



# Department of State Police

## General Order

Effective Date	November 5, 2008	Number	UOF-01
Subject	Use of Force		

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### Policy

Members shall use, or are authorized to use, only that force which is “reasonable” to:

- Effect an arrest;
- Restrain or subdue an individual resisting a lawful seizure; or
- Protect themselves or others from physical harm.

Members should assess each situation to determine which action shall best bring the incident under control, using only that amount of force that is reasonably necessary.

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### Definitions

*Lethal Force:* Use of force intended to inflict serious physical injury or death.

- Members are authorized to use lethal force in accordance with the law and the contents of this General Order.

*Less Lethal Force:* Use of force that is not intended to cause serious physical injury or death.

- Members are authorized to use less lethal force in accordance with the law and the contents of this General Order.
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### Reasonableness Standard

The proper use of force requires careful attention to the facts and circumstances of each particular case, including:

- Whether the suspect poses an immediate threat to the safety of the member or others;
- The severity of the crime; and
- Whether the suspect is resisting arrest or attempting to evade arrest.

The standard requires that the member’s actions are objectively reasonable, in light of the facts and circumstances confronting them; it allows for the fact that members are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving.

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## Force Continuum

The Force Continuum responses need not be exercised in progression.

If the subject is...	Then the response may include...
Cooperative	<ul style="list-style-type: none"> <li>Verbal commands.</li> </ul>
Uncooperative, but <u>not</u> assaultive	<ul style="list-style-type: none"> <li>Verbal commands;</li> <li>Control techniques; and</li> <li>Oleoresin Capsicum (OC) Spray, according to training.</li> </ul>
Assaultive	<ul style="list-style-type: none"> <li>All of the above responses;</li> <li>Striking techniques; and</li> <li>Any other Department approved less lethal force equipment.</li> </ul>
Presenting a threat of serious physical injury or death.	<ul style="list-style-type: none"> <li>All of the above responses; and</li> <li>Lethal force.</li> </ul>

## Escalation of Force

Escalating the level of force may be necessary given resistance levels and circumstances. Factors in this decision include, but are not limited to:

- Subject vs. member - relative to age, size, physical condition, skill level;
- Subject's drug and alcohol use;
- Weapons - type, proximity;
- Seriousness of offense;
- Exigent circumstances; and
- Number of potential assailants vs. number of police on the scene.

## Use of Force

**Verbal Commands** - Commands and gestures designed to:

- Effect compliance; and
- Express the member's intent.

**Control Techniques** - Only those control techniques authorized by the Department may be used to achieve compliance and/or control of an uncooperative subject. These techniques include:

- Physical manipulation (e.g. escort position, come-a-longs, take-downs);
- Temporary restraints such as handcuffs; and
- Use of baton or other issued equipment for control.

In exigent circumstances, other control techniques may be used.

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## Use of Force (Continued)

**OC Spray** - OC spray may be used in situations involving:

- Assault; or
- Physical resistance when:
  1. Verbal commands have failed to bring about compliance; and
  2. Subject has signaled their intentions to actively resist.

OC spray shall not be used on passive resisters who offer **NO** physical resistance.

**Striking Techniques** - Striking techniques may be used on an assaultive subject to achieve compliance and/or control.

Striking techniques may include the use of issued equipment (baton, flashlight, PR-24NX, etc.), as well as hands, feet, elbows, or knees.

In exigent circumstances, other instrumentalities may be used.

## Lethal Force Authorization

Members are authorized to use lethal force in order to protect themselves or others from an immediate threat of death or serious bodily harm.

**Warnings-** If feasible, some warning shall be given before any use of force.

## Use of Lethal Force: Preventing Escape

Members are authorized to use lethal force to prevent the escape of a suspect when:

- The arrest is for a felony;
- The member believes that the force employed creates no substantial risk of injury to innocent persons; and either:
  1. The crime for which the arrest is made involved conduct including the use or threatened use of deadly force; or
  2. There is a substantial risk that the person to be arrested will cause death or serious bodily harm if the suspect's apprehension is delayed.
- If feasible, some warning has been given.

## Use of Firearms

A member may discharge a firearm for:

- The lawful performance of duties;
- On or off duty training at a range, specifically designed for that purpose and using only Department authorized ammunition; or
- Rendering harmless an animal that represents a threat to public safety or is seriously injured and suffering.

Firearms shall not be discharged:

- As a warning; or
- At a moving vehicle - unless an occupant uses or threatens to use immediate lethal force.

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<b>Ready Position</b>	<p>When the member reasonably believes that there is a <u>potential</u> threat of serious physical injury or death, the firearm may be placed at the ready position:</p> <ul style="list-style-type: none"> <li>• Trigger finger is along side the frame except when ready to engage; and</li> <li>• It is drawn down range in a safe direction below the line of sight, so as not to impede member's vision.</li> </ul>
<b>Use of Force Equipment and Training</b>	<p>The Colonel/Superintendent shall authorize the specific use of force equipment and training to be used by members.</p> <p>Members are responsible for keeping their equipment clean and operational at all times.</p> <p>All members shall have successfully completed training in the specific use of force equipment prior to use.</p>
<b>Investigations/ Reporting</b>	<p><b>Reporting Use of Force</b> - The policy UOF-03 Reports, shall be adhered to upon any:</p> <ul style="list-style-type: none"> <li>• On duty discharge of any weapon outside of a training range specifically designed for that purpose;</li> <li>• Off duty discharge of a Department weapon outside of a training range specifically designed for that purpose;</li> <li>• Striking technique is used;</li> <li>• OC Spray is used; or</li> <li>• Use of force caused or is reported to have caused injury or death to another.</li> </ul>
<b>Medical Aid</b>	<p>Members shall administer and secure medical aid after any use of force, if necessary.</p>
<b>References</b>	<p>UOF-03 Use of Force Reports</p>

Promulgated By: