



## I. Policy

Police officers shall treat all persons, regardless of their involvement in a situation, with humanity, courtesy, and the dignity due any human being, to the extent that such treatment is allowed by the subject's actions. Additionally, this Department recognizes and respects the value and special integrity of each human life. In vesting police officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. Officers shall maintain a professional bearing at all times and shall not be argumentative or engage in acts that might incite a subject to become physically aggressive. Finally, officers shall never use a greater degree of force than that which is lawful, reasonable, and necessary for the specific situation. [6.01]

## II. Definitions

- A. Active Resistance – A subject actively resists when they take affirmative action to defeat an officer's ability to take them into custody.
- B. Deadly Force – Force, which creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or serious bodily injury.
- C. Electronic Control Device – Electronic Control Devices, TASER™, or stun guns (electronic control weapons) that disrupt the central nervous system of the body.
- D. Immediate – Impending or about to occur or circumstances are such that it is reasonable to believe it is impending or about to occur.
- E. Less Lethal Force – Any force used other than that which is considered deadly force.
- F. Objectively Reasonable – The amount of force that would be used by other reasonable and well-trained officers when faced with the circumstances with which the officer using the force is presented.
- G. Passive Resistance – A subject who takes no affirmative action to defeat the member's ability to make an arrest but who does not respond to verbal commands and presents a refusal to move by sitting down or acting as dead weight.
- H. Physical Force – Any bodily impact, restraint, or confinement, or the threat thereof (A.C.A. § 5-2-601.(3)).
- I. Reasonable Belief – A belief that an ordinary, prudent person would form under the circumstances in question and one not recklessly or negligently formed (A.C.A. § 5-1-102 (18)).
- J. Serious Bodily Harm/Physical Injury – Any physical injury that creates a substantial risk of death or that causes protracted disfigurement, protracted impairment of health, loss or protracted impairment of the function of any bodily member or organ (A.C.A. § 5-1-102.(19)).

### III. Deadly Force [6.02]

- A. Justification for the use of deadly force
  1. Officers may use deadly force only when the officer reasonably believes that the action is in defense of human life, including their own, or in defense of any person in immediate danger of serious physical injury when other less drastic means are not available or would not be effective to eliminate the threat.
  2. Officers may use deadly force to effect the arrest of a suspect whom the officer has probable cause to believe has committed a crime involving the infliction or threatened infliction of serious physical harm and the officer reasonably believes that the suspect will pose a significant threat to human life should the escape occur.
  3. Justification for the use of force is limited to what reasonably appears to be the facts known or perceived by the officer at the time he decides to use such force. Facts unknown to the officer, no matter how compelling, cannot be considered in later determining whether the action was justified.

### IV. Use of Deadly Force Weapons [6.02]

- A. The use of deadly force is objectively reasonable when:
  1. The officer is faced with an immediate threat of serious bodily harm or death to him/herself, or some other person who is present.
  2. To prevent the escape of an individual in cases where the officer has probable cause to believe that the subject has committed a violent felony involving the infliction or threatened infliction of serious bodily harm or death AND by the subject's escape they pose an immediate threat of serious bodily harm or death to another.
- B. Police Officers are also authorized to use their firearms in order to:
  1. For training, practice or recreational shooting in an area where firing a weapon is both safe and lawful.
  2. Upon the command of a Jonesboro Police Department Firearms Instructor during a legitimate Department firearms training session or qualification being held in an approved firearms training facility.
  3. In order to destroy an animal that is obviously vicious or dangerous and that cannot otherwise be captured or prevented from killing or seriously injuring the officer or others. Supervisory approval shall be obtained in advance whenever possible.
  4. Officers may draw or display firearms when there is a threat or reasonable belief that there is a threat to life, or when they have a reasonable fear for their own safety or the safety of others.
  5. Before using a firearm, police officers shall identify themselves and state their intent to shoot, where feasible.
- C. Police Officers are prohibited from using their firearms under the following circumstances:
  1. Except for maintenance or during training, police officers shall not draw or exhibit their firearm unless circumstances create reasonable belief that it may be necessary to use the weapon in conformance with this policy.
  2. To halt the flight of any suspect or prisoner under conditions which do not meet the criteria of the preceding section.

3. To prevent or interrupt the commission of a crime unless the crime being or about to be committed creates an immediate danger of death or serious injury to the Officer or another person.
  4. Officers shall not fire their weapons when the officer is presented with an unreasonable risk to innocent third parties.
  5. At or from a moving vehicle unless it is necessary to prevent immediate death or serious physical injury to the officer or another.
  6. Warning shots shall not be fired under any circumstances; and **[6.09]**
  7. Officers shall not fire into a building or through doors unless the suspect can be identified and is clearly visible and the use of deadly force is authorized.
- D. The supervisor shall contact the Division Commander and the Chief of Police when the use of force has resulted in serious bodily injury or death.

## V. Use of Physical Force and Less Lethal Weapons **[6.01]**

- A. Where deadly force is not authorized, officers should assess the incident in order to determine which less lethal technique or less lethal weapon will best de-escalate the incident and bring it under control in a safe manner.
- B. Officers shall never use a greater degree of force than that which is lawful, reasonable and necessary for the specific situation. A law enforcement officer is justified in using non-deadly physical force or threatening to use deadly physical force upon another person if the law enforcement officer reasonably believes the use of non-deadly physical force or the threat of use of deadly physical force is necessary:
  1. To neutralize an unlawful assault upon the officer or another person; or
  2. To effect an arrest (Ark. Statute 16-81-107(b)); or
  3. To overcome unlawful passive and active resistance; or
  4. To prevent an escape from custody
- C. The use of physical force will end immediately when resistance ceases, when resistance has been overcome, or when the arrest has been accomplished. Emphasis will always be upon obtaining control over the resistance situation rather than forcing submission. Officers shall not mentally or physically abuse any person that they contact or take into their custody or control

## VI. Use of Force Guidelines

- A. The amount and degree of force which an officer may use to terminate violent behavior must be based on surrounding circumstances, such as:
  1. The nature and seriousness of the risk of injury to the officers and others.
  2. The age, physical condition and behavior (physical indicators) of the subject of the force.
  3. Relevant actions by other persons.
  4. Physical conditions (such as visibility) at the scene.
  5. The feasibility and availability of alternative actions (such as waiting for backup).
  6. The opportunity and actual ability of the suspect to injure the officer or others.
- B. No officer shall use force in response to mere verbal provocation or abusive language that is directed at the officer(s).
- C. Force Continuum – Lowest to Highest
  1. Officer presence / Command presence

2. Physical skill / strength
3. Baton / OC / Less-Lethal 12 gauge and 37mm / K-9 / Taser
4. Authorized Service Weapons (i.e., handgun, shotgun, carbine, rifle)

An officer shall use the lowest level of force based on the situation at hand and escalate as the suspect escalates. In 'disparity of force' situations where you are overpowered or outnumbered, the force used must be reasonable under the circumstances.

- D. Once the subject's active resistance has ceased and control has been gained an officer is no longer authorized to use force. Officers should immediately provide any necessary medical assistance to the subject to the degree to which they are trained and/or provide for emergency medical response by requesting an ambulance or transporting the subject to the nearest medical facility where needed and where reasonable to do so. **[6.07]**
- E. If an officer utilizes deadly force or if a suspect is obviously injured, alleges injury, or requests medical assistance when an officer has used deadly or less lethal force, the officer will immediately notify a supervisor.
- F. The supervisor will ensure that the primary officer using the force completes a Response to Aggression Report before the officer's duty tour ends. If the primary officer using force is physically or emotionally unable to complete a Response to Aggression Report, the investigator assigned by the Chief of Police to conduct the internal investigation shall attempt to obtain a verbal report from the officer within 24 hours.

## **VII. Authorized Less lethal, Intermediate Weapons **[3.04]****

- A. All officers carrying intermediate weapons must be qualified to do so, pursuant to departmental training standards. Officers may carry an approved intermediate weapon, of the brand(s) approved by the department. These instruments shall only be used in accordance with departmental training standards.
  1. Annual required training should be conducted by instructors having appropriate certifications for the weapon. **[3.04]**
- B. The following products are authorized intermediate weapons that may be carried by City of Jonesboro Police officers: **[6.04]**
  1. Expandable or Straight Baton
    - a. Impact weapons may be utilized in cases where the officers believe the use of these weapons would be reasonable to bring the event under control.
    - b. Examples would be where other options have been utilized and failed or where based on the officer's perception at the time, the other options would not be successful in concluding the event.
    - c. Officers shall not intentionally strike a person with an impact weapon where it would create a substantial likelihood of causing serious bodily harm or death, unless the use of deadly force would be justified.
  2. Oleoresin Capsicum (OC) Pepper Aerosol Restraint Spray
    - a. The Department issues OC aerosol restraint spray to provide officers with additional use of force options for gaining compliance of resistant or aggressive individuals in arrest and other enforcement situations. It is the policy of this agency that officers use OC when warranted, but only in accordance with the guidelines and procedures set forth here and in this agency's use of force policy.

- b. Only officers who have completed the prescribed course of instruction on the use of OC and experienced a mandatory exposure to the OC spray are authorized to carry the device.
  - c. Uniformed officers shall carry only department authorized OC canisters (and shall carry it) in the prescribed manner, when worn, on the duty belt. Non-uniform members may carry OC in alternative devices as authorized by the agency.
  - d. Once control is gained, officers should immediately provide for the decontamination of the subject when reasonable and practical to do so.
  - e. If the person shows any signs of physical distress or does not recover in a reasonable amount of time, officers should immediately direct an emergency medical response and render first aid at the degree for which they are trained.
  - f. Chemical Spray shall not be deployed as a compliance technique for a person who is passively or verbally non-compliant.
  - g. Chemical Spray shall never be used as a punitive measure.
3. Electronic Control Devices (Taser)
- a. The Department issues Electronic Control Devices (Tasers) to provide officers with additional use of force options for gaining compliance of resistant or aggressive individuals in arrest and other enforcement situations. It is the policy of this agency that officers use Tasers when warranted, but only in accordance with the guidelines and procedures set forth here in this agency's use of force policy.
  - b. Only officers who have completed the prescribed course of instruction on the use of the Taser are authorized to carry the device.
  - c. Only Department issued Tasers are authorized for carry.
  - d. Officers shall carry the Taser in the off side/non-duty weapon side carry position only.
  - e. Electronic Control Devices shall never be used as a punitive measure.
4. Kinetic / Bean Bag Munitions
- a. The Department issues less lethal kinetic / beanbag weapons to provide officers with an extended distance less lethal force option for gaining compliance of resistant or aggressive individuals in arrest and other enforcement situations. It is the policy of this agency that officers use the kinetic / beanbag rounds when warranted, but only in accordance with the guidelines and procedures set forth here and in this agency's use of force policy.
  - b. Only officers who have completed the prescribed course of instruction on the use of the kinetic \ beanbag munitions weapons are authorized to carry or deploy the weapon system.
  - c. Only department issued or approved weapons that have been approved as less lethal weapon systems are authorized for use with kinetic / bean bag rounds.
  - d. No shotgun buckshot or slug ammunition shall be carried with less lethal kinetic / beanbag ammunition. No shotgun buckshot or slug ammunition shall be carried in or affixed to the less lethal weapon system.
  - e. Only department issued and approved kinetic / beanbag ammunition shall be used in the less lethal weapon system.

## VIII. Training and Qualifications with Deadly and Less Lethal Weapons

- A. Officers shall receive a minimum of two (2) annual firearms trainings, one of which must be CLEST certified. Officer shall receive annual training for all authorized weapons, including Less Lethal Weapons, as well as the Department's use of force policies. Officers must demonstrate proficiency with each weapon they are authorized to carry. A CLEST certified instructor must monitor the firearms training. An instructor certified in that system must monitor all less lethal training or use approved training material. [\[3.01\]](#) [\[3.02\]](#) [\[3.04\]](#)
1. All training and proficiency shall be documented.
  2. Officers must receive annual training regarding the Department's use of force and weapons policies prior to being authorized to carry a weapon.
  3. Less Lethal instructors will be certified in an approved course of training or use approved training material. [\[3.04\]](#)
- B. Officers shall carry only those weapons, deadly or less lethal, that are authorized and registered with the Department while on-duty or off-duty. Authorized weapons, deadly or less lethal, are those with which the officer has qualified and received Departmental training on proper and safe usage, and that are registered and comply with Departmental specifications.
- C. The Department shall schedule regular training and qualification sessions for duty, off-duty, specialized weapons, and less lethal weapons, which will be graded on a pass or fail basis.
- D. Officers who fail to receive a passing score with a weapon, deadly or less lethal, in accordance with Department, the training supervisor shall evaluate testing procedures and a recommendation forwarded to the Chief of Police. Upon receipt of the evaluation, the Chief of Police may suspend the officer's enforcement duties and assign said officer to remedial instruction. The failure of the officer to qualify after completion of additional training may result in administrative action up to and including termination.
- E. An officer shall not be permitted to carry any weapon, deadly or less lethal, with which he has not been able to qualify with it during the most recent annual qualification.
- F. An officer that has taken extended leave or suffered an illness or injury that could affect his use of firearms or less lethal weapons ability will be required to qualify before returning to enforcement duties.
- G. Defensive tactics and handcuffing techniques shall be reviewed annually during the Response to Aggression and Resistance / Use of Force review. [\[3.06\]](#)

## IX. Handcuffing

All persons who are detained or arrested by officers of the police department should be handcuffed to provide the greatest degree of safety for the officer, as well as the safety of the arrested person. Appropriate restraint devices such as handcuffs, flex cuffs, belly chains with cuffs or leg irons shall be used to secure prisoners.

1. Handcuffs should be applied with the hands behind the person's back with the palms facing outward.
2. Handcuffs must be applied tightly enough to prevent them from being slipped, but care must be taken that they are not so tight as to interfere with circulation or cause unreasonable discomfort. In instances where the individual is not physically able to place his hands close enough together behind his back, the officer may elect to use two sets of handcuffs linked together.
3. The handcuffs should always be double locked and remain double locked during transport.

4. Upon consideration of the circumstances, an officer may elect to utilize leg restraints.
5. At no time will a prisoner be handcuffed to any part of the police unit during transport.
6. Flex cuff type restraints should be removed with bandage type scissors, a seat belt cutting device or similar safety device.

## **X. Reports and Documentation**

- A. Officers using force must be able to articulate the need and justification for the use of force and the reason(s) why the level of force utilized was selected. Full disclosure of the circumstances requiring the use of force, and the type and extent of force shall be thoroughly documented in the Response to Aggression Report. Officers shall complete a Response to Aggression Report and an incident or offense report when: **[6.03]**
  1. The officer has employed any level of physical force other than presence or verbal direction against active resistance; or
  2. The officer has displayed a firearm, less lethal weapon, and/or Electronic Control Device in such a manner that it was actually pointed at an individual; or
  3. The officer has discharged a firearm for any purpose other than training or recreational use except for the destruction of animals which requires only an incident report; or **[6.06]**
  4. The officer has employed force through the use of any weapon; or
  5. The officer has employed any level of force that results in, or is alleged to have resulted in, injury or death to anyone.
- B. These reports shall be submitted to the officer's supervisor prior to the end of the shift unless extenuating circumstances exist.
- C. Officers shall submit a detailed report when the officer or supervisor believes documentation pertaining to any force employed or not employed by the officer is necessary for the protection of the officer, the Department, or the City of Jonesboro.
- D. All reported Use of Force forms will be reviewed by the officer's shift or unit supervisor and division commander to determine whether Department rules, policies and guidelines were followed. All findings of policy violation or training inadequacies shall be reported to the Chief of Police for resolution and discipline, if necessary. **[6.03] [6.06] [6.10]**
- E. All Response to Aggression Reports and the corresponding incident report shall be filed and maintained for annual review to ascertain training and policy needs. **[6.10]**

## **XI. Deadly Force and Serious Physical Injury Investigation and Review**

- A. Investigation Requirement – If an officer is involved in an incident in which either the officer or another person is injured or killed as a result of actions in an official capacity or the use of deadly force, or if an officer intentionally employs deadly force but no injury or death results, an administrative investigation will be initiated and a criminal investigation may be initiated separately.
- B. Officers or civilian employees who have been involved in any action or use of force in an official capacity which has resulted in death or serious physical injury to any person will be placed on administrative leave with pay for a minimum of 24 working hours, pending an administrative review of the action. During this time, the employee will still be responsible for assisting in any

internal investigation and the time may be utilized for debriefing, Employee Assistance Program appointments or other counseling options. **[6.08]**

1. Officers who have been placed on such leave will not engage in off-duty employment during this time, nor are they expected to perform police-related functions except under extreme circumstances. Officers on administrative leave will be available at the direction of the assigned investigator to assist in the investigation of the deadly force incident.
2. The involved officer's division supervisor will be responsible for ensuring that the officer is placed on leave and that such action is documented.
3. Officers who have been placed on such leave will not be returned to normal duties until completion of Employee Assistance Program counseling. The involved officer's division supervisor will be responsible for ensuring that such counseling is scheduled and completed and that appropriate supporting documentation is forwarded to the Chief of Police.
4. The involved officer's division supervisor will authorize the officer to return to normal duties.
5. Administrative leave may be extended at the discretion of the appropriate division supervisor, as he or she deems necessary.