


EMORY UNIVERSITY		Police Department		Policies and Procedures Manual		
	Chapter 11		Policy 1100			
	Chapter Topic	Use of Force				
	Policy Subject	General Use of Force Policies & Procedures				
	Original Issued	04-01-2014		Original Effective	07-01-2014	
	Version Issued	08-09-2024		Version Effective	08-23-2024	
	Issuing Authority	Burt Buchtinec, Chief of Police				
	Applicability	All Personnel				
	Replaces/Amends	Amends the version of Policy 1100 published on 01-20-2021.				

CHAPTER 11 - USE OF FORCE

Policy 1100 - General Use of Force Policies & Procedures

1100.1. PURPOSE

1100.1.1. The purpose of this policy is to establish the guidelines governing the use of force and police actions resulting in death or serious injury by members of the Emory University Police Department.

1100.2. APPLICABILITY

1100.2.1. This policy is applicable to all members of the Department.

1100.3. POLICIES

1100.3.1. It is the policy and a guiding principle of the Department to value and preserve human life. Officers shall treat others with respect and shall strive to preserve the dignity of every individual. The use of excessive or unwarranted force or unprofessional conduct by an agency member is prohibited.

1100.3.2. Except in unusual circumstances necessary to protect life or prevent serious bodily injury, non-sworn personnel shall not use force in the performance of their duties.

1100.3.3. Agency members shall only use objectively reasonable force based on the totality of the circumstances to perform a lawful task, make an arrest, overcome resistance, control a subject, or protect themselves or others from injury.

(CALEA-LE 4.1.1; GLECP 1.10.a; IACLEA 7.1.1)

a. Officers shall have the authority to use the appropriate force option(s) as needed based on the subject's level of resistance.

1100.3.4. As set forth by the United States Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989), the central inquiry in every use of force is whether the amount of force used by the officer was objectively reasonable in light of the circumstances faced by the officer. (CALEA-LE 4.1.1; GLECP 1.10.a; IACLEA 7.1.1)

a. Factors that determine the objective reasonableness of a use of force include:

1. The severity of the crime at issue;
2. Whether the subject poses an immediate threat to the safety of officers or others;
3. Whether the subject is actively resisting arrest or attempting to evade arrest by flight.

- b. The objective reasonableness of a use of force will be judged under the totality of the circumstances viewed from the perspective of a reasonable officer on the scene.

1100.3.5. Officers shall use de-escalation techniques, whenever appropriate and practicable, to attempt to avoid the use of force or minimize the level of force required. (CALEA-LE 4.1.1; GLECP 1.10.a; IACLEA 7.1.1)

1100.3.6. Whenever practicable and **when such delay will not compromise the safety of the officer or another person and will not result in the destruction of evidence, escape, or commission of a crime**, an officer shall allow a person time and opportunity to submit to verbal commands before force is used.
(CALEA-LE 4.1.1; GLECP 1.10.a; IACLEA 7.1.1)

1100.3.7. After gaining control of a subject, officers shall be prohibited from any use of force on a subject in restraints unless the subject's continued physical resistance requires further measures to gain or maintain control.

1100.4. DEFINITIONS

1100.4.1. Active resistance: physically evasive movements to defeat an officer's attempt at control including bracing, tensing, running away, verbally or physically signaling an intention to avoid or prevent being taken into or retained in custody. An active resister is a person offering this level of resistance.

1100.4.2. Assailant: a subject whose actions are aggressively offensive with or without weapons. This type of assailant is one who places a person in reasonable apprehension of receiving an injury.

1100.4.3. Choke hold: A physical maneuver intended to gain control of a subject by restricting an individual's ability to intake oxygen (breathe) or restricts blood flow to the brain for the purposes of incapacitation. This includes vascular neck restraints. (CALEA-LE 4.1.6, 4.1.7)

1100.4.4. Deadly force or lethal force: Force which is likely to cause serious bodily injury or potentially death.

1100.4.5. 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 and/or danger of the threat, so that more time, options, and/or resources can be called upon to resolve the situation without the use of force or with a reduction in the force required. De-escalation may include such techniques as verbal persuasion, warnings, and tactical repositioning.

1100.4.6. Forcible felony: the definition of "forcible felony" delineated in O.C.G.A. 16-11-131(e) shall apply to this policy.

1100.4.7. Less-lethal force: a force application that is not intended or expected to cause death or serious injury and that is commonly understood to have less potential for causing death or serious injury than lethal force tactics. Nonetheless, in unusual circumstances, the use of less-lethal force can result in death or serious injury.

- a. Synonymous with "*nondeadly force*" when referring to OCGA 17-4-20(b).



- b. Authorized less-lethal weapons: chemical agents (oleoresin capsicum (OC) sprays, pepper ball launchers), batons, and electronic control weapons (ECW or Taser).
- 1100.4.8. Non-lethal or non-deadly:** a force option that has no chance of causing a fatal injury, triggering a potentially fatal medical reaction, or causing a serious bodily injury.
- 1100.4.9. Officer:** All ranks of sworn personnel.
- 1100.4.10. Passive resister or Passive non-compliant:** A person who fails to comply (non-movement) with verbal or other direction(s).
- 1100.4.11. Reasonable belief:** Facts or circumstances that an officer knows, or should know, that would cause an ordinary person to act or think in a similar way under similar circumstances.
- 1100.4.12. Serious bodily injury, serious physical harm, or great bodily injury:** synonymous terms meaning injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in long-term loss or impairment of any bodily member or organ.

1100.5. PROCEDURES, RULES, AND REGULATIONS

1100.5.1. Use of Non-Deadly and Less-Lethal Force

(CALEA-LE 4.1.1, 4.1.4; GLECP 1.10.a; IACLEA 7.1.1, 7.1.7)

- a. Before taking police action, officers shall identify themselves as police officers unless identification would jeopardize the safety of the officer or others or compromise the integrity of an investigation.
- b. The use of force will be examined from two (2) perspectives: resistance and control. Both resistance and control can be in the form of verbal responses (subject), commands (officer), or physical actions.
- c. Officers shall assess the incident to determine the appropriate level of control. When possible, officers should attempt to gain control by means of verbal commands.
- d. If verbal commands are ineffective, or not feasible given the circumstances of the situation, the officer may find it necessary to escalate to control methods that involve the use of physical force.
- e. If force is necessary, the officer must decide which technique(s) or authorized equipment will best de-escalate the incident and bring it under control as safely as possible.
- f. Depending on the level of resistance offered, the officer may use techniques that may rise to a level of physical force that is intended to influence behavior through pain compliance and the disruption of voluntary muscle control in order to establish control.
- g. When the use of less-lethal force is required, officers are authorized to use department-approved control techniques and authorized equipment for resolution of incidents as follows:
 - 1. to stop potentially dangerous and unlawful behavior;
 - 2. to protect the officer or another from injury or death;



3. to protect subjects from injuring themselves; and
4. in the process of making a lawful arrest when the subject offers resistance.

1100.5.2. Use of Deadly Force

(CALEA-LE 4.1.1, 4.1.2, 4.1.6, 4.1.7; GLECP 1.10.a, .b, .e, 1.11; IACLEA 7.1.2, 7.1.4, 7.1.5, 7.1.6)

- a. An officer is justified in using force likely to cause death or serious bodily injury only when the officer reasonably believes that such force is necessary:
 1. To prevent death or serious bodily injury to the officer or another person, or;
 2. To prevent an arrest from being defeated by resistance or escape and the person to be arrested:
 - (a) has committed or has attempted a forcible felony which involves the infliction or threatened infliction of serious bodily injury; or
 - (1) NOTE: forcible felonies as defined in O.C.G.A. 16-11-131(e) include offenses which are NOT covered by this policy. Deadly force may only be used for those involving the infliction or threatened infliction of serious bodily injury.
 - (b) is attempting to escape by use of a deadly weapon; or
 - (c) otherwise indicates that they will endanger human life or inflict serious bodily injury unless arrested without delay.
- b. Choke holds are prohibited.
- c. Discharging a firearm at a moving vehicle is prohibited.
- d. Discharging a firearm from a moving vehicle is prohibited.

1100.5.3. Force Exceptions During Exigent Circumstances

(CALEA-LE 4.1.1, 4.1.2, 4.1.6, 4.1.7; GLECP 1.11)

- a. The rest of the policy manual notwithstanding, where the survival or physical wellbeing of the officer, another officer, or member of the public is in severe jeopardy, the situation may dictate that an officer defend himself, another officer, or a member of the public by any means available. The use of objectively reasonable techniques and/or items, not usually authorized, that are immediately available SHOULD BE USED ONLY AS A LAST RESORT and only when the exigency of the situation requires their use.
 1. Officers shall not manufacture an exigency by placing themselves in harm's way for the purpose of triggering this exception.
 2. As soon as the life or physical wellbeing of the officer, another officer, or member of the public is no longer in severe jeopardy, the officer must return to the trained and authorized weapons and techniques outlined in this manual.

**1100.5.4. Termination of the Use of Force** (GLECP 1.10.c)

- a. When the behavior of the individual against whom force is being used no longer justifies the level of force being used, the officer using force must stop using that level of force.
- b. When it is objectively reasonable that the subject against whom force is being used is fully in law enforcement's control, the use of force must stop.

1100.5.5. Positioning and Monitoring after the Use of Force

(CALEA-LE 4.1.5; GLECP 1.12; IACLEA 7.1.9)

- a. After gaining control of a subject, officers shall:
 1. Be prohibited from any use of force on a subject in restraints unless the subject's continued physical resistance requires further measures to gain or maintain control. This must be documented on the Use of Force Report with emphasis on explaining why force was used on a handcuffed subject.
 2. Avoid sitting, kneeling, leaning, or standing on a subject's chest (which may result in chest compression) or neck, thereby reducing the subject's ability to breathe.
 3. Position the subject in a manner to allow free breathing. Whenever feasible, the subject shall not be placed on their stomach. No device or technique shall be employed that forces a subject into an abnormal body position for prolonged periods of time. **Restraining a subject by connecting the hands and feet (such as attaching handcuffs to ankle cuffs, leg irons, or hobble restraints) is forbidden.**

1100.5.6. First Aid and Medical Assistance (CALEA-LE 4.1.5; GLECP 1.12; IACLEA 7.1.9)

- a. After any law enforcement action in which injuries have been sustained, officers shall observe the subject and ask if the subject sustained any injuries or has any pre-existing injuries that were aggravated by the incident.
- b. Officers shall summon medical personnel and render appropriate aid themselves as quickly as reasonably possible (within the scope of their training):
 1. For injuries sustained during law enforcement action, or during apprehension.
 2. For any obvious severe injuries;
 3. If the subject complains of an injury or if the officer has reason to believe that the subject may have sustained an injury;
 4. If the subject displays or complains of symptoms, other than those normally associated with the type of force or weapon used or does not show signs of recovery within the normal time period;
 5. After any use of force on an individual who has exhibited signs or symptoms of excited delirium, extreme drug/alcohol intoxication, extreme hyperactivity, or similar symptoms;
 6. If the subject is in apparent medical distress or the individual is unconscious.
- c. Care for persons exposed to O.C. or pepper balls is delineated in Policy 1107 - Use of Chemical Agents.

- d. For persons subjected to a Taser (ECW) discharge provide the ECW-specific monitoring and care specified in Taser training provided to members of this Department.
- e. If an officer believes that a subject has ingested contraband or an unknown suspicious substance, the officer shall immediately summon emergency medical personnel.
- f. After any use of force, officers shall notify receiving jail intake personnel of any known or observed injuries or pre-existing medical conditions to ensure that the intake nurse is informed prior to intake assessment.

1100.6. PROHIBITIONS

1100.6.1. Use of firearms in the following ways is prohibited:

- a. Firing into crowds.
- b. Firing “warning” shots. (CALEA-LE 4.1.3; GLECP 1.10.f; IACLEA 7.1.3)
- c. Firing into buildings or through doors, windows, or other openings when the person lawfully fired at is not clearly visible.
- d. Firing at a subject(s) whose action is only a threat to the subject themselves (e.g., attempted suicide). However, officers must be alert to the possibility that a suicidal subject could turn their weapon on the officer or others.

1100.7. REFERENCES

1100.7.1. US Constitution, Federal Law, Federal Jurisprudence:

- a. *Tennessee v. Garner*, 471 U.S. 1 (1985)
- b. *Graham v. Connor*, 490 U.S. 386 (1989)

1100.7.2. State Constitution, State Law, State Jurisprudence:

- a. OCGA 16-11-131(e)
- b. OCGA 17-4-20

1100.7.3. EPD Policy

- a. Policy 502 – Duty to Intervene
- b. Policy 1102 – Use of Force Reporting

1100.7.4. Accreditation Standards

- a. CALEA-LE v6.19 Basic: 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.6, 4.1.7
- b. GLECP v7.0: 1.10, 1.11, 1.12
- c. IACLEA v2.0: 7.1.1, 7.1.2, 7.1.3, 7.1.4, 7.1.5, 7.1.6, 7.1.7, 7.1.9