

USE OF FORCE

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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.

Policy Statement: It is the policy of the North Little Rock Police Department that officers use only the force that reasonably appears necessary to accomplish lawful objectives and effectively bring an incident under control while protecting the lives of the officers and others. Only issued or approved equipment will be used when encountering resistance, except in life-threatening emergencies when officers may use any resource at their disposal. [CALEA 1.3.1]

Summary of Changes: Added police baton to intermediate or impact weapons.

Definitions:

Deadly Force: Any use of force that is reasonably likely to cause death.

Deadly Physical Force: Physical force that under the circumstances in which it is used is readily capable of causing death or serious physical injury (5-2-601 Arkansas Code Annotated).

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

Physical Force: Any force using bodily impact, restraint, confinement, or the threat thereof (5-2-601 Arkansas Code Annotated).

The Use of Force Continuum: A progression of levels of physical force used to guide officer decision-making in determining the appropriate response to the level of force or resistance met.

Minimum Amount of Force: The minimum amount of force which is reasonably necessary to overcome the resistance offered and to affect the lawful performance of duty.

Reasonable Belief: Facts or circumstances the officer knows or should know are such as to cause an ordinary and prudent person to act or think similarly under similar circumstances.

Serious Physical Injury: Serious physical injury creates a substantial risk of death or causes protracted disfigurement, protracted impairment of health or protracted impairment of the function of anybody member or organ (5-1-102 Arkansas Code Annotated).

Procedure:

1. Procedure

1.1 The use of deadly force by a law enforcement officer is justified when the officer reasonably believes that it is necessary:

1.1.1 To effect an arrest or to prevent the escape from custody of an arrested person whom the officer reasonably believes has committed or attempted to commit a felony and is presently armed or dangerous (Arkansas Code Annotated 5-2-610). [CALEA 1.3.2]; or

1.1.2 To defend him/her or a third person from what the officer reasonably believes to be the imminent use of deadly physical force (Arkansas Code Annotated 5-2-610). [CALEA 1.3.2]

2. Fleeing Felons

2.1 The use of deadly force against fleeing felons is generally prohibited except when all of the following conditions apply:

2.2 There is probable cause to arrest the felony suspect; and

2.3 The felon cannot otherwise be apprehended; and

2.4 The felon either used deadly force in the commission of the felony or there is a reasonable belief deadly force will be used against the officer or others if not immediately apprehended; and

2.5 Where feasible, some warning has been given. **Warning shots are prohibited!** [CALEA 1.3.3]

3. Shooting at or From Moving Vehicles

- 3.1 Firearms will not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly physical force by means other than the vehicle itself. Also, such action is necessary for self-defense or to protect another person.
 - 3.1.1 For this section, the moving vehicle itself will not presumptively constitute a threat that justifies an officer's use of deadly force.
 - 3.1.2 An officer threatened by an oncoming vehicle will move out of its path instead of discharging a firearm at it or any of its occupants, unless exigent circumstances exist which prevent an officer from escaping the path of the vehicle.
 - 3.1.3 Officers will not place themselves in the way of a moving vehicle or a vehicle capable of immediate movement.
- 3.2 Firearms will not be discharged from a moving vehicle, except in exigent circumstances and the immediate defense of human life.
- 3.3 It should be understood this policy does not cover every situation that may arise. In all cases, officers are expected to act with intelligence and exercise sound judgment, attending to the spirit of this policy. Any deviations from this policy will be examined rigorously on a case-by-case basis. The involved officer must be able to articulate the reasons for the use of deadly force clearly. Factors that may be considered include whether the officer's life or the lives of others were in immediate peril, and there were no other means of escape.
- 3.4 The prohibitions mentioned above exist for the following reasons:
 - 3.4.1 Bullets fired at a moving vehicle are extremely unlikely to stop or disable it.
 - 3.4.2 Bullets fired may miss or ricochet and cause injuries to others.
 - 3.4.3 If the driver is disabled, the vehicle will likely continue on its path until striking persons or property.
 - 3.4.4 Shooting accurately from a moving vehicle is extremely difficult; therefore, unlikely to stop or prevent a threat to the officer or innocent persons.

4. The Threat of Deadly Force

- 4.1 Officers may un-holster or display firearms when there is a reasonable belief, a danger to life or serious physical injury is immediately present.
- 4.2 Pointing a firearm at or in the direction of a person is a use of force and may be exercised only in response to a reasonable belief that a threat to life or serious physical injury is immediately present.
 - 4.2.1 A general report will be sufficient for the documentation of the above use of force.

5. Use of Non-Deadly Physical Force

- 5.1 The use of non-deadly physical force upon another person by a law enforcement officer is justified when he reasonably believes it necessary:
- 5.2 To effect an arrest or to prevent the escape from custody of an arrested person unless the officer knows the arrest is unlawful; or
- 5.3 To defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force; or
- 5.4 While effecting or attempting to make an arrest, or to maintain the public order; or
- 5.5 While preventing or trying to prevent an escape.

6. The Force Continuum

- 6.1 The "Use of Force Continuum" refers to the escalation and de-escalation of force or control.
- 6.2 **Escalation:** Justified when the officer is convinced the level of force being used is insufficient to stop or control the resistance.
- 6.3 **De-escalation:** The subject begins to de-escalate or lessen the resistance offered. If the subject de-escalates, the officer must de-escalate similarly.
- 6.4 **Control:** The method an officer uses to neutralize the unlawful actions of a subject. The type of control methods used will vary based on a variety of factors. For purposes of this policy, the department recognizes the following levels of control:
 - 6.4.1 **Officer presence** is the lowest level on the use of force continuum. The officer's presence at the scene many times is all that is needed to control the incident.
 - 6.4.2 **Verbal command** includes officer presence and a variety of communication and verbal skills, such as directing, requesting, or commanding.
 - 6.4.3 **Soft empty hand control techniques** are low-level compliance procedures, which are non-threatening, non-violent, and have minimal chance of injury.

- 6.4.4 **Chemical agents** (OC Spray) should be that level of force used when passive restraint techniques have failed or when a subject displays actions of non-compliance during an arrest. As a general rule, chemical agents should be used before physical engagements. Refer to Policy Directive 11-7, Use of *Chemical Deterrents*.
- 6.4.5 **Hard empty hand control** is physical contact when OC spray is inappropriate or fails. This type of force or control depicts techniques that have the potential for causing injuries.
- 6.4.6 **Conducted Energy Device** (CED) is used to defend against imminent physical attack, to prevent harm to any person, and to control vicious animals when necessary. Active resistance from an individual must exist before the decision is made to deploy the CED. Refer to Policy Directive 11-4, *Conducted Energy Device*.
- 6.4.7 **Intermediate or impact weapons:** Authorized impact weapons are used to impede a subject's actions when other force fails or is deemed inappropriate. The less-lethal shotgun may be used when an officer or supervisor has reasonable grounds to believe its use would be necessary and appropriate for the situation. When to arm the less-lethal shotgun will be at the discretion of the officer or supervisor at the scene. When the use of the police baton is warranted, officers will try to strike the suspect's arms or legs. Officers should not attempt to strike suspects on the head, neck, sternum, spine, groin, or kidney unless deadly force is justified.
- 6.4.8 **Deadly force** is the highest level of force. Used when an officer is confronted with an assault that reaches the ultimate degree of danger.

7. Variables that Affect the Force Continuum

- 7.1 The officer should consider the following variables when deciding to escalate or when to de-escalate the level of force or control:
 - 7.1.1 Officer and subject size and physical abilities;
 - 7.1.2 Environmental conditions, such as close or confined areas;
 - 7.1.3 The nature of contact or type of incident;
 - 7.1.4 Exigent circumstances, such as the number of subjects involved, the number of officers involved and the availability of back up;
 - 7.1.5 Reaction time must be considered. Since the action is faster than reaction, the officer must pay attention to the above factors when preparing for a course of action.

8. Reactionary Gaps

- 8.1 The "Reactionary Gap" is defined as the safety zone between the officer and subject, which affords the officer more time to react to unarmed physical aggression.
- 8.2 The average distance is six feet or more.
- 8.3 The gap can vary with the type of weapons the subject may possess;
- 8.4 The officer always has two reactionary options available:
 - 8.4.1 Penetrate the gap to attempt control, or
 - 8.4.2 Disengage to create distance.

9. Medical Treatment and Workman's Compensation

- 9.1 When there are injuries or complaints of injuries to any person during the use of force incident, the supervisor responsible for the investigation will ensure that appropriate medical care is provided to the officer and subject (PD 11-2, Reporting Use of Force). [CALEA 1.3.5]

10. Department Responses

- 10.1 All use of force greater than soft empty hand control techniques will be reported according to PD 11-02, Reporting Use of Force.
- 10.2 Any member whose actions or use of force results in a death or serious physical injury will be removed from line duty assignment and placed on paid administrative leave status pending review of the incident. [CALEA 1.3.8]

11. Training

- 11.1 All personnel authorized to carry weapons are required to receive annual in-service training on this agency's *Use of Force Policy*. [CALEA 1.3.11b]