



# GENERAL ORDER

- .01 PURPOSE
- .02 POLICY
- .03 LEVELS OF BEHAVIOR/RESISTANCE
- .04 LEVELS OF RESPONSE
- .05 PERMISSIBLE USE OF DEADLY FORCE
- .06 USE OF FORCE REPORTING

3615.01 PURPOSE

This General Order provides types and levels of the use of force by an officer, including the Federal constitutional standards for the use of deadly force.

3615.02 POLICY

The type and level of force used must be reasonable, depending on the dynamics of the situation. This force may take the form of verbal commands, persuasion, warnings, directives, bodily contact, use of baton or other nonlethal weapon, or the use of deadly force. Once a level of force is no longer required, it must be decreased or discontinued. An officer is expected to employ only the minimum level of reasonable force necessary to control a situation.

The Supreme Court has stated that the Fourth Amendment “reasonableness” inquiry is whether the officers’ actions are “objectively reasonable” in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. The “reasonableness” of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation. (Graham v. Connor, 490 U.S. 386, 396-397 [1989]).

3615.03 LEVELS OF BEHAVIOR/RESISTANCE

It is important for officers to bear in mind that there are many reasons why a suspect may be unresponsive or resistant to arrest. The person in question may not be capable of understanding the gravity of the situation. Officers must consider several factors when dealing with a non-compliant subject. A subject may be non-

compliant due to a medical condition, mental or physical disability, hearing impairment, language barrier, drug interaction, or emotional crisis, despite having no criminal intent. This may not make the subject any less dangerous but it may necessitate a change in tactics. In all cases, officer safety shall be preserved while the situation is addressed appropriately and effectively.

- A. Compliant – An individual contacted by an officer who acknowledges direction or lawful orders given and offers no passive/active, aggressive, or aggravated aggressive resistance.
- B. Passive Resistance – An individual may display low levels of non-compliance. An officer faced with an uncooperative individual may find that verbal commands and other alternatives are ineffective. An officer may be required to use sufficient force to make an arrest without unnecessarily escalating the situation (e.g., carrying passive demonstrators to an arrest bus).
- C. Active resistance – An individual’s resistance has increased from indifference to control or has escalated to a point where the individual exhibits physical defiance. The object at this level of force is to gain compliance and control, while minimizing the risk of injury to the officer, the violator, and the public. An officer should use appropriate physical tactics to overcome the resistance, and remain vigilant for additional aggressive behavior.
- D. Bodily harm – An individual’s resistance level has increased from active physical resistance to confrontational behavior so as to inflict bodily harm or death. This level usually involves the individual attempting to assault the officer or another person. In such a situation, it is reasonable for an officer to take immediate control of the situation, use appropriate physical action to immediately stop the aggression, thwart the aggression, or regain and/or maintain control of the individual, which may include the use of Force-issued defensive equipment as provided in General Order 3605 “Defensive Equipment.”

3615.04 LEVELS OF RESPONSE

The use of force has been construed by the courts to include a wide range of physical compliance techniques. An officer shall, if possible, first attempt to defuse a situation through advice, warning, verbal persuasion, tactical communication, and other de-escalation and conflict negotiation techniques. The manner in which an officer speaks to a person (i.e. volume and tone control) can be an effective means of stabilizing a situation and reducing the immediacy of a threat so that more time, options, and/or resources become available. The goal is to gain the voluntary compliance of a subject, when appropriate and consistent with personal safety, to reduce or eliminate the necessity to use force. Officers shall escalate and de-escalate their level of response in accordance with the

actions of a subject. Once the subject is under control, an officer shall de-escalate the amount of force to the lowest level necessary to maintain control.

- A. Cooperative Controls – Measures used to maintain control over a compliant subject. Cooperative controls include a wide range of communication skills and non-verbal actions such as volume and tone control, gestures, stance, and facial expressions.
- B. Contact Controls – Low-level physical and psychological measures used to gain control and compliance when a subject is demonstrating resistant behavior. These measures include strong verbal persuasion, strategic positioning, escorting, and soft empty hand control.
- C. Compliance Techniques – Actions taken when a subject is actively resisting the efforts of an officer to establish and maintain control. Compliance techniques may induce pain or cause discomfort to a subject until control is achieved. These measures include takedowns, joint manipulation, pressure point applications, and the use of oleoresin capsicum (OC) spray.
- D. Defensive Tactics – Actions taken when a subject is assaulting or attempting to assault an officer or another person. These tactics are not likely nor designed to cause death or serious physical injury but shall forcibly render the subject into submission, regain control, and assure continued compliance. These measures include striking and blocking techniques, canine bites, and the use of any defensive equipment (e.g., electronic control device, collapsible baton, or side-handle baton).
- E. Deadly Force – Actions taken when an officer has a reasonable belief that the subject of such force poses an imminent danger of serious physical injury or death to the officer or to another person. These measures include the discharge of a firearm and other forms of lethal force. All incidents involving the use of deadly force by an officer shall undergo a complete and thorough investigation.

3615.05

PERMISSIBLE USE OF DEADLY FORCE

- A. An officer may use deadly force only when necessary, that is when the officer has a reasonable belief, in light of the facts and circumstances confronting the officer, that the subject of such force poses an imminent danger of death or serious bodily harm to the officer and/or to another person. Before using a firearm, an officer shall, WHEN FEASIBLE AND NECESSARY, identify himself/herself as a police officer.
- B. Fleeing felons – The use of deadly force to prevent the escape of a fleeing felon is only justified if the officer has probable cause to believe that:

1. The individual has committed a felony involving the infliction or threatened infliction of death or serious physical injury and
2. The escape of the individual would pose an imminent threat of serious physical harm. Examples of imminent threats include, but are not limited to:
  - a. An individual possesses a weapon, or is attempting to gain access to a weapon, under circumstances indicating an intention to use it against an officer or others.
  - b. An individual is armed and running to gain the tactical advantage of cover, not merely seeking cover in an attempt to elude arrest.
  - c. An unarmed individual who has the capability to inflict death or serious physical injury, or otherwise incapacitate an officer or others, without a deadly weapon is demonstrating an intention to do so.
  - d. An individual is attempting to escape from the vicinity of a violent confrontation in which he/she inflicted or attempted to inflict death or serious physical injury.

C. Vehicles – Most conventional police handguns are usually ineffective in readily disabling or stopping a motor vehicle. In all situations, the safety of the immediate public should not be unreasonably jeopardized by the officer's action.

1. An officer shall not fire at a moving vehicle nor fire from a moving vehicle unless the officer has a reasonable belief that the subject poses an imminent danger of death or serious physical injury to the officer and/or to another person and
2. The public safety benefits of using such force outweigh the risks to the safety of the officer or another person. Examples of instances when it may be appropriate to fire from a vehicle include, but are not limited to:
  - a. Firing at the operator of a vehicle when a vehicle is being operated in a manner deliberately intended to injure the officer or another.
  - b. Firing at an occupant of a moving vehicle when the occupant is threatening deadly force by means other than the vehicle.

- D. The use of impact weapons can also result in death or serious injury. An officer is not permitted to use an impact weapon without authorized training and the use of the weapon must be consistent with this section.
- E. As a last resort, a Force vehicle may be used as a means of deadly force consistent with this section.

3615.06 USE OF FORCE REPORTING

An officer shall immediately report all uses of force beyond Cooperative or Contact controls to an immediate supervisor. However, if the use of Cooperative or Contact Controls results in injury or a formal complaint from the subject, the incident shall also be reported immediately to a supervisor. In all cases involving a use of force, the involved officer shall complete a detailed incident report in IMARS outlining all of the circumstances that pertain to the use of force. The supervisor shall also investigate the incident and complete a supplemental report in IMARS. The supervisor shall submit a copy of all reports within 24 hours to the Commander, Office of Professional Responsibility (OPR), and the appropriate Division Commander through the appropriate chain of command. If defensive equipment is involved in a use of force incident, General Order 3605 “Defensive Equipment” shall be followed for reporting purposes.

The Commander, OPR, shall ensure all use of force incidents are properly investigated. If necessary the OPR Commander shall assign the Internal Affairs Unit to conduct a more thorough investigation of an incident.

Approved by   
Gregory T. Monahan, Acting Chief of Police