

GENEVA POLICE DEPARTMENT POLICY		TITLE: Use of Deadly and Non-Deadly Force	
ISSUE DATE: 09/29/2010	LAST UPDATE: 05/27/2016	SECTION: Operations	TEXT NAME: FORCE
POLICY SOURCE: Chief of Police		TOTAL PAGES: 13	
AUTHOR:		SPECIAL INSTRUCTIONS:	

I. PURPOSE

The purpose of this document is to establish a policy for the use of deadly and non-deadly force by sworn personnel to effect an arrest, control a person, or to dispatch a seriously injured or distressed animal.

II. POLICY

It is the policy of the Geneva Police Department that officers shall use only the amount of force that is reasonably necessary to achieve a lawful objective. The force used by an officer should only be that reasonably required to overcome the resistance being offered by an offender or the person the officer is trying to control.

The Chief of Police shall investigate all incidents in which an officer discharges a firearm (other than for training or recreational activities), or uses deadly force against a person.

III. DEFINITIONS

- A. **Deadly Force:** The intentional use of a firearm or other instrument, the use of which would result in a high probability of death.
- B. **Great Bodily Harm:** Bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ.
- C. **Lawful Force:** A physical act by a police officer in the performance of duty when it is used to accomplish a legitimate law enforcement goal and the level of force used is reasonable considering all the facts and circumstances of the incident.
- D. **Necessary Force:** That amount of force, applied by an officer against a person by any means, reasonably necessary to control a person, a situation or to achieve a legitimate law enforcement goal.
- E. **Non-Deadly Force:** Any use of force other than that which is considered deadly force.

- F. Physical Restraint: Holding, restraining, pushing, pulling, or other physical manipulation without the use of any weapon by one or more officers acting alone or in concert to control a person or to effect an arrest.
- G. Reasonably Believes: Means that an ordinary, prudent and reasonably intelligent police officer believes that a certain fact situation exists and such belief is reasonable under the circumstances known to the officer at the time the officer acted.
- H. Less-Lethal Force: Force used with the intent of causing bodily harm, or which creates a substantial risk of causing bodily harm, but which may cause death.
- I. Bodily Harm: Any physical impairment of the condition of a person's body, a cause of pain or illness.

IV. PROCEDURE

A. Use of Deadly Force

1. The use of deadly force is permissible under the following circumstances:
 - a. As a last resort in the defense of one's self when the officer reasonably believes he/she is in imminent danger of death or great bodily harm.
 - b. As the last resort in the defense of another person who the officer reasonably believes is in imminent danger of death or great bodily harm and whom the officer believes is entitled to self-defense.
 - c. As the final alternative to effect an arrest or prevent the escape of a fleeing felon who the officer reasonably believes has committed a felony involving the actual or threatened use of deadly force and the officer has probable cause to believe the suspected felon poses a significant threat of death or bodily harm to the officer, or others, if not immediately apprehended.
 - d. As the last resort to dispatch an animal so seriously injured or ill that humanity dictates its removal from suffering, but only after careful consideration is given to the public's safety and whether other dispositions may be feasible.
 - e. The terms "as a last resort" and "as the final alternative" in paragraphs a-d above, mean all lesser means of force have proven

ineffective or would clearly be ineffective under the circumstances, to accomplish these lawful objectives.

2. Before using a firearm, police officers shall identify themselves and state their intent to shoot, when feasible.
3. Deadly force shall not be used under the following circumstances:
 - a. As a warning. Warning shots are prohibited
 - b. From a moving vehicle unless 1.a. or 1.b. apply
 - c. At a moving vehicle unless 1.a. or 1.b. apply

B. Use of Non-Deadly Force

1. Officers shall use only that amount of force reasonably necessary to control a situation, effect the arrest of an offender or to control a person.
2. Officer shall not continue to use force, except mere physical restraint, after an individual has ceased to resist or has discontinued attempting to escape or elude apprehension. Display of only passive resistance by the person warrants only his bodily removal and transport from the scene of the incident.
3. Officers involved in such situations shall display as much regard for the offender's safety and welfare as is possible under the circumstances. Unless circumstances dictate otherwise, all persons arrested will be handcuffed, searched, and then transported in a police vehicle.

C. Use of Non-Lethal Weapons

1. Officers shall not brandish or display, as a threat, any weapon unless its use is anticipated.
2. Oleoresin Capsicum (OC)
 - a. Officers of the Geneva Police Department who have been trained in and certified for use of OC by an approved instructor, will carry OC.
 - b. The use of OC is permitted by officers when:
 - (1) A person is actively aggressive towards officers
 - (2) After an officer has indicated to a subject that (s)he intends

to apprehend
or restrain the person, that person indicates to the officer by
words and actions that (s)he intends to physically

resist the officer's efforts to apprehend or restrain him/her or
intends to cause harm to the officer.

- (3) Mere passive resistance or verbal arguments against being arrested do not permit the use of OC without words and actions showing intent to physically resist or to harm the officer.
 - (4) When the officer reasonably believes, considering all the information available to the officer, that efforts at mere physical restraint would be ineffective or would unreasonably subject the officer to bodily harm.
- c. When OC is used against a person or animal, the user will complete an incident report detailing the circumstances of the incident.
 - d. Officers shall exercise sound judgment when using OC and shall consider the potential for cross-contamination to the user, other officers, and bystanders.
 - e. OC shall not be used by officers (unless unavoidable) if it appears children less than two years of age are in close proximity to the area that would be contaminated.
 - f. Department personnel who use OC against a person shall ensure that the person is decontaminated as soon as practical after the person has been subdued. Officers shall:
 - (1) Expose the person to fresh air and flush exposed areas with large amounts of cold water as soon as practical.
 - (2) Inform the person that clothing should be washed thoroughly and soft contact lenses may have to be discarded.
 - (3) Inform the subject that additional relief may be gained by washing affected areas with soap and water and not to apply salves, creams or lotions.
 - (4) Monitor the subject after application and, if incarcerated, notify confinement personnel of the use of OC. If an adverse reaction occurs, or if requested by the subject,

emergency medical personnel shall be contacted.

- (5) As far as practical, ventilate any enclosed areas where OC was used or advise occupant/s to do same.

3. USE OF CONDUCTED ELECTRICAL WEAPON

- a. It is the policy of this agency to use only that level of force that is reasonably necessary to control or otherwise subdue violent or potentially violent individuals.
- b. CEWs may be used by authorized and trained personnel in accordance with this use-of-force policy and additional guidelines established herein.
- c. Only officers who have satisfactorily completed this agency's approved training course shall be authorized to carry CEWs.
- d. The device will be carried in a department approved holster on the side of the body opposite the service handgun. Officers not assigned to uniformed patrol may utilize other department-approved holsters and carry the weapon consistent with department training.
- e. The device shall be carried fully armed with the safety on in preparation for immediate use when authorized. Only agency-approved battery power sources shall be used in the CEW.
- f. The CEW is analogous to oleoresin capsicum (OC)spray on the use-of-force continuum, and decisions to use an CEW involve the same basic justification. As such, it is forbidden to use the device as follows:
 - 1. In a punitive or coercive manner.
 - 2. On a handcuffed or secured prisoner, absent overtly assaulting behavior that cannot be reasonably dealt with in any other less intrusive fashion.
 - 3. On any individual who does not demonstrate an overt intention to use violence or force against the officer or another person, or to flee in order to resist or avoid detention or arrest.

4. On any animal who does not demonstrate an overt intention to attack or bite the officer or another person.
 5. 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).
 6. In any environment where the subject's fall could reasonably result in death (such as in water or on an elevated structure).
- g. 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 an CEW 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.
 - h. Upon firing the device, the officer shall energize the subject the least number of times and no longer than necessary to accomplish the legitimate operational objective.
 - i. The subject should be secured as soon as practical while disabled by CEW 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.
 - j. In preparation for firing, the CEW shall be pointed in a safe direction, taken off safe, and then aimed. Center mass of the subject's back should be the primary target where reasonably possible; abdominal area or the legs are the secondary targets.
 - k. The device may also be used in certain circumstances in a "touch stun" mode. This involves removing the cartridge and pressing the unit against an appropriate area of the body based on training. It is important to note that when the device is used in this manner, it is:
 1. Primarily a pain compliance tool due to a lack of probe spread.
 2. Minimally effective compared to conventional cartridge-type deployments.

3. Subject to the same deployment (use) guidelines and restrictions as those of the CEW in cartridge deployments.
- l. The CEW shall be pointed at the ground in a safe direction with the safety on during loading, unloading, or when handled in other than an operational deployment.
 - m. The CEW darts may be removed from the subject after the subject is restrained following procedures outlined in training. Darts deployed into a sensitive area of the body e.g., face, head, female breasts, male groin) shall only be removed by a medical professional at a medical center.
 - n. Wherever reasonably possible, individuals who have been incapacitated by an CEW should be taken to an emergency medical facility for evaluation.
 - o. The following persons shall be transported to medical facility for examination following exposure to an CEW. Any person who:
 1. Requests medical attention; does not appear to recover properly after being hit.
 2. Has been energized more than three times.
 3. Has had more than one CEW effectively used against him or her in any given incident.
 4. Has been subjected to a continuous energy cycle of 15 seconds or more.
 5. Or has exhibited signs of extreme uncontrolled agitation or hyperactivity prior to CEW exposure.
 - p. Photographs of the affected area should be taken after the darts are removed. When the device has been used operationally, the officer shall collect the cartridge, wire leads, darts, and AFIDs as evidence.
 - q. The deploying officer shall notify his or her supervisor as soon as practical after using the device, and complete the appropriate use-of-force report.

4. Batons

- a. An authorized baton may be withdrawn from its holder and held in the approved ready position if the officer is threatened or confronted with potential bodily harm.
- b. The use of authorized batons is permitted against an actively aggressive person where the officer reasonably believes mere physical restraint would be ineffective or would unreasonably subject the officer to bodily harm.
- c. When a baton is used against the body of a person the officer will notify the Chief of Police and will complete an offense report detailing the circumstances of the incident.

5. SPECIAL IMPACT WEAPONS

Specialty Impact Munitions (such as the 12 Gauge Beanbag Rounds) provide members additional force options and enhance officer safety in a variety of situations.

Specialty Impact Munitions (SIM's) are intended to provide members with a less than lethal option to safely taken into custody a violent, dangerous, and/or actively resistive subject from an extended range. In addition, some forms of SIM's may be used for crowd management situations. The SIM's are designed to temporarily incapacitate a subject through pain compliance with minimal potential for causing death or serious physical injury.

Members must always recognize, however, that a potential for death or serious physical injury from the use of SIM's does exist, and care must always be exercised in the use of SIM's. Only members properly trained in the use and deployment of SIM's should be authorized to deploy SIM's. Although not intended as a substitute for lethal force, in some tactical situations, it may be a viable option.

1. The following criteria should be considered when determining whether to deploy SIM's:
 - a. The subject has been given an opportunity to comply. The member deploying the SIM's has reasonable cover and is able to deploy the SIM's from a safe and effective distance as described by the particular SIM's being deployed.

- b. The member deploying SIM's has a cover officer prepared to deliver deadly force.
 - c. If possible, a second member should verify that SIM's have been loaded into the SIM's deployment weapon.
 - d. The perimeter members are made aware that SIM's are going to be deployed using a command "impact" prior to deployment to prevent sympathetic fire from those members.
 - e. A hands free / arrest officer will assist with taking the subject into custody after the deployment of SIM's.
 - f. The member utilizing the SIM's has been trained in its use.
2. A member deploying the SIM's can withdraw from the situation if it appears that the SIM's would not be effective or safe for the member or his cover officer, or if the SIM's was fired but was deemed ineffective/unsafe (The subject's heavy clothing, (or suspected body armor) may reduce the SIM's force to an ineffective level).
 3. If the SIM's strike a subject, that subject must be taken for a medical examination. If possible, a member should provide a sample of the SIM's to medical personnel.
 4. If the SIM's strike a subject, the SIM's will be considered evidence and, if possible, processed and preserved as evidence by an evidence technician.
 5. Officers employing force at the compliance hold level or further up the intervention options flowchart, must document this action in an incident report, arrest narrative, supplemental incident report, and a Use of Force Report.

D. Use of Less-Lethal Weapons

1. The use of less-lethal force is permissible under the following conditions:
 - a. As an alternative to deadly force against a person when an officer reasonably believes that he/she or another person is in imminent danger of death or great bodily harm. Less-lethal force will only be used as an alternative by an officer when that officer is being assisted by at least one other officer who could potentially use deadly force.

- b. Against an actively aggressive person where the officer reasonably believes mere physical restraint would be ineffective or would unreasonably subject the officer to bodily harm.
 - c. Against a suicidal person whom the officer reasonably believes poses a threat of causing death or great bodily harm to him/herself.
- 2. Less-lethal weapons may be utilized for deadly force when circumstances would otherwise permit the use of deadly force.
 - 3. Officers shall exercise sound judgment when using less-lethal weapons, considering the potential for causing death or great bodily harm.
 - 4. Less-lethal weapons shall be used by only those officers who have received specific training in the use of them.
 - 5. Less-lethal weapons shall be well marked so that they can easily be distinguished from other weapons.
 - 6. When a less-lethal weapon is used on a person, the officer will notify the Chief of Police and complete an incident report detailing the circumstances of the incident.

E. First Aid And Medical Awareness

Whenever a person is injured as a result of applied force by an officer, officers on the scene will immediately provide first aid and emergency medical assistance, if necessary, for the injured person as soon as the scene is secure.

F. Required Notification And Reports Upon Use Of Force

- 1. Whenever an officer is responsible for an unwanted discharge of a firearm while on duty or off duty (other than during firearms training, hunting, or participating in sporting or recreational activities), or the accidental or intentional use of deadly force by any means, the following notifications shall be made:
 - a. **Used on or directed against a person** - The officer shall orally inform the Chief of Police as soon as possible. The officer, unless incapacitated, shall complete a written report of the incident within 24 hours of the incident. If the incident occurred while off-duty the officer shall complete the report at the direction of the Chief of Police.

b. Used against an animal - If a firearm is used against an animal, the officer should notify the Walworth County Sheriff's Office prior to discharge, if possible, or immediately thereafter. The officer shall also complete an incident report.

c. Accidental discharge without injury - The officer shall immediately notify the Chief of Police regarding the circumstances of the incident.

2. Whenever an officer takes action by any means that results in, or is alleged to have resulted in, an unwanted injury/death to a person, including use of non-lethal weapons, the officer shall prepare an offense report describing the circumstances surrounding the injury/death. If the officer is incapacitated or otherwise unable to complete the report, he/she shall do so as soon as able.
3. Whenever an officer applies any physical force or uses any lethal or less-lethal weapons, as defined by this policy, the officer shall complete an offense report.
4. Any officer using force as defined in this policy must complete a Use of Force Report form (see Annex A). The form will be submitted to the Chief of Police. The Chief of Police shall determine if the circumstances of the incident warrant an investigation into the officer's use of force.

G. Training

The Chief of Police or his/her designee shall conduct training, as a part of the firearms training and qualification program, which will cover the appropriate use of deadly and non-deadly force pursuant to the terms of this policy.

VI. For Department Use Only

This policy is for Department use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violation of this policy will only form the basis for departmental administrative sanctions.