

DEPARTMENTAL REGULATIONS **GENERAL ORDER 35**

Concord Police Department

EFFECTIVE DATE 6/86

REVISION DATE 6/2016

REVIEW DATE 6/2016

I.D. NUMBER #0383

Guy A. Swanger

Chief of Police

USE OF FORCE POLICY

A. POLICY STATEMENT

1. The demands of police service will in some circumstances require police officers to employ force to maintain order, enforce the law, and to protect life and property.
2. This policy incorporates an objective standard of reasonableness and is intended to provide direction and guidelines to officers meeting resistance, but it is not intended that any suspect be allowed to be the first to exercise force or gain an advantage in a confrontation. Furthermore, nothing in this policy should be interpreted to mean that an officer is required to engage in hand-to-hand combat before resorting to that method and type of force that will most safely, effectively, and humanely bring a suspect under physical control.
3. It is the policy of the Concord Police Department to use force only as reasonable.
 - .1 To effect an arrest, to prevent an escape, or to overcome resistance.
 - .2 In defense of self or in defense of others.
 - .3 To prevent the commission of a public offense.
 - .4 To maintain order.
4. This policy is taught to department members through the department training curriculum.

B. GENERAL

1. For the purposes of this policy, the term "officer" shall apply to all sworn and reserve police officers for the City of Concord.
2. The use-of-force continuum employed herein is designed to provide an overview of the force options available to the officer. It is an instrument that attempts to encompass the dynamics of a physical confrontation.
 - .1 The use of force shall be restricted to those circumstances authorized by law and limited to the degree necessary to accomplish a lawful task.
 - .01 The evaluation of each incident must be based on the totality of all factors presented in a particular situation.

3. Officers are responsible for the safety and protection of the persons in their custody.
4. The use of force, and the use of all lethal and intermediate force options and restraint devices shall be employed by members of the Concord Police Department pursuant to Department approved guidelines and training and only after the member has completed Department approved training and/or certification.
5. Definitions
 - .1 “Reasonable cause” refers to the set of circumstances the officer is confronted with at the time the decision to use lethal force is made and that any reasonable officer would conclude that that level of force was appropriate.
 - .2 “Imminent danger” means that the threat of death or serious bodily injury is immediate and unequivocal.
 - .3 “Serious bodily injury” is an injury or likelihood of injury that could result in death or serious physical impairment of the officer or individual
6. This policy shall apply to all non-sworn personnel authorized to carry any of the intermediate force weapons enumerated in General Order No. 39.

C. FACTORS TO CONSIDER

1. Officer/suspect physical characteristics such as height, weight, and strength; age; skill level; existing injury; and fatigue
2. Number of officers and number of suspects
3. Weapons (type, availability, proximity)
4. Crime involved
5. Suspect’s demeanor and conduct, and drug/alcohol influence
6. Suspect’s risk of escape
7. The degree to which the suspect has been effectively restrained and their ability to continue resistance
8. Officer’s knowledge of the suspect
9. Potential for injury to citizens, officers, and suspects
9. Availability of other options
10. Other exigent circumstances

D. OFFICER RESPONSE OPTIONS

1. Professional/Command Presence and Verbalization
 - .1 Verbalization includes giving commands, directions, and warnings.
2. Intermediate Force

- .1 Intermediate Force is force unlikely, when properly used, to result in death or serious bodily injury. There are two types of intermediate force:
 - .01 Type 1: Restraint and Detention
 - .001 Includes use of hands to control the subject, such as use of a firm grip, control holds, holding the subject in a particular position, pressure point applications, or use of any temporary restraining device (handcuffs, body/leg restraints, the wrap).
 - .02 Type 2: Compliance and Control
 - .001 Take-down techniques, distraction strikes, and use of intermediate level weapons in control applications.
 - .0001 Intermediate force includes chemical agents, Taser, carotid control, impact weapons, and use of officer's hands, feet, elbows, and knees exclusive of such use outlined under Type 1 above.
 - .0002 When an officer engages in a Type 2 level of force utilizing a flex baton or Taser, they should give a verbal warning when possible, based on the totality of circumstances and the Reasonable Officer Standard.

3. Lethal Force

- .1 Lethal force is force that creates a substantial risk of causing death or serious bodily injury.
 - .01 Lethal force includes the use of a firearm, vehicle, or any force that creates a substantial risk of causing death or serious bodily injury.
- .2 An officer may use lethal force:
 - .01 In the necessary defense of him/herself or another person, when the officer has reasonable cause to believe he/she, or the other person, is in imminent danger of death or serious bodily injury
 - .02 To effect the arrest, to prevent an escape, or to recapture a suspect when the officer has reasonable cause to believe the suspect has committed or attempted to commit a felony involving the use, or threatened use, of deadly force or serious bodily injury
 - .03 When the officer has reasonable cause to believe a substantial risk exists that the felony suspect to be arrested will cause death or serious bodily injury if his/her apprehension is delayed.

E. TASER

- 1. The Taser may only be used to:
 - .1 Overcome resistance from dangerous, violent, or potentially violent subjects, or
 - .2 To control, disable, or subdue violent or potentially violent persons intent on harming themselves or others.
- 2. The Taser should not be used:
 - .1 As a prod or escort device

- .2 To rouse unconscious, impaired, or intoxicated individuals.
- .3 On handcuffed prisoners unless they are actively resisting or exhibiting physically active aggression.
- 3. Special consideration should be given to alternative means of gaining compliance when a subject may be particularly susceptible to injury. Criteria may include:
 - .1 Pregnancy
 - .2 Age (Very elderly or very young)
 - .3 Known health problems
 - .4 Persons operating a vehicle or machinery
 - .5 Persons who may fall from a significant height or into a body of water.
 - .6 Persons exposed to flammable liquids or substances, or in flammable or explosive environments.
 - .7 Multiple Taser applications
 - .01 Absent exigent circumstances, individuals should not be subject to more than four (4) Taser activations during a single incident.
 - .001 A Taser activation is considered to be a period of no more than 5 seconds in duration.
 - .02 No more than one officer should activate a Taser against a suspect at one time.

F. REPORTING USE OF FORCE

- 1. A reportable use of force incident is defined as an incident in which a police department employee or reserve officer, on or off duty, uses any of the following while taking action to enforce the law:
 - .1 Type 2: Compliance and Control
 - .2 Any use of force by a department member to enforce the law resulting in injury, complaint of injury, or death either to a department member, suspect, or any other individual.
 - .3 Lethal Force
- 2. A department member involved in a reportable use of force incident shall notify an on-duty supervisor as soon as practical.
 - .1 The member shall then complete the standardized use-of-force form and police report, unless protocol dictates otherwise (e.g., officer involved fatal incident) and forward the documentation to the Office of the Chief of Police.
 - .2 In all cases involving a reportable use of force, photographs should be taken of the suspect and area(s) of the suspect's body affected by the use of force.

G. MEDICAL AID

- 1. When an employee uses any force that results in an injury to another person, the officer shall ensure that the injured individual receives the appropriate medical aid.

2. When an employee applies the carotid restraint or Taser on an individual, the employee shall be responsible for requesting “code 3” emergency medical response to provide medical care, as needed, to the individual. The individual shall be transported to a medical facility by ambulance for further evaluation and treatment.
3. Persons who are in need of emergency medical treatment shall be transported, via ambulance, to a medical facility.
4. Persons requiring medical clearance, but not in need of emergency medical treatment may, at the discretion of the on-duty supervisor, be transported to a medical facility in a patrol car.

H. USE OF FORCE REVIEW

1. The Concord Police Department utilizes an in-house panel to review all reported uses of force. The purpose of the review includes, but is not limited to:
 - .1 Maintaining a consistent review process.
 - .2 Determining if the use of force was within department policy guidelines.
 - .3 Identifying individual and department training needs.
 - .4 Recognizing and reinforcing exceptional work by agency employees.
 - .5 Facilitating policy-making decisions.
2. All types of use of force cases as defined in Section F.1 of this policy shall be forwarded to the Office of the Field Operations Division Commander for review. The documents to be forwarded for review include all police reports associated with the case, as well as the use of force report form.
3. The Field Operations Division Commander shall designate a panel to review each use of force reported pursuant to Section F.1 of this policy. The Panel shall consist of the following members:
 - .1 A Field Operations Division Lieutenant shall chair the panel.
 - .2 Special Operations Lieutenant
 - .3 A Field Operations Division Sergeant as designated by the Field Operation Division Commander.
 - .4 At least two department Use of Force Instructors.
4. With the following exceptions, the Panel shall meet once a month to review all uses of force described in Section F.1.1 and F.1.2 of this policy:
 - .1 The Type 2 uses of force that shall receive prompt review by the Panel include:
 - .01 Discharge of a firearm.
 - .02 Those incidents which the Field Operations Division Commander and/or the Chief of Police decides should receive prompt review.
5. The Panel’s findings shall be limited to a determination if the use of force was within or not within policy.
 - .1 The findings shall be forwarded to the Field Operations Division Commander.

6. The Field Operations Division Commander shall make a recommendation regarding any further action for those incidents deemed to be out of policy or extraordinary, and forward those recommendations to the Chief of Police.
7. Use of Force Review: Annual Reports
 - .1 A Watch Commander shall complete an annual review of all reported use of force cases.
 - .01 This review shall include:
 - .001 The total number of reported uses of force.
 - .002 The number of cases for each category of reportable use of force.
 - .003 The final disposition of those cases reviewed by the Panel.