force have failed or would fail,
  - 3. Intermediate weapon strikes to the throat, clavicle, neck, and head should only be used when deadly force is justified.

G. Procedures for Utilizing Oleoresin Capsicum (O.C.):

1. Sworn officers will carry O.C. when in uniform. When in plain clothes, carrying O.C. will be optional,
2. Members will carry only Department issued O.C.,
3. The use of O.C. against a person is subject to the following restrictions:
  - a. O.C. may be used only in situations appropriate for its use upon consideration of all relevant circumstances, including but not limited to factors such as wind direction and speed, the presence of bystanders who may be affected by the spray, and whether the subject to be sprayed is in actual operation of a motor vehicle, on a rooftop, or in other circumstances such that the subject's debilitation by the use of O.C. would cause an unreasonable danger to himself or others,
  - b. O.C. may be used only as a control and compliance measure and shall not be used for purposes of interrogation, punishment, torture, or causing unnecessary pain or discomfort.
4. O.C. may be used in situations including, but not limited to, the following:
  - a. Where an officer reasonably believes that the subject will engage in physical aggression against the officer or another person, (verbal non-compliance in and of itself will not justify the use of the O.C.)
  - b. Where the subject shows active aggression against the officer,
  - c. Where the officer could reasonably and justifiably use an impact weapon or deadly force against a subject,
  - d. Where the subject is armed with a knife, bludgeon or other weapon, and although not moving toward the officer or immediately endangering any person, the subject refuses to drop the weapon,
  - e. O.C. may be released into an automobile, a house, or other enclosed area to effect the arrest of a subject who refuses to submit to custodial arrest,
  - f. O.C. may be used against aggressive or threatening animals,
  - g. O.C. may be used before "hands on" techniques or the use of impact weapons when justified.
5. Decontamination.
  - a. After control of the subject has been established, the officer will make reasonable efforts to allow the subject relief from the discomfort associated with the application of O.C., including removal of the subject from the contaminated area and providing water to the subject to flush his face and eyes, as soon as practicable,
  - b. The officer will attempt to inform the subject of the anticipated effects of O.C. exposure; instruct the subject to blow his or her nose; and generally advise the subject on how to relieve and avoid aggravating the symptoms of O.C. exposure,
  - c. The subject will be provided emergency medical care in the event of any of the following:
    - 1) The officer reasonably believes that the affected person is in need of such attention, whether the subject has requested medical care or not,
    - 2) The symptoms of the O.C. exposure persist without significant relief to the eyes, skin, or respiratory system,
    - 3) The subject complains of serious injury or of a pre-existing condition that may be aggravated by the O.C. exposure, or the subject requests medical care.
6. On each occasion that O.C. is used, a police report, or supplemental report, as appropriate for each officer involved in the incident, will be completed. The use of force section of either report will be completed. The report will include the circumstances justifying the use of O.C., the approximate amount used, and the remedial treatment given or offered,
7. When a subject against whom O.C. is deployed is transported to jail, the youth detention center, a hospital, or other location, the transporting officer will inform the reception personnel of the subject's O.C. exposure and of how to minimize and avoid aggravating any remaining symptoms.

8. Storage:
  - a. O.C. will not be stored in direct sunlight or in an area where the temperature may exceed 120 degrees Fahrenheit,
  - b. O.C. canisters will not be incinerated,
  - c. O.C. canisters will be secured at all times.
9. O.C. aerosol canisters will be inspected periodically by the officer for leakage, corrosion, dirt in the nozzle, damage, and an adequate supply.

#### H. Procedures for the Use of Police Canine

An officer may use a trained police canine for the following reasons:

1. To pursue and stop a fleeing felon when that felon has committed a forcible felony or a person whom the officer has reasonable grounds to believe has committed or is committing a forcible felony,
2. To protect a citizen or police officer from physical attack,
3. Restrain and/or guard an arrested/detained person to prevent escape,
4. Search a structure or enclosure for the purpose of locating a hidden suspect,
5. Assist in crowd control,
6. Search a structure for the presence of bomb material.

#### I. Less Lethal Munitions/Weapons (Specialty Impact Munitions (SIM))

1. Specialty Impact Munitions/Weapons (SIM) are defined as extended range impact weapons. They are treated as an extension of the officer's baton. They are munitions that can be launched from a 37 or 40 mm launcher or a 12 gauge shotgun. These munitions include but are not necessarily limited to:
  - a. Bean bag rounds,
  - b. Foam baton rounds,
  - c. K01 Impact Baton
2. Members will successfully complete training approved by the Springfield Police Department before being authorized to utilize SIM,
3. This SIM training will be documented and will include the names of trainers and program participants, the dates and hours of training, the training locations, copies of lesson plans and all instructional materials, and evaluations,
4. The use of SIM against a person is subject to the following restrictions:
  - a. SIM may be used only:
    - 1) When the use of such force is objectively reasonable under the totality of the circumstances,
    - 2) In an amount reasonably necessary to achieve a lawful purpose.
    - 3) In situations appropriate for its use upon consideration of all relevant circumstances, including, but not limited to the following factors:
      - a) Distance of the intended target,
      - b) Wind direction and speed,
      - c) Type of clothing worn by the target (heavy or light weight),
      - d) Physical stature and condition of the target,
      - e) Presence of innocent bystanders who could be harmed if SIM was deployed; and
      - f) Whether the subject to be targeted is in actual operation of a motor vehicle, on a roof top, or in other circumstances such that the subject's debilitation by the use of SIM would cause an unreasonable danger to that subject or others.
  - b. A cover officer must be present with the officer deploying the SIM. This cover officer must be prepared to utilize deadly force if the circumstances merit it,

- c. Target areas for SIM will be the buttocks, thighs, shoulders, biceps, triceps, lower abdominal area, and calves of the intended target,
  - d. SIM will not be targeted at a subjects head, neck, spine, groin, or upper torso unless deadly force is justified,
  - e. SIM will not be fired from a range less than 10 feet away from the target unless deadly force is justified,
  - f. SIM may only be used as a control and compliance measure and shall not be used for purposes of interrogation, punishment, torture, or to cause unnecessary pain or discomfort,
  - g. Wherever possible, the officer deploying a SIM will announce by the most effective means available the presence of the weapon to all on-scene officers.
5. The use of SIM can be used to control violent or potentially violent subjects when the officer reasonably believes the following conditions exist:
    - a. Attempts to subdue the suspect with lesser force options have been or likely will be ineffective in the situation,
    - b. Where the officer could reasonably and justifiably use an impact weapon or deadly force against a subject,
    - c. Where the subject is armed with a knife, bludgeon, or other weapon, and although not moving toward the officer or immediately endangering any person, the subject refuses to drop the weapon,
    - d. SIM may be used against aggressive or threatening animals,
    - e. Only SIM issued by the Springfield Police Department will be authorized for use.
  6. Any individual who is subjected to SIM will be transported to hospital for treatment and evaluation as soon as possible,
  7. On each occasion that SIM is used, a police report or a supplemental report will be completed, as appropriate for each officer involved in the incident. The Use of Force Section of either report will be completed. The report will include the circumstances justifying the use of SIM, the type of projectile fired, the number of projectiles fired, whether the projectile was direct fired or skip fired, and the medical treatment required,
  8. Photographs shall be taken of the subject's injuries as soon as practical and shall be placed into evidence. The photographs should be taken by a Crime Scene Technician. The photographs should clearly show the location of the injury and should be taken after the injury is cleaned but before treatment,
  9. All expended munitions shall be collected if practical and placed into evidence following the use of SIM.

J. TASER

1. The TASER is a defensive weapon approved by the Department that transmits electrical impulses to override the central nervous system and control the skeletal muscles. The TASER is designed for and to be utilized in order to reduce the potential for harm to suspects and officers. The TASER is classified as an Intermediate Weapon to be used for controlling active aggression; however, there may be occasions when a "drive stun" could be used to control subjects in custody.
2. Department members will complete approved training before utilizing the TASER:
  - a. Training certificates will be filed in the officer's permanent training record.
  - b. All Department members qualified to carry the TASER will re-qualify annually, this qualification is normally during scheduled in-service training and includes an inspection and "download" of the device to ensure accurate date/time stamps,
  - c. Department members will only carry a Department issued TASER without any modification, changes, alterations, or substitutions,
  - d. The TASER will be worn in a holster; opposite of the handgun.
  - e. The holster will be department issued or be approved in writing by
    1. Training Supervisor
    2. Chief of Police
  - f. No officer will be issued or allowed to carry a TASER without certifying to carry the TASER.



3. The TASER may be used in situations including, but not limited to, the following:
  - a. Where an officer reasonably believes that the subject will engage in physical aggression against the officer or another person (verbal non-compliance and defensive resistance including fleeing in and of themselves will not justify the use of the TASER);
  - b. Where the subject shows active aggression against the officer;
  - c. Where the officer could reasonably and justifiably use an impact weapon or deadly force against a subject;
  - d. Where the subject is armed with a knife, bludgeon or other weapon, and although not moving toward the officer or immediately endangering any person, the subject refuses to drop the weapon;
  - e. Where the subject is posing an immediate threat to their self or others, and immediate incapacitation may reasonably alleviate such threat;
  - f. Where a handcuffed or restrained subject is still resisting the officer's attempts to control the subject by acts of active aggression, the TASER may be used in the "drive stun" mode.
4. The TASER may be used only as a control and compliance measure and shall not be used for purposes of interrogation, punishment, torture, or causing unnecessary pain or discomfort. The use of a Taser should be avoided when a subject is fleeing, on a bicycle, operating a vehicle or in a position of elevation when possible due to the propensity of serious physical injury.
5. If possible, the officer will issue a clear verbal warning to the subject of the officer's intent to deploy the TASER prior to its being used.
6. When possible, avoid intentionally targeting the TASER on sensitive areas of the body such as the head, throat, chest/breast, or known pre-existing injury areas without legal justification. The preferred target areas are the lower center mass (below chest) for front shots and below the neck area for back shots.
7. During deployment of the TASER the depth of the layers of clothing that the individual is wearing should be considered when determining a target.
8. After an officer uses the TASER to take a subject into custody, the officer will:
  - a. Handcuff the subject to minimize the threat of injury to either the officer or the subject,
  - b. Arrange for the transport of the subject to the hospital for treatment and removal of the TASER prongs if needed,
  - c. Have photographs taken of the area from which the prongs are removed,
  - d. Complete all appropriate reports including the use of force report,
  - e. Immediately notify a supervisor after a TASER has been discharged other than in training or testing.
9. Supervisor's responsibilities:
  - a. The immediate supervisor will review each incident and ensure all reports are complete and accurate.
  - b. Should the immediate supervisor determine that a violation of Department policy has occurred, the supervisor will follow the Departmental protocol for reporting violations. Each time a TASER is deployed, the Watch Command Officer will be notified. It will be the watch Command Officer's discretion whether or not to contact the Staff Duty Officer, dependent upon the circumstances. For each TASER deployment, a complete copy of all written reports associated with the incident will be forwarded to the office of the Commanding Officer of Field Operations.
10. Due to its size and shape, the TASER is somewhat toy-like in appearance, and as such may be of interest to children, and those unfamiliar with its purpose. TASERS must be stored in a manner to absolutely safeguard the weapon from unauthorized handling and accidental discharge.

K. PepperBall Weapon System

1. PepperBall Launcher – a non-lethal force intermediate weapon that utilizes air to deliver a non-pyrotechnic projectile. The device can be considered either a chemical irritant (PAVA) delivery device or impact (kinetic energy) weapon. This can be considered an extended range impact weapon coupled with a chemical irritant.
2. PepperBall Projectiles – plastic spheres filled with PAVA powder (red), inert liquid (clear), scented powder for training (purple), and dye marker (green). In addition, a solid glass breakage round is available.
3. PAVA – an incapacitant similar to pepper spray.
4. Training
  - a. All users of the PepperBall System will attend and successfully complete an approved course of instruction. This course will include, but not limited to, familiarity, application, use of force review, and maintenance.
  - b. An annual qualification and weapon use update will be conducted by a certified PepperBall weapon instructor.
5. Procedures for the utilization of PepperBall weapon system.
  - a. Members are only authorized to carry and use department-issued PepperBall weapons.
  - b. Members are only authorized to carry and use department-authorized and issued PepperBall projectiles.
  - c. Consideration should be given to all relevant circumstances when deciding to use a PepperBall weapon system. This should include but not limited to wind direction/ speed, presence of bystanders who may be affected, is the subject in operation of motor vehicle or other piece of equipment, is the subject in an elevated position which could cause serious injury if they fall, or are they in a circumstance that would cause an unreasonable injury to the subject or others not otherwise justified.
  - d. The system should be used as a control and compliance method and shall not be used for purposes of interrogation, punishment, torture, or causing unnecessary pain or discomfort.
6. PepperBall Weapon system may be used for saturation deployment situation including, but not limited to, the following:
  - a. When it is unsafe to approach a subject within contact range;
  - b. When higher use of force options may be justified, but an opportunity exists for the use of PepperBall System saturation before other options are employed;
  - c. Deemed necessary to effect the arrest (officer and/or citizen safety);
  - d. May be released into an automobile, a house, or other enclosed area to effect the arrest of a subject who refuses to submit to custodial arrest;
  - e. The use will prevent the escalation of violence of one person(s) against another or;
  - f. When its use will avoid escalation of force;
  - g. The PepperBall System may be used against aggressive or threatening animals
  - h. To disperse unruly or rioting crowds threatening property damage or physical force. With the PepperBall System, the primary target area (dealing with unruly or rioting crowds) will be the ground. If ground saturation is determined not to be a viable option, or has been proven to be ineffective, a wall, building, or other fixed object behind or adjacent to the crowd may be considered as a secondary target. If projectiles are fired at a wall or fixed object, the officers must ensure that the projectiles are fired well above of the individuals in the crowd.
  - i. In a saturation deployment, officers must ensure that the rounds do not intentionally make direct contact with any of the persons involved.

7. PepperBall Weapon system may be used for a direct contact deployment under the following recommendations/ situations, but not to be limited to:
  - a. Direct Contact Hits will be allowed when a subject exhibits articulable aggressive behavior that threatens the safety of self and/or others and the use of the overall PepperBall System is justified.
  - b. The PepperBall System should never be used to intentionally target the head, neck, face, eyes, groin, and spine unless deadly force is justified.
  - c. Targeted area should be the back, buttocks, thighs, shoulders, biceps, triceps, calves and lower abdomen.
  - d. Officers will be fluid and able to adjust their use of force while operating the PepperBall system as the aggression and/ or resistance lowers and/ or ceases.
  - e. Consideration will be given to age, gender, size, special known skill of the subject.
  - f. Number of officers and number of suspects.
  - g. Other special circumstances which should be considered include, but not limited to; injury/ exhaustion of officer/ subject, weapon availability of offender, position in reference to officer and subject, location of offender, clothing worn by subject, stature of subject, and presence of innocent bystanders.
8. A cover officer must be present when deploying the PepperBall system. This cover officer should be prepared to use lethal force if needed and legally justified.
9. When possible, the member deploying the PepperBall system should announce, by the most effective means, the presence of the weapon system and the deployment of it.
10. Treatment and decontamination:
  - a. Remove contaminated outer garments if possible, brush residual PAVA powder from exposed person and clothing.
  - b. Remove subject from contaminated area, provide water to flush contaminated areas including eyes and skin as soon as practical.
  - c. The officer should attempt to inform the subject of the anticipated effects of the PAVA exposure in an attempt to educate on how to relieve the irritation and avoidance of re-aggravation of exposure.
  - d. Emergency medical treatment will be provided if;
    - 1) Emergency medical treatment is requested, or there is a reported injury or preexisting injury which may compromise the health of the subject.
    - 2) Shortness of breath, difficulty breathing, or if significant relief is not observed after the officer has provided the aforementioned decontamination procedures.
    - 3) If the officer reasonably believes medical treatment is necessary.
    - 4) The subject was directly struck with the PAVA projectile resulting in a physical injury requiring emergency medical treatment.
  - e. Photographs shall be taken of the subject's injuries as soon as practical. They should be retaken after treatment/ cleaned. These photographs should be taken by an Evidence Technician when possible and should clearly show the location of the injury. If an Evidence Technician is unavailable then a Supervisor shall take the photographs. These photographs will be uploaded to Evidence.com and stored appropriately.

11. Special Consideration which should be taken into account during use:
  - a. Prior to firing the PepperBall launcher, when safe and feasible, the officer should give loud verbal warnings and commands to the targeted suspect(s). The suspect(s) shall when feasible be given time and opportunity to comply. The officer should also announce to other officers present that he will be deploying the PepperBall rounds by the most effective means available.
  - b. When deploying the PepperBall system, officers should consider the environmental issues such as wind and rain and be aware of accidental contamination of other officers and bystanders
  - c. Deploying officers must always be aware of their target, its background, and are responsible for every projectile fired.
12. Reporting Instructions
  - a. On each occasion that the PepperBall system is used a report or supplemental report will be completed by the appropriate officer(s) involved in the incident. Justification for the use of the system shall be documented in its entirety within this report. A use of force form must also be completed along with the appropriate report.
  - b. Officers should also include the measures taken to decontaminate the subject, disposition of the subject, and number of rounds used if known.
13. Supervisor responsibilities
  - a. Ensure the use of force complies with departmental policy.;
  - b. Ensure appropriate medical aid is promptly summoned or first aid provided (up to the officer's level of training).
  - c. Ensure the scene is processed as outlined by this general order.
  - d. Review reports for complete and appropriate incident documentation.
  - e. Replenish or cause to be replenished the projectiles for the PepperBall system.

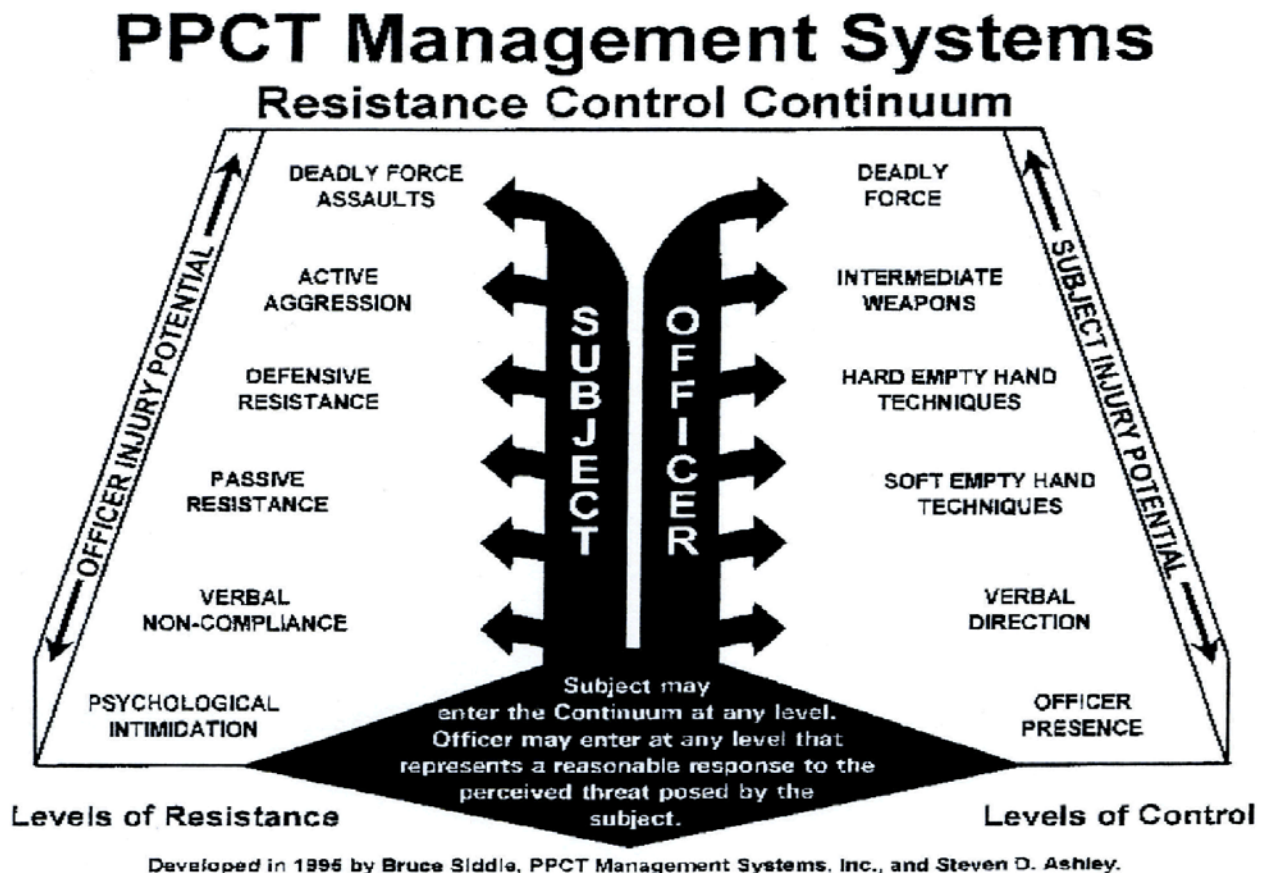
#### VIII. MEDICAL AID AFTER USE OF FORCE

Officers will take the necessary actions to ensure appropriate medical aid is promptly summoned or first aid provided (up to the officer's level of training) after the use of any force. Officers will be provide or summon medical aid when necessary or requested by any person when an Office can safely and reasonably do so. These actions should be completed as soon as reasonably possible.

- A. Tactics such as, hard punches to the head, heart, or other vital organ may require immediate medical attention. Canine bites will require immediate medical attention.
- B. Appropriate medical attention will be required for obvious physical injuries or subjects complaint of injury.
- C. Use of force will necessitate an increased observation by the officer to detect changes in the subject's condition. Officers should then summon or provide for medical attention if the situation warrants it.
- D. Anytime a suspect becomes unconscious, regardless of the force used, they shall receive immediate medical attention unless a treatment refusal form is signed by the suspect.
- E. Any individual who is subjected to a SIM will be transported to hospital for treatment and evaluation as soon as possible.
- F. In the case of a TASER incident: transport the subject to the hospital for treatment and removal of the TASER darts, if deemed necessary by a supervisor or if the subject request medical treatment. If the TASER darts have fallen out, it will not be necessary to transport the subject to a medical facility solely to treat the puncture site(s). In these cases either ID or a supervisor will photograph the puncture site(s).
- G. In cases where the TASER is used solely as a contact weapon (no darts), the officer will check the point of contact on the subject's body to see if an injury occurred. If necessary, the subject may be transported to a medical facility to be checked. In most instances, a contact deployment will not require medical attention. ID or a supervisor will photograph the sites of contact deployment, if there is a visible injury.

IX. USE OF FORCE CONTINUUM

The PPCT Resistance/Control Continuum was designed as a general guide to using force in a confrontation or arrest situation. The continuum will assist officers in applying the law and Departmental policy in use of force situations, documenting the use of force, and presenting testimony in a court proceeding.



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Kenneth D. Winslow, CHIEF OF POLICE

Reviewed for Legal Sufficiency: \_\_\_\_\_

Assistant Corporation Counsel