


PINE BLUFF POLICE DEPARTMENT POLICY & PROCEDURES MANUAL

	SUBJECT:	POLICY NUMBER 550
	USE OF FORCE	ISSUE DATE 02/19/2008
	CHAPTER: USE OF FORCE	EFFECTIVE DATE 02/19/2008
	ISSUED By: Chief of Police John E. Howell	TOTAL PAGES 5

I. PURPOSE

The purpose of this policy is to provide law enforcement officers of this agency with guidelines for the use of deadly and non-deadly force.

II. POLICY

It is the policy of this law enforcement agency that officers use only the force that reasonably appears necessary to effectively bring an incident under control, while protecting the lives of the officer and others. It must be stressed that the use of force is not left to the unfettered discretion of the involved officer. This is not a subjective determination. The use of force must be objectively reasonable. The officer must only use that force which a reasonably prudent officer would use under the same or similar circumstances.

The levels of force that are included in the agency's continuum of force include:

Level 1: Verbal Commands.

Level 2: Use of Hands/Minor Physical Force

Level 3: Oleoresin Capsicum (OC Spray)/Taser Electronic Restraint Device

Level 4: Baton or other Impact Weapon.

Level 5: Less-Than-Lethal Projectiles

Level 6: Deadly Force.

Each situation is unique. Good judgment and the circumstances of each situation will dictate the level on the continuum of force at which an officer will start. Depending on the circumstances, officers may find it necessary to escalate or de-escalate the use of force by progressing up or down the force continuum. It is not the intent of this policy to require officers to try each of the options before moving to the next, as long as the level of force used is reasonable under the circumstances.

III. DEFINITIONS

DEADLY FORCE: Any use of force that is reasonably likely to cause death.

NON-DEADLY FORCE: Any use of force other than that which is considered deadly force. This includes any physical effort used to control or restrain another, or to overcome the resistance of another.

OBJECTIVELY REASONABLE: This term means that, in determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known 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

IV. PROCEDURES

A. USE OF DEADLY FORCE

1. Law enforcement officers are authorized to use deadly force to:
 - a. Protect the officer or others from what is reasonably believed to be a threat of death or serious bodily harm; and/or
 - b. To prevent the escape of a fleeing violent felon who the officer has probable cause to believe will pose a significant threat of death or serious physical injury to the officer or others. Where practicable prior to discharge of the firearm, officers shall identify themselves as law enforcement officers and state their intent to shoot.
 - c. Firearms shall not be discharged when it appears likely that an innocent person may be injured.

B. DEADLY FORCE RESTRICTIONS

1. Officers may use deadly force to destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured, when the officer reasonably believes that deadly force can be used without harm to the officer or others.
2. Warning shots may be fired if an officer is authorized to use deadly force and only if the officer reasonably believes a warning shot can be fired safely in light of all circumstances of the encounter.
3. Decisions to discharge a firearm at or from a moving vehicle shall be governed by this use-of force policy and are prohibited if they present an unreasonable risk to the officer or others.
4. A law enforcement officer may also discharge a weapon under the following circumstances:
 - a. During range practice or competitive sporting events.

C. USE OF NON-DEADLY FORCE

1. Where deadly force is not authorized, officers may use only that level of force that is objectively reasonable to bring an incident under control.
2. Officers are authorized to use department approved, non-deadly force techniques and issued equipment to
 - a. To protect themselves or another from physical harm.
 - b. To restrain or subdue a resistant individual.
 - c. To bring an unlawful situation safely and effectively under control.

D. REPORTING THE USE OF FORCE

1. When an officer uses physical force or weapons beyond the restraining stage, the officer will prepare a Use of Force Report Form and provide it to their immediate supervisor.. This includes any action that results in, or is alleged to have resulted in, injury or death of another; or the use of lethal or less-than-lethal weapons. If the officer is physically and psychologically able, this report will be field before his tour of duty has ended.
 - a. Force used to restrain means minor physical contact or the threat of minor physical contact exerted to control a person's freedom of movement and which is not likely to result in injury.
 - b. Any force used for restraining purposes, which results in injury, or an allegation of injury will be reported on a Use of Force Report Form.
2. Use of Force Reports will contain all details surrounding the use of physical force and/or weapons, including the names of witnesses, officers, and civilians.
3. An investigation will be initiated immediately by the officer's supervisor, or in the supervisor's absence, any on duty supervisor. The investigating supervisor will ensure that a search is made of the immediate vicinity of the area where the use of force occurred, if appropriate, to locate any witnesses or evidence.
4. The subject of the use of force will be interviewed, if possible, and examined by the investigating supervisor. This examination will include a determination of whether the subject should be taken for medical treatment if necessary. The supervisor will ensure that the subject is fully aware of the supervisor's name, rank, position, and purpose of the investigation.
5. The investigating supervisor will submit the *original* use of force report, along with comments, directly to the Office of Professional Standards. An *information* copy will be forwarded to the supervisor's respective Division

Commander. The Office of Professional Standards will review all reports to determine if further investigation is warranted.

6. Upon receipt of a use of force report, the Office of Professional Standards will assign a Use of Force Inquiry Number (U.F.I.#) and then will log the report into the use of force inquiry master log.
7. In the event that the preliminary investigation determines that a specific use of force was unjustified, a C.R. or A.R. number may be assigned so the matter may be investigated further.
8. If it is determined that further investigation is required the Office of Professional Standards will prepare written comments and recommendations on their findings discussing implications for policy, training, and discipline.
9. The Office of Professional Standards supervisor will forward their recommendation, along with all information and reports, to the Chief of Police as per the Office of Professional Standards Standing Operating Procedures on Use of Force Inquires.
10. To be determined on a case-by-case basis, Code 1100, (Officer in danger/needs immediate assistance), as well as other officer needs help calls, where a possible violent confrontation has or is taking place the Office of Professional Standards will investigate. Normally, anytime a Code 1100 is advised some type of force is being use, which would result in a Use of Force Report being necessary.

E. AGENCY RESPONSE:

1. Deadly force incident:
 - a. Where a law enforcement officer's use of force causes death, the officer shall be placed on administrative leave until after completing all internal investigative requirements, and until it is determined by a mental health professional that the police officer is ready to return to duty.
 - b. The agency will conduct both an administrative and criminal investigation of the incident. The criminal investigation will take priority to any internal investigation.
 - c. The Chief of Police has the prerogative to request an outside law enforcement agency to investigate any deadly force incident.
2. Administrative review of critical incidents:
 - a. All reported uses of force will be reviewed by the appropriate departmental authority to determine whether:
 - 1) The relevant policy was clearly understandable and effective to cover the situation, and
 - 2) Department training is currently adequate.
 - 3) All findings of policy violations or training inadequacies shall be reported to the Chief of Police for resolution and/or discipline.
 - b. All use-of-force incident reports shall be retained indefinitely.

F. OTHER RESTRICTIONS:

1. Law enforcement officers shall adhere to the following restrictions when their weapon is exhibited:
 - a. Except for maintenance or during training, law enforcement officers shall not draw or exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance to this policy.