

Lawrence Police Department
Administrative Policy

SUBJECT Use of Force		APPLIES TO All Personnel	
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APPROVED BY Chief of Police	TOTAL PAGES 12		POLICY CHAPTER 6

POLICY

It is the policy of the Lawrence Police Department to use only that level of force that is reasonably necessary to prevent harm to an officer or another person or to effect a lawful arrest or detention. The mere presence of an officer is usually sufficient to resolve most situations. However, when an officer's presence and/or voice control is not sufficient to resolve a situation, an officer shall select an appropriate use-of-force option for defense and/or controlling the situation.

SUBJECT BEHAVIOR DEFINITIONS

Compliant – Term utilized to describe when the subject cooperates with the officer's commands.

Resistant (passive) – Term utilized to describe when the subject physically refuses to comply or respond. He/she does not make any attempt to physically defeat the actions of the officer, but forces the officer to employ physical maneuvers to establish control.

Resistant (active) – Term utilized to describe when the subject makes physically evasive moves to defeat an officer's attempt at control. This may be in the form of bracing and tensing attempts to push/pull away or not allow the officer to get close.

Assaultive (bodily harm) – Term utilized to describe when the subject makes overt, hostile, attacking movements or statements with or without a weapon, with the intent and apparent ability to cause bodily harm to the officer or others.

Attacking (serious bodily harm/death) – Term utilized to describe when the subject makes overt, hostile, attacking movements with or without a weapon, with the intent and apparent ability to cause imminent death or great bodily harm to the officer or others.

USE OF FORCE DEFINITIONS

Control Holds – Force utilized to take physical control of a person by use of techniques designed to prevent or restrict movement or resistance.

Oleoresin Capsicum (OC) spray – Non-lethal force utilizing pepper-based spray directed into the face of a person to cause temporary incapacitation allowing the officer to gain a physical advantage or control.

Expandable Baton (ASP) – Non-lethal force utilizing a telescoping baton to strike in an approved manner or as a control mechanism, permitting the officer to gain physical control.

Personal Weapons – Non-lethal force in which the officer utilizes parts of his/her body (e.g., hands, elbows, forearms, feet) because the use of other mechanical options are either impractical, inappropriate or are not readily available.

Improvised Impact Device – a tool, weapon, or method that is not provided by the Department.

TASER – A device designed to disrupt a subject's central nervous system by deploying a battery-powered electrical energy sufficient to cause uncontrolled muscle contractions and override voluntary motor responses.

- *Anti-Felon Identification (AFID) tags* – Confetti-like pieces of paper that are expelled from the cartridge when fired. Each AFID tag contains an alphanumeric identifier unique to the cartridge used.
- *Drive Stun* – Use of the TASER where the TASER, with or without a cartridge in place, is driven into contact with the suspect's body while the TASER is energized.

Less-Lethal Force (Beanbag) – Less-lethal force option that utilizes a specific shotgun identified with bright orange stock and forearm for the deployment of beanbag projectiles.

Deadly Force – Lethal force in which the officer utilizes a department-approved firearm to prevent death or great bodily harm to the officer or another person. Officers may utilize other weapons available to them to deploy lethal force if no other option is available.

I. USE OF FORCE OPTIONS

- A. There are several use-of-force options. These options are illustrated in the wheel located on page 12. At the center of the wheel is the "Subject's Behavior." Radiating from the center are various spokes representing use-of-force options.
- B. Selecting the appropriate force option is the officer's decision. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on scene, rather than on 20/20 hindsight. The decision of reasonableness must allow for the fact officers are often forced to make split-second judgments, in circumstances which are tense, uncertain, and rapidly evolving, about the amount of force which is necessary.
- C. Officers are authorized to use department-approved non-lethal-force techniques and equipment for resolution of incidents to protect themselves or another from physical harm, or bring an unlawful situation safely and effectively under control. Use of different techniques and equipment other than those approved by the department shall be justified by the officer.
- D. The decision regarding which use-of-force option to use is to be based upon surrounding circumstances, including but not limited to:
 - 1. Nature of the offense;
 - 2. The behavior of the subject against whom force is to be used;
 - 3. Physical condition of the suspect/officer and the feasibility or availability of alternative actions;
 - 4. Whether there is an immediate threat to the safety of the officer or another person;
 - 5. Whether the suspect is actively resisting or fleeing arrest.
- E. Use of force in making an arrest – A law enforcement officer need not retreat or desist efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. An officer is entitled to use the degree of force he or she believes is reasonably necessary to make an arrest. The use of deadly force in making an arrest shall be prohibited unless:
 - 1. Such force is necessary to prevent death or great bodily harm to the officer or another person; or
 - 2. The officer reasonably believes such force is necessary to prevent the suspect from escaping or resisting arrest and the officer has probable cause to believe the suspect has committed or attempted to commit a felony involving great bodily harm or is attempting to escape by use of a deadly weapon, or the facts and circumstances indicate the suspect will

endanger human life or inflict great bodily harm unless arrested without delay (K.S.A 21-5227).

II. USE OF FORCE EXAMPLES

A. **Control Holds** – Force utilized to take physical control of a person by use of techniques designed to prevent or restrict movement or resistance for the purposes of:

1. Physically restraining a volatile person;
2. Preventing movement of a subject; or
3. A prelude to taking a person into physical custody.

B. **Oleoresin Capsicum (OC) spray** – Non-lethal force utilizing pepper-based spray directed into the face of a person to cause temporary incapacitation allowing the officer to gain a physical advantage or control.

1. This method is appropriate in the following circumstances:
 - a. A passive resister becomes active.
 - b. When verbal and/or passive physical resistance is displayed by a subject that could, in the reasonable opinion of the officer, lead to a physical confrontation;
 - c. A subject threatens to attack an officer and an officer reasonably believes the subject is capable of carrying out the threat;
 - d. In defense against an attack;
 - e. A subject being detained attempts to leave and the attempted application of control holds would not be effective or would compromise the officer's safety; or
 - f. To protect against dangerous animals.
2. When OC is used, it shall be the officer's responsibility to:
 - a. Seek medical treatment for the individual, including eye wash if requested or if the subject displays immediate health concerns;
 - b. Monitor the subject at all time after exposure until the effects diminish or the subject is under the control of another agency or health care provider.
3. All depleted OC canisters will be turned in to a supervisor. Supervision will dispose of the can and issue a new one.

C. **Expandable Baton (ASP)** – Non-lethal force utilizing a telescoping baton to strike in an approved manner or as a control mechanism, permitting the officer to gain physical control. This method is appropriate in the following circumstances:

1. To subdue a physically resisting subject;
 2. To defend against an attack; or
 3. The circumstances of the incident prevent the officer from utilizing other force options.
- D. **Personal Weapons** – Non-lethal force in which the officer utilizes parts of his/her body (e.g., hands, elbows, forearms, feet) because the use of other mechanical options are either impractical, inappropriate or are not readily available. Personal weapons may be used for the purpose of:
1. Self defense;
 2. Counter an attack; or
 3. Distraction.
- E. **Improvised Impact Device** – It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.
- F. **TASER** – TASERs may be used by authorized and trained personnel in accordance with this policy. When circumstances reasonably allow, officers should attempt to gain compliance by verbal persuasion and commands prior to the use of a TASER.
1. Officers are authorized to deploy a TASER in order to:
 - a. Prevent or stop assaultive or attacking behavior, as defined in the "Subject Behavior Definitions" section of this policy, directed against an officer or another;
 - b. Incapacitate a subject who actively resists apprehension or detention by threat or use of assaultive or attacking behavior, as defined in the "Subject Behavior Definitions" section of this policy, directed against an officer or another.
 2. **DEPLOYMENT PROHIBITIONS** – It is forbidden to use the device when the subject no longer constitutes a threat, has complied with the officer's instructions, loses the ability to escape, and ceases actively resisting. TASERs are also prohibited in the following circumstances:
 - a. When the use of the device is not reasonably necessary to prevent harm to an officer or another person,
 - b. In a punitive manner or to unlawfully coerce another.

- c. On a handcuffed or secured prisoner, unless such prisoner is actively resisting lawful detention or attempting to escape and he/she poses a threat of immediate harm to the officer or another person.
- d. In any environment where an officer knows that a potentially flammable, volatile, or explosive material is present (including but not limited to, OC spray with volatile propellant, gasoline, natural gas, or propane).
- e. In any environment where the subject's fall would reasonably likely result in great bodily harm or death unless the use of force that could cause great bodily harm or death is reasonable and justified.
- f. When the subject is operating a motor vehicle, unless compelling reasons can be articulated.
- g. TASERs generally should not be deployed against children, the elderly, persons of small stature irrespective of age, or women whom the officer has reason to believe are pregnant – giving due consideration to the subject's size, aggressiveness, capacity to harm the officer or another, the gravity of the crime, and the nature of the actual threat of violence the person poses.

3. DEPLOYMENT CONSIDERATIONS

- a. Upon deploying the device, the officer shall energize the subject the least number of times necessary and no longer than needed to accomplish the lawful objective.
- b. Center mass of the subject's back should be the primary target where reasonably possible; center mass of the chest or the legs are the secondary targets.
- c. As in all uses of force, certain individuals may be more susceptible to injury. Officers should be aware of the greater potential for injury when using a TASER against children, the elderly, persons of small stature irrespective of age, or those who the officer has reason to believe are pregnant, equipped with a pacemaker, or in obvious ill health.
- d. The subject should be secured as soon as practical while disabled by the TASER power to minimize the number of deployment cycles. In determining the need for additional energy cycles, officers should be aware that an energized subject may not be able to respond to commands during or immediately following exposure.
- e. Fixed sights should be used as the primary aiming device and the laser dot as the secondary aiming device.
- f. Officers should avoid using the TASER Drive Stun mode as their primary deployment choice. When a TASER is used in Drive Stun mode the TASER operates primarily through pain compliance while offering limited to no neuromuscular incapacitation.

- g. The TASER shall be pointed at the ground in a safe direction with the safety on during loading, unloading, or when handled in non-operational deployment.

4. PROCEDURES

- a. Only officers who have satisfactorily completed the Lawrence Police Department's approved training course shall be authorized to carry TASERs.
- b. The device will be carried in an approved holster on the side of the body opposite the service handgun.
- c. Officers authorized to use the device shall be issued a minimum of one spare cartridge as a backup in case of cartridge failure, the need for redeployment, or in case the first cartridge's leads break during engagement. The spare cartridges shall be stored and carried in a manner consistent with the manufacturer's expiration requirements.
- d. Only Lawrence Police Department-approved battery power sources and cartridges shall be used in the TASERs.
- e. When the device has been used operationally, the officer shall collect the cartridge, wire leads, darts and AFIDs as evidence.

5. AFTERCARE

- a. Unless probe removal is contraindicated per training, the TASER darts should be removed from the person following the procedures outlined in training.
- b. As soon as practical, individuals who have been incapacitated by a TASER shall be taken to an emergency medical facility for evaluation.
- c. If practical, photographs of the affected area should be taken after the darts are removed.

6. REPORTING

- a. The deploying officer shall notify a supervisor as soon as practical after using the device.
- b. In the report, officers shall specifically articulate the rationale in the deployment of the TASER.

G. **Less-Lethal Force (Beanbag)** – Less-lethal force option that utilizes a specific shotgun identified with bright orange stock and forearm for the deployment of beanbag projectiles.

- 1. **DEPLOYMENT** - Deployment of beanbag rounds will require the following:

- a. Supervisory approval.
- b. Completion of department-approved training.
- c. An officer with an approved department firearm will accompany the less-lethal beanbag operator.
- d. Beanbags can be deployed when immediate deadly force does not appear to be justifiable and/or necessary attempts to subdue the individual with other non-lethal tactics have been or will likely be ineffective.
- e. There are reasonable expectations it will be unsafe for the officers to approach within contact range of the individual.
- f. The individual that officers are attempting to detain is combative or aggressive, under the influence of drugs/alcohol, emotionally disturbed, refusing to submit to an arrest and is a potential threat to themselves or others, or the individual is armed with a dangerous weapon.
- g. Officers will render aid as soon as practical.

2. STORAGE

- a. Beanbag shotguns will be stored with the safety on, action open and no rounds in the chamber/magazine tube.
- b. Beanbag shotguns will be stored with six (6) rounds of beanbag ammunition in the sidesaddle ammunition carrier.
- c. Beanbag shotguns will be stored in the vehicle trunk separate from any other shotgun/rifle.
- d. Beanbag shotguns will only be loaded immediately prior to being deployed. The deploying officer shall visibly and physically inspect the chamber/magazine tube to ensure they are empty.
- e. After deployment, the beanbag shotgun must be completely unloaded and unexpended ammunition returned to the sidesaddle ammunition carrier.

H. **Deadly Force** – Lethal force in which the officer utilizes a department-approved firearm to prevent death or great bodily harm to the officer or another person. Officers may utilize other weapons available to them to deploy lethal force if no other option is available. An officer is justified in using deadly force only when such officer:

- 1. reasonably believes that such force is necessary to prevent death or great bodily harm to such officer or another person, or when such officer reasonably believes that such force is necessary to prevent the arrest from being defeated by resistance or escape and such officer has probable cause to believe that the person to be arrested has committed or attempted to commit a felony involving death or great bodily harm or is attempting to escape by use of a deadly weapon, or otherwise

indicates that such person will endanger human life or inflict great bodily harm unless arrested without delay (K.S.A. 21-5227).

2. If an officer reasonably believes a situation does not justify the use of lethal force, the officer will not be disciplined for the decision.

III. DISCHARGING OF A FIREARM

- A. Warning shots are prohibited.
- B. An officer shall not fire at a moving vehicle or from a moving vehicle unless the occupants of the vehicle represent a direct threat to the life of the officer or other people.
- C. An officer may discharge his/her firearm to shoot a dangerous animal or an animal so severely injured it should be destroyed to avoid further suffering.
- D. Officers may discharge their firearms during training or qualification.

IV. HANDCUFFING

- A. All persons arrested should be handcuffed with their hands behind their back except as otherwise noted.
- B. Sound professional judgment should be used when exceptions are made and alternate safety precautions should be taken to guard against injury and/or escape. Exceptions include:
 1. A person may be exempted from handcuffing to the rear and altogether at the officer's discretion if the person suffers from a physical condition, illness, injury, disability, or medical condition known to the officer at the time that may be aggravated by handcuffing. In such circumstances, the subject shall be secured in a manner that would not aggravate the person's condition if it is safe to do so.
 2. When it is reasonable for the officer to believe that failure to handcuff an arrested person poses no reasonable threat of injury to the officer or others, or escape, the officer may elect to handcuff the arrested person with his/her hands in front or not handcuff at all.
- C. Guidelines – The following shall apply when handcuffing:
 1. The subject's hands should be cuffed in a position to provide maximum protection to the officer and the subject;
 2. After application and once the subject is no longer actively resisting, handcuffs should be checked for tightness by the officer inserting the fourth fingertip between the cuff and the subject's wrist;
 3. The officer should set the double-lock mechanism;

4. Unless an officer can articulate why a circumstance exists, officers should not handcuff a person to a fixed object;
5. The transporting officer should check the arrested person for proper security and proper fit of the handcuffs;
6. All arrestees should be searched incident to arrest;
7. Leg restraints can be used when the subject's behavior demonstrates a need for greater control;
8. Subjects to be handcuffed who only have one arm may have the arm restrained against their bodies or handcuffed to a belt;
9. For the safety of the arrested individual, individuals handcuffed in a prone position should be turned on their side as soon as safely possible;
10. Handcuffed subjects should be continually monitored while in the officer's custody. The officer should be aware that handcuffed subjects are in a vulnerable situation and necessary steps to ensure their safety should be taken.

D. Handcuffing – Investigatory detention. If an officer contacts an individual and has reasonable suspicion to believe the person has committed, is committing or is about to commit a crime and the officer reasonably believes it is necessary for the officer's safety, to prevent escape or loss of evidence, the officer may handcuff the individual.

E. Handcuffing – During search warrants. Officers executing a search warrant have the authority to detain occupants of the premises while a search is conducted. During the search, handcuffs may be used to secure the individuals if the officer reasonably believes they are necessary for the officer's safety, to prevent flight of the individuals, or to prevent interference with the orderly completion of the search.

V. ACTIONS AFTER USE OF FORCE

- A. When an officer utilizes a use-of-force option that causes pain or injury to a person, the officer shall:
1. Provide first aid and summon medical treatment for the injured, when appropriate;
 2. Immediately report the use of force to a supervisor.

VI. USE OF FORCE REPORT

- A. The Use of Force Report will be completed by a supervisor when any of the following use-of-force options are applied to a person:
- a. Less-Lethal Force (e.g., Beanbags)
 - b. TASER deployment
 - c. Baton (ASP) strike

- d. OC spray
 - e. Improvised Impact Device
 - f. Injury requiring medical treatment by a physician
 - g. Intentional closed fist punches or kicks to the head
- B. The Use of Force Report will be forwarded to the Use of Force Review Committee.

VII. USE OF FORCE COMMITTEE

- A. The Use of Force Review Committee will be comprised of one Captain, two Sergeants with expertise in use of force, two Officers/Detectives with expertise in use of force, and one additional Officer/Detective. Members of this committee will be assigned by the Chief of Police.
- 1. The committee will be responsible for reviewing all Use of Force Reports to determine if departmental procedures or policies were followed.
 - 2. The committee will have access to all reports, evidence and recorded media concerning the incident.
 - 3. The committee may request the officer(s) involved meet with one or more of the committee members to aid with information gathering.
 - 4. The committee will meet monthly or more as needed and review all incidents occurring during that time period. A report will be issued as soon as possible after the conclusion of the committee review and forwarded to the Chief of Police.
 - 5. The Chief of Police will determine whether further action is warranted. The Officer(s) involved will be informed of the review results via the Employee Action Log protocol.
 - 6. Use of Force Report forms will be filed in the OPA Office, with a retention period of three (3) years unless related to a sustained use of force complaint.

USE OF CONTROL DIAGRAM

