



USE OF FORCE

INDEX CODE: 401
EFFECTIVE DATE: 12-01-13

Contents:

- I. Purpose
- II. Policy
- III. Deadly Force
- IV. Firearms Regulations
- V. Non-Lethal Force
- VI. Medical Aid
- VII. Weapons & Ammunition
- VIII. Reporting Uses of Force
- IX. Division Response
- X. Disclaimer
- XI. Cancellation

- Appendix A: Glossary of Terms
- Appendix B: Use of Force Report

I. PURPOSE

The purpose of this policy is to provide agents with guidelines on the use of deadly, less-lethal, and non-lethal force.

II. POLICY

It is the policy of the Field Enforcement Division that agents may use only the amount of force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the agent and others.

III. DEADLY FORCE

A. An agent may use deadly force when the agent reasonably believes that the action is in defense of human life, including the agent's own life, or in defense of any person who is in immediate danger of serious physical injury.

B. An agent may use deadly force to prevent the escape of a suspect fleeing from a felony of violence whom the agent has probable cause to believe will pose an immediate threat to human life should escape occur.

IV. FIREARMS REGULATIONS

- A. Before discharging a firearm for a law enforcement purpose, agent shall identify themselves and state their intent to shoot, where feasible.
- B. Warning shots are prohibited.
- C. Agents may not discharge firearms from moving vehicles.

- D. Agents may not carry firearms when consuming alcoholic beverages unless participating in a covert investigation as authorized by the Director or Deputy Director.
- E. Agents may not carry firearms when under the influence of alcohol or drugs, or when under the influence of medication that may hinder judgment or motor coordination.
- F. Firearms may not be discharged when it appears likely that an innocent person may be injured.
- G. An agent may discharge a firearm to destroy an animal that represents a threat to public safety, or as humanitarian gesture where the animal is seriously injured.
- H. An agent may discharge a firearm during range practice and/or qualification.

V. NON-LETHAL FORCE

Agents are authorized to use division approved non-lethal force techniques and issued or approved weapons (*See Index Codes 402.2, 404 and 406*), as follows:

- A. To protect themselves or others from physical harm;
- B. To restrain or subdue a resistant individual;
- C. To bring an unlawful situation safely and effectively under control.

Agents must assess each incident to determine which non-lethal force technique or weapon will best deescalate the situation and bring it under control in a safe manner.

VI. MEDICAL AID

Agents are responsible for obtaining medical aid for individuals who complain of, or show signs of injury as a result of any use of force.

The agent will request an ambulance and begin medical evaluation and care of such individuals as soon as practical. Fire Department emergency medical personnel at the scene of an incident will assess the need for further medical care beyond that provided at the scene.

VII. WEAPONS & AMMUNITION

Only weapons and ammunition meeting division specifications may be used by agents carrying out authorized law enforcement responsibilities, both on or off duty. A list of all such weapons and ammunition appears in Index Code 402.2.

VIII. REPORTING USES OF FORCE

A. Incidents Requiring Written Report

A written report is required whenever:

1. An employee discharges a firearm, for other than training or recreational purposes;
2. An employee takes an action that results in (or is alleged to have resulted) in injury or death of another person;
3. An employee applies force through the use of lethal weapons;
4. It becomes necessary for an employee to apply physical force, due to met resistance, which may include utilizing hands on methods such as control and restraint techniques, arm bar or pain compliance, even if no injury occurs or is evident.

The Use of Force report form (PD 401.1) is used to fulfill this reporting requirement. A sample Use of Force report appears as Appendix B of this directive. The Use of Force report does not replace the Incident Report or revoke any current reporting requirements. It is to be submitted in addition to any reports that are currently required. Exception: The Use of Force report is not required when a firearm is used to destroy a seriously injured animal. The only report required is the Incident Report.

A report is not required in those instances where a firearm is displayed to assure agent safety.

B. Agent's Responsibilities

1. Agents will immediately report to his or her supervisor any use of force or firearm discharge that meets the reporting requirements listed in this directive.
2. Agents will complete or provide information for the completion of the following documents:
 - a. Incident Report
 - b. Use of Force Report (not needed when destroying a seriously injured animal)
 - c. Charging documents, if applicable.
3. Off-duty agents who are involved in a reportable use of force incident will immediately report the event to any available supervisor and are required to fulfill all the reporting requirements of this directive.

C. Supervisors' Responsibilities

A supervisor receiving information of a reportable use of force incident is responsible for the following actions:

1. Ensure that any agent involved in a reportable use of force event fulfills the requirements of this directive. Complete the required reports if the agent is unable or refuses to complete them.
2. Review all reports and charging documents for accuracy and completeness. Approve completed reports and submit via chain of command to the Director and Deputy Director.
3. ***If the agent is injured, complete the First Report of Injury report, authorization for medical treatment form, and any other required workers' compensation or administrative reports.***

IX. DIVISION RESPONSE

A. Deadly Force Incidents

1. A supervisor will respond and render assistance to the affected agent; secure all weapons used in the incident for the incident investigator; ensure that the agent receives or is scheduled for traumatic counseling; relieve the agent from line of duty pending traumatic counseling and administrative review; and submit a written report of his or her activities.
2. Notify the local or state law enforcement agency with authorized jurisdiction in cases involving use of deadly force.
3. When an agent's use of force causes death or serious injury, the agent shall be placed on administrative leave by the Deputy Director until:
 - a. A mental health professional determines that the agent is ready to return to duty. See Index Code 403 for details and procedures; and
 - b. The Director reviews that incident.

The agent may not return to line duty until both the medical professional and the Director grants permission.

4. The Deputy Director will oversee a detailed administrative investigation of every incident where an agent employs deadly force, and where an agent discharges a firearm, other than for training or recreational purposes. The Deputy Director will submit a report on each review of deadly force or discharge of a firearm to the Director. This report will be completed and submitted to the Director within 21 days of the Deputy Director's receipt of a report requiring review. The report will include the relevant facts and circumstances surrounding the incident and a conclusion as to whether the agent's actions were in violation of any policy that may require further investigation.

B. Uses of Force

All reported uses of force will be reviewed to determine whether:

1. Division rules, policies, or procedures were violated;
2. The relevant policy was clearly understandable and effective to cover the situation.

This administrative review is conducted by the Deputy Director. Each *Use of Force Report* will be forward via chain of command to the Director, and each supervisory agent in the chain will review and sign the report.

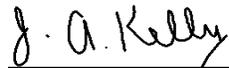
If the administrative review determines that the use of force violated division policy, the Director will refer the case to the Deputy Director for investigation.

A report of the investigation will be submitted to the Director within 30 days of its initiation for review. If the investigator is unable to meet the report submission deadlines established in this directive, the investigator must notify the Director requesting an extension.

X. DISCLAIMER

The Field Enforcement Division's policy on the use of force is for division use only and does not apply in any criminal or civil proceeding. The division's policy will not be construed as the establishment of a higher legal standard of safety or care with respect to third party claims.

XI. CANCELLATION: None.



Jeffrey A. Kelly, Director