

	STANDARD OPERATING PROCEDURE State Form 39870(R/S-06)	Reference Number LEG-002
	Subject Use of Force	
	Special Instructions LEG-002 dated July 30, 2020 LEG-002 dated November 10, 2015	Effective Date June 1, 2021

I. PURPOSE

Establishes procedures for the use of non-deadly and deadly force.

II. POLICY

It is the policy of this law enforcement agency to value and preserve human life. Department employees shall only use force, non-deadly or deadly, in compliance with the law, Department policy/procedures and Department training to further an enforcement action

III. DEFINITIONS

A. **CHOKER HOLD**— means applying pressure to the throat or neck of another person in a manner intended to obstruct the airway of the other person.

B. **CONDUCTED ELECTRICAL (ENERGY) WEAPON (CEW)** (IC 35-47-8-1 – 35-47-8-3) – mean any mechanism that is designed to emit an electronic, magnetic, or other type of charge that exceeds the equivalency of five (5) milliamp sixty (60) hertz shock or is designed to emit an electronic, magnetic, or other type of charge through the use of a projectile and used for the purpose of temporarily incapacitating a person. For the purpose of this SOP, the terms CEW and Taser are used interchangeably.

C. **DEADLY FORCE** (IC 35-31.5-2-85) – Force which creates a substantial risk of serious bodily injury.

D. **DEADLY WEAPON** (IC 35-31.5-2-86) –

1. A loaded or unloaded firearm;

2. A destructive device, weapon, device, Taser (as defined in IC 35-47-8-3), or electronic stun weapon (as defined in IC 35-47-8-1), equipment, chemical substance, or other material that, in the manner it is used, or could ordinarily be used, or is intended to be used, is readily capable of causing serious bodily injury; and

(Exception: A Taser, electronic stun weapon, chemical or other device designed to temporarily incapacitate a person are not considered deadly weapons, if properly used, by a properly trained, law enforcement officer in accordance with the lawful execution of official duties.)

3. An animal (as defined in IC 35-46-3-3) which is:

- a. Readily capable of causing serious bodily injury, and
- b. Used in the commission or attempted commission of a crime.

Note: A device such as a heavy metal flashlight or nightstick could be construed to be a deadly weapon if misused by an employee.

4. A biological disease, virus or organism which is capable of causing serious bodily injury.

E. DE-ESCALATION – Actions, if safe to do so, taken in an attempt to stabilize the situation in an effort to reduce or eliminate the necessity of using force against subjects.

F. NON-DEADLY FORCE – Force which does not create a risk of serious bodily injury or death.

G. RESISTANCE –

1. PASSIVE RESISTANCE - a non-forceable act that is intended to impede, hinder, or delay the effecting of an arrest. Such as subject going completely “limp,” “dead weight,” or holding on to something while disobeying verbal orders to release, wherein no force is directed towards the officer.

2. ACTIVE RESISTANCE - A subject who is uncooperative and exudes physical action that prevents an officer from being able to lawfully exercise their duties. Such as subject walking away after being told to stop, subject fleeing from arrest, or tensing/pulling away/breaking officer’s grip (force is directed at or against officer’s action)

*Note – Passive resistance may turn into active resistance. For example, holding onto a steering wheel is passive resistance. However, if an officer attempts to remove the hands and the subject tenses, pulls away, or reacts by holding on tighter, then this becomes active resistance. The difference is the force used by the subject has changed toward the officer.

3. FORCEABLE RESISTANCE - the use or imminent danger of violent (non-deadly or deadly) force directed toward an officer which interferes with the law enforcement officer’s rightful exercise of their duties. Such as hitting, punching, use of instruments or weapons.

H. SERIOUS BODILY INJURY (IC 35-31.5-2-292) – Bodily injury which creates a substantial risk of death or causes serious permanent disfigurement, unconsciousness, extreme pain, permanent or protracted loss, impairment of the function of a bodily member or organ or loss of a Fetus.

I. USE OF FORCE – The application of physical techniques or physical tactics (control tactics), chemical agents, CEW, other weapons or devices, K-9, or vehicle by an officer at

another person in the performance of official duties. This definition does not include every instance where an officer may touch another person, such as touch to get one's attention, a pat-down search, handcuffing without subject resistance, or escorting an individual without additional force present.

*Note – The use of a vehicle is only considered a use of force if the vehicle is intentionally used by an officer to make contact with another vehicle or person, such as utilizing a PIT maneuver. An accident does not constitute a use of force incident, nor does a pursuit that does not result in intentional contact.

IV. PROCEDURE

A. De-escalation:

1. If it safe and practical to do so, an officer shall attempt to engage in de-escalation prior to using force.

B. Employees shall not:

1. Discharge any warning or disabling shots to apprehend a person;
2. Discharge any shots at or from a vehicle unless the offender is employing deadly force against the employee or another citizen; and
3. Use non-deadly or deadly force against a person who is merely verbally abusive.
4. Use a choke hold except in situations where deadly force is allowed by law.

C. Use of Deadly Force:

1. The use of deadly force against persons by employees shall be restricted to the following:
 - a. The officer reasonably believes the force is necessary to prevent serious bodily injury to the officer or a third person or the commission of a forcible felony;
 - b. The officer reasonably believes the force is necessary to effect an arrest for a felony and the officer believes;
 - i. The crime for which the arrest is made involved conduct including the use or threatened use of deadly force or serious bodily injury, or
 - ii. There is a substantial risk the person to be arrested will cause death or serious bodily injury if apprehension is delayed.
 - c. The officer should give a warning, if feasible, to the person against whom the deadly force is to be used.

- d. An officer who has an arrested person in custody is justified in using deadly force to prevent the escape of the arrested person from custody only if the officer:
 - i. Has probable cause to believe deadly force is necessary to prevent the escape from custody of a person who the officer has probable cause to believe poses a threat of serious bodily injury to the officer or a third person; and
 - a. Has given a warning, if feasible, to the person against whom the deadly force is to be used.

NOTE: Officers shall take into account the potential risk of injury to innocent persons when considering the use of deadly force.

D. Use of Non-Deadly Force:

1. An officer lawfully arresting a misdemeanor may use force reasonably necessary to enforce a criminal law or effect a lawful arrest, short of deadly force, except as qualified in paragraph C(1)(a)-(d).
2. The use of reasonable force by employees shall be restricted to the following:
3. Police employees are justified in using reasonable force if it is reasonably believed the force is necessary to affect a lawful arrest or in the defense of themselves or others.
4. Motor Carrier Inspectors are justified in using reasonable force if it is reasonably believed the force is necessary in the defense of themselves or others.
5. Police employees making an arrest under an invalid warrant are justified in using force as if the warrant was valid, unless they know the warrant is invalid.
6. An officer who has an arrested person in custody is justified in using the same force to prevent the escape of the arrested person from custody which the officer would be justified in using if the officer was arresting the person.

F. Use of CEW (Taser):

1. A taser shall only be used by officers that have completed CEW training and may only be used in accordance with the training standards as well the below.
2. A taser shall only be used on an individual known to have pacemaker when **deadly force** is authorized.
3. An employee **shall not**, unless exigent circumstances exist, use a Taser on the following:
 - a. known juveniles;
 - b. known pregnant women;
 - c. those with known disabilities, injuries or medical conditions that would cause a condition to deteriorate, worsen or become amplified;
 - d. Verbal or passive resistance;

e. any subject once secured and properly in custody and that has stopped any active or forceable resistance.

4. Tasers may be used against aggressive animals in lieu of deadly force unless the officer reasonably believes that deadly force is necessary to prevent serious bodily injury to himself or another party.

G. Duty to Intervene:

1. Police employee(s) who observe another officer using unreasonable force shall have a duty to intervene when it is safe to do so.

2. Police employee(s) who intervene shall immediately report the incident to a supervisor or commanding officer.

H. Each employee involved in a use of force incident shall:

1. Cease using force when the subject is properly secured and has stopped any active or forceable resistance.

2. **Medical Aid:** As soon as safe and practical, provide appropriate medical aid (e.g. first aid, CPR, or activation of available EMS) after any use of force, if needed; and

a. When subject to a Taser deployment, persons falling into the following categories should be medically evaluated:

i. If exposed to more than three (3) Taser cycles;

ii. If exposed to a continuous cycle of 15 seconds or more;

iii. If subject exhibited signs similar to or associated with Excited Delirium (ED) prior to taser exposure;

iv. If the person is a juvenile (under the age of 18), elderly, medically infirmed, has a pacemaker, may be pregnant, etc.; and

v. If the person complains of pain in the chest, has abnormal breathing, unconscious, is nauseous, or vomiting.

b. Taser probes should be removed by the officer consistent with Department training or by EMS or other medical personnel.

3. Reporting:

a. Immediately report all instances of use of force to the appropriate district;

b. Complete all applicable sections of the Police Action Report as outlined in ENF-012 Police Action Report and Review.

c. If a Taser was utilized:

- i. Data from a Taser shall be downloaded as soon as practical following any deployment, other than “spark testing” or training. The download shall be attached to the RMS incident drawn and referenced in the Police Action Report;
- ii. Taser probes that have penetrated the body should be secured and treated in the same manner as contaminated needles (See [Physical Evidence Bulletin 20](#) and [Special Bulletin 2019-010](#));
- iii. An officer should take photographs of any injuries that may have occurred from the probes or from a Drive Stun; however, any photographs involving the breasts, buttocks, or genitals shall only be taken by medical personnel with consent or after obtaining a court order; and
- iv. Alert the jail staff or booking officer, at the location of incarceration, to the use of the Taser on the subject.

I. This procedure is to be used in conjunction with all relevant Department regulations, rules, policies and procedures.