


O2401 – Use of Force

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Note: Papillion APD Travelers Camden County LaGrange	CALEA Standards Addressed: 4.1 4.2 4.3 1.2.10 Nebraska Crime Commission (N.C.C. O2.4)	
Issued By:	Chief Philip D. Lukens	Signed: 

I. POLICY

It is the policy of the Alliance Police Department to value and preserve human life by using only that force which is reasonable to defend oneself or others against death or injury (including self-harm), accomplish arrests, overcome resistance and accomplish lawful objectives. All force used by an employee to gain control of a situation shall cease when the purpose justifying its use has been accomplished. The use of excessive force will not be tolerated. This policy pertains to any law enforcement related use of force, on or off-duty. (CALEA 4.1.1 & 4.1.2) (N.C.C. O2.4)

II. PURPOSE

The primary purpose of this directive is to ensure employees respect the sanctity of life when making decisions regarding use of force. Sworn law enforcement officers have been granted the extraordinary authority to use force when necessary to accomplish lawful ends. That authority is grounded in the responsibility of officers to comply with the laws of the State of Nebraska regarding the use of force and to comply with the provisions of this directive. Equally important is law enforcement's obligation to prepare individual officers in the best way possible to exercise that authority.

In situations where law enforcement employees are justified in using force, the utmost restraint should be exercised. Use of force should never be considered routine. In exercising this authority, employees must respect the sanctity of all human life, act in all possible respects to preserve human life, do everything possible to avoid unnecessary uses of force, and minimize the force that is used, while still protecting themselves and the public. For this reason the Alliance Police Department does not allow a vascular neck restriction to be used as a less lethal technique. It is not taught and prohibited by this Department. A choke hold which restricts the intake of oxygen for the purpose of gaining control of a subject is also prohibited and may not be utilized when deadly force would be considered reasonable.

This policy is intended only for internal department use and is not to be applied in any criminal or civil proceeding, nor does it create a higher legal standard of safety or care with respect to third parties. Violations of this policy will only be the basis of administrative discipline, while violations of the law will be the basis for civil and criminal penalties in a court of law.

III. DEFINITIONS

Active Assailant: A person who is using or imminently threatening the use of force against another person, with or without a weapon, in an aggressive manner that poses an imminent danger to an employee or another person.

Active Resistance: A person who is uncooperative and fails to comply with directions from an employee, and instead attempts to avoid physical control and/or arrest by creating distance

between themselves and the employee or the employee's reach. This type of resistance includes but is not limited to evasive movement of the arm, flailing arms, and full flight by running.

Canine Apprehension: A properly trained police canine may be used to apprehend an Active Resister whenever the handler has probable cause to believe the person has committed a crime, and less intrusive means of apprehension have been exhausted or, under the circumstances, determined to be ineffective or unavailable. Additional guidance may be found in Police Service Dog [O2109](#).

Chokehold: Sometimes referred to as a Neck or Carotid Restraint, a chokehold is a technique that involves applying direct pressure to a person's trachea (windpipe) or airway (front of the neck) with the intention of reducing the intake of air. A Carotid Restraint is a technique that applies direct pressure to the carotid artery (on the side of the neck) restricting the flow of blood to the brain and causing a temporary loss of consciousness.

Compliance Techniques: Physical techniques that involve the use of non-impact pressure to sensitive areas of the body (mainly areas of skin covering bone) in order to elicit and maintain control of a person. Compliance techniques include joint manipulation and pressure point techniques, but do not include any technique that restricts blood flow to carotid arteries, causing a person to lose oxygen to the brain.

Conducted Energy Devices (CED): A CED is any device approved that is capable of firing darts/electrodes that transmit an electrical charge or current intended to temporarily disable a person.

Control Instruments: Tools (such as a baton) applied with non-impact pressure to joints and sensitive areas of the body (mainly areas of skin covering bone) in order to elicit and maintain control of a person.

Cooperation: Responsiveness to and compliance with employee requests.

Critical Decision-Making Model: The Critical Decision-Making model or "CDM" is an organized way of making decisions about how an employee will act in any situation, including situations that may involve potential uses of force. This is commonly referred to as the ICAT model. See ICAT Model.

Deadly Force: Force used with the purpose of causing or which will create a substantial risk of causing death or serious bodily harm. The discharge of a firearm will be considered to be use of deadly force, however, it can also be expanded to include the use of less-lethal weapons and force if the intent in their use is to cause serious bodily harm. The use of deadly force is authorized by N.R.S. § 28-1412. (CALEA 1.2.2)

De-escalation (De-escalation Techniques): Actions taken by an employee meant to stabilize a situation and reduce the immediacy of a potential threat so that a potentially dangerous situation with voluntary compliance and without resorting to force. (CALEA 4.1.1)

Employee: Any employee of the Alliance Police Department, full or part-time, sworn and non-sworn.

Firearm: Any other weapon to include a patrol rifle, shotgun, back-up weapon, etc.

Holding Techniques: Holding techniques include a firm grip or grab of an arm, wristlocks, come-along holds (i.e. escort holds that are not elevated to compliance techniques), controlled take-downs, and pins against the ground or objects, as well as any combination of the above.

ICAT (Integrating Communications Assessment and Tactics) Decision Matrix also referred to as the CDM (Critical Decision Making Model):



Imminent Danger: Imminent danger describes threatened actions or outcomes that are immediately likely to cause death or serious bodily harm to an employee or another person, unless action is taken. In order to be imminent, the person threatening danger must have the means/instruments and opportunity/ability to cause death or serious bodily harm. The threatened harm does not have to be instantaneous. The period of time involved is dependent on the circumstances and facts of each situation and is not the same in all situations. (CALEA 4.1.2)

Impact Weapons: Weapons designed to establish control by means of applying mechanical impact to a person to disable elements of his or her musculoskeletal structure. Impact weapons include batons and less lethal ammunition. The Department trains employees to avoid the use of flashlights, radios, firearms, or any item not specifically designed as an impact weapon, unless immediately necessary and no other practical options are available.

Less Lethal Force: A level of force intended to control a subject or situation that is not intended to cause death or serious bodily harm.

Oleoresin Capsicum Spray: Also known as OC Spray or Pepper Spray, this is an inflammatory chemical agent that causes an intense burning sensation of the skin, eyes, and mucous membranes. Direct exposure to a person's eyes will likely result in the eyes closing, tearing, and swelling. When inhaled, a person experiences choking, gagging, gasping for breath, or, on rare occasion, unconsciousness. As a result of these symptoms, a person may experience nausea or temporarily impaired thought processes, or may become disoriented or lose his or her balance.

Passive Resistance: A person who is not cooperative, in that the person fails to comply (in a non-movement way) with verbal or other direction from an employee.

Physical Contact: Routine or procedural contact necessary to effectively accomplish a legitimate law enforcement objective. Examples include, guiding a subject into a police vehicle, holding the subject's arm while transporting, handcuffing a subject and maneuvering or securing a subject for a frisk.

Physical Force: Forceful, concentrated striking movements such as punching and kicking, or focused pressure strikes and pressures. These techniques can be combined with take-downs or pins against the ground or other objects.

Police Presence: Police presence established through identification of authority and proximity to the person.

Proportionate Force: Actions, including de-escalation and force, which correspond appropriately with the particular circumstances confronting the employee.

Reasonable belief: When facts or circumstances the employee 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. (CALEA 4.1.2)

Serious bodily injury: Bodily injury which involves a substantial risk of death, or which involves substantial risk of serious permanent disfigurement, or protracted loss or impairment of the function of any part or organ of the body (N.R.S. § 28-109 20.) (CALEA 4.1.2)

Service Weapon: The assigned sidearm/handgun worn by sworn personnel.

Substantial Risk: A substantial risk is one that is foreseeably likely to occur. That is, the risk is one that a reasonable officer in the same circumstances should anticipate as the likely outcome.

Tactical Communication: Verbal communications techniques that are designed to avoid or minimize the use of force. Such techniques include attempts to exercise persuasion, advice, instruction, and warning prior to the use of physical force.

Tactical Positioning: Making advantageous use of positioning, distance, and cover to isolate and contain a person and avoid the need to resort to force.

Threatening Assailant: A person who is using or threatening the use of force against another person, with or without a weapon, in an aggressive manner that may cause physical injury. Examples may include: (1) a person who puts an employee in fear of a battery by advancing on the employee in a threatening manner or closing the distance between the assailant and the employee, thereby reducing the employee's reaction time, and (2) a person who fails to disarm, thereby increasing the likelihood the person's actions are likely to cause physical injury.

Time as a Tactic: Establishing a zone of safety around a person that creates an opportunity for an assessment and action, when feasible, thereby decreasing the need to resort to force.

Verbal Control Techniques: Consists of persuasion, advice, instruction, and warning in the form of verbal statements or commands that may result in compliant behavior. Whenever it is safe and feasible, employees shall attempt to de-escalate confrontations by utilizing verbal control techniques prior to, during, and after the use of physical force.

Violent Felon: Any person who has been identified as participating in the commission or attempt of a murder, manslaughter, sexual assault, aggravated assault, kidnapping or armed robbery.

IV. PROCEDURE

- A. This directive applies to all employee uses of force. This directive establishes guidelines for employees with regard to use of force. This directive applies to all uses of force, whether employees are on- or off-duty. This directive complements the Critical Decision-Making model (CDM) that is the core of the Department's use of force training. CDM provides employees with an organized way of making decisions about how they shall act in any situation, including situations that may involve potential uses of force.
- B. This directive recognizes constitutional principles, but aspires to go beyond them. The Fourth Amendment requires that an employee's use of force be "objectively reasonable." *Graham v. Connor*, 490 U.S. 386 (1989). Under this standard, an employee may only use force that a reasonable officer would when facing similar circumstances. The objectively reasonable standard acknowledges the difficult decisions that employees are forced to make under rapidly evolving and often unpredictable circumstances, but it does not provide specific guidance on what to do in any given situation.
- C. The Constitution provides a "floor" for government action. This Department aspires to go beyond *Graham* and its minimum requirements. Sound judgment and the appropriate exercise of discretion will always be the foundation of police employee decision making in the broad range of possible use of force situations. It is not possible to entirely replace judgment and discretion with detailed policy provisions. Nonetheless, this directive is intended to ensure that de-escalation techniques are used whenever feasible, that force is only used when necessary, and that the amount of force used is proportionate to the situation that an employee encounters.
- D. The Department's core use of force principles are as follows:
 - 1. CORE PRINCIPLE #1: Employees may use force only to accomplish specific law enforcement objectives.
 - i. Employees may use force for the following legitimate law enforcement objectives:
 - 1. To effect lawful law enforcement objectives, such as to effect a lawful seizure (an arrest or detention) or to carry out a lawful search;
 - 2. To overcome resistance directed at the employee or others;
 - 3. To prevent physical harm to the employee or to another person, including intervening in a
 - 4. suicide or other attempt to self-inflict injury;
 - 5. To protect the employee, or a third party, from unlawful force; or To prevent property damage or loss.
 - ii. Employees may not use or threaten to use force for the following reasons:
 - 1. To resolve a situation more quickly, unless the extended delay would risk the safety of
 - 2. the person involved, employees, or others, or would significantly interfere with other legitimate law enforcement objectives;
 - 3. To punish a person or to retaliate against them for past conduct or to impose punishment; To prevent a person from resisting or fleeing in the future;

4. To force compliance with an employee's request, unless that request is necessary to serve employee or public safety, or criminal adjudication; or
 5. Based on bias against a person's race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation, or any other protected characteristic.
2. CORE PRINCIPLE #2: Whenever feasible, employees should attempt to de-escalate confrontations with the goal of resolving encounters without force. Employees may only use force that is objectively reasonable, necessary, and as a last resort.
 - i. Employees will use de-escalation and force-mitigation tactics and techniques whenever safe and feasible to do so. It should be every employee's goal to resolve all situations without using force. To make this more likely, employees must use de-escalation and force-mitigation tactics and techniques whenever doing so will not put the employee or another person at undue risk.
 1. Employees will receive substantial training on the Critical Decision-Making (CDM) model, as well as when and how to appropriately use de-escalation and force- mitigation, including but not limited to Tactical Communication, Tactical Positioning, and Time as a Tactic.
 - ii. Employees will provide clear instructions and warnings whenever feasible before using force. Whenever safe and feasible, employees should not use force immediately when encountering noncompliance with lawful verbal directions. Instead, whenever safe and feasible, before using force, employees should:
 1. Provide clear instructions and warnings;
 2. Seek to communicate in non-verbal ways when a verbal warning would be inadequate (such as when the person does not speak English, or is unable to hear or understand warnings);
 3. Indicate the consequences of refusing to comply with a mandatory order, including that force will be used unless the person complies; and
 4. Give the person a reasonable amount of time to comply.
 - iii. Employees must consider an individual's mental, physical, or other incapacities. Employees must, when feasible, consider whether a person's failure to comply with an employee's command is due to a medical condition, mental impairment, physical limitation, developmental disability, language barrier, drug interaction, behavioral crisis, or other factors beyond the individual's control. In these situations, employees should consider whether specific techniques or resources would help resolve the situation without force.
 - iv. Employees should not exercise force unless it is necessary and as a last resort. Employees should exhaust all other reasonable means before resorting to the use of force. Using force only as a last resort means that employees not engage in unnecessary, overly aggressive, or otherwise improper actions that create a situation where force becomes needed. Using force only as a last resort also means that an employee shall not use force if a safe alternative would achieve the law
3. CORE PRINCIPLE #3: Employees must use only the amount of force that is proportionate to the circumstances.
 - i. Employees must evaluate all the circumstances facing them in the field to determine whether force is appropriate and what amount is proportionate. Employees encounter a wide range of situations in the field, but the sanctity of human life should be at the heart of every decision an employee makes. When force cannot be avoided through de-escalation or other techniques, employees

must use no more force than is proportionate to the circumstances. In general, the greater the threat and the more likely that the threat will result in injury or death, the greater the level of force that may be immediately necessary to overcome it. Consistent with training, some of the factors that employees should consider when determining how much force to use include:

1. The risk of harm presented by the person;
 2. The risk of harm to the employee or innocent citizens by using force; The seriousness of the law enforcement objective;
 3. Whether further de-escalation techniques are feasible, including the time available to an employee to make a decision, and whether additional time could be gained through tactical means;
 4. If there is a practical, less harmful alternative available to the employee;
 5. Mental or physical disability, medical condition, and other physical and mental characteristics; and
 6. Whether there are other exigent/emergency circumstances.
- ii. As a situation changes, employees must reevaluate the circumstances and continue to respond proportionately. Over the course of an encounter, the circumstances and threats an employee faces may change. Consistent with training and the CDM process, while using force, employees must continually assess the effectiveness, proportionality, and necessity of their actions.
- iii. This Department trains employees on the following range of force options. The force options available to an employee fall along a continuum. Employees are not required to exhaust one type of force before moving to a greater force. Sound judgment and the appropriate exercise of discretion will always be the foundation of employee decision making in the broad range of possible use of force situations. This Department trains its employees on the following force options, from least to greatest force: **(CALEA 4.1.1)**
1. Police Presence (least)
 2. Verbal Control Techniques
 3. Physical Contact
 4. Holding Techniques
 5. Compliance Techniques
 6. Control Instruments
 7. Physical Force
 8. Impact Weapons
 9. Canine Apprehension
 10. Conducted Energy Devices
 11. Deadly Force (greatest)
- iv. The level of resistance that an employee encounters is a key factor in determining the proportionate amount of force. It is not possible to determine ahead of time what the proportionate level of force is for every possible situation that employees may face. Nevertheless, one of the key factors in determining what level of force is necessary and proportionate in a given situation is the level of resistance that an employee encounters. In general, the less resistance an employee faces, the less force the employee should use. The types of resistance employees may

encounter fall along a continuum, from a cooperative person to an active assailant. Consistent with training, the following general rules apply when employees are exercising judgment in determining what level of force is necessary and proportionate:

1. Cooperative Person: When dealing with a cooperative person, employees may rely on police presence and/or verbal control techniques, but should not use greater force.
 2. Passive Resistor: When dealing with a passive resistor, employees may rely on police presence, verbal control techniques, holding techniques, compliance techniques, and/or control instruments, but greater force, such as physical force, impact weapons (batons), and Conducted Energy Devices (CEDs), should not be used.
 3. Active Resistor: In general, when dealing with an active resistor, in addition to the options available for passive resisters, properly trained personnel may use canine apprehension if the canine handler has probable cause to believe that the person has committed a crime, and less intrusive means of apprehension have been exhausted or under the circumstances would be unavailable or ineffective.
 4. Threatening Assailant: In general, when dealing with a threatening assailant, employees have all use of force options, other than deadly force, available to them, including impact weapons (such as batons or less lethal ammunition) and CEDs. Although a range of force options are generally available, particular options can be used only if proportional to the threat faced. For example:
 - a. CEDs and less lethal ammunition may be discharged only in response to resistance that poses a substantial risk of serious physical injury.
 5. Active Assailant: In general, when dealing with an active assailant, employees have all force options available, though deadly force should only be used as a last resort and in strict accordance with the guidance below, see Core Principle #4.
- v. When an individual engages in certain aggressive actions, he/she is considered an assailant, not a resistor. When a person uses force, threatens to use force, or otherwise acts in an aggressive manner that increases the likelihood that they may cause physical injury to an employee or to another person, that person is no longer considered cooperative or even a resistor, but instead becomes an assailant. Flight from an employee does not, on its own, qualify a person as an assailant.
 - vi. When an individual's actions pose an imminent danger, he/she is considered an active assailant, not a threatening assailant. The difference between a threatening assailant and an active assailant is how immediate a threat the assailant poses to the employee or another person. When the person poses an imminent danger, the person is considered an active assailant. When the threat exists but does not amount to imminent danger, the person is considered a threatening assailant.
 - vii. Special requirements must be met before an employee may display a firearm. Unholstering or pointing a firearm are tactics that should be used with great caution. The presence of an employee's firearm, under the right circumstances, can discourage resistance and ensure employee safety in potentially dangerous situations without the need to resort to actual force. At the same time, however, unnecessarily or prematurely drawing a firearm can limit an employee's options in controlling a situation, will create great anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Accordingly,

employees should only display their firearms in appropriate tactical situations and using the following principles as guidance:

1. Pointing a firearm. Consistent with training, employees may point a firearm at a person only when circumstances create a reasonable belief that it may be immediately necessary for the employee to use deadly force. When the employee no longer reasonably believes that deadly force may be immediately necessary, the employee shall, as soon as practicable, secure or holster the firearm.
2. Un-holstering a firearm. Consistent with training, employees may un-holster or otherwise display a firearm only when circumstances create a reasonable belief:
 - a. (1) that the employee is permitted to point a firearm at a person,
 - b. or (2) that un-holstering or displaying the firearm may itself help establish or maintain control in a potentially dangerous situation.
- viii. Persons under an employee's control should be positioned in a way so that their breathing is not obstructed. After gaining control of a person, employees should position the person in a manner to allow the person to breath unobstructed. This means that employees should not sit, kneel, or stand on a person's chest or back, and whenever feasible should not force the person to lie on his or her stomach.
- ix. In addition to this directive, specific weapons directives remain applicable. In addition to the requirements of this directive, employees may only use weapons in a manner consistent with specific Departmental weapons policies..
4. CORE PRINCIPLE #4: Deadly force is only authorized as a last resort and only in strict accordance with this directive. (CALEA 4.1.2)
 - i. Deadly force includes, but is not limited to, use of a firearm. Deadly force is force that an employee knows or should know creates a substantial risk of causing death or serious bodily harm. Deadly force includes, but is not limited to, firing a firearm in the direction of another person. Depending on the circumstances, deadly force also includes other potentially lethal tactics, such as:
 1. Firing of a firearm at a vehicle, building, or structure in which another person is believed to be; or
 2. Applying a chokehold or similar technique. (N.C.C. O2.4)
 - ii. Threatening deadly force does not necessarily constitute deadly force. A threat to cause death or serious bodily harm, such as by displaying a firearm, does not constitute deadly force, so long as the employee's purpose is limited to creating an apprehension that deadly force will be used if necessary.
 - iii. Strict requirements must be met before an employee may use deadly force. As discussed above, when feasible, employees should try to de-escalate situations, issue verbal warnings, or use non-lethal force with the goal of resolving encounters without using deadly force. There are, however, occasions when deadly force is necessary to protect employees or members of the public. An employee may use deadly force only when the employee reasonably believes such action is immediately necessary to protect the employee or another person from imminent danger of death or serious bodily harm.
 1. If feasible, an employee should identify himself/herself and state his/her intention to shoot before using a firearm. (CALEA 4.1.2)
 2. Employees shall not use deadly force if the employee reasonably believes that an alternative will avert or eliminate an imminent danger of death or

serious bodily harm, and achieve the law enforcement purpose at no increased risk to the employee or another person.

3. When an employee has sufficient time and distance to effectively evaluate a deadly force situation they are encouraged to consider discharging their firearm in such a manner that the anticipated result will be incapacitating to the suspect rather than shooting at center mass. This tactic may only be used if circumstances permit. Employees are not expected to put themselves at risk of receiving a serious injury or death while performing an incapacitating shot.
 4. If an employee does not have sufficient time to effectively evaluate discharging of their firearm in such a manner that the anticipated result will be incapacitating to the suspect then the employees should shoot at the largest available mass provided by the assailant as a target area for the employee, to stop the threat and to minimize danger to innocent bystanders or to themselves.
 5. Warning shots are prohibited except when the employee would otherwise be justified in the use of deadly force. Warning shots are authorized when the use of a warning shot might prevent the use of deadly force by the suspect against the employee or a third person, or when the warning shot might prevent the employee's use of deadly force against the suspect.
- iv. Strict additional requirements must be met before an employee may use deadly force against a moving vehicle. While any firearm discharge entails some risk, discharging a firearm at or from a moving vehicle entails an even greater risk to innocent persons and passengers because of the risk that the fleeing suspect may lose control of the vehicle. Due to this greater risk, and considering that firearms are not generally effective in bringing moving vehicles to a rapid halt, an employee shall not fire from a moving vehicle, or at the driver or occupant of a moving vehicle, unless the employee reasonably believes:
1. There exists an imminent danger of death or serious bodily harm to the employee or another person; and
 2. No other means are available at that time to avert or eliminate the danger.
- v. Strict additional requirements must be met before an employee may use deadly force against a fleeing suspect. An employee may use deadly force to prevent the escape of a fleeing person only if all of the following conditions are met:
1. The employee has probable cause to believe the suspect has committed an offense in which the suspect caused or attempted to cause death or serious bodily harm; and
 2. The suspect will pose an imminent danger of death or serious bodily harm should the escape succeed; and
 3. The use of deadly force presents no substantial risk of injury to innocent persons.
 4. Warning shots fired in an attempt to cause a fleeing suspect to stop or surrender are a danger to the public and are strictly prohibited. (CALEA 4.1.3)
- vi. There are specific circumstances in which the use of deadly force is prohibited. In general, employees may not discharge their weapons as a signal for help or as a warning shot, nor may they use deadly force in the following situations:
1. Solely to prevent property damage or loss;

2. Solely to prevent the destruction of evidence (for example, under no circumstances shall an employee use a chokehold, or any lesser contact with the neck area, in order to prevent the destruction of evidence by ingestion, unless life threatening to the actor);
 3. Solely to disable moving vehicles; or
 4. Against a person who poses a threat only to themselves (and not to others).
- vii. The use of deadly force to kill animals which are seriously injured and/or sick and/or possess a real and immediate threat to the safety of humans is justifiable when no other disposition is prudent or practical and the safety of citizens has been considered. If deadly force is used to kill an animal, the employee will notify the on-duty supervisor and document the circumstances in CAD comments if a wild animal and document through an incident report if a domesticated or farm animal.
(CALEA 72.3.1a)
- viii. a)
5. CORE PRINCIPLE #5: Employees must promptly provide or request medical aid.
 - i. Employees have a duty to provide prompt medical care. Employees shall always treat people with dignity and respect. Whenever a person is injured, complains of an injury, or requests medical attention, as soon as it is safe and practical, employees shall request medical aid (such as by contacting emergency medical services) and provide appropriate medical care consistent with the employee's training (such as by providing first aid and/or transportation to an emergency medical facility).
 - ii. Employees have a duty to continuously monitor individuals for potential medical intervention after a use of force. Out of respect for the sanctity of life, employees shall closely monitor persons against whom force was used for signs that they require medical assistance. This responsibility applies during transportation and throughout custody. Employees should pay particular attention to persons believed to be pregnant, children, the elderly, and physically frail individuals.
6. CORE PRINCIPLE #6: Employees have a duty to stop and report uses of force that violate any applicable law and/or this directive.
 - i. Employees have a duty to prevent and stop illegal and inappropriate uses of force by other employees. See Duty to Intervene [O2401-3](#). Every employee has an obligation to ensure compliance, by themselves and others, with Department directives and regulations, as well as all applicable laws, regarding use of force. Any employee who observes an employee about to use force that is illegal, excessive, or otherwise inconsistent with this directive must, absent extraordinary circumstances, do whatever he/she can to interrupt the flow of events before the fellow employee does something that makes any official action necessary. Employees can serve each other and the public by simply saying or doing the right thing to prevent a fellow employee from resorting to force illegally or inappropriately. Similarly, any employee who observes an employee using force that is illegal, excessive, or otherwise inconsistent with this directive must, absent extraordinary circumstances, do whatever he/she can to interrupt the flow of events and stop the use of force.
 1. If a supervisor observes such a violation, the supervisor must issue a direct order to stop the violation.
 - ii. Employees have a duty to report illegal and inappropriate uses of force by other employees.

- iii. Any employee who observes or has knowledge of a use of force that is illegal, excessive, or otherwise inconsistent with this directive must:
 1. Notify a supervisor as soon as possible; and
 2. Submit an individual written report to a supervisor before reporting off duty on the day the employee becomes aware of the misconduct.
 - iv. Employees are prohibited from retaliating against an employee who intercedes in or reports illegal or inappropriate uses of force. No employee may retaliate, in any form, against another employee who intercedes in or reports a violation of this directive, or who cooperates with an investigation into a possible violation of this directive.
- E. Employees will be disciplined for violations of this directive. This directive is not intended to create or impose any legal obligations or bases for legal liability absent an expression of such intent by a legislative body, court, or agency. Nevertheless, employees have an affirmative, individual duty to ensure compliance with this directive and with applicable state and federal laws. This applies to the employee's own conduct, as well as observation or knowledge of the conduct by other employees. This directive reinforces the responsibility of employees to take those steps possible to prevent or stop illegal or inappropriate uses of force by other employees. Actions inconsistent with this directive may result in disciplinary action, up to and including termination. At the same time, employees whose actions are consistent with the law and the provisions of this directive will be strongly supported in any subsequent review of their conduct regarding the use of force.
- F. In addition, "the 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable employee on the scene, rather than with the 20/20 vision of hindsight...the question is whether the employees' actions are 'objectively reasonable' in light of the facts and circumstances confronting them."
- G. Less-Lethal Force (CALEA 4.1.4)
1. Less-lethal force will be used when necessary to control a party and the situation does not justify the use of deadly force. An employee is authorized to use less-lethal force:
 - a. To protect the employee or others from immediate physical harm
 - b. To restrain or subdue an individual who is actively resisting arrest
 - c. To bring an unlawful situation safely and effectively under control
 2. Officer Presence
- The presence of a uniformed police officer is considered the first step in the force continuum and is many times enough to gain control of a situation. Employees should not discount the positive effects a professional appearance creates. Employees should introduce themselves by rank, name, and Department at the beginning of each contact unless the nature of the contact precludes the ability to do so or it would be harmful to the contact to do so. Doing this in abbreviated fashion by saying "Police Department" or "Alliance Police Department" can be an effective method for accomplishing the same goal. Plain-clothes officers should be mindful that citizens may not immediately recognize them as a law enforcement officer and should announce that fact at the earliest possible opportunity. Officers positioning is another ingredient in Officer Presence. Employees should use cover

and distance to place themselves in a position that provides the greatest tactical advantage that is appropriate for the situation. Employees must keep in mind the ICAT matrix and recognize the importance of tactical repositioning. Employees should reposition themselves and move as a threat moves and takes away their advantage. (CALEA 4.1.1) Some considerations when it comes to positioning are:

- a. Cover: Do I need cover? What in this environment will provide adequate cover? Would a ballistic shield be appropriate?
- b. Relative Distance: What is an appropriate relative distance with this subject given the environment and my objectives? Should I keep a larger reactionary gap?
- c. Time: How can I use cover and distance to slow the event down and “create time”
- d. Contact & Cover assignments: Which one of us is the contact officer, who will be doing all the talking, and which one is the cover officer, who will be watching the suspect and scene and ready to protect the contact officer?

3. Verbal Communication

All employees shall, when reasonable to do so, first attempt to achieve control through advice, warnings, persuasion, or commands. “Police! Don’t move!” is a preferred command to control subjects initially. “Ask, Tell, Confirm, Make” can be a helpful model to progress through if the situation allows. Ask the person to do what you need them to do. If they do not do it, tell the person to do what you need them to do. If they do not do it, Confirm that their intent is not to obey the command. Make the person do what you need them to do. Use reasonable force to make the person do what you need them to do. De-escalation techniques should be used if possible when encountering a person who is agitated or in crisis. Employees should work to slow situations that do not pose an immediate threat. Use of intentionally provocative statements by employees is not authorized. Employees should also recognize when additional resources and supervision may be valuable at a scene and request them. (CALEA 4.1.1)

4. Defensive Tactics

- a. Techniques from the Pressure Point Control Tactics (PPCT) are the recognized defensive tactics system of the Alliance Police Department.
- b. The application of PPCT techniques are authorized only for those employees who have been trained in their use by a certified instructor. All techniques are taught during initial on-board training and at least once every year. (CALEA 4.3.3 a)

- c. Non-PPCT Tactics and Techniques: The application of non-PPCT tactics and techniques which are taught during annual DT or Use of Force training shall be in compliance with training conducted by the Department.
- d. Neck Restraints, holds which compress the airway and impede a person's ability to breathe, or blood flow to the brain, and are considered deadly force. Neck Restraints are NOT taught by this Department and are prohibited. Choke holds may only be used as a last resort in situations where deadly force is allowed by law. (CALEA 4.1.6 & 4.1.7)
- e. The use of any physical force techniques, regardless of whether they are Department instructed, or techniques learned outside the Department, must represent a reasonable force response to the situation and the subject.
- f. Subjects placed in the prone position, chest and stomach down and back facing up, while handcuffed should only be kept in that position until they are under control and should then be moved into a recovery, seated, or standing position to facilitate breathing.

5. OC Spray

- a. Oleoresin Capsicum (OC) is authorized by the Police Chief for situations where the use of force has escalated to a point where low impact force techniques would no longer be effective or such use would endanger the employee, and prior to the use of medium impact force techniques or impact weapons. OC Spray is to be considered a defensive weapon and can be used to temporarily incapacitate an individual so that they may be safely taken into custody without harm to the individual or employee. There may be circumstances in which the threat of force rapidly escalates beyond the point where OC Spray would be effective.
- b. The contents of OC Spray cause temporary discomfort to the subject when sprayed. After being restrained, the subject should be advised OC Spray causes no permanent damage and recovery time is usually 20 to 40 minutes. When possible, the suspect's eyes should be flushed with cool water. During the recovery period the subject will be under constant observation by the employee and cleared by medical personnel.

6. Taser CED

The Police Chief authorizes employees who have successfully completed Department provided Taser training to carry Taser CEDs. Tasers are most effective and least dangerous when targeted at large muscle groups, such as the back, glutes, legs, arms, and abs. Taser CEDs targeted on these areas are considered high impact force and are authorized for use when an employee reasonably believes that a subject is displaying active aggression toward the employee or another person. Tasers targeted at the head, neck or groin are likely only to result in pain and have an increased likelihood of injury. Thus, such a Taser deployment, intentionally made, would be considered deadly force. Taser CEDs will be carried only in a functional retention holster. It may be carried in cross draw (dominant hand) holster, drop leg or conventional (non-dominant hand) holster, and either configuration on approved molle vests. Taser CEDs will be secured in the less lethal armory or other approved secure location when not being carried on duty. Only Department owned Taser CEDs can be carried while on duty. The lead

Taser instructor will keep detailed and up to date records regarding training, inventory, and maintenance.

- a. Utilization: When carrying a Taser employees will do the following:
 - (1) Employees will ensure that the Taser is in proper working order before the start of their tour of duty.
 - (2) When practical the employee intending to deploy their Taser CED should notify other employees present by saying "Taser" prior to and during the Taser CED deployment.
 - (3) Employees will only point a Taser CED at a person whom they believe to pose a threat for which the Taser CED is a reasonable force response. Employees are discouraged from deploying the Taser on minors, the elderly and obvious pregnant women.
 - (4) Taser CEDs will not be used in close proximity to flammable liquids, gases or any highly combustible materials that may be ignited by the device unless deadly force is authorized.
 - (5) Employees will not purposely target a suspect's head, neck, or genitals unless deadly force is authorized.
 - (6) Taser CEDs will be used in compliance with the manufacturer's guidelines.
- b. Training: The initial training certification will be an eight-hour class consisting of written and practical exams. In-service training will be conducted at least annually to maintain proficiency/certifications. All Taser training will be conducted by certified Taser instructors. (CALEA 4.3.2, 4.3.3 a)
- c. Probe Removal: An employee at the scene, in accordance with the manufacturer's guidelines and department training, may remove Taser probes as long as the probes are not embedded in sensitive areas of the body (ie: head, neck, breasts, groin, hands, & feet). EMS personnel should be dispatched if probes are embedded in sensitive areas or if requested by the subject. Employees will use nitrile gloves when removing probes. Probes will be removed as described in Department training. After removal employees should apply pressure to the probe sites with an alcohol swab and place a band aid on the probe site once any bleeding has stopped. Probes will be placed sharp end first back into the used cartridge and packaged and booked into evidence. They will be collected and stored in accordance with [O2117](#) Infectious Disease Control & [O2205](#) Evidence Collection and Preservation.
- d. Unintended Deployment: Any employee causing an unintended deployment of Taser probes must report the deployment on a memorandum to the Division Commander. A copy of the memorandum will be included with the Taser CED, which will be handled following the Post Deployment Procedure below.
- e. Post Deployment Procedures: Following a field deployment of the Taser

CED, the Taser CED will be removed from service. The expended Taser cartridge with probes, wires will be packaged in a paper bag, sealed and labeled as evidence. The packaged cartridge and Taser CED will be placed in an evidence locker. A property form will be completed. The Evidence Technician will ensure that all data evidence is downloaded from the Taser CED and properly stored. The Evidence Technician will then contact the Lead Taser Instructor to load the Taser CED with live cartridges and return it to service. Taser CED uses will be reported as discussed below in this policy.

f. Maintenance: The lead Taser instructor will coordinate all maintenance and a quarterly inventory of all Taser CEDs in use, verifying serial numbers and ensuring cartridge expiration dates are not allowed to pass. Anytime one of the following situations exists, the employee will place the Taser CED in the maintenance tray in the less lethal armory and ensure the Lead Taser Instructor receives an email regarding the situation.

- (1) The Taser CED appears NOT to be in proper working order
- (2) The Taser CED is submerged in water
- (3) The Taser CED fails to deploy properly

7. Impact Weapons

Impact weapons may be used to confront active aggression that is occurring or imminent towards employees or others. The most effective impact weapon strike areas are the large muscle groups of the arms and legs. These are considered high impact force use. Impact weapon strikes to the head or neck will be considered deadly force. The Police Chief authorizes the expandable baton as the standard-issue impact weapon for all uniform field personnel and it may be carried on the uniform duty belt or outer vest. The flashlight and other similar objects may be used as impact weapons although the expandable baton is the preferred choice. Employees shall be instructed in the use of the expandable baton and will be required to periodically demonstrate proficiency in the use of the baton.

8. Auxiliary Weapons

Any weapon other than Department issue must be approved by the Police Chief. Pocket knives shall not be considered an auxiliary weapon for purposes of these provisions.

9. Bola Wrap

The Bola Wrap 150 is a remote restraint device used for immobilizing and controlling resisting and/or non-compliant persons. The Police Chief authorizes officers who have successfully completed Department provided Bola Wrap training to carry the Bola Wrap. The Bola Wrap is most effective and least

dangerous when used on persons who are stationary or moving slowly and targeted between the ankles and mid-thigh, to control the legs, or between the wrists and elbows, to control arms that are by their sides. Bola Wrap targeted on these areas are considered low impact force and are authorized for use when an officer reasonably believes that a subject is displaying psychological intimidation and passive resistance, or higher, toward the officer or another person. Bola Wraps targeted at the head, neck or groin should be avoided as they are very likely to be ineffective and may result in only pain or minor injury. Bola Wraps may be carried in MOLLE pouches or plastic carriers on the external vest carrier or belt. Bola Wraps will be secured, in the less lethal armory or other approved secure location when not being carried on duty. Only Department owned Bola Wraps can be carried while on duty. The lead Bola Wrap instructor will keep detailed and up-to-date records regarding training, inventory, and maintenance.

- a. Utilization: When carrying a Bola Wrap officers will do the following:
 - (1) Officers will ensure the Bola Wrap is in proper working order before the start of their tour of duty. Turn the device on and note what color the indicator light is. Green means it is in proper working order and is ready to deploy. Any other color means it requires maintenance.
 - (2) When practical the officer intending to deploy their Bola Wrap should notify other officers present by saying, “Bola, Bola, Bola”, prior to and during the deployment. Since Bola Wrap is loud like a gunshot, we want to ensure all officers on scene know that a Bola Wrap is being deployed and not a gunshot.
 - (3) Bola Wraps will be used in compliance with the manufacturer’s guidelines.
- b. Training: The initial training certification will be a two-hour class consisting of written and practical exams. In-service training will be conducted at least annually to maintain proficiency/certifications. All Bola Wrap training will be conducted by certified Bola Wrap instructors.
(CALEA 4.3.2, 4.3.3a)
- c. Bola Wrap Removal: An officer at the scene, in accordance with the manufacturer’s guidelines and department training, may remove the Bola Wrap cord and anchors as long as the anchors are not embedded in sensitive areas of the body (i.e., head, neck, groin, & hands). EMS personnel should be dispatched if probes are embedded in sensitive areas or if requested by the subject. Officers will use nitrile gloves when removing anchors if the anchors are imbedded in flesh. The Kevlar cord can be cut with trauma shears and will be collected and stored in accordance with [02117](#) Infectious Disease Control & [02205](#) Evidence Collection and Preservation.

- d. Unintended Deployment: Any officer causing an unintended deployment of a Bola Wrap cartridge must report the deployment in a memorandum to the lieutenant.
- e. Post Deployment Procedures: Following a field deployment of the Bola Wrap, the expended Bola Wrap cord, anchors, and cartridge will be packaged in a paper bag, sealed, and labeled as evidence. Bola Wrap uses will be reported as discussed below in this policy. The Bola Wrap device will be placed in the maintenance tray in the less lethal armory.
- f. Maintenance: The lead Bola Wrap instructor will coordinate all maintenance and a quarterly inventory and function check of all devices in use, verifying serial numbers. Anytime one of the following situations exists, the officer will place the Bola Wrap in the maintenance tray in the less lethal armory and ensure the Lead Bola Wrap Instructor receives an email regarding the situation. (CALEA 4.3.1 c, d, e)
 - (1) The device appears NOT to be in proper working order
 - (2) The device is submerged in water
 - (3) The device fails to deploy properly

H. Rendering Medical Aid Following Police Action (CALEA 4.1.5)

- 1. In incidents where an employee is required to apply any degree of physical force which results in an observable injury, complaint of injury, or in which an injury may have been sustained, or the subject appears to be in medical distress or is unconscious, the employee shall render, or arrange for, an appropriate level of medical aid as quickly as reasonably possible. If it is determined medical aid is necessary, the employee shall request the assistance of EMS and provide appropriate medical aid as soon as practical. If ability to apply medical aid is limited, medical aid will be applied according to the above listed safety priorities. Appropriate medical aid may include continued observation and reporting to dispatch on the condition of the subject, removal of Taser probes, applying a tourniquet or other measures to control bleeding, flushing OC particulates out of the subject's eyes, and applying first aid.
- 2. If there is any question as to the seriousness of an injury, or a person specifically requests to go to a hospital, EMS shall be contacted.
- 3. Following a field deployment of the 40mm LMTS, resulting in impact, employees shall contact EMS.

4. When transporting individuals involved in contentious police actions or following use of force incidents, consideration should be given to utilizing police personnel not directly involved in the action, if feasible.

I. Reporting and Documentation (CALEA 4.2.1)

1. Department members shall notify a field supervisor (sergeant or Commander) or in their absence the senior officer, of all incidents in which the member uses any force greater than non-resistant handcuffing; to include any use of a firearm, or less lethal weapon to include pointing such weapons at an individual. The field supervisor, or senior officer in their absence, will notify all command staff via a brief email in such cases. In the event an injury requiring medical attention is incurred by the suspect or employee, phone notification to a Commander or above is required.
2. In instances in which a Department member or subject is injured during a use of force incident, injuries should be photographed as soon as practical.
3. An incident/supplementary report is required before the end of the employee's tour of duty, unless approved otherwise by the supervisor, anytime an employee: (CALEA 4.2.1 b, c, d)
 - a. uses low impact force or higher
 - b. uses force through lethal or less lethal weapons
 - c. takes an action that results, or is alleged to have resulted in, an injury or death
4. In addition to the incident/supplementary report, the primary employee or supervisor will complete a Use of Force Report (maintained on Central Square) for all incidents where low impact force or higher was used.
5. The Use of Force Report, along with a copy of the narrative report, and all supplemental reports, will be forwarded following the routing plan prescribed on the use of force form. The Use of Force Report is not to be forwarded to the clerical staff.
6. Each person who receives a use of force report to review is responsible for ensuring continued routing as specified on the form.
7. When an employee believes they have observed any employee applying unreasonable or excessive force or become aware of any violation of Department policy, city ordinance, state or federal law, they shall: (CALEA 1.2.10)
 - a. take appropriate action to intervene and curtail such an abuse of authority;

- b. bring the situation to the supervisor's attention, if they are not already aware.
 - c. prepare a detailed memorandum prior to the end of their shift and forward it to their supervisor;
 - d. the supervisor is responsible for ensuring that all interoffice memorandums of this nature are complete and accurate and are forwarded to the Police Chief via the chain of command as soon as practical.
 - e. If the supervisor is involved in the excessive force or is aware but refusing to address a use of excessive force, the employee should complete a memo and forward it to the Police Chief.
8. Any member of the Department involved in or having knowledge of any discharge of a firearm, except during firearms training, sporting function, or animal disposal shall submit a memorandum prior to the end of shift to the Division Commander. If off duty, notification to the employee's immediate supervisor or command staff is required. If the facts of the incident support a conclusion that the discharge was a result of negligence, the employee will be required to undergo remedial firearms training and may be the subject of an internal investigation. (CALEA 4.2.1 a)
9. For requirements regarding deadly force reporting refer to General Order [O2206](#) "Officer-Involved Lethal Force Incident Investigations". (CALEA 4.2.1 b, c, d)

J. Administrative Review and Analysis

1. Upon notification of a reported use of force incident, an Administrative review takes place using the following procedures. (CALEA 4.2.2)
- a. The Use of Force report will be forwarded through the chain of command prior to the end of shift.
 - b. The report will be reviewed to assure:
 - (1) Compliance with policy
 - (2) Officer received adequate training
 - (3) Dept. training revisions are addressed, if needed
 - (4) Dept. equipment that is provided is adequate for the task

- (5) Equipment has been replenished
- (6) Whether discipline or retraining is required

- c. The Division Commander or their designee will then enter all required information for the incident into the reporting system.
- d. The report will then be forwarded to the Police Chief for review.
- e. Upon completion of the review, the report will be filed in the RMS software.

2. All incidents involving the use of deadly force by department personnel which result in death or serious bodily injury will be investigated in accordance with procedures outlined in General Order [O2206](#) "Officer-Involved Lethal Force Incident Investigations". All involved employees shall be removed from any line-duty assignment until the administrative review has been completed. Any Department employee acting in an official capacity whose actions result in the death or serious bodily injury of a person will be removed from their duty assignment until an administrative review has been completed. (CALEA 4.2.2 & 4.2.3)

3. The Division Commander will be responsible for ensuring all employees involved in a deadly force incident receive professional counseling. Such counseling services shall be paid for by the city.

4. Use of Force Analysis

Annually, the Division Commander and the Lead Use of Force Instructor will complete a documented analysis of the past year's uses of force by department employees, which includes policies and practices. This is distributed to the Police Chief and Command Staff in accordance with [M1114](#) Administrative Reporting. This analysis shall identify at a minimum:

- a. date and time of incidents
- b. types of encounters resulting in use of force
- c. trends or patterns related to race, age, and gender of subjects involved
- d. trends or patterns resulting in injury to any person including employees

- e. impact of findings on policies, practices, equipment, and training (CALEA 4.2.4)

4. Assault on Officers Review

Annually the Division Commander or their designee shall conduct a review of all assaults on Alliance officers to determine trends or patterns and give recommendations to enhance public safety, revise policy, or address training issues. (CALEA 4.2.5)

K. Record Keeping

1. The Division Commander or their designee shall be the custodian of Use of Force reports and related documents which shall be maintained in chronological order.
2. No copies of the Use of Force Report shall be maintained in an employee's personnel file, except when disciplinary action occurs, or as required to comply with Civil Service Rules and Regulations.

L. Training Regarding Use of Force

1. All employees shall be issued this directive and receive use of force training. Prior to being authorized to carry a weapon, all personnel shall receive training regarding use of force and a copy of this directive. The training and issuance of the directive shall be documented and forwarded to the training unit.
 - a. A certified instructor shall train all employees who are or may be assigned to duties that require the application of less lethal force.
 - b. Training in the use of chemical or natural agents, such as oleoresin capsicum (OC), mace, gas, etc., shall include procedures for the treatment of persons exposed to such chemical/natural agents, as well as safe handling and storage procedures.
 - c. Prior to being authorized to carry and use less lethal ammunition or control and restraint techniques, employees must demonstrate proficiency in the deployment and/or use of such authorized less lethal ammunition and approved control and restraint techniques.
2. The Department shall conduct semiannual use of force trainings. Use of force training shall be conducted semiannually. This training must:
 - a. Reflect current standards established by statutory and case law, as well as state, county, and Departmental policies, directives, and guidelines;
 - b. Be scenario based;

- c. Include the use of force in general, levels of force, the use of deadly force, definitions of critical terms, critical decision making, crisis recognition and response, tactical communications, operational safety tactics, the limitations that govern the use of force and deadly force, and all applicable aspects of Departmental directives;
 - d. Integrate the Integrating Communications Assessment and Tactics Training Guide, published by the Police Executive Research Forum; and
 - e. Be documented (electronically is permitted) each time it is conducted, listing all personnel being trained.
- 3. Employees have an ongoing obligation to review Department directives and trainings on use of force. All employees have an ongoing obligation to review the Department's use of force directives and training materials, and to seek clarification any time they have questions or need guidance. This ongoing review may take place via formal supervisor-led training sessions as well as through mentoring opportunities to reinforce the content and philosophies.

V. ATTACHMENTS

VI. RECORD OF CHANGE

12/02/21 All

01/14/22 IV (6) (G) (A) (3) Discouraged from being used on the elderly, minors and obviously pregnant women.

06/17/22 Revising "officer" to "employee"

08/15/23 IV (G)(9) Bolawrap and subsections thereof

08/15/23 IV (I) Revisions requiring anything above normal handcuffing to be reported including pointing a firearm, and less-lethal weapons.