

ALBEMARLE POLICE DEPARTMENT

GENERAL ORDER

SUBJECT : Use of Force

NUMBER : 0403

DATE EFFECTIVE :06-18-2020

RESCINDS -02-15-2017

APPROVED : _____
Chief Of Police

REVIEW DATE : Annually

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INTRODUCTION

The officers of this Department shall use only the amount of force reasonably necessary to accomplish a police task successfully. Officers will exhaust all other means of achieving a lawful police objective before resulting to the use of force to include: communication/de-escalation, maintaining distance and slowing things down. Excessive force will not be tolerated by this department. This Directive will explain the limitations of the law and provide officers with necessary knowledge so they may perform their duties confidently and wisely and not subject themselves to criminal or civil liability.

This Directive will establish policy for lethal and non-lethal force. Police officers have the responsibility to protect life and property and apprehend criminal offenders. The apprehension of criminal offenders and protection of property must be secondary to the protection of life. The officer's responsibility for protecting life must include his own.

PROCEDURE

Officers shall use force in accordance with this Order and North Carolina General Statute 15A-401 (d).

A. NON-LETHAL FORCE

1. Officers should consider the situation and the alternatives when deciding to use force. Officers should use the least amount of force necessary to effect the arrest of a suspect. Officers should consider the age, size and or disability, if any, before using force. Officers should also consider giving verbal warnings before any force is used if the situation allows.
 - a. Non-lethal force is justified to prevent the escape from custody or to effect the arrest of a person who the officer reasonably believes has committed a criminal offense, unless he knows that the arrest is unauthorized; or
 - b. To defend themselves or a third person from what they reasonably believe to be the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape.
2. When making a lawful arrest, an officer may use that amount of non-lethal force reasonably necessary to overcome resistance.

B. LETHAL FORCE

1. Officers are justified in using deadly physical force upon another person only when it is

reasonably necessary to accomplish one of the following:

- a. To defend themselves or a third person from what he reasonably believes to be the use or imminent use of deadly physical force;
- b. To effect an arrest or to prevent the escape from custody of a person who they reasonably believe is attempting to escape by means of a deadly weapon, or who by their conduct or other means indicates that they present an imminent threat of death or serious physical injury to others unless apprehended without delay.

C. FLEEING FELON

A fleeing felon does not necessary pose an immediate threat to life. Deadly force is prohibited against a fleeing felon unless the elements or actions in section B (Lethal Force) are present

D. PUBLIC SAFETY

Discharging Firearms:

1. Warning Shots: The firing of warning shots is prohibited.
2. Firing at a moving vehicle or from a moving vehicle is prohibited except where the immediate probability of serious injury or death exists for a police officer and/or for an innocent third party if the officer does not do so. Before discharging a firearm at a moving vehicle, officers must reasonably believe that the only immediate means of protecting themselves and/or an innocent third party is the use of deadly force.
3. Discharging a firearm in the killing of an animal is justified (a) for self defense, (b) for the defense of other persons, (c) when the animal is so badly injured that compassion requires its relief from further suffering. When possible a supervisor should be contacted before any firearm use.
4. Members shall not fire their weapons to kill, but rather to stop and incapacitate an assailant from a potentially deadly act as described in this order. For maximum stopping effectiveness and minimal danger to innocent bystanders, the officer should shoot at "center body mass".
5. Except for general maintenance, training, and recreational use, officers shall not draw or exhibit their firearm unless circumstances create strong reasonable cause to believe that it may be necessary to lawfully use the weapon in conformance with other sections of this order.

E. WEAPONS

Lethal - Many weapons can be used in a lethal manner. Officers are authorized to carry firearms issued by this department or approved by the Chief of Police. Officers must maintain State required certification to carry this weapon.

- a. All officers are issued a copy of and instructed in the Use of Force directive before being authorized to carry any agency authorized weapon, to include lethal and non-lethal weapons. The Instructor who is certified and qualified to certify officers with that particular weapon shall review this policy with new employees prior to qualification, and also review the policy each year before qualifications with each member of the department.

Non-lethal- This Department issues the following non- lethal weapons to officers:

- a. Chemical agents is not issued to each officer, however some officers will have the opportunity to acquire this equipment when needed. Only officers who are trained with this equipment shall be authorized to carry the equipment. The use of chemical agents shall be considered use of force and a report shall be made.
- b. Oleoresin Capsicum (OC) is issued to all officers who receive the required training and have personal experience with the effects of the Aerosol Defense Spray (OC). The only (OC) product approved for officers to carry is the product issued by the department. Other (OC) products are prohibited to be carried or used by officers. The use of (OC) shall be considered a use of force and a report shall be made.
- c. Armament Systems and Procedures Baton (ASP) is available to officers that are certified to carry this item. Only officers who are trained with this equipment shall be authorized to carry the equipment. The use of the ASP shall be considered use of force and a report shall be made.
- d. Flashbangs are issued to some members of the Special Response Team. The flashbang made by Def-Tec produces a loud noise and a bright flash of light to temporarily disorient a suspect. These items are used in instances such as high risk search warrants, barricaded suspects, and other situations as determined by the Special Response Team Leader. The use of a flashbang shall be considered use of force and a report shall be made.
- e. Smoke grenades are issued to members of the Special Response Team. These are used to produce a cloud of smoke to conceal movement of the Special Response Team or distract a suspect or persons. The use of a smoke grenade shall be considered use of force and a report shall be made.
- f. Electronic Control Device (ECD) - A less-lethal electronic neuromuscular incapacitation weapon that transmits an electrical signal resulting in an immediate loss of a person's neuromuscular control and the ability to perform coordinated action for the duration of the impulse. This weapon is also known as a TASER.
- g. Any other non-lethal weapon authorized by the Chief of Police, and the officer has received sufficient training in the use of the weapon.

F. ELECTRONIC CONTROL DEVICES

The TASER® brand Electronic Control Device Model X-26 utilizing the standard TASER® brand cartridge or extra penetration cartridge is authorized for use by Electronic Control Device Certified Officers.

Prior to being issued an Electronic Control Device, an officer shall attend a Electronic Control Device training session conducted by a certified Electronic Control Device instructor, who will ensure the officer successfully demonstrates proficiency in the use of the device, and provides the student instruction and issues policies regarding:

1. Authority for and limits on the proper use of the Electronic Control Device and the use of force;
2. Proper and safe handling and storage procedures; and,
3. Procedures for obtaining medical assistance after use of the Electronic Control Device.

The certified Electronic Control Device instructor is responsible for issuing and collecting all ECDs as well as certifying officers' proficiency for those weapons.

The Training Coordinator shall maintain a master listing of all ECDs issued by the department. The master listing will contain the make, model number, serial number and will identify the officer to whom the ECD is issued, the date of issue, and the name of the person issuing the ECD to the officer.

Electronic Control Device certified officers must successfully complete annual in-service training conducted by a certified Electronic Control Device instructor in order to remain qualified to carry the weapon. In-service Electronic Control Device training shall be documented and shall require demonstrated proficiency with the weapon and knowledge of use of force policies.

Training instructors will deliver all completed training documentation to the Training Coordinator. The Training Coordinator will be responsible for maintaining permanent records of the curriculum and courses taught by date as well as a listing of employees attending the training.

A qualified ECD instructor will promptly notify the Chief of Police if an employee fails to demonstrate competency with an issued Electronic Control Device.

Each ECD will be inspected and approved for use by a certified ECD instructor prior to initial issue and during annual in-service training. Unsafe or defective ECDs will be taken out of service by the course instructor.

4. The Electronic Control Device will be utilized only by officers who have successfully completed all required training in the use and deployment of the device. (Electronic Control Device Certified Officer)
5. Use will be consistent with training as defined by the Electronic Control Device Lesson Plan and this policy.
6. Any incident in which an Electronic Control Device is used upon a citizen by a police employee will be considered a use of force incident. All uses will be appropriately documented and reviewed as directed in Section H.
7. The Electronic Control Device can be deployed by an Electronic Control Device certified officer when the use is reasonable and necessary to overcome or prevent resistive or assaultive behavior and/or when other means of physical force are not reasonable or practical to bring a subject under control without risk of injury to the subject or employee(s).

The Electronic Control Device (EDC) may be deployed only where a police officer is confronted with an exigency that creates an immediate safety risk and that is reasonably likely to be reduced by use of the EDC. Such situations may include the following:

- a. Violent or threatening behavior;
- b. Flight to avoid arrest or detention in circumstances where an officer reasonably perceives that allowing the suspect to run would create an immediate safety risk to themselves or others;
- c. Other situations where an officer can articulate an immediate safety risk that is reasonably likely to be cured by use of the EDC;

- d. EDC's should **not** be deployed in situations where individuals are non-compliant or resistant, unless the non-compliance or resistance creates an immediate safety risk that can be mitigated by the use of the EDC.
8. Officers will target the back area, or the lower center mass or legs on the front of a subject's body when deploying an Electronic Control Device. Extra caution should be used to avoid firing probes at a subject's head, neck, chest, and genital areas.
 9. Officers should request the District Attorney's Office request reimbursement for the cost of the cartridge fired when the arrestee appears in court for the charges.
 10. **Officers will NOT use an Electronic Control Device in the following circumstances:**
 - e. On a subject who is near, or has been exposed to, potentially flammable, volatile or explosive materials.
 - f. When a subject is in a significant amount of water.
 - g. When a subject is in a position where a fall may cause substantial injury or death.
 - h. Punitively, as a means of coercion or in any other unjustified manner.
 - i. The ECD or TASER shall not be used against a non-violent misdemeanor. The ECD or TASER shall not be used against a suspect just because he is fleeing, there must be some level of violent behavior before use of the ECD.
 11. Special consideration, consistent with Departmental training, should be given for use of an ECD on a subject who:
 - a. is visibly pregnant
 - b. is fleeing on foot
 - c. is operating a functioning, operable motor vehicle
 - d. is physically limited (age related, young child, or frail)
 - e. is handcuffed
- As with any use of force, officers should clearly document justification for use of an ECD, particularly on subjects identified as requiring special consideration.
12. When activating an Electronic Control Device, officers should use one standard Electronic Control Device cycle (five seconds) and re-evaluate. If subsequent activations are necessary, they should ordinarily be limited to two (2) subsequent reactivations and the duration necessary to place the subject in custody (not to exceed 5 seconds each). Officers must be able to articulate the circumstances that warrant any additional ECD activations.
 13. The Electronic Control Device shall not be used to repeatedly drive stun a subject. When possible the drive stun should be utilized by deploying the cartridge and probes attached to the subject as taught in initial Electronic Control Device Operator training. The drive stun function without the probes shall be used only in exigent circumstances. The use of drive stuns will be reviewed annually during in-service training.

14. Officers shall handle and store Electronic Control Devices in the same manner as a firearm, exercising a due regard for safety.
15. Officers may use the Electronic Control Device to defend themselves or others from a vicious or attacking animal. Should such an occasion arise, the officer will make reasonable attempts to notify the owner of the animal, and shall thoroughly document the incident in a departmental report.
16. Officers shall not use the Electronic Control Device except for official use. Any abuse or unauthorized use will result in disciplinary action up to and including dismissal.

POST EXPOSURE PROCEDURES

Following deployment of an Electronic Control Device, the officer will notify SCECC that an EMS unit is needed to respond to the scene. The Electronic Control Device Certified Officer may remove probes that have penetrated the skin. The officer will use protective equipment such as disposable gloves and other universal precautions to prevent exposure to blood borne pathogens. If an officer is uncomfortable removing the probes an EMS unit shall be called to remove the probes. The EMS attendant will then check the suspect to ensure that they do not need further medical attention. The suspect must be evaluated by EMS or Hospital personnel before transported to the jail. The APD officer will then:

1. Place prongs, cartridge, and wires in an approved sharps container and place in evidence.
2. When possible, probe impact points on the body should be photographed before and after removal.

Probes that strike the subject in the head, face, neck, spine, breast, or groin will be removed by Emergency Medical Services or a hospital emergency department. Probes that are removed by advanced medical personnel will be photographed prior to removal. Treatment should not be delayed for the purpose of obtaining photographs.

DOCUMENTING AND REPORTING ELECTRONIC CONTROL DEVICE USE

Employees shall notify their immediate supervisor as soon as possible after an Electronic Control Device has been deployed either intentionally or unintentionally. A supervisor will immediately respond to the scene of any deployment of an Electronic Control Device, including unintentional discharges while working in a police capacity.

ECW's are not authorized to be carried off duty, ECW's may be carried if working department approved security. If the incident occurs while the employee is off-duty and not serving in a police capacity, the employee will immediately notify the on-duty supervisor. The immediate supervisor will decide whether or not to contact the Chief of Police based upon injury, damage, or any unusual circumstances necessitating response by a supervisor. The on-duty shift commander will make a determination as to whether a supervisor will respond to the scene.

If an Electronic Control Device is used on a person, the employee utilizing the Electronic Control Device will document the circumstances surrounding the discharge of the device on an Incident Report. Documentation will include:

1. The subject's actions prior to the Electronic Control Device being deployed;
2. Alternative force used, if any, prior to the Electronic Control Device;

3. Distance from subject when deployed;
4. Number of standard Electronic Control Device cycles used (list separately if Electronic Control Device was deployed by multiple officers);
5. Location on the body where probes made contact;
6. Subject's observed reaction to the Electronic Control Device deployment;
7. Medical problems of subject (if known);
8. If the subject is mentally impaired and/or under the influence of alcohol or drugs;
9. Manner of physical restraint utilized;
10. Any injuries sustained by the subject related to ECD use;
11. Medical treatment (if obtained);
12. If there were any malfunctions (ECD did not discharge properly, missed target, etc)
13. Whether the officer was on or off-duty.
14. A copy of the computerized ECD use log.

IMMEDIATE SUPERVISOR'S RESPONSIBILITIES

2. Respond to the scene of the incident.
3. The supervisor should ensure the involved employee(s) complete all reporting requirements before shift end.
4. When possible, ensure probe impact points on the body are photographed before and after removal.
5. An Incident Report will be required after any Electronic Control Device use.
6. Electronic Control Device Exposure will be reported using the following guidelines:
 - a. If subject is not transported to a hospital, the Electronic Control Device (ECD) package will consist of an Incident Report and Supplements, copy of the Electronic Control Device use log, Supervisory TASER Use Report form, and a Defensive Action Report form.
 - b. If the subject is transported to a hospital but refuses medical treatment, the Electronic Control Device (ECD) package will consist of an Incident Report and Supplements, copy of the Electronic Control Device use log, Supervisory TASER Use Report form, a Defensive Action Report form and a copy of the form received from the hospital indicating medical treatment was refused.
 - c. If the subject is transported to a hospital due to a pre-existing heart/cardiac condition, the Electronic Control Device (ECD) package will consist of an Incident Report and Supplements, copy of the Electronic Control Device use log, Supervisory TASER Use

Report form, Defensive Action Report form, and a copy of the form received from the hospital.

- d. If the subject is transported to a hospital for other in-custody injuries, the Electronic Control Device (ECD) package will consist of an Incident Report, Supervisory TASER Use Report form, and a Defensive Action Report.
7. Whenever an Electronic Control Device is utilized (cartridge fired) by an employee, the employee's immediate supervisor will ensure that the ECD is submitted to a certified ECD instructor for downloading prior to shift end. A copy of the download will be printed and attached to the incident report. If an ECD is deployed for longer than five seconds during a cycle, or any other abnormal circumstances have occurred, the supervisor will notify the Chief of Police of the situation and the circumstances that surrounded the incident. If a certified ECD instructor is not available at the time, supervisors may also direct officers to store the ECD in the designated evidence locker for download if there are any unusual circumstances surrounding the deployment. After downloading the ECW can be returned to the officer. The cartridge and probes shall be collected and entered into evidence, the probes shall be placed in a SHARPS container. AFID tags and any spent cartridge(s) will only be collected when a supervisor deems collection of these items necessary.
8. The employee's immediate supervisor shall be responsible for completion of the appropriate Electronic Control Device package.

If the incident occurs while the employee is off-duty, the on-duty shift supervisor will complete the appropriate Electronic Control Device package, if applicable. That supervisor will forward the completed package to the employee's immediate supervisor for review, additional investigation, if necessary, and submission through the appropriate chain of command in compliance with Section H.

9. Following review and approval, the immediate supervisor shall ensure a copy of the appropriate Electronic Control Device package is forwarded to the Assistant Chief.
10. Any unintentional discharge of an Electronic Control Device will be reported by the employee to the on-duty shift commander immediately. The employee will document actions leading to the discharge in a general memorandum when unrelated to any incident investigation. That supervisor will forward the completed package to the employee's immediate supervisor for review. The employee's supervisor will review the discharge and document findings utilizing a Supervisor's Incident Form (A-50).

INSPECTIONS OF ELECTRONIC CONTROL DEVICES

1. Each Electronic Control Device will be inspected and approved for use by a certified course instructor prior to initial issue and during annual in-service training. Unsafe or defective ECDs will be taken out of service by the course instructor.
2. If an Electronic Control Device Certified Officer becomes aware of a defective or possibly defective ECD, the officer shall notify his supervisor and a certified Electronic Control Device instructor via departmental email to make provision to have the device inspected.
3. Employees will conduct a one to two second spark test of their issued Electronic Control Device prior to work each day that they are reporting to work in a police capacity.

4. Employees will have their Electronic Control Device downloaded once per quarter by the employee's field commander or certified ECD instructor to mitigate time drift on the equipment. The ECD Instructor will maintain a log of devices and dates downloaded.

G. REPORTS

1. Any time an officer uses force (lethal or non-lethal) the officer will immediately notify their supervisor and the supervisor shall respond to the scene.
2. The officer shall submit a Use of Force form as soon as is practical but not later than the end of the tour of duty. The Shift Commander will forward a copy to the Chief of Police via the chain of command before the end of that tour of duty. This shall include any time an officer discharges a firearm, (accidentally or intentionally) with the exception of firearms training, and recreational use.
3. If the officer encounters a sufficient degree of physical resistance to justify a charge of resisting arrest or assault on an officer, these charges shall be made immediately. A report shall be filed in accordance with section E-1 above.
4. Use of Chemical Agents to subdue or effect the arrest of an individual is considered a use of force and will require submission of the Use of Force form in accordance with section E-2 above. In the event chemical agents are used in crowd control situations, the senior officer shall submit this report.
5. Use of Departmental approved Oleoresin Capsicum (OC) to subdue or effect the arrest of an individual is considered a use of force and will require submission of the Use of Force form in accordance with section E-2. In the event the Pepper Spray (OC) is used the officer shall submit the written report to include analysis of the effectiveness and post use care of the suspect.

Close observation and decontamination procedures are required. A request for medical assistance by the suspect will be honored and the person sprayed will be transported to Stanly Regional Medical Center for treatment or evaluation. Close surveillance of the person sprayed will reveal any side effects that would require medical intervention. All officers are trained in recognition and treatment of possible side effects.

The following procedures shall be followed any time a person who is sprayed with (OC):

- a. Remove the subject from the area of exposure and place in fresh air.
- b. Ask the subject if he/she suffers from any respiratory diseases or problems such as asthma, bronchitis, emphysema.
- c. If the subject displays respiratory problems, seek medical attention for the subject immediately.
- d. Ask the subject if he/she wears contact lenses. If so, assist the subject in removing them from the eyes.
- e. Reassure the subject that the effects of the Oleoresin Capsicum product are temporary and the discomfort will diminish in a short period of time if the subject will not fight it.
- f. Flush the subject's face with water or apply a wet towel to expedite recovery. Bottled water or saline solution may be used.

- g. Use of a mild soap which contains a grease cutting agent will remove the oleoresin capsicum and expedite recovery.
- h. During transportation of subject to a detention facility, medical facility or any other location, carefully monitor the subject's activity and watch for signs of breathing difficulty, unconsciousness, nausea, etc.
- i. If the subject is turned over to a detention facility, the officer should ensure that the custodians of that facility are informed of the fact that the subject has recently been sprayed with (OC).
- j. Never leave an individual who has been sprayed with (OC) unattended until the effects are completely diminished and the subject indicates he/she has fully recovered from the effects of the spray.
- k. Individuals that seem to have difficulty in recovery should be given medical attention if symptoms have not disappeared in one (1) hour.
- l. The officer should avoid touching his eyes, nose, mouth and other sensitive skin areas until he has the opportunity to wash his hands.

5. Medical Attention

Anytime an officer uses any form of force, lethal or non-lethal, the officer shall ensure medical attention to the subject, including contacting Medical Personnel and rendering basic first aid or CPR if the officer is properly trained until medical personnel arrive.

6. A written report will be required whenever an officer;

- a. Takes an action that results in (or is alleged to have resulted in) injury or death of another person; and/or;
- b. applies force through the use of non-lethal weapons; and/or;
- c. applies (OC) spray on anyone.
- d. deploys an Electronic Control Weapon on a subject.
- e. points a lethal weapon at a subject.
- f. points a ECW at a subject.

H. INVESTIGATION OF USE OF FORCE

- 1. All cases of use of force (lethal or non-lethal) shall be investigated by the Chief of Police or his designee. The investigator will upon conclusion file with the Chief of Police a written report including all relevant facts and circumstances surrounding the incident, and state whether the incident violates any directive of this agency or state law.
 - a. The investigation shall include at a minimum:
 - 1. Victim(s) statements
 - 2. Member(s) statements

3. Witness(es) statements
4. Forensic evidence such as photographs, etc.
2. All cases of use of force will be initially investigated immediately by the Shift Commander who will notify the Chief of Police via chain of command as soon as practical. This will be independent of the administrative investigation.
3. If any force (lethal or non-lethal) was used resulting in death or serious physical injury, the Shift Commander will immediately place the Officer on administrative leave until such time a decision is made by the Chief of Police, or an administrative review has been completed. During the period of administrative leave or as soon as possible thereafter the department shall provide debriefing or stress management to any officers involved, co-workers, or any Department members family. This shall be conducted by the League of Cities Specialist or the local mental health facility.
4. If non-lethal (non-deadly) force was used with no serious injury occurring and the Shift Commander establishes during the investigation that:
 - a. the action was justified, then the Shift Commander may allow the officer to return to duty. This is not to be confused with the departmental investigation which will also be conducted.
 - b. the action was not justified, the Shift Commander shall immediately place the member on administrative leave until such time the investigation is complete.
5. If any lethal force is used and the force involves the discharging of a firearm, the Shift Commander will assume possession of the weapon and place the officer on administrative leave. The weapon shall be entered in the property system as evidence.

Exception: in accordance with D-3 of this policy, Killing of Animals.
6. The State Bureau of Investigation shall be requested to assume responsibility for any criminal investigation arising out of an incident of deadly force. This request shall be made by the Chief of Police.
7. A review board may be appointed if the Chief of Police so orders, in accordance with departmental policy and procedures. This board shall review the incident and make recommendation to the Chief of Police for disposition.
8. The Chief of Police or his designee shall conduct an annual analysis of all Use of Force reports.

I. TRAINING

All employees who are issued or carry any type of non-lethal weapon other than Electronic Control Device (ECD) will be tested for proficiency at a minimum of every two years. All employees who are issued an ECD will be tested for proficiency annually. The training shall include the proper technique of the use of the weapon and the officer's ability to show proficient use of the weapon. A certified weapons instructor will conduct the training according to the Albemarle Police Department In-Service Lesson Plan for each weapon. If any employee fails to pass this proficiency test they will turn in the weapon to the Assistant Chief. If the employee wishes to carry the weapon, they must attend and pass the remedial training for that weapon.

J. REMEDIAL TRAINING

Any officer who fails to qualify with any weapon shall attend remedial training for the weapon. The training shall include the proper technique of the use of the weapon and the officer's ability to show proficient use of the weapon. The Chief of Police shall ensure no officer has the use of any weapon after failure to qualify until remedial training and qualification has been completed.

K. DEFINITIONS

This directive contains wording of which the meaning shall not be misinterpreted, therefore the following definitions are included to assure the understanding of the directive.

REASONABLE BELIEF - the facts or circumstances the officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

SERIOUS BODILY INJURY - 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.

REASONABLE MEANS - A method of concluding an incident without physical confrontation.

PROBABLE CAUSE - A reasonable belief that a person has committed a crime. Probable cause exists when "the facts and circumstances within the arresting officer's knowledge are sufficient to warrant a prudent person to believe that a suspect has committed, is committing, or is about to commit a crime."

DEADLY FORCE - Force that is intended to cause or that carries a substantial risk of causing death or serious bodily injury

DRIVE STUN - Activating the electronic control device while holding the front of the device against the target without firing the projectiles. The drive stun causes significant localized pain, but does not have an incapacitating effect on the central nervous system.

ELECTRONIC CONTROL DEVICE (ECD) - A less-lethal electronic neuromuscular incapacitation weapon that transmits an electrical signal resulting in an immediate loss of a person's neuromuscular control and the ability to perform coordinated action for the duration of the impulse.

ELECTRONIC CONTROL DEVICE CYCLE - Duration of an Electronic Control Device discharge following Electronic Control Device activation.

ELECTRONIC CONTROL DEVICE OFFICER - An officer who has successfully completed all required training in the use and deployment of the Electronic Control Device.

IMMINENT - Likely to happen very soon, about to occur, impending, ready to take place, hanging threateningly over one's head.

LESS LETHAL - A weapon which, when used according to Departmental training guidelines, is not likely to cause death.

STANDARD ELECTRIC CONTROL DEVICE CYCLE - A five second electrical cycle occurring when an electronic Control Device trigger is pressed and released. The standard cycle may be shortened by turning the ECD off.

TASER® - A brand name for an electro-muscular disruption weapon utilized by this department.

M. Restraint Holds

The department does not authorize neck restraints or choke holds.

N. Conclusion

A law enforcement officer is the only person entrusted with the authority to use force against another person. Because of the extraordinary dangers inherent in his authority, the law strictly defines and limits its use. The law enforcement officer who wields awesome authority must constantly be aware of its limitations for his protection and the protection of the public.

Agency personnel must always consider the totality of the circumstances when applying the guidelines. In certain situations, exigent circumstances may outweigh the recommendation of a specific guideline. Personnel should always be able to articulate the justification for going beyond agency policy or training.

Rescinds Prior Policies 2016: 01-19, 03-10-2014, 11-03-2011, 09-30-2011, 09-20-2011, 09-05-2011, 05-05-2011, 09-28-2000, 09-14-97, 05-22-95, 12-15-94