



PORTAGE DEPARTMENT OF PUBLIC SAFETY POLICY AND PROCEDURE		ORDER NO. 200-4
SUBJECT: Use of Force		
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## I. PURPOSE

This order establishes policy and procedure regarding the acceptable use of reasonable force by the sworn officers of the Portage Department of Public Safety.

## II. GENERAL POLICY

Department members will use only objectively reasonable force to overcome resistance while affecting a lawful arrest, bringing an incident under control, or protecting the public in the lawful performance of duty. This includes force up to and including deadly force.

The use of unreasonable, unnecessary or excessive force, and/or the failure to provide medical treatment following the use of force, may result in disciplinary action against those who use or allow the use of such force or fail to provide for the care of persons in custody.

### III. DEFINITIONS

- A. Active Resistance occurs when an officer encounters behavior that physically counteracts his or her attempt to control a subject.
- B. Aerosol Subject Restraint (ASR) is an issued/authorized self-defense spray device, to be utilized in accordance with department policies.
- C. Choke Holds are a physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation.
- D. Compliance Controls are soft empty hand techniques, such as pressure point control tactics, mechanical advantage control holds, and leverage controls with the use of a baton.
- E. Control Methods are verbal or physical techniques an officer uses to neutralize the unlawful actions of a subject, or to protect the subject from self-injury or injury to others.
- F. Deadly Force is any force used by an officer which could reasonably be expected to cause death or grave bodily harm.
- G. De-escalation is the use of distance and cover, tactical repositioning, "slowing down" situations that do not pose an immediate threat, calling for supervisory and other resources.
- H. Electronic Control Weapon (ECW) Taser is a device that overrides the central nervous system, affecting both the motor nervous system and muscles, causing immediate incapacitation.
- I. Intermediate Controls is the utilization of a department issued baton, Taser, ASR or impact munitions.
- J. Last Resort situations are those wherein certain immediate and drastic measures must be undertaken by an officer in order to protect human life. Force used in these situations may involve the use of techniques or weapons not covered by policy; however, they remain to be measured by objectively reasonable use of force standards.
- K. Less Lethal Force is any force used by an officer that will not reasonably be expected to or have the likely potential to cause death.

- L. Objectively Reasonable Force is any force used by an officer which is suitable to the situation and consistent with department approved training and policies. The reasonableness of an officer's actions will be based upon what a "reasonable" officer would have done under similar circumstances.
- M. Passive Resistance is truly passive, i.e. a subject is not physically resisting in any way, lacking in energy or will.
- N. Subject Resistance is a subject's attempt, physically or verbally, to evade an officer's attempts to establish control through lawful action.
- O. Officer Response is action taken by an officer to neutralize the resistance of a subject.
- P. Specialty Impact Munitions (SIM) are flexible or non-flexible projectiles intended to incapacitate a subject with a minimal potential for causing death or serious injury when compared to conventional projectiles.
- Q. Serious Physical Injury is a bodily injury that creates a substantial risk of death, causes serious, permanent disfigurement, or results in long-term loss or impairment of the functioning of any bodily member or organ.
- R. Totality of Circumstances refers to the multiple variables confronting the officer at the time force is used. These include, but are not limited to:
  - 1. Type of crime committed or attempted,
  - 2. Relative size/strength of officer and subject(s),
  - 3. Multiple subjects/officers, availability/proximity of back-up officers,
  - 4. Subject(s) access to weapons,
  - 5. Subject(s) under the influence of alcohol or drugs,
  - 6. Injury to, or exhaustion of, the officer,
  - 7. Weather or terrain conditions,
  - 8. Immediacy of danger,
  - 9. Distance from the subject,
  - 10. Special knowledge (e.g., subject's prior history of violence, etc.)

#### **IV. AUTHORIZED USE OF LESS LETHAL FORCE**

The application of a necessary amount of less lethal force may be used in the following situations, or when other alternatives are not available or have failed. The totality of circumstances is the factors to be considered in determining the degree of force to be used. Officers are authorized to use department-approved control techniques and authorized equipment for resolution of incidents as follows:

- A. To stop potentially dangerous and/or unlawful behavior.
- B. To protect the officer or another from injury or death.
- C. To prevent a person from injuring themselves.
- D. During the process of effecting an arrest when a subject offers resistance.
- E. Another officer or other person is assaulted.
- F. To control the attack or menacing of animals against officers, other persons, or property.
- G. To prevent escape from custody.

#### **V. AUTHORIZED LESS LETHAL WEAPONS**

- A. Aerosol Subject Restraint (ASR) is an issued/authorized self-defense spray device. It is to be utilized in accordance with policy and department-approved training.
- B. Collapsible baton is the issued baton authorized and approved for all sworn personnel. Carrying the collapsible baton is optional.
- C. An Electronic Control Weapon (ECW) is issued by the department. Only those officers certified in the use of ECW will be authorized to carry and deploy it. Officers will carry their department-issued ECW when responding to calls for service. All sworn personnel authorized to carry ECW will receive annual training in its use.
  - 1. Subjects resisting may be at risk in the following circumstances and should not be subjected to ECW unless exigent circumstances exist or as a "last resort."
    - a. Persons obviously pregnant.
    - b. Frail, infirmed, elderly, or very young.
    - c. Individuals in elevated positions.

- d. Individuals operating moving vehicles or machinery.
  - e. Individuals in swimming pools or other bodies of water.
  - f. Individuals fitted with a pacemaker.
  - g. Persons who have already been subjected to two applications of the ECW.
2. When encountering subjects exhibiting symptoms of exhaustion, distress or agitation, e.g. excited delirium, immediate medical attention should be obtained at the earliest safe moment. These subjects are at significant risk of arrest-related injury or death.
  3. The ECW will not be deployed when it is known that ASR from another agency was used.
  4. Officers issued ECWs are responsible for maintaining the unit and reporting any problems or failures to a supervisor.
  5. The department will maintain a record of all ECWs.
  6. ECWs will be worn on the weak hand side of the duty gun belt in the department-issued holster/clip or on the weak side of outer vest carrier.
  7. ECWs may be deployed during a subject's active resistance to officer's commands.
  8. Tasers will not intentionally be applied to the head, face, neck, chest or groin area.
- D. Anytime a canine is used to gain compliance will be considered a use of force.

## **VI. DEPLOYMENT OF SPECIALTY IMPACT MUNITIONS (SIM)**

Members of the department who are trained in and issued this equipment may defend themselves, other officers, and civilians from combative, resisting, and/or violent individuals or groups.

### **A. Deployment Areas**

1. The SIM projectiles can be deployed based on the circumstances, the established priorities, and Portage Department of Public Safety policy on use of force.

2. The target areas of the body recognized by the Portage Department of Public Safety policy on impact weapons will be used in determining contact areas for specialty impact munitions, based on potential for injury.
  - a. Green areas – these areas will be considered when incapacitation is necessary. They include the buttocks and thigh. These areas have the minimal potential for injury.
  - b. Yellow areas – these areas will be considered when an escalation of force above green areas is necessary and appropriate. These areas include the shoulder, biceps, triceps, forearm area, lower abdominal area, calf, wrist, elbows, and knee.
  - c. Red areas – these areas will be intentionally targeted only when deadly force may be necessary and appropriate. These areas include head/neck, chest (center mass), solar-plexus, groin, spine, and lower back.

**B. Storage and Issuing Procedures**

1. Shotguns dedicated for the use with less lethal munitions are identified with bright orange stocks. A less lethal shotgun will be placed in each of the marked command vehicles.
2. FN303 less lethal launchers are stored in the special weapons and tactics room.
3. Less lethal projectiles will be kept in the special weapons and tactics room and will be specifically marked as less lethal.
4. The Senior Deputy Police Chief-Operations or designee will be notified as soon as possible when less lethal weapons are used.
5. The department tactical team (KM-SWAT) will be responsible for less lethal weapons displayed during civil unrest. The tactical commander or his/her designee will authorize the use of these weapons. The Senior Deputy Police Chief-Operations or designee will be notified immediately.

\*Note: This does not apply to 12ga. less lethal weapons assigned to command vehicles.

**C. Considerations Prior to Deploying Less Lethal Rounds**

1. Prior to deploying the less lethal rounds, the less lethal officer or grenadier will consider:
  - a. The level of force being confronted.
  - b. The department safety priorities/use of force policy.
  - c. The proximity/distance of the subject to officer.
2. Less lethal rounds may be used to, but is not limited to:
  - a. Deescalate a dangerous or potentially dangerous situation.
  - b. Control, detain or arrest a subject.
  - c. Protect officers and other persons from harm (including self-inflicted injury).
    - (1) To disable/prevent the escape of a dangerous/armed individual threatening harm to him/herself or others.
    - (2) To stop the attack of a violent individual.
    - (3) To disable an armed subject not presently threatening another with the weapon. (The projectile launcher/ less lethal shotgun should not be used as a substitute for deadly force where circumstances dictate the use of such force.)
  - d. Stop a vicious dog or dangerous animal.
  - e. Knock down obstacles or break out glass.
  - f. Deploy chemical agents.
  - g. Control groups of subjects during civil disorder.

## VII. TRAINING

- A. The training supervisor will be responsible for scheduling annual training.
- B. Training will require demonstrating knowledge of the approved program and proficiency testing in use of less lethal force and de-escalation techniques.
- C. The training supervisor will be responsible for documenting the training.

## VIII. AUTHORIZED USE OF DEADLY FORCE

- A. Deadly force will be used only when an officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious physical injury, or if there is probable cause to believe **significant threat of death or serious injury to the officers or others exists if the subject escapes.**
- B. Officers may only discharge a firearm at or from a moving vehicle as the ultimate measure of self-defense or defense of another when the suspect is using "deadly force."
- C. Warning shots are prohibited.
- D. Officers are only to draw and display weapons:
  - 1. Where an ordinary prudent officer would reasonably fear for his or her safety or the safety of others, or
  - 2. Where an officer is authorized to use the weapon to effect an arrest as established by this procedure, or
  - 3. For the purposes of destroying an animal, ballistics examination, training, or cleaning as provided by departmental directives or policies and procedures.
- E. Choke holds are prohibited, except in those situations where the use of deadly force is allowed by law.

## IX. AFTERCARE PROCEDURES

All personnel will be alert to any injury or complaint occurring as a result of any use of force utilized to control a subject. Officers will follow the recommended aftercare procedures based on department-approved training. A Response to Resistance Form will be completed for each subject/officer involved. As soon as practicable, injuries should be photographed.

- A. Officers using force on a subject will make medical treatment available to that subject when:

1. The subject complains of injury and/or requests medical treatment.
2. Any officer observes or suspects injury to the subject.
3. The subject does not substantially recover from the effects of a less lethal weapon within a reasonable and expected time period.
4. When directed by a supervisor.

**B. ASR Exposure**

If the subject received an exposure to ASR or any other chemical agent, the following aftercare procedures should be followed, and the subject should be kept under constant observation until recovered. The immediate, 15-minute, and 30-minute observations will be documented on the response to resistance form.

1. Flush exposed areas with water and expose subject to fresh air.
2. EMS personnel may be summoned to assist in the aftercare procedures. If the effects of the exposure last longer than 20 minutes, if there is a loss of consciousness, bodily functions, difficulty breathing, or upon request, the subject is to be taken to a medical facility for a medical examination.
3. In cases where a subject received a direct spray to the eyes (within a three-foot distance), they will be taken to a medical facility for a medical examination.
4. Salves, creams, or lotions are not to be used for aftercare procedures.

**C. ECW Deployment**

The following aftercare procedures will be followed after the use of the ECW. The immediate, 15-minute, and 30-minute observations will be documented on the response to resistance form.

1. Any officer may remove the probe(s). In most circumstances, the probe can be removed by officers as described during Taser training. Deep, imbedded probes, probes difficult to remove, or probes lodged in the face, throat, breast (females only), or groin/genital area require the subject be transported to a hospital.
2. All individuals who have had the Taser deployed upon them should be assessed for any injuries that might have occurred from falling. Individuals demonstrating signs or symptoms of an injury should be

evaluated by EMS and/or transferred to a hospital emergency room for evaluation. When in doubt, have the individual evaluated.

3. Officers will attempt to locate the probes and AFIDs for evidence collection.
  4. If the subject is transported to jail, the jail personnel will be informed the subject was controlled by use of ECW.
- D. SIM Deployment – The immediate, 15-minute, and 30-minute observations will be documented on the response to resistance form.
1. All subjects who are struck by a less lethal projectile will be transported to a medical facility for examination.
  2. If necessary, first aid will be rendered by an officer at the scene until medical personnel arrive.
  3. Photographs are to be taken of all impact areas.
  4. All SIM used are to be retained and secured into Evidence.
  5. If a less lethal round results in a fatal injury, the on-scene commander will notify the Senior Deputy Police Chief-Operations or designee.
- E. For canine deployment, see canine procedural order.

## **X. REPORTING USE OF FORCE AND ADMINISTRATIVE REVIEW**

- A. Primary/Secondary Officer(s) Responding
1. All officers will complete and submit the following reports before the end of the tour of duty:
    - a. Primary Officer:
      - (1) Initial/original report.
      - (2) Response to Resistance form.
      - (3) Any other report that is applicable, required by a written directive, or directed to be completed by a supervisor.
    - b. Secondary Officer(s)
      - (1) Supplemental report to the initial/original report, if applicable.

- (2) Response to Resistance form, if applicable.
    - (3) Any other report that is required by a written directive or directed to be completed by a supervisor.
  2. Officers involved in a use of force with another agency will complete an "Assist to Other Agency" report, detailing their involvement.
  3. Officers involved will provide a verbal account of the incident to the on-duty supervisor.
  4. A Response to Resistance form will be submitted for each subject involved.
    - a. When an officer uses physical controls, a baton, ASR, ECW, Canine, or firearm to gain compliance.
    - b. Anytime an officer's use of force results in an injury or an immediate claim of injury or death.
    - c. Upon the direction of a supervisor.
- B. On-duty Supervisor Reporting and Review
1. The on-duty supervisor will obtain a brief verbal account of the incident and ensure that all required reports have been completed and turned in for review.
  2. In all cases where use of force or a pursuit has occurred, the supervisor will initiate a policy review.
  3. The on-duty supervisor will complete and submit the following reports/items (Use of Force documentation packet) to the Patrol Operations Lieutenant.
    - a. Completed Administrative Review form, including post-incident supervisory summary assessment and a recommendation regarding policy compliance.
    - b. Copy of all completed case and supplemental reports associated with the incident.
    - c. Copy of all completed Response to Resistance reports.
    - d. All other reports submitted as part of the arrest or investigation.
- C. Patrol Operations Lieutenant

1. The Patrol Operations Lieutenant will review the Use of Force documentation packet to ensure that all available documentation has been completed and submitted.
2. Upon review, the Patrol Operations Lieutenant will forward the packet through the chain of command within one week of the incident.

D. Professional Standards

1. All Use of Force documentations will be administratively reviewed by the Professional Standards Lieutenant within two weeks of the director's assignment.
2. Subject matter experts may be used during the administrative review, when necessary.
3. The Public Safety Director will have final authority in determining compliance with all statutes and policies and may agree or disagree with further action recommended by the officer's chain of command.

E. Annual Review and Analysis

The Public Safety Director, or designee, will conduct a documented annual analysis of practices associated with the reporting process. The analysis will include any emerging issues or concerns and a review of policies and reporting procedures. The findings and any recommendations will be reviewed with command.

Note: This review and analysis is required even if no use of force incidents occurred during the review period.

**XI. VIOLATIONS OF POLICY**

Any violations of this policy are to be reported as soon as practicable through the chain of command to the Public Safety Director.

**XII. DUTY TO INTERVENE; DUTY TO REPORT EXCESSIVE FORCE**

- A. Every law enforcement officer is expected and required to intervene or take all appropriate action necessary in any situation where the law enforcement officer is clearly convinced that another individual is using force in violation of the law or department policy.
- B. Law enforcement officers have a duty to report all instances in which they believe the force used by other officers is excessive, given the circumstances.

- C. On or off duty, any time an agency employee witnesses what they reasonably believe to be an excessive or inappropriate use of force, the employee will immediately report such incident to their immediate supervisor, or another supervisor or command officer of the Portage Department of Public Safety.
- D. All reported instances of alleged excessive force will be completely and thoroughly investigated.

### **XIII. POST-SHOOTING, CRITICAL OR TRAUMATIC INCIDENT PROCEDURES**

Any employee whose action(s) or use of force in an official capacity results in death or serious physical injury will be removed from line-duty assignment, pending an administrative review.

- A. Whenever possible, the involved officer will be immediately relieved from the scene and taken to a quiet area away from the scene.
- B. At all times, when at the scene of the incident, the supervisor will handle the officer and all involved personnel in a manner that acknowledges the stress caused by the incident.
- C. The supervisor will take custody of the officer's duty weapon for laboratory analysis. The supervisor will take custody in a discreet manner and replace it with another weapon or advise the officer that it will be returned or replaced at a later time, as appropriate.
- D. The Public Safety Director will direct any employee whose action(s) or use of force in an official capacity that results in the death or serious physical injury to be relieved from active duty with pay. The employee will remain available during normal business days and hours, Monday – Friday; 0900 – 1600 hours, for any necessary administrative investigation.

APPENDIX A



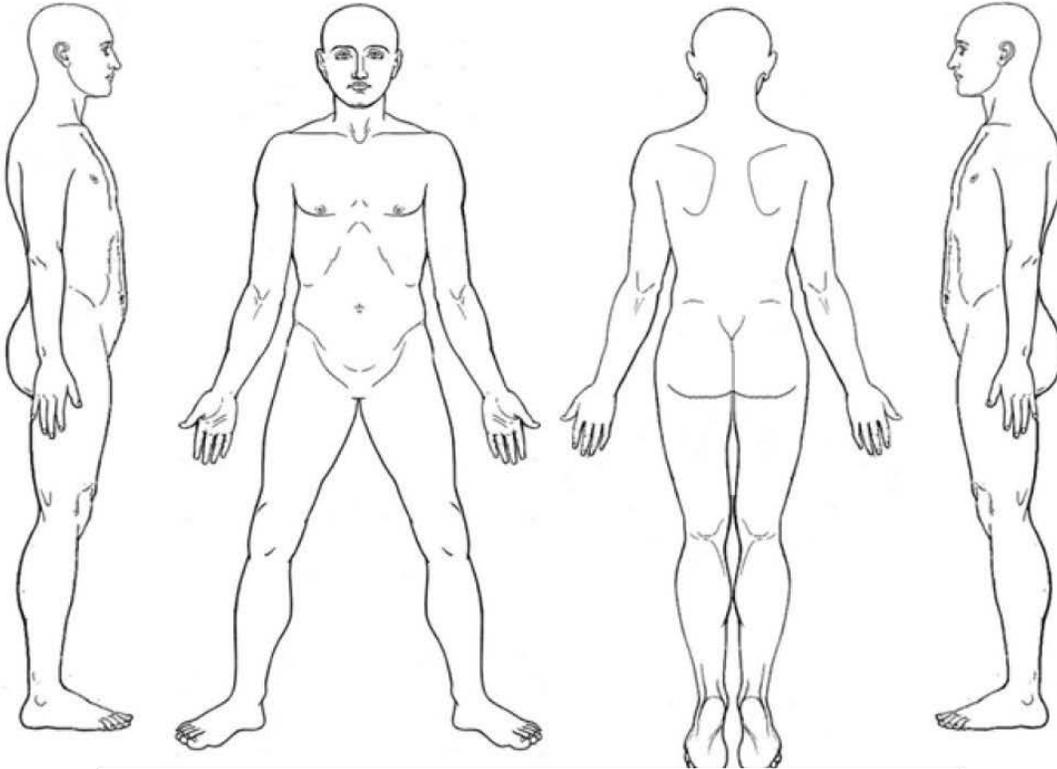
PORTAGE DEPARTMENT OF PUBLIC SAFETY  
RESPONSE TO RESISTANCE REPORT

Case Number:	Officer(s) Involved	Report Date:	Report Time:	(Record Use Only)
Location/Address:		Nature of Call/Incident:		
Subject Name: (Last, First, Middle)		Race/Sex:	DOB:	Subject Armed? <input type="checkbox"/> Yes <input type="checkbox"/> No With:
Height:	Weight:	Build:	Under the Influence: <input type="checkbox"/> Drugs <input type="checkbox"/> Alcohol	Signs of Diminished Mental Capacity: <input type="checkbox"/> Yes <input type="checkbox"/> No
Circumstantial Considerations				
<b>Basis for Use:</b> <input type="checkbox"/> Affect an Arrest <input type="checkbox"/> Defend Self <input type="checkbox"/> Defend another Officer/Person <input type="checkbox"/> Prevent Violent Felony <input type="checkbox"/> Arrest/Search Warrant <input type="checkbox"/> Escape/Elude Custody <input type="checkbox"/> Restrain for Safety <input type="checkbox"/> Committal <input type="checkbox"/> To Search <input type="checkbox"/> Other - Explain within Narrative		<b>Subject Actions / Pre-Assault Indicators:</b> <input type="checkbox"/> Refusal of Verbal Directions, Verbal Refusal, Challenging, Aggressive Stance, Non-Verbal Cues, (Inactive Resistance) <input type="checkbox"/> Passively Resisting Arrest (Passive Resistance) <input type="checkbox"/> Actively Resisting Arrest (Defensive Non-Assaultive) <input type="checkbox"/> Active Assault (Active Aggression) towards the officer or another. (Kicking, Punching, Advancing, Grabbing, Wrestling, etc.) <input type="checkbox"/> Deadly Force Assaults <input type="checkbox"/> Body/Size Disparity <input type="checkbox"/> 1000 Yard Stare <input type="checkbox"/> Target Glancing <input type="checkbox"/> Scanning the Areas <input type="checkbox"/> Bladed/Boxer Stance <input type="checkbox"/> Verbalization of Harm <input type="checkbox"/> Hands Above the Waist <input type="checkbox"/> Repetitive Phrases <input type="checkbox"/> Ignoring the Officer <input type="checkbox"/> Sudden Attack <input type="checkbox"/> Advancing <input type="checkbox"/> Removing Hat/Watch <input type="checkbox"/> Other: _____ <input type="checkbox"/> Clenching (Hands/Teeth) <input type="checkbox"/> Illogical Responses <input type="checkbox"/> Weight Shifting <input type="checkbox"/> Known/Perceived Fighting Ability <input type="checkbox"/> Crossing Arms/Hands In Pockets		
Response Application(s)				
<b>Physical Application(s):</b> <input type="checkbox"/> Take down <input type="checkbox"/> Control Holds <input type="checkbox"/> Strikes/Punch/Kicks Successful: <input type="checkbox"/> YES <input type="checkbox"/> NO	<b>ASR Application(s):</b> <input type="checkbox"/> ASR Distance: _____ Single or Multiple Uses: _____ Effective: <input type="checkbox"/> YES <input type="checkbox"/> NO	<b>Impact Application(s):</b> <input type="checkbox"/> Baton <input type="checkbox"/> Other: _____ Single or Multiple Uses: _____ Effective: <input type="checkbox"/> YES <input type="checkbox"/> NO	<b>ECW Application(s):</b> <input type="checkbox"/> Used for Compliance <input type="checkbox"/> Pointed At Discharged - <input type="checkbox"/> Contact <input type="checkbox"/> Air Cartridge Distance: _____ Activation Time(s): _____ Did Probes Make Contact: <input type="checkbox"/> YES <input type="checkbox"/> NO Effective: <input type="checkbox"/> YES <input type="checkbox"/> NO	
<b>Firearm Application(s):</b> Used for Control? <input type="checkbox"/> NO <input type="checkbox"/> YES (if Yes) <input type="checkbox"/> Used for Compliance <input type="checkbox"/> Pointed At <input type="checkbox"/> Discharged - <input type="checkbox"/> 9mm <input type="checkbox"/> Auxiliary _____ <input type="checkbox"/> U.P.R. (5.56) <input type="checkbox"/> M4 (.223) <input type="checkbox"/> 308 Rounds Discharged: _____ <input type="checkbox"/> Weapon(s) secured as evidence.			<b>S.I.M. Application(s):</b> <input type="checkbox"/> 12 GA. <input type="checkbox"/> Projectile <input type="checkbox"/> Other (describe) Describe: _____ Rounds Discharged: _____ Effective: <input type="checkbox"/> YES <input type="checkbox"/> NO	
<b>Canine Utilize:</b> <input type="checkbox"/> NO <input type="checkbox"/> YES (if YES - Continue) How: <input type="checkbox"/> Intimidation/Bark <input type="checkbox"/> Track <input type="checkbox"/> Article Search <input type="checkbox"/> Pursuit/Bite - No. of Bites: _____ Handler: _____ Canine: _____ Jurisdiction: _____ Body Location of Bite(s) _____				
<b>Restraint Applications:</b> <input type="checkbox"/> Handcuffs <input type="checkbox"/> Flex-cuffs <input type="checkbox"/> Leg Restraints (LR-2/Cuffs) <input type="checkbox"/> Transport Belt <input type="checkbox"/> Barrier/Hood <input type="checkbox"/> Restraint Chair				
Injury/Treatment - Result of Resistance or Response to Resistance				
Was there an injury: <input type="checkbox"/> NO <input type="checkbox"/> YES (if YES) - <input type="checkbox"/> To an officer(s) <input type="checkbox"/> To the subject <input type="checkbox"/> Complaint of Injury <input type="checkbox"/> Injury Visible <input type="checkbox"/> Injury Documented Treatment: <input type="checkbox"/> At Scene <input type="checkbox"/> In Ambulance <input type="checkbox"/> Transported - by Who: _____ Where: _____ Admitted: <input type="checkbox"/> NO <input type="checkbox"/> YES Post Incident - Was the Subject Monitored: <input type="checkbox"/> NO <input type="checkbox"/> YES (if YES) - by: _____ <input type="checkbox"/> Immediately <input type="checkbox"/> 15 Min. Post <input type="checkbox"/> 30 Min. Post Treatment Described: <input type="checkbox"/> ASR After care <input type="checkbox"/> ECW Probe Removal Other: _____				
NOTE: <input type="checkbox"/> Subject Refused All Treatment/Offers of Treatment				



# PORTAGE DEPARTMENT OF PUBLIC SAFETY RESPONSE TO RESISTANCE REPORT

## Application Areas - Points of Contact



Once printed, manually identify the part or area of the body that was contacted/injured in response to the subjects resistance/aggression and if needed, use the space below for any further information.

## Supervisors Review Section

Primary Officer: _____	Secondary Officer(s): _____
Duty Supervisor: _____	Date: _____ Notified/At Scene: <input type="checkbox"/> YES <input type="checkbox"/> NO
Deputy Chief: _____	Date: _____ Associated Policy: _____

**Note:** This document is not considered a public record and should not be attached/included with the original reports that are maintained in records. This document should be included as part of the Administrative Review packet.