

A. PURPOSE. To set forth Department policy regarding de-escalation, response to resistance, and use of force.

B. POLICY

1. The Department's highest priority is the sanctity of human life.
2. Department members will use only a reasonable amount of force to save lives, overcome resistance, maintain an advantage, and protect property.
3. Department members may use deadly force only when there is an honest and reasonable belief that the use of deadly force is necessary to prevent the imminent death of or serious physical bodily harm to the officer or to another person.

C. DEFINITIONS

1. *Sanctity of Human Life*. The concept of the sanctity of human life is the belief that all human beings are to be perceived and treated as persons of inherent worth and dignity, regardless of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, immigration status, housing status, source of income, credit history, criminal record, criminal history, or incarceration status. Department members will act with the foremost regard for the preservation of human life and the safety of all persons involved.
2. *Force*. The attempt to establish control through physical means in the presence of resistance.
3. *Control*. Established when the subject's unlawful action(s) are neutralized and no longer pose a threat to the officer or others.
4. *Escalation of Force*. An officer's increased control response to a subject's increased level of resistance or aggressive action when the level of force being used is insufficient to stop or control the resistance or aggressive action.
5. *De-escalation*. De-escalation involves the use of techniques which can reduce the intensity of an encounter with a subject and provide an officer with additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

6. *Decrease of Force.* An officer's decreased control response to a subject's decreased level of resistance or aggressive action (this does not mean to imply the officer must ease all control, as control should be maintained).
7. *Dynamic Alternatives.* Force used in situations where certain immediate and drastic measures must be undertaken by an officer to protect human life, which may involve the use of techniques or weapons not specifically authorized by policy (i.e., neck restraint, striking with a radio, use of vehicle, etc.).
8. *Objective Reasonableness.* An officer's actions consistent with the actions another officer would take given the same circumstances. Describes that force (control methods) must be used in an "objectively reasonable" manner considering the facts and circumstances (totality of the circumstances) surrounding the officer and defines reasonableness as being determined by:
 - a. Balancing the nature and quality of the intrusion with the need for governmental action.
 - b. The severity of the crime at issue.
 - c. Whether the subject poses an immediate threat to the safety of officers or others.
 - d. Whether the subject is actively resisting arrest or attempting to evade arrest by flight.
 - e. A reasonable officer on the scene.
 - f. The facts that police officers are often forced to make split second judgements under circumstances that are tense, uncertain, and rapidly evolving.
 - g. Identifying that the reasonableness of the use of force is judged at the moment the force was used.
7. *Officer Response.* An officer's lawful action taken to gain control of a subject whose actions create a dangerous situation for the officer or others, or the action taken to overcome a subject's attempt to defeat the officer's attempt to gain control.
8. *Reaction Time.* The time it takes an officer to mentally process and respond to an action that requires an immediate response.

9. *Subject Action.* Actions taken by a subject to defeat an officer's attempt to gain control of the subject during an arrest or confrontational situation. The subject's action determines the officer's response.

10. *Duty to Intervene.* Arises when an officer observes or has reason to know that another officer is using force that is clearly unreasonable and the officer has the opportunity and means to stop the harm or prevent the harm from occurring.

D. USE OF FORCE. The level of control used by officers is generally predicated on the level of resistance presented by the subject.

1. Potential subject actions or level of resistance

a. *Inactive Resistance.* Resistance that may include psychological intimidation and/or verbal resistance (i.e., blank stare, clenching of fist(s), tightening of jaw muscles, etc.).

b. *Passive Resistance.* Any type of resistance whereby the subject does not attempt to defeat the officer's attempt to touch and control the subject, but the subject still will not voluntarily comply with verbal and physical attempts of control (i.e., dead weight, does not react to verbal commands, etc.).

c. *Active Resistance.* Any verbal or physical action by a subject that attempts to prevent an officer from gaining control of the subject (i.e., pulling/pushing away, blocking, etc.).

d. *Active Aggression.* Physical actions/assaults against officers or citizens with less-than-deadly force (i.e., advancing, challenging, punching, kicking, grabbing, wrestling, etc.).

e. *Deadly Force Assault.* Any force used against an officer and/or another person that reasonably could result in death or serious bodily injury.

2. Officers' available responses

a. *Officer Presence/Verbal Direction.* Identification or authority (i.e., uniformed presence, or identification as a police officer); verbal direction (i.e., for arrest or to control subject's movements); or use of restraint devices (i.e., compliant handcuffing).

- b. *Compliance Controls.* Soft empty hand techniques (i.e., joint lock, pressure points, etc.); compliance control devices (i.e., handcuffs, ASRs, etc.).
 - (1) *Soft Empty Hand Control.* The techniques that are designed to control primarily low levels of resistance. Generally, these techniques (i.e., touch pressure, ASRs, etc.) are used to control passive or active resistant subjects.
 - (2) Compliance controls will not normally be used in incidents involving “passive resisters,” i.e., “political protests,” unless directed by the supervisor on scene.
 - c. *Physical Controls.* Hard empty hand techniques such as kicks, strikes, take downs, etc. Hard empty hand techniques are used to counter active resistance or active aggression. They are applied when soft empty hand control has failed, or the officer reasonably believes that soft empty hand control will be insufficient to establish control, and the use of deadly force is not justified.
 - d. *Intermediate Control.* The level of control that utilizes Department-approved equipment (i.e., impact weapons, less lethal munitions, conducted energy weapon) when soft empty hand control and hard empty hand control has failed or the officer reasonably believes that empty hand control will be insufficient to establish control, and the use of deadly force is not justified.
 - e. *Deadly Force.* Any force used against an officer and/or another person that reasonably could result in death or serious bodily injury.
3. Escalation and decrease of force
- a. Department members are required to use verbal directives, commands or de-escalation techniques to prevent or reduce the need for force, unless doing so would place a person or a department member in risk of harm, or would likely be ineffective under the circumstances at the time.
 - b. Escalation of force may be justified when an officer reasonably believes that the level of force being used is or will be insufficient to stop or control the resistance.
 - c. Officers may escalate to a level of force that is “objectively reasonable” to control the situation, based on the level of resistance

encountered. As the subject begins to reduce the resistance offered, the officer must reduce force in a similar manner.

- d. The officer should consider the “totality of circumstances” when deciding to increase or decrease the level of control. The “totality of circumstances” would be all the facts and circumstances confronting the officer at the time the force is used including, but not limited to:
 - (1) Relative size/stature
 - (2) Multiple subjects/officers
 - (3) Relative strength
 - (4) Subject(s) access to weapons
 - (5) Subject(s) under the influence of alcohol or drugs
 - (6) Exceptional abilities/skills (e.g., martial arts)
 - (7) Ground position
 - (8) Subject/officer’s fitness level
 - (9) Injury to or exhaustion of the officer
 - (10) Weather or terrain conditions
 - (11) Imminent danger
 - (12) Distance from the subject
 - (13) Special knowledge (e.g., subject’s prior history of violence, etc.)
 - (14) Type of crime
 - (15) Reaction time (based on the knowledge that the initial action is always faster than the reaction to it)

4. Duty to Intervene

- a. Officers have a duty to intervene regardless of the other law enforcement officer’s rank, seniority, or agency.

- b. Retaliation against any employee who intervenes, reports, or participates in an investigation commences pursuant to this policy is strictly prohibited.

E. AUTHORIZED USE OF DEADLY FORCE

1. Department members may use deadly force only when necessary. That is, when the officer has a reasonable belief that the subject of such force poses an imminent danger of death or serious physical injury to the officer or to another person.
2. Deadly force is NOT limited to the use of a firearm (as covered in MOP 9-2). It may become necessary for officers to protect themselves or others with a means other than a firearm.
3. Neck restraints, which are physical maneuvers that restrict an individual's ability to breathe or restrict blood flow to the head, are prohibited unless the officer is in a situation where deadly force would be authorized.
4. A deadly force encounter is highly stressful and evolves rapidly. A verbal warning shall be given prior to the use of deadly force when feasible.

F. MOTOR VEHICLES AS FORCE

1. Officers must be aware and acknowledge that, in many instances, the motor vehicle can be viewed as an instrument of force.
2. "Controlled contact intervention," "deadblocks," and "ramming" are potentially deadly force techniques requiring supervisory approval and will be used in compliance with departmental rules governing the use of force.
3. "Boxing in" with supervisory approval and "controlled roadblocks" may be implemented and shall conform to Department rules governing the use of force.

G. TACTICAL DUTY KNIVES

1. Officers are authorized to possess and use tactical duty knives both on and off duty. It is recognized that officers have many needs for a folding or fixed blade knife, including as a last resort defensive weapon (dynamic alternative). Officers are cautioned that the tactical duty knife is primarily a cutting tool to assist them in their daily activities and is not intended by

this agency to be a primary weapon of defense. Officers are not required to carry a knife.

2. Officers are permitted to carry either automatic or manual-opening tactical knives that have a locking mechanism that locks the blade open.
3. Blade length of any knife carried shall not exceed 4 inches.
4. It is the individual officer's responsibility to carry the knife in an unobtrusive manner. The ability to retain the knife at all times should be taken into consideration when deciding where to carry the knife.

H. REPORTING REQUIREMENTS

1. Employees shall complete the "Use of Force Report" form in a timely fashion whenever there is any:
 - a. Use of compliance control devices and intermediate weapons or tactics that result in an alleged or actual injury or death of a subject.
 - b. Use of lethal weapons (i.e., firearms), except for the purposes of training and humane animal disposal.
 - c. Application of pressure points, take-downs, kicks, strikes, impact weapons, or other physical objects by police employees.
 - d. Application of ASRs.
 - e. Application of CEW.
2. Officers shall notify a supervisor of any use of force incident or intervention and the supervisor shall respond to the scene. If a supervisor is unavailable (due to calls for service, other assignments, etc.) that reason shall be documented in the "Use of Force Report."
3. Employees shall submit the completed "Use of Force Report" to the records management system and ensure that it is presented to a supervisor for review.
 - a. Officers shall photograph any visible or alleged injury, including the area where the force was applied, then submit them as evidence under the incident report number. Any duplicate photos may be submitted to IAU. If it is tactically unsafe, or due to the level of resistance from the

suspect and the officer is unable to take a photo, it shall be noted in the Use of Force and incident reports.

- b. Supervisors will review the incident report and the completed Use of Force Report in a timely manner. This shall generally be by completion of the following tour of duty. This may provide the opportunity to commend, reinforce, or re-direct the officer's execution of force. Corrective action may need to be initiated. The supervisor will mark the Use of Force Report as "reviewed" in the records management system. Supervisors shall forward a memo to Internal Affairs on all Officer interventions.
4. If the use of force involves a death or serious injury, the officer(s) involved will complete the incident report and Use of Force report at a time decided upon by the Chief of Police. Failure to complete the report will result in discipline up to and including discharge.
 5. Officers shall inform personnel at the Kent County Correctional Facility, Kent County Juvenile Detention Center, or any other facility that may assume custody or responsibility of an individual, that the subject has:
 - a. Been subjected to the application of force by any of the methods mentioned above, regardless of the visibility of injuries.
 - b. Claimed injury allegedly caused by the use of force.
- I. **MEDICAL CARE.** If the use of force causes either alleged or actual injury to a subject and the need for medical treatment is either apparent or requested, the officer is responsible for arranging appropriate medical care. Officers should follow Kent County Correction Facility pre-booking medical protocols. However, certain medical conditions may require an officer to transport the subject to an advanced medical care facility. This procedure also applies to those persons requesting medical treatment after having been exposed to Aerosol Subject Restraints (ASRs).

J. REMOVAL FROM DUTY

1. If any officer uses force that results in the death or serious bodily injury of a subject, he/she will be temporarily removed from their line-duty position by their service area or unit commander pending an administrative review.

2. Officers who are removed from an assigned duty may be temporarily assigned to other departmental units until the Internal Affairs Unit review process is completed.

K. SPECIFIC RESPONSIBILITIES

1. The Internal Affairs Unit commander shall:
 - a. Respond to the scene of an incident if the use of force by any employee causes death or serious bodily injury of a subject.
 - b. Conduct a thorough administrative investigation of all use of force applications that result in death or serious bodily injury pursuant to the order of the Office of the Chief of Police.
 - c. Report the results of all procedural reviews to the Office of the Chief of Police for disposition.
2. The Internal Affairs Unit shall:
 - a. Promptly conduct a review of all use of force incidents.
 - b. Conduct annual statistical analyses of all “Use of Force Reports” and incidents and submit the resulting reports to the Office of the Chief of Police and the Training Unit commander for review.
 - c. Promptly conduct a review of all officer interventions.
3. The Training Unit shall:
 - a. Monitor the statistical reports, Use of Force Reports, and Use of Force Summary disseminated by the Internal Affairs Unit and provide supplemental training to any employee that displays a pattern of training needs regarding applications of technique, levels of control, or excessive use of force.
 - b. Provide use of force training to all officers annually.
 - c. Ensure that all officers are trained and qualified in all individually issued equipment.
 - d. Ensure officers are issued and trained in Use of Force policies prior to being authorized to carry any lethal or nonlethal weapon.

- e. Maintain complete training records on the Human Resource Inventory Form for all employees.
4. The watch commander or immediate supervisor shall provide an e-mail to all sworn personnel regarding incidents where:
 - a. An officer is assaulted and seeks medical attention.
 - b. The serious nature of an assault (i.e., attempted disarming, shots fired at officers, etc.) is such that information should be disseminated for the safety of other officers and to prevent inappropriate speculation.
- L. **PROCEDURE APPLICATION.** This procedure is for Departmental use only and does not apply in any criminal or civil proceeding. The Department's procedure should not be construed as creation of higher legal standards or safety or care in any sense, especially with respect to third party claims. Violations of this procedure will only form the basis of Departmental administrative review and/or sanctions. Officers will not unreasonably endanger themselves or another person to conform to the restrictions of this policy.