



# *Villa Hills Police Department*

Policy 1.3 Use of Force	KACP 1.3, 1.8, 1.9,1.10, 1.11
Replaces: D1001,D1002	
Authorized : Chief Bryan Allen	
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## **Policy**

It is the intent of the Villa Hills Police Department that all members recognize the importance of human life, respect basic human rights and have an intolerant attitude towards the abusive treatment of all persons. Bearing this in mind, officers' use of force shall be value driven, utilizing only the force reasonable under the circumstances so as to minimize the chance of injury to themselves and others.

Officers are sometimes confronted with situations where control must be exercised to affect arrests and to protect public safety. Control may be achieved through advice, persuasion, warnings or by the use of physical force. While the use of reasonable physical force may be necessary in situations that cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would reasonably be ineffective under the particular circumstances (KACP 1.3a). When utilizing force, officers shall use only departmentally-approved equipment which the officers are trained to use, except in emergency situations when an officer may use any resource at their disposal (KACP 1.3e, 1.8). Officers are permitted to use whatever force is reasonable to protect others or themselves from bodily harm.

When such force is used, the officer shall immediately contact his/her commanding officer, who shall respond to the scene and investigate the incident. The officer shall complete a Use of Force Report for all incidents that result in any injury, or the complaint of injury, to either officers or the subject. A Use/Show of Force Report shall also be complete when any physical force, other than a control hold, is used or shown. The1 immediate supervisor shall review the completed Use/Show of Force Report, and make recommendations on the appropriateness of the force used. This report shall be forwarded, through the appropriate chain of command, to the Chief of Police.

All personnel, prior to being authorized to carry a firearm shall receive and demonstrate understanding of this policy. Further, personnel will be required to demonstrate policy proficiency annually thereafter (KACP 1.3e, 1.10a).

## Definitions

**Activate:** Depressing the trigger of an ECW causing an ECW to arc or to fire probes.

**Active Aggression:** A threat or overt act of an assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person imminent.

**Active Resistance:** An individual is offering active physical resistance in the form of pushing an officer; pulling away from an officer; grappling with an officer; or generally offering physical resistance that is not an attack upon the officer

**Control Hold:** A Technique with a low probability of injury to the officer or subject, utilized to maintain physical control of a subject (e.g. transport wrist-lock, straight arm- bar, leg sweep).

**Choke Hold:** A physical maneuver that restricts an individual's ability to breathe for the purpose of incapacitation. This does not include vascular neck restraints

**De- Escalation:** Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

**Deadly force:** Force, which the officer knows to create a substantial risk of causing death or serious physical injury. Head, neck, throat or clavicle injuries caused by an impact weapon of any sort can lead to death or serious physical injury.

**Drive Stun:** Making direct contact with the ECW to any part of an individual's body, after an ECW cartridge has been expended or removed.

**Electronic Control Weapon (ECW):** Departmentally-approved less-lethal weapons designed to disrupt a subject's central nervous system by means of deploying battery powered electrical energy, sufficient to cause intense muscle contractions, affecting the individual's motor nervous system and/or disruption of the individual's sensory nervous system and central nervous system. An ECW provides the user with the capability of discharging probes, drive-stunning or a combination of both during use of force encounter.

**Neuro-Muscular Incapacitation:** The desired effect of a successful ECW probe deployment causing intense muscle contractions affecting the individual's motor nervous system and/or disruption of the individual's sensory nervous system and central nervous system.

**Passive Resistance:** An individual does not respond to the commands of the officer; refuses to move; becomes dead weight; issues verbal offense but offers no active physical threat to the officer.

**Physical force:** Force used upon, or directed toward the body of, another person.

**Reasonable belief:** When facts or circumstances the officer knows, or should know, are such to cause an ordinary and prudent officer to act or think in a similar way under similar circumstances.

For the purpose of this policy, a sergeant or an appointed OIC shall be considered a commanding officer.

**Serious physical injury:** A bodily injury that:

- Creates a substantial risk of death to the victim.
- Creates a prolonged impairment of health or prolonged disfigurement.
- Creates a prolonged loss or impairment of a bodily organ.

**Show of force:** The displaying of a weapon, whether lethal or non-lethal, to gain compliance from a subject.

**Standard ECW Cycle:** A five (5) second electrical discharge occurring when an ECW trigger is pressed and released

- The standard five (5) second cycle may be shortened by turning the ECW off at any time during the cycle.
- If an ECW trigger is pressed and held beyond five (5) seconds, the ECW will continue to deliver an electrical discharge until the trigger is released.
- Any electrical discharge over five (5) seconds would not be considered a standard ECW cycle under Villa Hills Police policy and procedure.

**Stapling:** A technique utilized to complete a circuit to induce a neuromuscular incapacitation following a one probe hit or close-probe spread.

## Progression of Force

An officer shall, to the extent possible, utilize an escalating scale of options when using force. However, officers are not required to utilize each of the available options before escalating to the next option. The degree of force utilized must be

reasonable. The levels of control in the continuum are:

- Officer presence
- Verbal direction
- Soft empty hand control and restraining devices
- Chemical agent and ECW
- Hard empty hand
- Impact weapon
- Deadly force

### De-escalation

- An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training whenever possible and appropriate before resorting to force and to reduce the need for force.
- Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

### Use of Physical Force

When an officer is confronted with a situation that may necessitate the use of physical force, he/she should call for additional officers, when practicable.

Should physical force be used in order to gain control of a situation, an officer shall use only that force which is reasonable to gain control of the subject and to affect lawful objectives (KACP 1.3a). Once a person is restrained or under control, the use of force is restricted to that which is reasonable to maintain control. Good judgment is extremely important in deciding which tactics to use and how much force to apply. Choking techniques, even if applied appropriately, cause a risk of death or serious physical injury, because they may restrict the flow of blood or oxygen to a person's brain.

**Choking techniques are not an approved force option and are prohibited, except in a situation where the use of deadly force would be allowed.**

Officers are not required to allow any suspect to be the first to exercise force and gain an advantage in a physical confrontation. Officers are not required to engage in prolonged hand-to-hand combat before resorting to the use of force that will more quickly, humanely and safely bring a resisting subject under physical control.

The use of physical force by an officer upon another person is justifiable when the officer, acting under official authority, is making, or assisting in, effecting lawful

objectives and he/she:

- a. Believes such force is necessary to effect the arrest (KACP 1.3a), and
- b. Makes known the purpose of the arrest or believes that it is otherwise known, or cannot reasonably be made known, to the person to be arrested and believes the arrest to be lawful.

An officer may also use physical force at any level when he/she reasonably believes such force is reasonable in order to defend human life, including the officer's own life, or in defense of any person in immediate danger of serious physical injury (KACP 1.3b)

Officers may also use physical force:

- a. To prevent the escape of an arrested or fleeing person when the officer believes the person is likely to endanger human life unless apprehended without delay (KACP 1.3c).
- b. Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person. In these situations, only the minimal amount of force necessary to control the situation shall be used.
- c. To move or remove any person who is obstructing a lawful police action in such a manner that the lawful police action cannot be accomplished.
- d. To prevent a person from committing suicide or inflicting serious physical injury upon himself/herself.

The Discharge of warning shots is prohibited (KACP 1.3d).

### **Intermediary options (KACP 1.8)**

Uniformed officers, if certified and provided that an ECW is available, shall wear the ECW. Officers are strongly encouraged to wear both a departmentally-approved impact weapon and OC spray as intermediate weapons. However, if an officer is physically unable to fit all the equipment on the duty belt or if wearing all three weapons causes physical discomfort or problems with weapon accessibility, he/she shall carry the ECW and a departmentally-approved impact weapon. If not carried, the chemical agent must be carried on officer's duty belt. On-duty plainclothes officers and sergeants (plain clothes or uniformed) shall have, on their person, a departmentally-approved impact weapon, chemical agent or ECW. Having these alternatives available to all on-duty personnel will increase an officer's options regarding the level of force when confronted with the necessity to gain control of a suspect. ECWs are optional equipment for the rank of Chief of Police.

Off-duty officers, while not in uniform, are not required to carry any intermediary weapons, but are encouraged to be armed with a departmentally-approved firearm and their credentials.

## Use of ECWs (KACP 1.8)

Officers are permitted to carry and use only ECWs that have been issued by the department. Officers shall carry their ECW on the opposite side of their firearm in the cross draw position. The use of ECWs shall be consistent with departmental training and is authorized when the officer reasonably believes that the circumstances meet the degree of force necessary to overcome actual, or anticipated, resistance by the suspect.

The use of ECWs is authorized for, but not limited to, the following situations:

- a. Persons refusing to obey an officer's commands through active resistance.
- b. Actively aggressive persons who are combative and present a physical danger to himself/herself, the officer or any other person.
- c. Prisoners who attempt to escape or seriously injure themselves.
- d. Fleeing subjects under certain circumstances. A subject fleeing cannot be the sole justification for use of an ECW. The severity of the offense and other circumstances shall be considered by the officer in determining the reasonableness in activating an ECW on a fleeing subject. When a subject is fleeing, the officer shall make known his/her intent to arrest and the offenses charged before deploying an ECW, unless the officer reasonably believes that:
  - o Giving notice would endanger the life of the officer, or
  - o Giving notice would endanger the life of other innocent persons, or
  - o The reason for the arrest is obvious.

The ECW shall **not** be used:

- On obviously pregnant women, elderly persons, young children and visibly frail persons, unless an exigent circumstance exists.
- When the officer knows the subject has come in contact with flammable liquids or is in a flammable atmosphere.
- When the subject is in an elevated position, where a fall is likely to cause serious injury or death, unless the use of deadly force would be authorized. When a subject is in a location where he/she could drown.
- When a subject is actively operating an automobile, truck, motorcycle, all-terrain vehicle (ATV), bicycle, scooter, any other moving vehicle and/or hazardous machinery.
- The ECW shall never be used on a handcuffed person to force compliance unless the subject poses a violent threat to the officer and others and cannot be otherwise controlled

More than one ECW shall generally not be used against any one person during a use of force encounter. Some activation, however, are not successful because of poor probe spread, low muscle mass contact, missed probes, etc. In these situations, another officer may activate his/her ECW. If such activation occurs, the second officer shall shout the word "taser" and shall deploy the ECW. The first deploying officer shall discontinue use of his/her ECW and shall aid in securing the person or

shall consider another reasonable force alternative.

The potential exists for ECWs to cause physical injury when striking the eyes, neck, head, breasts and/or groin areas. Officers shall not intentionally target those areas of the body. Additionally, officers shall not intentionally target the chest area of the body. When deploying an ECW against a person who is facing the officer, the officer shall target the area below the sternum.

Officers should warn the suspect of his/her intentions to use the ECW, when tactically feasible. Before activating the weapon, the officer should announce his/her intentions to others present by shouting the word "taser".

When activating the ECW on an individual, the officers shall activate the device the least number of times and for no longer than what is reasonable, to accomplish the legitimate operational objective. Following any standard ECW cycle, the arresting officer(s) shall focus on the window of opportunity when the subject may be disabled by the ECW to physically restrain and secure the subject in order to minimize the number of standard ECW cycles.

When using the ECW, officers shall continually assess each standard ECW cycle, whether probes were discharged or the person was drive-stunned, to determine whether further applications are warranted or a different tactic should be used.

Standard ECW cycles may not be effective for varying reasons (e.g. poor probe spread, low muscle mass contact, missed probes, etc.). If the ECW is not effective, other reasonable options should be used. Considering this, if a probe deployment occurs, and no window of opportunity presents itself because the subject is not reasonably incapacitated enough to allow physical restraint, following three (3) standard ECW cycles through the wires of the attached cartridge or by stapling, the officer shall attempt another reasonable force option(s) to apprehend the subject. This option(s) may include, but is not limited to, drive-stunning, stapling or firing probes from another ECW cartridge. If probes are deployed from a second cartridge, no more than one (1) standard ECW cycles shall be activated while this cartridge is attached, unless exigent circumstances are present. Exigent circumstances may include a situation where, although the ECW has been effective, the officer is alone and unable to control the suspect's active aggression following the standard ECW cycles. In such a situation, the officer shall notify the Kenton County dispatcher that they are in need of assistance and the officer shall activate the device the least number of times necessary, and for no longer than what is reasonable, until the active aggression ceases or the subject is physically restrained. Nothing in this policy prevents an officer from drive-stunning a person or using another reasonable force option, at any time following, or prior to, probes activation. Standard ECW cycles given by drive-stun need not be considered when counting the three (3) standard ECW cycles discussed above; however, any drive-stun activation shall not exceed the standard ECW cycle of five (5) seconds. Drive-stuns shall be used the least number of times and for no longer than what is reasonably necessary. Officers are responsible for ensuring that their ECWs and batteries are in working order before the start of their tour of duty.

## Post Use of ECW

Officers shall ensure that the subject's injuries are treated in a manner consistent with the ECW's manufacturer's recommendations and departmental training, as soon as practical. EMS shall be contacted to respond to all incidents involving the application of the ECW. Additionally, officers shall contact EMS, without delay, to request advanced life support (ALS) assistance in situations where the subject displays any of the following unusual reactions:

- Subject complains of chest pains.
- Through observation or complaint, subject experiences shortness of breath.
- Subject is, or was, unconscious as a result of the use of the ECW.
- Subject is manifestly under the influence of drugs.
- Subject displays a continued state of agitation after the application of the ECW.
- Subject falls while being "tased" and is injured as a result of the fall, unless the injury is a minor scrape or cut.
- Subject displays symptoms of excited delirium, such as:
  - Intense paranoia
  - Extreme agitation
  - Violent or bizarre behavior
  - Violence toward objects (e.g. glass, mirrors)
  - Naked or Stripping off clothing(e.g. streaking)
  - Running widely(e.g. into traffic)
  - Screaming for no apparent reason
  - Pressured, loud, incoherent speech
  - Psychotic in appearance
  - Rapid changes in emotions(e.g. cry, laugh)
  - Disoriented about time, place or his/her identity
  - Superhuman Strength
  - Muscle rigidity(may not be resisting)
  - Diminished sense of pain(e.g OC, baton doesn't work)
  - Hallucinations (e.g hears voices)
  - Resists violently during control and restraint
  - Resists violently after being restrained
  - Indications of breathing difficulties before, during or after being restrained (says "I can't breathe")
  - Lack of focus; easily distracted (unable to follow simple directions or orders)
  - Delusions of grandeur (e.g. "I'm God")

Officers shall obtain the Med Unit number and the names of the EMS personnel treating the subject and ensure that this information is recorded on the Use of Force Report. If the arrested person displays such reactions, but refuses treatment from



EMS, officers shall immediately transport him/her to the closest available hospital (St. Elizabeth Edgewood under normal circumstances) for examination by emergency room personnel. All persons who have been subjected to ECW activation shall be monitored regularly while in police custody even if they receive medical care.

In cases where the ECW probes are deployed, officers will remove probes in accordance to the training procedures. If probes are in a vital area officers shall have proper medical personnel remove the probe. In all situations, medical personnel shall be called to the scene to examine the person for any adverse reaction. After the probes have been removed from a subject, the officer(s) shall collect the probes per training.

Officers must turn in a used ECW cartridge to their supervisor before a new cartridge shall be issued to them. If a subject displayed unusual reactions as a result of being "tased", the cartridge and probes shall be turned in to the Property Room as evidence.

After an officer uses his/her ECW, the responsible police supervisor of higher rank or designee, as a normal procedure in a use of force investigation involving ECWs, will place the ECW used into property/evidence.

As a part of the use of force investigation, the department ECW instructor shall download the data from the ECW onto a computer using the Dataport software. The downloaded information shall be printed and attached to the Use of Force Report. The reason for each application shall be documented in the required Use of Force Report.

### **Use of Chemical Agents (KACP 1.8)**

Officers are permitted to carry and use only chemical agents approved by the department. The use of chemical agents should be consistent with departmental training. The use of a chemical agent is authorized in circumstances when the officer reasonably believes that a degree of force is necessary to overcome actual, or anticipated, resistance by the suspect.

Chemical agents may also be used:

- On actively aggressive persons who are combative and present a physical danger to themselves, the officer or any other person.
- On prisoners who attempt to escape, cause serious physical injury to them or attempt to damage the property of others.
- In defense of any person.

### **Post Use of Chemical Agents**

Officers shall ensure that contaminated areas are treated in a manner consistent with the manufacturer's recommendations and departmental training, as soon as practical. Officers are required to contact medical personnel if the subject displays unusual reactions to the chemical agent.

### **Use of special Impact Munitions systems (KACP 1.8)**

The Villa Hills Police Department does use special Impact Munitions. The weapons are carried by supervisors and are utilized if the conditions and the force continuum allow

### **Impact Weapons (KACP 1.8)**

Impact weapons are authorized as a means of:

- Physical restraint or control.
- Defense of any person.

Because of the potential for death or serious injury, officers shall avoid intentional strikes to the head, neck, throat or clavicle with an impact weapon of any sort, unless deadly force is justified.

### **Use of Deadly Force**

Justification for the use of deadly force must be limited to what reasonably appears to be the facts known, or perceived, by an officer under the circumstances. Facts not known to an officer, no matter how compelling, cannot be considered in later determining whether the use of deadly force was justified. Deadly force, as with all uses of force, may not be resorted to unless: other reasonable alternatives have been exhausted or would clearly be ineffective and/or exigent circumstances exist. Deadly force is authorized in defense of oneself or another when the officer reasonably believes, based on the facts and circumstances, that the person against whom the force is used poses an immediate threat of death or serious injury to the officer or another (KACP 1.3b).

Deadly force is authorized to apprehend a felony suspect (KACP 1.3b), when under the facts and circumstances known to the officer, it is reasonable to believe that:

- The arrest is for a felony involving the use of, or threatened use of, physical force likely to cause death or serious physical injury, and
- It is likely that the person to be arrested will clearly endanger human life unless apprehended without delay.
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The officer must be able to justifiably articulate his/her actions.

If feasible, verbal warnings shall be given before the use of deadly force. Warning shots are not permitted (KACP 1.3d). Deadly force is never authorized to apprehend a fleeing misdemeanor or nonviolent felony suspect.

Deadly force is also authorized to prevent the escape of an arrested person, when deadly force could justifiably have been used to make the arrest, under which the person is in custody (e.g. a serious, violent felony), and the officer believes that the person is likely to endanger human life, unless apprehended without delay (KACP 1.3c).

Officers are authorized to discharge a firearm for the following purposes:

- In defense of human life, including the officer's life, or in defense of any person in immediate danger of serious physical injury.
- Against any animal that is gravely injured or poses a threat to persons, as necessary, when no other disposition is practical and the safety of persons has been given prime consideration.
- Training and qualifications.

Officers discharging a firearm should remain cognizant of the following:

- The direction in which the firearm is to be discharged.
- The danger of discharging a firearm while running or moving.

Officers shall not shoot from, or at, a moving vehicle, unless it is necessary to return gunfire to protect human life and when it does not create an unreasonable risk of harm to innocent persons.

### **Type of Authorized Firearms and Ammunition (KACP 1.9)**

Authorized firearms are those that comply with the department's specifications (KACP 1.9). Authorized firearms shall be properly inspected and registered with the Firearms Training instructor and approved by the Chief of Police.

Officers shall receive departmental training on the proper and safe use of authorized firearms. Training shall be conducted and documented by certified firearms training instructors (KACP 1.10b). Officers must qualify with authorized firearms, as required by the Firearms Training instructor, twice annually, one of which will be in night/low light conditions (KACP 1.3e, 1.10a).

### **Official Department Duty Firearms and Ammunition (KACP 1.9)**

All firearms shall meet the required specifications determined by the Firearms Training instructor with the approval of the Chief of Police. The following are the official firearms of the department:

***Service Pistols***

- Glock Model 17
- Glock Model 26

***Shotgun:***

- Remington 870 12 gauge pump shotgun - Villa Hills Police department carries shotguns for the use of Less Lethal bean bag rounds. The shotguns are only carried by department supervisors and are trained annually

***Rifle:***

- Agency purchased .223 semi –auto and full auto M16 and M4

***Less Lethal:***

1. Taser – Taser X-26 is the only Electronic Control Device (ECD) authorized to be used by personnel of the Villa Hills Police Department.
2. Aerosol Spray – First Defense MK-3 Oleoresin Capsicum 1.47 ounce bottle from First Defense is the only type of Aerosol Pepper Projector authorized to be used by personnel of the Villa Hills Police Department.
3. Bean Ban rounds

**B. Maintaining of Firearms records**

1. At the completion of firearms qualifications, the firearms instructor will verify the serial numbers of the weapons that the officer qualified with and log them into the firearms book. A record of the date, serial number and instructor's initials will be placed on a separate page or one sheet listing name and pass or fail for all weapons qualified for each individual officer. This book will be kept in a binder in the Training office.

**C. Ammunition (On-Duty) Department issued**

- a. 9 mm, 135 grain JHP (Jacketed Hollow Point) for duty/investigation side-arms.
  1. On-Duty Ammunition will be shot and replaced annually during the mandatory qualifications at the discretion of the Chief of Police.

- b. Federal Tactical 00 /9 pellet Buck and Federal Tactical Rifled Slug for shotguns.
  - c. Remington .223 or 5.56 55gr.or 62gr. FMJ (Full Metal Jacket) or JHP (Jacket Hollow Point) rounds for use with semi-auto rifles.
  - d. Taser (15 ft.) Solid Yellow Door Cartridges for use with the Taser X-26.
  - e. Taser (21 ft.) Solid Silver Door Cartridges for use with the Taser X-26.
  - f. Taser (25 ft.) Solid Green Door Cartridges for use with the Taser X-26.
- D.** Ammunition (Off-Duty) - Off duty ammunition will be supplied by the officer and approved by the Chief of Police. The Chief of Police must approve all off-duty ammunition unless the firearm is chambered in 9MM. The department will issue ammunition.
- E.** Ammunition (Practice & Training) - American eagle (Generic Federal) etc. of the same weight and muzzle velocity as duty ammunition and will be supplied by the Police Department.
- F.** The Firearms Instructor is to visually and physically inspect all weapons to be carried on and off duty to ensure that they are safe. If the DOCJT Certified or FLETC certified Firearms Instructor deems a weapon un-safe to carry on or off duty, he will immediately notify the Chief of Police. The Officer will be forbidden to carry or use the firearm until it is determined safe by the Firearms Instructor and the Chief of Police. The Chief of Police will make the final decision regarding a firearm deemed un-safe to carry.
- G.** Firearms storage
- 1. All firearms or dangerous weapons including agency authorized firearms not in use while at the Villa Hills Police Department are to be secured and in-accessible to everyone but qualified members of a law enforcement agency. Officers will not draw, exhibit, and or point or direct their firearm at a person unless circumstances create a strong reasonable belief that it may be necessary to lawfully use the weapon. Firearms that are to be stored within the department are to be unloaded and kept in a locker, or gun storage rack within the evidence room with the following exceptions.
    - a. General maintenance or cleaning
    - b. Evidence collection or examination
- H.** The Chief of Police may authorize the use of other types of weapons and ammunition as deemed appropriate.

## Authorized Backup Pistols and Ammunition

- A. Officers are authorized to carry backup firearm on or about their person on duty at all times within the Commonwealth of Kentucky.
- B. Any weapon carried off-duty must be inspected by the Range Instructor and approved by the Chief of Police. The weapon can be the authorized department issued back up weapon.
- C. Officers must qualify a minimum of once annually with personally or department owned firearms approved by the Chief of Police for off duty use.
- D. Criteria for Authorization to Carry Off Duty Firearms:

Officers will carry department police credentials while carrying department issued firearms on or about their persons off duty. The credentials are the department issued police ID card signed by the chief and their badge.

1. Police Department authorization to carry and use an authorized backup firearm stipulates that the officer will maintain weapon inspection, training and qualification.

## Firearms Qualification (KACP 1.10)

- A. Officers are required to qualify with any firearm they are authorized to use at least annually (KACP 1.10a). Qualifications should be conducted by a certified firearms officer and records maintained (KACP 1.10b). This includes duty handguns, specialized weapons, shotguns, patrol rifles, or off-duty weapons.
  1. Qualifications shall be conducted during the first trimester of each calendar year.
  2. If an officer cannot qualify during this four-month period due to illness, injury, or other mitigating circumstances, the training unit shall schedule the individual for qualification as soon as practical in the next trimester.
  3. The exact course of fire will be determined by the Training Unit and the Chief of Police.
  4. Officers will fire the qualification course at least once. Qualifications will be scored on a pass/fail basis.
    - a. If an officer fails to qualify he/she will be offered a re-test after some individual instruction and practice as determined by the range officer.
    - b. If the officer fails the re-test, the Range Officer shall immediately conduct remedial training for the officer. (Officers should not be returned to duty until a successful qualification

has been achieved).

c. After conducting remedial training, the officer shall be given another attempt to qualify. If the officer fails to qualify, the Range Officer shall provide any additional instruction or practice required in accordance with his/her professional judgment. One final re-test shall be given. If the officer fails this re-test, the Range Officer shall immediately notify the Chief of Police and shall make the recommendation that the officer be removed from armed duty.

5. The Training director shall make recommendations to the Chief of Police concerning the appropriate course of future training and/or disciplinary action. The final decision shall rest with the Chief of Police

B. In addition to qualification, officers shall participate in all scheduled weapons training. The Training Unit shall offer at least one training course per year (KACP 1.10a). Training courses shall not be scored.

C. If any officer remains unqualified with his/her handgun for more than one year that officer shall be removed from armed duty until qualified

### **Duties of Commanding officer at Use of Force Scene (KACP1.11a-c)**

The commanding officer or designee shall:

- Conduct a preliminary investigation into the use of force incident.
- Ensure that medical treatment, if needed, has been provided to any injured party.
- Ensure that photographs are taken of any injuries sustained by officers and/or any damage to equipment, uniforms or property.
- Ensure that photographs are taken of the arrested subject to document any injury, or the lack of any injury. When possible, at least two stand-up photos, one showing the front of the suspect and one showing the back shall be taken of all suspects charged with Resisting Arrest and Assault 3rd Degree of a police officer.
- Ensure witnesses are noted for the use of force report.
- Notify the Chief of Police of the incident.

Ensure the Use of Force Report is completed and forwarded through the appropriate chain of command.

When a Use of Force Report is not required, nothing in this policy shall prohibit officers from either taking photographs of prisoners to document lack of injury or from requesting a commanding officer to respond to the scene.

## Use of Force Report

Whenever an officer must physically compel another person to submit to his/her authority, other than a control hold, the officer shall notify the Chief of Police and a written Use of Force Report shall be made through the chain of command to the Chief of Police detailing the circumstances surrounding the use of force and/or any injury or death to another person or injury or death alleged to have resulted from actions by an officer.

Whenever an officer must show a possible use of force to compel another person to submit to his/her authority, the officer shall notify the Chief of Police and a written Show of Force Report shall be made through the chain of command to the Chief of Police detailing the circumstances surrounding the show of force.

This report requirement applies to all use of deadly force incidents occurring on or off duty when the officer is acting under the color of law. It also includes the unintentional use of deadly force such as an unintentional discharge of a service or other firearm.

This report requirement would not include the normal use of a firearm in training, practice, recreational situations, or for the humane destruction of a sick or injured animal unless it results in injury to the officer or another individual.

This report requirement applies to all incidents occurring on or off duty when an officer, acting under the color of law, uses or is alleged to have used force against another person or against an attacking or aggressive animal for defensive purposes. Officers shall photograph all known injuries and all alleged injuries to any involved person (i.e. officer, suspect, or witness) for their protection. Once photographs are taken they are to be turned in as evidence. Officers are to clearly state in their reports the existence of any previously existing injury to any person in custody.

Officers shall clearly state in their reports the existence of any video evidence of the incident.

Officers shall articulate the reasonableness of level of action taken to defend or counter resistance or aggression.

The notification to the Chief of Police and the use of force report shall be completed as soon as is practical after the incident occurs. In the event that the officer involved is unable to complete the report due to injury or other circumstance the second officer on duty or the Chief of Police shall complete the use of force report.

The responding OIC or Chief of Police shall conduct an investigation into the circumstances surrounding the use of force and complete the supervisory inquiry form.



Completed use of force reports are to be sent to the Chief of Police for review.

The Chief of Police or his designee shall maintain a file of these reports and shall routinely evaluate the number or types of reports being filed. The reports should be evaluated for indications of training needs, discipline problems or developing patterns of abuse.

### **Use of Force Report review**

All use of force reports shall be reviewed by the Chief of Police and by a member of the department's training staff, if applicable.

Reviewers shall examine each use of force report to ensure detailed documentation of the incident.

The review shall consist of an examination and evaluation of elements which include but are not limited to:

- a) Complete identifying information for all involved parties
- b) Reasonableness and necessity of the action taken
- c) Compliance with local, state, and federal laws
- d) Compliance with department policy
- e) Effectiveness of action taken
- f) Documentation of injuries sustained as a result of the applied force

When judging the reasonableness of a particular use of force it must be judged from the perspective of a reasonable officer and in light of the facts and circumstances confronting that officer at the time the action was taken.

Reviewers shall submit their findings with recommendations through the chain of command to the Chief of Police who shall decide if any further action is warranted.

### **Chief's Review of Use of Force Report**

The Chief of Police shall review the facts of the incident and the recommendations of the reviewers. If it is determined by the Chief of Police that further review is needed the incident may be assigned for further investigation.

Circumstances may exist that necessitate the investigation of the incident by an outside police agency. Under such circumstances, the Chief of Police may request an investigation of the incident by an independent investigative body.

If it is determined by the Chief of Police that the incident is not within department policy the Chief shall take appropriate action.

## **Removal from Duty and Administrative Review of Incidents involving serious injury or Death**

In the event that an officer's use of force results in the death or serious physical injury of another person, the officer, as soon as is practical, shall be removed from duty and placed on administrative leave pending administrative review of the incident. The administrative review of the incident will be conducted by the Chief of Police or their designee.

Based on the findings of the administrative review the officer may be returned to regular duty, assigned to duty within the headquarters building, or continued on administrative leave. Administrative leave will be without loss of pay or benefits, and such leave or assignment to duties within the headquarters building shall not be interpreted to imply or indicate that the officer has acted improperly. The length of time an officer is assigned to duty in the headquarters building or on administrative leave in compliance with this policy will be determined by the Chief of Police.

In all cases where a person has been seriously injured or killed as the result of action by an officer, the officer will be required to undergo a debriefing with a departmental psychologist as soon as possible. The purpose of this debriefing will be to allow the officer to express his feelings and to deal with the moral, ethical, and/or psychological after-effects of the incident.

In addition the department will receive professional assurance that the officer is fit to return to regular duty. This debriefing will not be related to any departmental investigation of the incident and nothing discussed in the debriefing will be reported to the department without the voluntary permission of the involved officer. The debriefing session will be privileged communication protected by the physician-patient relationship.

The administrative review of the incident will involve at minimum a review of the facts of the incident for compliance with department policy and a recommendation from the departmental psychologist on the officer's ability to return to regular duty.