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## 11.0 FORCE RESPONSE

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### 11.01 PURPOSE

- A. The purpose of this policy is to provide Department members with guidelines for the use of force.

### 11.02 POLICY

- A. It is the policy of the Department to value and preserve human life.
- B. It is the policy of the Department for members to use force when necessary to protect life and property, affect arrests, overcome resistance, prevent escapes, and in defense of their person.
- C. Members are not required to retreat but neither are they prohibited from doing so. The decision to retreat or delay an arrest until it is safe or tactically sound to act is a discretionary decision based on an individual member's training, experience, expertise, and assessment of immediately available information and situational conditions. Likewise, members are not required to stand their ground and/or advance. The decision to stand one's ground or advance is also based upon the member's training, experience, expertise, and assessment of the situation given the facts known to the member at the time the incident occurred. Whether a member retreats, stands their ground, or advances, in no situation does the member lose the right to defend themselves, or others, from potential injury or death from all aggressors.
- D. Members shall use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the member and others.
- E. Members shall use force only when there is a lawful objective and shall use only the level of force which a reasonably prudent officer would use under the same or similar circumstances. The decision to use force "requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer or others, and whether he is actively resisting arrest or attempting to evade arrest by flight." In addition, "the 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight...the question is whether the officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting them," at the moment the force was used.
- F. The evaluation of the force will not be based on any sort of use of force continuum.
- G. This policy is to be reviewed regularly and any questions or concerns should be addressed to the immediate supervisor for clarification.

### 11.03 DEFINITIONS

- A. **Active Resistance:** The use of non-assaultive physical measures by an unarmed person, including flight, to resist and or prevent an officer from gaining control.
- B. **Choke Hold:** A physical maneuver that restricts an individual's ability to breathe or the circulation of blood to the head for the purposes of incapacitation.
- C. **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 of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may

include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

- D. **Deadly Force:** Any use of force that creates a substantial risk of causing death or serious bodily injury.
- E. **Elevated Risk Population Groups:** Individuals who are potentially at greater risk of injury or death following a use of force, including those who reasonably appear or are known to be elderly, medically infirm, physically disabled, pregnant, users of internal cardiac devices, or who have low body mass, such as small children.
- F. **Exigent Circumstances:** Those circumstances that would cause a reasonable person to believe that action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.
- G. **Excited delirium:** A medical disorder generally characterized by observable behaviors including extreme mental and physiological excitement, intense agitation, hyperthermia (elevated body temperature) often resulting in nudity, hostility, exceptional strength, endurance without apparent fatigue, and unusual calmness after restraint accompanied by a risk of sudden death.
- H. **Less-lethal force:** Any use of force other than that which is considered deadly force that involves physical efforts to control, restrain, or overcome the resistance of another.
- I. **Passive Resistance:** A refusal by an unarmed person not reasonably perceived to be an immediate threat or flight risk to comply with an officer's verbal commands or physical control techniques that does not involve the use of physical force, control, or resistance of any kind.
- J. **Objectively Reasonable:** The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar situations.
- K. **Serious Bodily Injury:** Injury that involves a substantial risk of death, protracted and obvious disfigurement, or extended loss or impairment of the function of a body part or organ.
- L. **Warning Shot:** Discharge of a firearm for compelling compliance from an individual, but not intended to cause physical injury.

#### 11.04 GENERAL PROVISIONS

- A. Use of physical force should be re-evaluated when resistance ceases or when the incident is under control.
- B. Physical force shall not be used against individuals in restraints, except as objectively reasonable, based on the totality of the circumstances, to prevent their escape or prevent imminent bodily injury to the individual, the member, or another person.
- C. Once the scene is safe and as soon as practical, a member shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.
  - 1. Members and supervisors should generally avoid transporting the suspect(s) in police vehicles to the hospital unless extenuating circumstances warrant otherwise.

- D. Members shall be aware of the general concerns present in regard to known individuals of an elevated risk population group as defined. Members are not prohibited from using force on such persons but shall weigh the benefit and the enhanced risks involved.
- E. A member, regardless of rank, has a duty to intervene to prevent or stop the use of any force being used by another member that would not be legally permissible to use when it is safe and reasonable to do so.
- F. All uses of force shall be documented and investigated pursuant to this agency's policies.

**11.05 DE-ESCALATION**

- A. A member should use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training whenever feasible.
- B. Whenever feasible and when such delay will not compromise the safety of the member or another, and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, a member shall allow an individual time and opportunity to submit to verbal commands before force is used.

**11.06 USE OF LESS LETHAL FORCE**

- A. When de-escalation techniques are not effective or feasible, a member may consider the use of less-lethal force to control a non-compliant or actively resistant individual. A member is authorized to use agency-approved, less-lethal force techniques and issued equipment:
  - 1. To protect the member or others from immediate physical harm,
  - 2. To restrain or subdue an individual who is actively resisting or evading arrest, or
  - 3. To bring an unlawful situation safely and effectively under control.

**11.07 USE OF DEADLY FORCE**

- A. A member is authorized to use deadly force when it is objectively reasonable under the totality of the circumstances. Use of deadly force is justified when one or both of the following apply:
  - 1. To protect the member or others from what is reasonably believed to be an immediate threat of death or serious bodily injury.
  - 2. To prevent the escape of a fleeing subject when the member has probable cause to believe that the person has committed, or intends to commit a felony involving serious bodily injury or death, and the member reasonably believes that there is an imminent risk of serious bodily injury or death to the member or another if the subject is not immediately apprehended.
- B. Where feasible, the member shall identify themselves as a law enforcement officer and warn of his or her intent to use deadly force.
- C. Deadly Force Restrictions
  - 1. Deadly force should not be used against persons whose actions pose only a threat to themselves or property.

**11.08 TRAINING**

- A. All members shall receive regular training on this agency's use of force policy and related legal updates.
- B. In addition, training shall be provided on a regular basis and designed to:
  - 1. Provide techniques for the use of and reinforce the importance of de-escalation; simulate actual shooting situations and conditions; and enhance officers'

discretion and judgment in using less lethal and deadly force in accordance with this policy.

2. All use-of-force training shall be documented.
- C. No member shall use any use of force technique or equipment without first receiving the appropriate training.

#### **11.09 DEPARTMENTAL APPROVED FORCE RESPONSES**

- A. Handcuffs
- B. Leg restraints
- C. Hobbles
- D. Soft-hand techniques
- E. Hard-hand techniques
- F. Chemical agents
- G. Impact tools
- H. Improvised tools
- I. Less-lethal munitions
- J. Knife
- K. Firearms
- L. Vehicles
- M. Approved vehicular stopping devices, such as Stop Sticks
- N. Conducted Energy Weapon (CEW)
- O. BolaWrap100

#### **11.10 PROCEDURES FOR APPROVED FORCE RESPONSES**

- A. Handcuffs
  1. Only Department approved handcuffs shall be used.
  2. Handcuffs may be chain and/or hinged, stainless or black in color. Department issued flex-cuffs may also be used when handcuffs are not available or practical.
  3. Generally, all persons are to be handcuffed behind their backs and secured to prevent escape, prevent injury to the prisoner, public or officer and to prevent damage to police equipment or the destruction of evidence.
    - a. The Department recognizes there may be unique circumstances requiring that alternative methods of handcuffing be considered. Sick, injured, previously injured, frail, or disabled arrestees (i.e., those with casts, prosthetic devices, etc.) shall be handcuffed in a manner deemed appropriate by the arresting officer to accommodate the unique circumstance the arrestee may have.
    - b. In these unique circumstances, additional methods of handcuffing may be considered (i.e., handcuffing in the front; no handcuffing of the very elderly if thoroughly searched and appropriate; use of additional pairs of handcuffs to lengthen restraint distances on large-framed subjects, second officer observation in cage). Members are responsible for giving due consideration to the totality of the circumstances when deciding if additional methods of handcuffing are necessary or not in any given situation.
  4. Handcuffs shall be double locked and checked for proper tightness as trained at the time they are placed on a subject or as soon thereafter as it can be safely achieved.

5. The use of belly chains and/or ankle irons are permitted for prolonged transports or for court, medical care, in custody interviews, or other unique circumstances as approved by a supervisor.
6. Members are required to re-evaluate any restraints used for proper fit, as necessary, during prolonged transports or if the arrestee complains of pain from the restraints. Members shall document in their arrest report if restraints are adjusted and the reason for adjusting them. As a standard practice, anytime handcuffs are applied to an arrestee, members shall note in their arrest report that the handcuffs were double locked and checked for proper tightness.

B. Leg Restraints

1. Only Department approved leg restraints are to be used.
2. Leg restraints are any strap, rope, chain, leg cuff, or other device designed for and used to secure the legs or ankles of an arrestee as approved by the Department.
3. Leg restraints may be used at the member's discretion for violent and combative subjects in order to prevent escape, prevent injury to the prisoner or officer and to prevent damage to police equipment.
4. Leg restraints shall be applied in such a way as they do not deliberately restrict blood flow. Members are required to re-evaluate leg restraints used for proper fit, as necessary, during prolonged transports or if the arrestee complains of pain from the restraints. Members shall document in their arrest report if restraints are adjusted and the reason for adjusting them. As a standard practice, anytime leg restraints are applied to an arrestee, members shall note in their arrest report that leg restraints were used and checked for proper tightness.

C. Hobbles

1. Only Department approved hobbles are to be used.
2. Hobbles are defined as any rope, strap, or chain used to bind the legs or a leg restraint to handcuffs attached to a subject's wrists.
3. Hobbles may be used at the member's discretion for violent and combative subjects in order to prevent escape, prevent injury to the prisoner or officer and to prevent damage to police equipment.
4. The separation between the wrist and ankle shall be no less than fourteen (14) inches.
5. At no time should a hobbled subject be left alone.
6. A hobbled subject should be placed upon his/their side as soon as possible to reduce pressure on the chest. No person shall be intentionally placed on their stomach in a prone position during transport.
7. Members should use extreme care when applying a hobble and should have EMS respond to the scene if the subject is displaying behavioral cues indicating potential medical problems that could lead to cardiac or respiratory arrest. If any change in medical condition occurs, such as labored breathing or a period of sudden tranquility, the member shall immediately release the hobble and request EMS services without undue delay.

D. Soft-hand techniques

1. Soft-hand techniques are defined as physical restraint and control holds and include ground and/or fixed surface stabilization. Soft-hand techniques may be used to accomplish a lawful police objective when it is objectively reasonable based on the totality of the circumstances.
  - a. Choke holds are prohibited unless deadly force is legally justified.

2. A member's use of a Department approved physical restraint or control hold to gain compliance or effect an arrest does NOT require a Use of Force report, so long as the suspect does not require medical attention, complains of injury, or the incident is likely to be controversial, (see use of force reporting requirements).

E. Hard-hand techniques

1. Hard-hand techniques are defined as strikes, kicks, and throws. Hard-hand techniques may be used to accomplish a lawful police objective when it is objectively reasonable based on the totality of the circumstances.
2. Members shall not intentionally target the throat unless deadly force is legally justified.
3. Members shall be aware of the general concerns present when using hard-hand techniques on a known member of an elevated risk population group. Members are not prohibited from using hard-hand techniques on such persons when necessary but shall limit use to those exceptional circumstances where the potential benefit reasonably outweighs the enhanced risks involved.

F. Chemical agents

1. General use
  - a. Only chemical agents issued by the Department will be used.
  - b. Chemical agents shall be used in accordance with current training standards and the directions provided by the manufacturer.
  - c. Chemical agents are irritating to the eyes, nose, and skin. Members using a chemical agent will ensure that persons exposed to such agents receive first aid treatment as soon as practical. When booking subjects exposed to chemical agents, jail personnel will be advised of this fact to prevent contamination of other jail occupants and/or custodial personnel.
2. Chemical agents shall not be used:
  - a. On individuals who are only passively resisting and/or are not reasonably perceived as an immediate threat or flight risk.
  - b. On individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the member, or another person.
  - c. On a person who is in physical control of any vehicle (to include motorcycles, bicycles, scooters, skateboards, etc.) in motion or about to become in motion except when deadly force would be justified.
  - d. When the member has a reasonable belief that deployment may cause serious injury or death from situational hazards including falling, or because it may be ignited by a close ignition source, except when deadly force would be justified.

G. Impact tools

1. General use
  - a. Only Department approved impact tools will be used: ASP (Armament Systems and Procedures) baton or straight baton.
  - b. Members shall not intentionally target a suspect's head and neck unless deadly force is authorized.
2. Impact Weapons shall not be used:
  - a. On individuals who are only passively resist and/or are not reasonably perceived as an immediate threat or flight risk; excepting that it may be used as a leveraging tool or as an instrument for a control hold.

- b. On individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the member, or another person.
- c. When the member has a reasonable belief that deployment may cause serious injury or death from situational hazards including falling, except when deadly force would be justified.

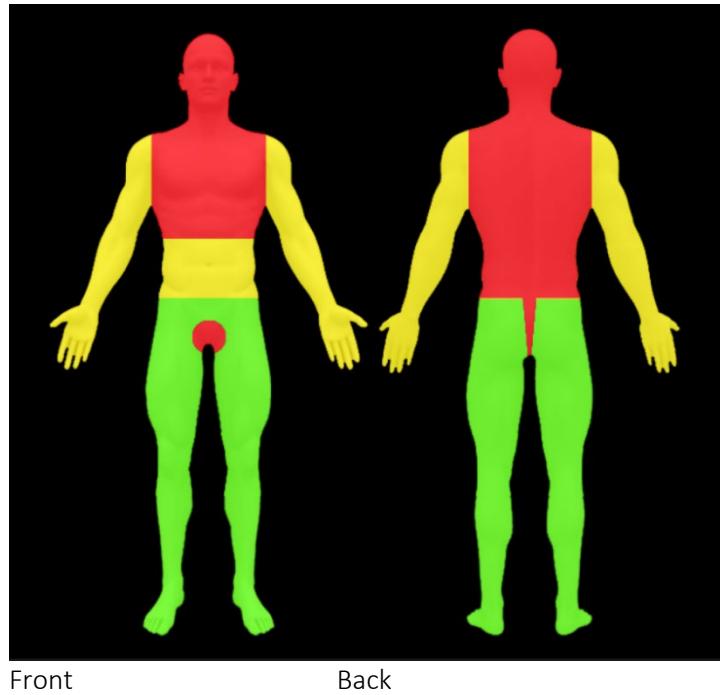
#### H. Improvised tools

- 1. May be used in sudden defensive encounters and are subject to the same guidelines as other impact tools.
  - a. Citation book
  - b. Flashlight, etc.

#### I. Less-lethal munitions

- 1. Only Department issued, projectile impact munitions shall be used.
- 2. Because projectile impact weapons have the potential to cause serious injury or death, this type of weapon will only be used in the following circumstances:
  - a. Members shall consider whether the potential benefit of using less lethal munitions reasonably outweighs the risks involved.
  - b. At all times the less-lethal operator should have lethal cover from at least one other officer. Less lethal munitions should be deployed from a position of cover whenever possible.
  - c. Members shall issue verbal and visual warnings consistent with training prior to deploying less lethal munitions, and allow a reasonable amount of time for the subject to comply unless doing so would increase the risk of injury to officers or the subject involved.
  - d. Members shall notify assisting officers that they intend to deploy the less lethal munitions, unless doing so would increase the risk of injury to officers or the subject involved.
  - e. The less lethal operator shall not intentionally target the head, throat, face, arms, spine, or groin area of a suspect unless deadly force would be justified.
- 3. The preferred target area and distance considerations for Safariland drag stabilized bean bags issued to officers are as follows:
  - a. 0-20feet: Less Lethal Munitions are NOT allowed at this distance unless deadly force would be justified.
  - b. 20 feet or more: Less Lethal Munitions minimum safe distance for use on a subject. ONLY Primary Target Areas, in Green (legs and buttocks), should be intentionally targeted due to the high likelihood of causing serious injury to more sensitive soft tissues due to the close proximity to the subject.
  - c. 50 feet or more: Less Lethal Munitions are optimal at these ranges due to accuracy of targeting zones and effect of energy delivered upon impact. Secondary Target Areas, in Yellow (arms and front lower abdomen) are viable target areas at these ranges, but the greater potential of causing lacerations or penetration of soft tissue should be taken into consideration during targeting.
  - d. 75 feet or more: Less Lethal Munitions maximum effective range. Targeting is more difficult at this range due to the distance and the loss of

energy from the Less Lethal Munitions. All engagements are recommended to be within 75 feet.



4. Targeting areas described in detail (referencing the attached image):
  - a. Green represents the Primary (preferred) targeting areas and are ideal for closer range engagements. This consists of large muscle groups and the least number of vital organs.
  - b. Yellow targeting areas are considered Secondary targets for further distances due to the potential to cause lacerations or fractures. This consists of the waist to just below the ribs, comprised of medium muscle groups (which cover the lower abdominal organs), and the arms. The arms are viable targeting areas but should be carefully considered due to their mobility and the chances of missing desired target, causing unintentional strikes to other areas or misses.
  - c. Red areas are NOT targeting areas due to the high likelihood of causing serious injury. From the front: the head, face, neck, chest, and groin shall NOT be intentionally targeted from the front, unless deadly force would be justified. From the back: the head, spine and kidneys shall not be intentionally targeted unless deadly force would be justified.
  - d. The Department recognizes that under tense, uncertain, and rapidly evolving situations that determining exact distances may be impossible. Therefore, all targeting ranges shall be based on the Officer's best estimates under the specific circumstances at the time of deployment. It is recognized that subjects also may be actively mobile (i.e., pacing, walking, flailing, etc.), and unintentional strikes to other zones may occur as a result of subject movement.
5. When engaging a target, the deploying member should evaluate the effectiveness of each round during the volley. Compliance and/or incapacitation is the desired

goal and alternative target areas should be considered when rounds are not effective (within the guidelines listed above).

6. All suspects struck with less lethal munitions shall be taken to St. John's Medical Center for evaluation and treatment as soon as practical, prior to being taken to the jail.

J. Knives

1. Members are authorized to carry knives while on-duty for utilitarian purposes. They are not to be used as a force option unless deadly force is authorized.
2. Knives shall meet the following requirements:
  - a. Folding Blades: The cutting edge may be straight and/or serrated with a blade length of not more than 4.5 inches.
  - b. Fixed Blades: The cutting edge may be straight and/or serrated with a blade length of not more than 4.5 inches.
3. Member's knives shall be secured in either a scabbard (for fixed blades) or folded and secured by a fastening device so as to ensure officer safety, knife retention, and concealment. The blade and securing device shall be carried in a concealed manner.

K. Firearms

1. Only Department authorized firearms shall be used. (See JPD Policy 26.0 Firearms for guidelines)
2. A member may use a firearm as a deadly force option when it is objectively reasonable based on the totality of the circumstances in self-defense or in defense of another person's life.
3. Warning shots are allowed, but there is no legal obligation to do so. The member shall not fire a warning shot unless:
  - a. There is a defined target.
  - b. The use of deadly force is justified.
  - c. The warning shot will not pose a substantial risk of injury or death to the member or others.
4. Firearms shall not be discharged at a person in a moving vehicle unless:
  - a. A person in the vehicle is threatening the member or another person with deadly force by means other than the vehicle.
  - b. The vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle.
5. Firearms shall not be discharged at a moving vehicle for purposes of stopping the vehicle except where deadly force is authorized.
6. Firearms shall not be discharged from a moving vehicle except in exigent circumstances. In these situations, an officer must have an articulable reason for this use of deadly force.
7. A member's deployment of a firearm, whether pointed at a suspect or not, is NOT considered a Use of Force so long as the firearm is not discharged or used as an impact weapon.

L. Vehicles

1. A police vehicle may be used as a force option when deadly force is authorized and other means have been exhausted or are not practical. In these situations, a member must have an articulable reason for this use of deadly force.

M. Approved vehicular stopping devices

1. See JPD Policy 12.14.P for use guidelines.

N. Conducted Energy Weapon (CEW)

1. Only Department issued CEWs will be used.
2. Weapon Readiness

- a. The CEW shall be carried in an approve holster.

- (1) As carried on gun belts: on the side of the body opposite the service handgun for weak hand draw.

- (2) As carried on vests: on the side of the body opposite the service handgun for cross draw or on the same side of the body as the service handgun for weak-hand draw.

- b. Modifications or repairs to the device shall be performed only by a trained technician and consistent with the manufacturer's guidelines and directions.

3. General considerations for use

- a. The CEW is authorized to be used

- (1) To protect the member or others from reasonably perceived immediate threat of physical harm,

- (2) To restrain or subdue an individual who is actively resisting or evading arrest by flight,

- b. The CEW shall not be used

- (1) On individuals who are only passively resisting and/or are not reasonably perceived as an immediate threat or flight risk;

- (2) When the member has a reasonable belief that deployment may cause serious injury or death from situational hazards including falling, drowning, or igniting a potentially explosive or flammable material or substance, except when deadly force would be justified; or

- (3) On a person who is in physical control of any vehicle (to include motorcycles, bicycles, scooters, skateboards, etc.) in motion or about to become in motion except when deadly force would be justified.

- c. Members shall not intentionally activate more than one CEW against a subject at one time.

- d. Members shall energize a subject no longer than objectively reasonable to overcome resistance and bring the subject under control and shall not be permitted to have more than three (3) successive discharges before considering alternative control techniques. Each justification for a discharge shall stand alone and require the member to have a new justification for the need for an additional discharge.

- e. Members shall issue verbal and visual warnings consistent with training prior to deploying the CEW, when feasible, and allow a reasonable amount of time for the subject to comply unless doing so would increase the risk of injury to officers or others.

- f. When practical, members should also notify assisting officers that they intend to deploy the CEW.

4. Primary Deployment

- a. The CEW is most effective at overcoming resistance and gaining subject control when used in the probe mode. Accordingly, this is the preferred method of deployment.
- b. The CEW shall be aimed at a preferred probe target location, consistent with training and manufacturers' recommendations.
- c. The CEW shall not be intentionally aimed at a sensitive area, which includes the subject's face, eyes, head, throat, chest area, female breasts, groin, genitals, or known pre-existing injury areas, unless deadly force is authorized.
- d. Members should consider the totality of circumstances, including suspect movement, limited sighting capability, and their ability to accurately deploy the device, to reduce the risk of accidental probe contact to an unintended body part.
- e. Due to the potential for independent drive-stuns (drive-stuns not used in conjunction with probe deployment) to cause permanent scarring, members shall consider whether the potential benefit of using a drive stun reasonably outweighs the risks involved and minimize their use.
- f. The CEW shall be discharged for an initial five-second cycle.
- g. During and immediately after this cycle, the member should verbally give resistance control instructions to the subject when practical to do so.
- h. The member should be aware that an energized subject might not be able to respond to commands during or immediately following exposure.
- i. The member should allow a reasonable amount of time to assess the effectiveness of the cycle, and to give the subject the opportunity to comply with the instructions given.
- j. The member should evaluate, under the totality of circumstances presented, whether additional cycles are reasonably necessary and whether additional cycles appear reasonably likely to be effective in accomplishing the officer's lawful objectives. The evaluation shall include consideration of the enhanced risks to subjects exposed to multiple and/or prolonged CEW cycles.
- k. The member should consider deploying a second cartridge if using a two-cartridge CEW, or deliver a follow-up drive-stun, or transitioning to alternative force options if the officer reasonably perceives that the subject has not responded to the CEW in the anticipated manner based on training and experience.
- l. To reduce the number of cycles and duration of exposure, the subject should be secured as soon as practical while exposed to the CEW cycle or immediately thereafter.

5. Secondary Deployment
  - a. All secondary deployment techniques are subject to the same guidelines and restrictions as initial deployments.
  - b. The CEW may also be used in close-range and self-defense in the drive-stun mode with the cartridge removed, or expended cartridge in place. When the device is used in the drive-stun mode it is primarily a coercive control tool, and less effective than when probes are deployed with adequate probe spread.

c. A preferred method of close-range secondary deployment with a single-shot CEW involves firing the probes at close range with the cartridge on, then applying the device in drive-stun mode consistent with training to an area of the body away from the probe location. When using a multi-shot device, the second set of probes can be deployed as a follow-up in a manner that is consistent with training to create an effective “probe spread.”

6. Post-Deployment

- a. If the probes penetrate the flesh, photographs of the contact area shall be taken before and after they are removed when practical.
- b. The member shall remove the probes from the subject as soon as practical after deployment and control, unless a probe has contacted a sensitive area, such as the eyes, face, neck, genitals, or breasts of a female. Members will not remove probes that have contacted a sensitive area.
- c. The probes shall be treated as a biohazard risk.
- d. Members shall request emergency medical response for all deployments.
- e. Subjects will be transported to St. John’s for advanced medical treatment as soon as possible prior to being taken to jail if any of the following occurs:
  - (1) A probe has contacted a sensitive area, such as the eyes, face, neck, genitals, or breasts of a female.
  - (2) There is difficulty removing the probes.
  - (3) The subject does not appear to be recovering in a manner consistent with training and experience.
  - (4) The subject is part of an elevated risk population group.
  - (5) The subject has been exposed to more than three CEW cycles or 15 seconds of discharge.
  - (6) The subject has been simultaneously exposed to the effects of more than one CEW device.
  - (7) The subject has exhibited signs of excited delirium as described in training, prior to or during CEW exposure.
  - (8) The subject reasonably appears to be affected by mental illness or is in medical distress.

7. Auditing

- a. CEWs will be subjected to periodic and random data downloading. Regular downloading that is consistent with the manufacturer’s recommendations will ensure that weapons have up-to-date firmware and a synced time clock. The data obtained will be reconciled with existing use-of-force reports for accountability.

O. Restraint Device (BolaWrap 100)

1. This policy provides guidelines for the issuance and use of the BolaWrap 100 devices in order to minimize the risk of injury to suspects, subjects, and officers.
2. The Department authorizes the use of the BolaWrap 100 device in accordance with this policy and department training. The BolaWrap 100 device is a handheld device intended to immobilize and control resistive/non-compliant persons and persons with known or suspected mental health issues that may affect the person’s ability to understand and follow instructions.
3. Issuance and carrying BolaWrap 100 devices

- a. Only a Department approved BolaWrap 100 device that has been issued by the Department shall be utilized by personnel.
  - b. Only members who have successfully completed Department-approved training may be issued and can carry the BolaWrap 100 device.
  - c. All BolaWrap 100 devices shall be clearly distinctly marked to differentiate them from the duty firearm.
  - d. Members who have been issued the BolaWrap 100 device shall ensure the device is securely attached on their person or safely secured in their patrol vehicle.
  - e. Members shall be responsible for ensuring that their issued BolaWrap 100 device is properly maintained and in good working order.
  - f. Members should not hold both a firearm and the BolaWrap 100 device at the same time.
  - g. Members shall ensure that the BolaWrap 100 devices are secured in a manner that will keep the device inaccessible to others.
4. Verbal and visual warnings

A verbal warning of the intended use of the BolaWrap 100 device should precede its application unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances.

The purpose of the warning is to:

  - a. Provide the individual with a reasonable opportunity to voluntarily comply.
  - b. Provide other officers and individuals with a warning that the BolaWrap 100 device may be deployed.
  - c. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.
  - d. The fact that a verbal warning or other warning was given or the reasons it was not given shall be documented by the officer deploying the BolaWrap 100 device in his or her report.
5. Use of the BolaWrap 100 device

The BolaWrap 100 has limitations and restrictions requiring consideration before its use. The device should only be used when its operator can safely approach the subject within the operational range of the device. Although the BolaWrap 100 device is generally effective in controlling most individuals, members should be aware that the device may not achieve the intended results and should be prepared to employ other options.
6. Application of the BolaWrap 100 Device

The BolaWrap 100 device may be used in any of the following circumstances, the circumstances perceived by the member at the time indicate that such application is reasonably necessary to control a person.

  - a. The subject is violent or is physically resisting
  - b. The subject has demonstrated by words or actions, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, themselves, or others.
  - c. The subject has demonstrated physical non-compliance with a lawful investigative detention and/or probable cause arrest.

When deciding whether to use the BolaWrap 100 device, members should carefully balance officer safety concerns with factors that include, but are not limited to:

- a. The circumstances of the crime leading to the arrest or detention.
- b. The demeanor and behavior of the arrested or detained person.
- c. The age and health of the person.
- d. Whether the person is known to be pregnant.
- e. Whether the person has any other apparent physical disability.

The BolaWrap 100 device shall not be used to psychologically torment, elicit statements or to punish any individual.

## 2. Special Deployment Considerations

The use of the BolaWrap 100 device on certain individuals should be avoided unless the totality of the circumstances indicates that other available options would likely be ineffective or would present greater danger to the member, the subject to others, and the member reasonably believes that the need to control the individual outweighs the risk of using the device. These individuals include:

- a. Individuals who are known to be pregnant.
- b. Elderly individuals.
- c. Obvious juveniles.
- d. Individuals detained in a police vehicle.
- e. Individuals in danger of falling or becoming entangled in machinery or heavy equipment, which could result in death or serious bodily injury.
- f. Individuals near any body of water that may present a drowning risk.
- g. Individuals whose position or activity may result in collateral injury (e.g., running, possible fall from high location, operating a motor vehicles or heavy machinery)

## 3. Target Considerations

Reasonable efforts should be made to target the lower legs (from the ankles to the upper thighs) and area of the mid torso (from the elbows to the wrist), and to avoid the head, neck, and eyes. If the dynamics of a situation or officer safety factors do not permit the member to limit the application of the BolaWrap 100 device to a precise target area, members should monitor the condition of the subject if it strikes the head, neck, and/or eyes until the subject is examined by paramedics or other medical personnel.

## 4. Multiple Applications to BolaWrap 100 Device

Multiple Applications to BolaWrap 100 Device should be recommended to increase the Bola Wrap's remote restraint efficacy with the goal of deployment, the neutralization of a suspect's ability to flee or cause further harm or injury to others.

## 5. Actions Following Deployment

Following the use of the BolaWrap 100 device:

- a. Members should quickly secure the suspect and shall use a more secure and permanent restraint device, such as handcuffs to a suspect who has been wrapped.
- b. Members shall request a supervisor to the scene.
- c. The supervisor or deploying member should determine whether transporting the person to a medical facility is necessary to remove the hooks from the wrapped suspect.

d. If the hooks become too entangled in the suspect's clothing, the Kevlar line should only be cut with medical sheers or a seat belt cutter. Members shall never use a pocketknife to cut the Kevlar cords off of a suspect.

d. Once removed the barbs and cord shall be photographed and the photos placed into evidence.

6. Reporting The Use of the BolaWrap 100

a. Any deployment of the BolaWrap 100 device by a member of this Department shall be considered a force response like a ground stabilization and shall be documented in accordance with this policy.

7. BolaWrap 100 report writing.

Items that shall be included in the member's report after deployment of the BolaWrap 100.

- a. The BolaWrap 100 device and cartridge serial numbers.
- b. Date, time, and location of the incident.
- c. Whether any display or laser deterred a subject and gained compliance.
- d. The number of BolaWrap 100 device activations and the duration between activations.
- e. The approximate range at which the BolaWrap was used.
- f. The location of the BolaWrap restrained.
- g. Whether medical care was provided to the subject.
- h. Whether the subject sustained any injuries.
- i. Whether any officers sustained any injuries.

8. Medical Treatment

Any individual who falls under any of the following categories should be examined by paramedics or other qualified medical personnel as soon as is practicable:

- a. The person may be pregnant.
- b. The person reasonably appears to need medical attention, or requests medical treatment.
- c. The BolaWrap 100 device pellets/barbs are lodged in a sensitive area (e.g., groin, female breast, eyes, head, face, neck).
- d. The BolaWrap 100 pellets/barbs have penetrated the skin and caused bleeding.

If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording if possible.

9. Supervisor Responsibilities

A supervisor should respond to all incidents where the BolaWrap 100 device was activated. A supervisor should review each incident where a person has been exposed to an activation of the BolaWrap 100. Photographs should be taken, including if the skin is penetrated, and witnesses interviewed.

10. Off Duty Considerations

Members are not authorized to carry Department BolaWrap 100 devices while off-duty.

11. Training

Members who are authorized to carry the BolaWrap 100 device shall be permitted to do so only after successfully completing the initial Department approved training. Proficiency training for members who have been issued a BolaWrap 100

device should occur every year. A reassessment of a member's knowledge and/or practical skill may be required at any time if deemed appropriate by the Operations Lieutenant.

All training and proficiency for BolaWrap 100 devices will be documented in the member's training file.

Command staff, supervisors, and investigators should receive BolaWrap 100 device training as appropriate for the investigations they conduct and review. All training and proficiency for BolaWrap 100 devices will be documented in the member's training file.

Members who do not carry a BolaWrap 100 device shall receive training that is sufficient to familiarize them with the device and with working with members who use the device.

The Support Sergeant is responsible for ensuring that all members who carry a BolaWrap 100 device have received initial and proficiency training. Periodic audits shall be used for verification.

Application of BolaWrap 100 devices during training could result in injury to members and should not be mandatory for certification.

The Support Sergeant should ensure that all training includes:

- a. A review of this policy.
- b. A review of the Force Response Policy.
- c. Target area considerations, to include techniques or options to reduce the unintentional application of pellet/barbs near the head, neck, eyes, chest, and groin.
- d. Handcuffing a subject during the application of the BolaWrap 100 device and transitioning to other force options.
- e. De-escalation techniques.
- f. Restraint techniques do not impair respiration following the application of the BolaWrap 100 device.

#### **11.11 SUPERVISOR NOTIFICATION REQUIRED**

- A. Members shall notify a supervisor as soon as practical anytime force is applied under the following circumstances:
  1. Anytime any person is injured or killed during an incident (officer or others).
  2. Anytime force is used.
  3. Anytime an arrestee makes a claim of injury.
  4. For any incident which is likely to be viewed as controversial.
- B. Supervisor notification shall be made while still at the scene, assuming it is safe to do so.
- C. Members shall also notify a supervisor under the following circumstances:
  1. A subject is ground stabilized.
  2. A subject claims a handcuffing injury.
  3. There is a non-UOF injury while in contact with the member.
  4. A subject claims injury by members for an injury that was pre-existing.

#### **11.12 OFFICER RESPONSIBILITY, SUPERVISOR RESPONSE, AND DOCUMENTATION REQUIREMENTS**

- A. Member Responsibilities
  1. Members shall make every attempt to secure the scene, protect any evidence, and request all witnesses to remain until a supervisor responds to the scene. In

situations where this is not practical, members shall request the full names, dates of birth, and contact information of any witness for later follow-up.

2. Members shall complete a police report documenting the use of force prior to the end of their shift unless otherwise directed by their supervisor.

B. Member Reporting

1. All reports documenting a use of force shall be comprehensive and provide the degree of specificity necessary to fully document and evaluate the member's force response.
2. Members should ensure that their police report accurately relates what the member knew, observed, or believed at the time of the incident.
3. At a minimum, reports shall include the following information.
  - a. Location, date, and time.
  - b. Information on the subject, including age, sex, race, and ethnicity.
  - c. Reason for initial contact between the subject and member, including any suspected unlawful or criminal activity.
  - d. Whether the member was:
    - (1) Readily identifiable as law enforcement, including whether they were in uniform or plainclothes.
    - (2) Operating a marked or unmarked law enforcement vehicle or on foot patrol.
    - (3) On or off duty.
    - (4) Accompanied by other officers.
  - e. Whether a supervisor or a senior member acting in a supervisory capacity was present or consulted at any point during the incident.
  - f. Whether backup was requested and if so, when it arrived.
  - g. Whether witnesses were present at the time.
  - h. Whether there was any cause to believe the subject was armed or hostile,
  - i. The subject's general demeanor, including any known or apparent impairments.
  - j. Any verbal exchange that transpired.
  - k. The full circumstances that supported a detention or arrest decision, where applicable, to include the severity of the crime or evidence discovered prior to the detention or arrest attempt by officer(s).
  - l. Any threat to the member or another person.
  - m. Type, intensity, and duration of resistance to arrest by the subject to include any threat to others.
  - n. Any de-escalation attempts made.
  - o. Any force options available to the member and the reason for the level of force response employed.
  - p. Specific justification is required for UOF on an elevated risk population group.
  - q. Any subject and officer injury or complaint of injury, medical treatment request/received, or refusal of medical treatment.
  - r. Photographs of subject and officer injuries.
  - s. Video and audio recordings made of the incident, including those made by body-worn cameras.
  - t. If a CEW was deployed, specific justification shall be provided when the device has been used in any of the following manners:

- (1) It was used in drive-stun mode.
- (2) The subject was exposed to CEW discharge more than three (3) cycles or longer than 15 seconds.
- (3) The subject was exposed to more than one simultaneous CEW exposure.
- (4) It was used on an individual in an elevated risk population group.
- u. If a CEW was deployed, the member shall collect the cartridge, wire leads, darts, and some of the anti-felon identification markers (AFIDs), and secure them as evidence,
- v. If a CEW was deployed, the member will make a request to the Department CEW instructor to have the CEW data downloaded and included with the report,
- w. If less-lethal munition was deployed, the member shall collect the less lethal munition projectile(s) and spent shell(s) and secure them as evidence in compliance with the agency's policy. Prior to packaging the member shall determine if the projectile has bio-hazardous material on it and package it accordingly.
- x. If less-lethal munition was deployed, specific justification shall be provided for its use in any of the following manners:
  - (1) The head, throat, face, arms, spine, or groin area of the suspect were intentionally targeted,
  - (2) The less lethal projectile was used on an individual in an elevated risk population group,

#### C. Supervisor Responsibilities

1. Upon receiving notification of a use of force, a supervisor shall respond as soon as is practical and do the following:
  - a. Verify the scene is secure.
  - b. Ensure that medical assistance for officer(s), suspect(s) and/or other persons has been summoned.
  - c. Contact the involved members and ascertain what occurred,
  - d. Notify the Operations Lieutenant or Chief of Police.
2. A supervisor shall ensure all involved members complete a detailed police report per this policy and that the following items are completed:
  - a. The member's and subject's statements of actions are taken, and injuries sustained, and medical treatment needed or requested is obtained and documented.
  - b. Witnesses are identified and interviewed, as appropriate.
  - c. The scene of the incident is documented, as appropriate.
  - d. Health care providers are interviewed concerning the injuries sustained and that those injuries are consistent with the reported uses of force.
3. A supervisor will ensure the members' police reports are to be completed by the end of shift except under the following circumstances:
  - a. Deadly force encounters.
  - b. Injury to member that prevents them from completing the report,
  - c. Approval of Operations Lieutenant.
4. A supervisor should avoid investigating a use of force if they are directly involved in the application of force used unless their role was minor.

#### D. Supervisor Reporting

1. The assigned supervisor shall complete a use of force report prior to the end of their shift unless otherwise directed by the Operations Lieutenant.
2. Supervisors shall fully investigate the following to document the incident, ensure compliance with policy and identify training needs. The information will be reported to the Operations Lieutenant in memo form with any recommendations, (any video/photos shall be included):
  - a. A subject is ground stabilized,
    - (1) If a supervisor's investigation reveals a person was injured as the result of ground stabilization, a full use of force investigation shall be conducted,
3. A subject claims a handcuffing injury:
  - a. The supervisor investigation shall ensure adherence to the guidelines in JPD policy 10.3.
  - b. If a supervisor's investigation reveals a person was injured as the result of handcuffs applied in a manner outside of Department policy, a full UOF investigation shall be conducted when:
    - (1) There is a non-use of force injury while in contact with the member, and/or
    - (2) A subject claims injury by members for an injury that was pre-existing.

### **11.13 POST DEADLY FORCE RESPONSE**

- A. Members shall do the following:
  1. Administer appropriate first aid as soon as it is objectively reasonable to do so.
  2. Remove the individual or officer to the hospital if any possibility of life exists.
  3. Notify immediate supervisor, Chief of Police, and Operations Lieutenant.
- B. Supervisors shall do the following:
  1. The Chief of Police and/or the Operations Lieutenant will make a request for the Division of Criminal Investigation (DCI) to investigate.
  2. The Chief of Police and/or the Operations Lieutenant will designate a supervisor to conduct a Use of Force Investigation which will be completed separately from the DCI investigation.
  3. Supervisors are encouraged to use the Patrol Supervisor's Checklist for Officer Involved Shootings to document the initial response.
  4. A supervisor will ensure the scene(s) are secure. The supervisor at the scene, or in cases where there is no supervisor on duty, the senior member at the scene, is immediately responsible for crime scene protection. Every effort should be made to preserve the scene(s) in its original condition. All items of evidence, weapons, patrol vehicles, etc., should be left in place. Crime scene protection shall be maintained until the DCI team can respond.
- C. Involved members shall be separated and removed from the scene as soon as it is practical to do so. Involved members should be assigned a peer support member with orders not to talk to anyone about the incident, except with counsel and to answer questions involving immediate public safety concerns. Involved members will be given a minimum of two (2) sleep cycles before being required to give a statement unless they choose to do so sooner. They shall be given an opportunity to review video of the event prior to giving a statement.
- D. Where possible, the member will maintain possession of their firearm until the arrival of the DCI team. The peer support member shall ensure the involved member maintains their

weapon in its condition, making no changes to the weapon, except to insure it's safely secured until relinquished to the appropriate investigator. The peer support member will arrange to provide the involved member a replacement weapon. The supervisor assigned to the member shall note this exchange in their report.

- E. All members at the scene shall proceed at the direction of the DCI team in charge of the criminal investigation.

#### **11.14 USE OF FORCE REVIEWS**

- A. All member police reports and supervisor use of force reports will be forwarded to the Operations Lieutenant for review. The Operation's Lieutenant will review the incident to determine if it met legal standards and policy/procedure, and to identify potential training issues. Where further documentation or investigation is warranted, he/they shall assign the appropriate members.
- B. The Operations Lieutenant shall forward all member police reports and supervisor use of force reports to the Chief of Police with their recommendations. The Chief of Police may accept or reject those recommendations in whole or in part, with amendments at their discretion. The matter shall be considered closed upon completion of those recommendations.
- C. Any training issues that are noted shall be addressed with the member and documented in an SSR.