



# Fishers Police Department



## General Order 3

Use of Force

CALEA Standard 4

### **Purpose** <4.1.1>

The Purpose of this General Order is to provide law enforcement officers of the Fishers Police Department with guidelines for de-escalation of volatile situations and the use of deadly and non-deadly force. All sworn personnel shall receive training regarding this General Order and General Order 3.1, and each officer will receive a copy prior to being authorized to carry any weapon.

The Fishers Police Department is committed to using de-escalation techniques during incidents in an effort to reduce or eliminate the need for the use of force. When force is necessary the Fishers Police Department is committed to using only the amount of force that is objectively reasonable to overcome the resistance offered. The Fishers Police Department is equally committed to preventing unnecessary force, ensuring accountability and transparency, and building trust with our community. The Fishers Police Department respects the inherent life, liberty, dignity, and worth of all individuals by preserving human life, and minimizing physical harm and the reliance on use of force.

**De-escalation:** Prior to using physical, non-deadly and/or deadly force, all Fishers police officers, when possible and feasible, will use de-escalation techniques to reduce or eliminate the need for officers to use force, and to minimize the level of force required. This includes using effective communication techniques to engage with individuals who are not compliant with orders by establishing rapport, asking questions, and providing advice to defuse conflict and achieve voluntary compliance.

Where feasible, police officers will attempt to assess outside factors, conditions, or issues related to an individual's failure to comply with an order.

When feasible and safe, officers should give verbal warnings when use of force is going to be used. In some cases, there may not be an opportunity to give verbal commands or warnings.

### **Duty to Intervene**

- A law enforcement officer who is present and observes another officer using force that the officer has reason to know is excessive under the circumstances shall have a duty to intervene when it is safe and feasible to do so.
- Law enforcement officers who intervene shall immediately report the incident to a supervisor or commanding officer.

### **3.1.1 Use of Objectively Reasonable Force**

It is the policy of the Fishers Police Department that officers use only the force that is objectively reasonable to effectively bring an incident under control and to accomplish lawful objectives. The officer must only use that force which a reasonably prudent officer would use under the same or similar circumstances at the time the incident occurs.

### **3.1.2 Use of Deadly Force – See G.O. 3.1 – LETB Uniform Statewide Policy <4.1.2>**

### **3.1.3 Deadly Force Restrictions – See G. O. 3.1 – LETB Uniform Statewide Policy**

#### **Definitions<4.1.2>**

<b><i>Non-deadly Force:</i></b>	Any use of force other than that which is considered deadly force. This includes any physical effort used to control or restrain another, or to overcome the resistance of another.
<b><i>Objectively Reasonable:</i></b>	This term means that, in determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to the community.
<b><i>Reasonable Belief:</i></b>	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.
<b><i>Serious Physical Injury:</i></b>	A bodily injury that creates a substantial risk of death; causes: <ol style="list-style-type: none"><li>1. Serious permanent disfigurement;</li><li>2. Unconsciousness;</li><li>3. Extreme pain;</li><li>4. Permanent or protracted loss or impairment of the function of bodily member or organ; or</li><li>5. Loss of fetus.</li></ol>

### **3.1.4 Use of Non-Deadly Force <4.1.4>**

- A. Where deadly force is not authorized, officers may use only that level of force that is objectively reasonable to bring an incident under control.
- B. Officers are authorized to use department approved, non-deadly force techniques and issued equipment to:
  - a. Protect the officer or others from physical harm
  - b. Restrain or subdue a resistant individual; and / or
  - c. Bring an unlawful situation safely and effectively under control.
- C. See Section 3.5 in reference to Non-Deadly Force Tactics, Techniques and Principles and Less-Lethal Force Physical Skills Training
- D. Unless engaged in a deadly force encounter, officer will not: <4.1.6><4.1.7>
  - a. Apply direct pressure to an individual's trachea or airway with the intention to reduce the intake of air (e.g., apply a chokehold)
  - b. Apply direct pressure to an individual's neck with the intention to restrict or slow the blood flow within the carotid arteries or jugular vein (e.g., apply a vascular neck restraint)

### **3.1.5 Ensuring Aid after Use of Force <4.1.5>**

- A. Should an individual become sick or injured incidental to arrest or following any law enforcement action, officers of this department, as soon as it is reasonably safe to do so, shall render aid, request necessary medical assistance, and notify appropriate supervisory personnel.
- B. As soon as possible after an individual has been handcuffed and the officer determines the detainee's actions no longer place officers at risk of imminent injury, the individual should be turned onto his/her side or allowed to sit up (if on the ground). Officers will make all reasonable efforts to ensure that the individual is not left in a prone position.

- C. In cases of obvious severe injury, medical distress, or subject unconsciousness, medical aid will be rendered when reasonably and tactically safe to do so according to officer(s) training up to and including activating emergency medical response. <4.1.5>

### **3.1.6 Reporting Uses of Force**<4.2.2>

**All Uses of Force, shall follow this reporting procedure, be it done by Firearm, Vehicle, Taser, or other intermediate weapons, K-9 apprehension, or “Empty Hand” techniques**

- A. The Blue Team Notification is to be completed any time an officer uses force against a suspect resisting the officer's efforts. The Blue Team Notification shall be sent through the chain of command of the division the involved officer(s) is assigned. The Blue Team Notification shall be completed and sent to the affected division commander by the end of the shift of which the force was used. The Blue Team Notification or separate narrative is not necessary for the mere use of handcuffs when a suspect is being compliant. <4.1.5f><4.2.2>
- B. Officers who discharge any firearm on or off-duty, for any reason other than authorized training or legitimate recreation shall immediately notify his/her supervisor and follow reporting guidelines. <4.2.1a>
- a. The Chief Firearms Instructor and the Division Commander of the affected officer will immediately be notified and will initiate an investigation into the circumstances. Once the Chief Firearms Instructor has obtained the preliminary information he will notify the Investigations Division Commander, who, after consultation with Command Staff, will determine if the Criminal Investigations Division is needed to investigate the firearms discharge. (No written report is necessary for the destruction of sick or injured animals; however, permission from a supervisor or officer in charge must be obtained before destroying the animal). The findings of the investigation will be forwarded to the Firearms Review Board for their recommendation to the Chief of Police.
  - b. If a Division Commander or an Assistant Chief of Police is involved in a reportable firearm discharge, the Chief of Police will receive the Use of Force Reporting guidelines to investigate the incident. The results will be forwarded to the Firearms Review Board for their recommendation to the Chief of Police.
  - c. The Mayor of Fishers will receive the report if the Chief of Police is involved in a firearm discharge. An Assistant Chief of Police will investigate the incident and forward the results to the Firearms Review Board for recommendations to the Mayor.
  - d. Disciplinary action will be taken if the results of the investigation indicate negligence on the part of the officer.
- C. Officers shall report all unintentional firearm discharges, regardless of reason to his or her supervisor. The supervisor will complete an internal report outlining the details of the incident that shall include a cursory statement from the officer involved and any witnesses as supplements to the narrative. This report should be limited to the facts surrounding the incident as they exist and should not contain speculation as to why the discharge occurred. The involved officer will be placed on paid administrative leave until a weapon inspection and re-qualification can be conducted. The weapon inspection and re-qualification will be conducted as soon as possible.
- D. Unintentional discharges of a firearm will be considered negligent on their face unless clear and articulated facts are sufficient to determine otherwise. This burden should be considered very difficult to meet as it is critical that officers maintain control of firearms in their possession at all times. If an unintentional discharge is found to be negligent the Firearms Review Board will make recommendations to the Chief of Police for disciplinary action. The Firearms Review Board will identify any mitigating or aggravating circumstances in their review.

- E. An officer who takes any action that results in or is alleged to have resulted in injury or death of another person shall immediately notify his/her supervisor. The Use of Force notification will take place as soon as possible and the use of force reporting guidelines will be followed. The supervisor in charge at the scene should inform the officer(s) that is necessary to ask questions that concern officer safety and/or public safety. These questions should be posed in a conversational, and not in a scripted or adversarial manner. No inquiries regarding specific time frame, distances, or numbers shall be made. (Refer to Use of Force Operating Procedure for question list.) **<4.2.1b>**
- a. In the case of serious bodily injury or death, the Division Commander shall promptly notify the Chief of Police and the Criminal Investigations Division Commander. The Criminal Investigations Division Commander will also immediately initiate a fair, neutral and fact-finding investigation into the circumstances surrounding the serious bodily injury or death. The results of that investigation will be reviewed by the Chief of Police, the Firearms Review Board and the Hamilton County Prosecutor's Office. The Chief of Police may order further investigation prior to rendering a decision if he feels the case warrants it.
  - b. In addition to information collected for investigative purposes, the involved officer(s) will be required to give a statement for internal purposes within 3-7 days post-incident. This meeting will be with an Assistant Chief or a designee of the Chief. If desired, legal counsel is permitted to attend and guide the officer.
- F. An officer who applies force through the use of lethal or less lethal weapons or applies weaponless physical force to overcome a suspect's resistance shall immediately notify his/her supervisor who will then submit a completed Blue Team notification to his/her Division Commander through the chain of command, prior to the end of shift. If deemed necessary by the chain of command, a more thorough process detailed below may be initiated. **<4.2.2c,d><4.2.2>**
- a. The Division Commander of the involved officer(s) shall promptly notify the Office of Professional Standards. A report, unless authorized by the Chief of Police or an Assistant Chief of Police, will be completed within five (5) days of the incident. The completed report of detail will also be made a part of documentation for criminal proceedings and shall be forwarded to the appropriate prosecutorial authority.
  - b. Subject matter experts may assist in the review of Use of Force documentation.
  - c. Once the narrative is complete and all details are documented it will be appropriate for the Office of Professional Standards of the involved officer(s) to conduct a review of the incident.
  - d. This does not require the officer to report the pointing of weapons or using weaponless, hand-to-hand control to guide a suspect's movements.
- G. All use of force data will be collected from the reports generated as a result of this standard and will be reviewed annually. This review may reveal patterns or trends that could indicate training needs, equipment upgrades and/or policy modifications. The review will be documented and will include the following information: date and time of incidents; types of incidents resulting in uses of force; subject race, age, and gender patterns; injury patterns (officers and subjects); and the impact the above findings have on FPD policies, practices, equipment and training. **<4.2.1c,d> <4.5.4>**

### **3.1.7 Reviewing Use of Force Reports <4.2.2>**

- A. On or off-duty intentional firearms discharges are investigated by the Criminal Investigations Division and coordinated with the appropriate Division Commander and reviewed for recommendations by a Firearms Review Board. An Assistant Chief of Police will select the members of the firearms review board and serve as Chairman. The Firearms Review Board shall report their findings to the Chief of Police utilizing one of the following conclusions for firearms discharges:

<b><u>Firearms Review Board Findings</u></b>	
Unfounded	The investigation and review indicates the act of discharging a weapon did not occur or failed to involve Fishers Police Personnel.
Exonerated	The weapons discharge did occur but was justified, lawful and proper. No rules, regulations, general orders, special orders, or policies were violated.
Not Sustained	The investigation did not discover sufficient evidence to clearly prove or disprove any violations.
Sustained	The investigation discovered sufficient evidence to clearly prove violations did occur.

- B. The findings of the Firearms Review Board shall contain the following:
- A summary of the incident
  - Pertinent portions of the statements of all parties involved.
  - A description of the incident, physical evidence and other facts and evidence deemed important by the board.
  - The observations and conclusions of the board with recommendations for any further administrative or disciplinary action.
- C. The Firearms Review Board shall consist of the following personnel:
- Assistant Chief of Police
  - A Division Commander
  - Chief Firearms Instructor
  - A Lieutenant
  - A Sergeant
  - A Police Officer
    - The officer involved in the weapons discharge will be allowed to select a reviewing officer from above. The selection shall be no higher than the rank of the involved officer, and the selection is intended to be of equal rank of the involved officer.
    - If, either 1 or 2 (above) is involved in the discharge or unavailable, the Chief of Police shall appoint the appropriate replacements to the board.
    - The involved Officer will be made aware of who the board members are prior to the proceeding with the intent of ensuring there is no conflict of interest. A conflict of interest must be documented and sent in writing by the involved Officer to the Assistant Chief for review at least 24 hours prior to the scheduled Firearms Review Board proceedings. The Chief and/or Assistant Chief retain authority to select Firearms Review Board members.
  - A Defensive Tactics Instructor may be asked to participate in cases where the Assistant Chief of Police finds it necessary or where physical tactics or means other than a firearm is used.

- D. A review is not necessary for weapons discharged during normal training, the destruction of sick or injured animals, participation in competitive sporting events etc., unless the range rules are violated and or a serious injury results from the weapons discharge.
- E. Police action shootings may be reviewed by the grand jury at the direction of the Hamilton County Prosecutor's Office.
- F. Officers are prohibited from making any public statements, sending text messages, instant messages, emails or social media comments regarding any use of force by any other member of this agency or themselves at any time unless they are doing so as part of their required work product or assignment or unless specifically authorized do so by the Chief of Police.

### **3.1.8 Use of Force / Reassignment <4.12.3>**

The Chief of Police or designee shall assign any employee to duties other than field assignment, until the administrative review of the incident is completed. The employee will be returned to normal duties as soon as practical. This directive applies to all employees whose actions or use of force in an official capacity results in a death or serious physical injury.

- A. The supervisor at the scene of a "use of force" incident resulting in serious bodily injury or death shall follow procedures of notification concerning an investigations call-out.
- B. After the arrival of the on-call investigator and evidence technician the shift supervisor shall arrange for the involved officer's companion officer (as selected by the involved officer) to escort the involved officer to the police department.
- C. The supervisor shall notify the appropriate Division Commander.
  - a. The Division Commander shall ensure that all other notifications are made. Notifications may include:
    - a. The Chief of Police;
    - b. Relatives, Immediate family or emergency contact of the involved officer (in person if possible);
    - c. Clergy;
    - d. Department Crisis Intervention Debriefing officer; and
    - e. Post shooting counselor as approved by the Chief of Police for both the officer and the officer's family
    - f. Legal Counsel
    - g. The Division Commander responsible for use of force issues.
  - b. The Division Commander may assign the employee or involved officer to duties other than a field assignment pending temporary reassignment by the Chief of Police.
- D. During the reassignment period, the Chief of Police will require an involved officer(s) to obtain psychological counseling. This counseling is limited to the officer, husband, wife, significant other, children, and anyone else approved by the Chief and is provided at department expense.
  - a. Upon completion of the psychological counseling, the involved officer(s) will be required to complete a return to duty evaluation before returning to the primary assignment.
- E. **LEGAL DISCLAIMER:**

This Policy is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

### **3.1.9 Authorized Weapons and Ammunition**

- A. Only weapons and ammunition meeting department authorized specifications may be carried by officers while on or off-duty. Officers are encouraged, but not mandated, to carry an authorized handgun while off duty. (Exception) Off-duty officers while operating a department vehicle shall be armed with an approved handgun. **Officers shall not carry a firearm while using alcoholic beverages.** This does not apply if an officer is at home or an officer working in an undercover capacity where it may be necessary to consume alcoholic beverages during an investigation. The consumption must be kept to a minimum and must be approved and monitored by a supervisor.
- B. Use of off duty firearms must comply with all applicable laws and this agency's use of force policy as outlined in 1.3.1 of this chapter. Off duty weapons must be authorized and approved by the department's Chief Firearms Instructor or the Chief of Police.
- C. Department Issued / Assigned Weapons and Ammunition **<4.3.1c>**
  - a. Weapons will be approved, issued or assigned by the Chief Firearms Instructor or Range Master.
  - b. All ammunition will be factory loaded, approved and issued by the Firearms Staff.
- D. Alternate Weapons and Ammunition **<4.3.1c>**
  - a. Officers wishing to carry an alternate weapon (back-up or off-duty) shall request permission and inspection, in writing, to the Chief Firearms Instructor or Range Master.
  - b. Each weapon must be inspected and approved by the Firearms Staff. The inspection will be documented and include make, model and serial number along with a general statement of inspection. The Firearms Staff will maintain all documentation.
  - c. Each weapon must:
    - i. be of reliable manufacture;
    - ii. be in safe condition;
    - iii. be "drop safe"
    - iv. be qualified.
  - d. Ammunition must be factory loaded and receive the approval of the Firearms Staff. **<4.3.1a>**
  - e. Back-up weapons will not be displayed in a conspicuous manner.
  - f. Officers carrying a weapon off-duty shall be in possession of their Department credentials (shield and photo I.D.).
- E. The Chief has authorized the rifle or 'police carbine' as an optional weapon for officers of the Fishers Police Department. **<4.3.1c>**
  - a. Any officer electing to purchase an optional weapon will be responsible for all expenses, including the cost of the weapon and any accessories. The department will furnish the ammunition required for training and duty use. The weapon must be authorized by the Chief of Police and approved by the Chief Firearm's instructor or Range Master. The authorized duty ammunition for the police carbine will be the ammunition approved by the Chief of Police.
  - b. Officers are not authorized to carry the rifle/carbine until they have received training. The training consists of a department approved carbine course. After receiving training, the officer will be authorized to carry the carbine.
  - c. When carried on the street, the police carbine will be carried in the police vehicle, in the trunk, in a case or other authorized manner. The carbine will be in the following condition: a loaded magazine will be in place, the chamber empty, with the bolt forward.
  - d. The carbine must be equipped with a sling. Any accessory on the weapon must be present and utilized during the carbine-training course.



The tactical use of the carbine is at the discretion of the officer. Generally, incidents wherein a high probability of armed confrontation exists will justify the use of the police carbine. Officers are to use great discretion before utilizing or deploying the police carbine. Policies and procedures governing the use of deadly force shall be applicable to the carrying and use of the police carbine.

F. Operations of the Police Armory<4.3.1d>

- a. The purpose of the police department's armory is to provide a safe, secure location to store and provide maintenance for all department firearms, ammunition and tactical gear. Access to the armory is restricted to the Chief of Police, the ERT Commander and firearms instructors and armorers. No one else is to be in the armory unless accompanied by authorized personnel.
- b. The Chief of Police will appoint one member of the department to serve as the departments range master. The range master will be responsible for the organization and maintenance of the police department's armory. The range master will be selected by the chief based upon the candidate's qualifications. To be considered for the position, the candidate must be a certified firearms instructor and a certified armorer. The range master will be responsible for the following:
  - i. Ensure weapons stored in the armory are properly maintained.
  - ii. Keep records for all department and officer owned firearms that include what weapons are issued to each officer; and make, model and serial number of each weapon. This shall include a process for the removal of all un-safe weapons from use.  
\*\* If there is an issue with department issued weapons or equipment, an email will be sent to the range master or his/her designee to schedule an inspection. Weapons and equipment not passing inspection will be replaced or repaired prior to the next scheduled shift. <4.3.1a,b,d>
  - iii. Keep an inventory of all ammunition the department has in stock.
  - iv. Maintain records that include what less than lethal weapons are issued to each officer; and make, model and serial number for all departmentally owned less lethal weapons.
  - v. Maintain a log in the armory for any non-issued equipment that is taken out of the armory. Any items taken out of the armory must be signed out in the log book, and when they are returned, the items must be signed back in. The officer who signs out an item is responsible to turn the item in in the same condition as it was signed out.
  - vi. It shall be the responsibility of the range master to be familiar with ATF regulations and train department members on the range policy issued by the Fishers Police Department. The range master shall be responsible for the armory at the Fishers Police Department and the FPD armory located at the Fishers Range.

- G. All officers in possession of departmental assigned or approved weapons shall store and secure such weapons in a way to prevent unauthorized or accidental usage of said weapon. Any weapon stored in vehicles should be kept locked at all times officer is not with the vehicle. Consideration of weapons kept in a locked compartment with trigger lock is also suggested. Weapons stored inside a residence should be secured (preferably in a lockbox or gun safe) away from the reach of children within the residence. Consideration of the weapon secured with trigger lock is also suggested when there are children in the residence. <4.3.1f>



### **3.1.10 Demonstration of Proficiency with Weapons <4.3.2>**

- A. Only officers who demonstrate proficiency in the use of department authorized weapons (lethal and less lethal) will be approved to carry such weapons. Authorized weapons include, but are not limited to: <4.3.3>, <4.3.4>
- a. Impact tools;
  - b. O.C. spray;
  - c. Chemical agents;
  - d. Handgun (issued and alternate);
  - e. Shotgun;
  - f. Automatic weapons;
  - g. Bolt action weapons;
  - h. Tasers
  - i. Patrol Rifles
- B. Demonstrated Proficiency Includes:
- a. Achieving a minimum qualifying score on a prescribed course;
  - b. Attaining and demonstrating knowledge of the laws concerning the use of authorized weapons;
  - c. Attaining and demonstrating a knowledge of department policies on the use of force, escalating force and deadly force;
  - d. Being familiar with safe handling procedures for the use of these weapons.
- C. Training / proficiency courses shall be approved by the Training Staff and conducted by a certified instructor at least annually. All weapons training will be documented. Annual training shall include all lethal and less lethal weapons approved for use. Lethal and less lethal weapons may include but not be limited to firearms, Taser, OC, baton, vehicular use of force, and bean bag rounds.
- D. Officers absent from scheduled training shall qualify as soon as practical under the circumstances at the directions of the Chief Firearms Instructor or Range Master.
- E. Failure to Meet Proficiency Standards<4.3.3c>
- a. An Officer who fails to meet annual department firearms proficiency requirements or achieve a passing score as established by department directive shall receive remedial instruction. The instruction shall be provided after the supervising firearms instructor analyzes the problems which may have contributed to the failure. The time allotted and method of the remedial training to be conducted shall be determined by the supervising firearms instructor. The supervising instructor, in consultation with at least one additional firearms instructor and the participant, will:
    - i. Review the factors which may have contributed to or caused the participant's failure to qualify, including a check of the participant's weapon.
    - ii. Document any subsequent attempts to qualify and the results of those attempts.
    - iii. Remedial training must occur prior to the officer resuming official duties.
  - b. If after the remedial training and 3 additional attempts to qualify the participant still does not achieve a passing score, the supervising firearms instructor shall make a report to the Chief Firearms Instructor. The Chief Firearms Instructor will review the report and forward the report to the Chief of Police. The Chief of Police will then determine what action is appropriate. The Chief of Police will then provide, in writing, the appropriate action to the participant, firearms instructor and any other person the Chief of Police requires.
  - c. Once a participant has failed to qualify, all targets that the participant used shall be retained and signed by the supervising firearms instructor and the participant. If the participant does not achieve a qualifying score prior to leaving the range, those targets shall be placed in property under an incident number obtained by the supervising firearms instructor.
- F. Attainment of proficiency shall be documented and retained for a period not to exceed one (1) year beyond the officer's last day of employment or as required by law. <4.3.3c>

### **3.2 Use of OC Repellent <4.3.1a>**

- A. This order shall establish policy and procedures relating to the use of O.C. Repellent.
- B. O.C. Repellent is designed to assist officers in situations requiring the use of force. It shall not be used indiscriminately, but with discretion and good judgment.
- C. O.C. Repellent may be carried by all uniformed officers. The O.C. Repellent may be used as follows:
  - a. When appropriate to subdue or restrain an individual who is resisting arrest or disregarding repeated verbal commands from an officer.
  - b. When appropriate to subdue or restrain any person so as to prevent injury, harm or potentially harm the officer or others.
  - c. When appropriate to subdue or restrain any animal so as to prevent injury, harm or potential harm to the officer or others.
- D. Unofficial use of O.C. Repellent shall be prohibited.
- E. All officers must be certified, by a Certified Instructor, prior to being issued O.C. repellent. <4.3.3>
- F. O.C. Repellent may be carried in the officer's commission, however, extra O.C. repellent will not be issued for this purpose.

### **3.21 O.C. PROCEDURE**

- A. When O.C. Repellent is used, the following shall be in effect:
  - a. Reporting the use of O.C. Repellent shall follow the guidelines required under General Order 3.1.6.
  - b. Any arrested person on whom the O.C. Repellent was used shall be checked out by EMS personnel.
  - c. If the responding medical personnel indicate that the person who has been sprayed with O.C. be taken to the hospital, it will be the arresting agency's responsibility to take the person to the hospital.
  - d. If assisting another agency in making an arrest and O.C. Repellent is used, the officer(s) shall complete an "Assist Other Agency" case report. A Blue Team Notification is to be completed.
  - e. The jail personnel shall be advised of the usage of O.C. Repellent on any person arrested and taken to the jail.
  - f. The use of O.C. Repellent on any animal will not require Blue Team notification to be completed. The use of O.C. Repellent on any animal will not require an incident report.
  - g. It shall be the responsibility of each officer to request replacement O.C. Repellent through his or her immediate supervisor.

### **3.3 Taser Energy Weapons**

The X-26P and Taser 7, also known as simply Taser, is a conducted energy weapon (CEW). It is considered an additional, less lethal, police tool and is not intended to replace firearms or any other approved tool or technique available to the officer. The Taser may be used to achieve lawful objectives and bring an incident under control and shall only be used as instructed during training.

The decision to use the Taser must be made dependent on the actions of the subject(s) or threat facing the officer(s) and the totality of the circumstances surrounding the incident.

The Taser is not meant to be used in deadly force situations and should not be used without a firearm back up in those situations where there is a substantial threat toward the officer(s) present.

Any use of a CEW contrary to the direction of this policy may subject the officer to potential disciplinary action.

- A. Training, Certification, and Carry of the Taser
- Only officers who have completed a Taser training session are approved to carry or use the instrument.
  - Annual re-certification is required of all officers
  - Officers shall only carry and use Tasers and Taser cartridges approved by the Chief of Police.
  - A record of cartridge serial numbers, as well as Tasers, will be maintained in Evidence.com.
  - Officers may have a Taser assigned to them as deemed necessary by their duties and responsibilities.
- B. Use of the Taser
- Use of the Taser shall be in accordance with department procedures as instructed during the training/certification sessions. It will never be used punitively or without justification. It shall only be used as a means of averting a potentially injurious or dangerous situation. The totality of the circumstances must be evaluated for each specific incident.
- C. Ensuring Aid after Use of Weapons
- Specific Duties after use of the Taser
    - Once the desired change in behavior has been observed in the suspect, the five second deployment cycle has completed, and the suspect is secured in handcuffs or restraints the Taser should be turned off.
    - The Taser probes should be removed at the earliest and safest opportunity, by a trained Taser user or fire/EMS personnel.
    - Taser prongs that have struck sensitive areas, such as the face, neck, groin, or female breasts, shall only be removed by fire/EMS, or medical personnel.
    - Fire/EMS personnel may be requested to the scene to assess the subject at the discretion of officers at the scene. If the exam or other circumstances indicate the subject needs further medical treatment, the subject should be transported to the nearest medical facility. The decision to transport for further medical treatment should be made by Fire/EMS personnel.
      - Probes that have been removed from skin shall be treated as biohazard sharps. They should be disposed of in a sharps container.
    - In cases of serious injury, photographs shall be taken of probe impact sites and any other related injury. All photos shall be placed into evidence and noted on the officer's report.
    - The Jail personnel shall be advised of the usage of the Taser on any person arrested and taken to the jail.
- D. Additional Reporting Procedures
- Reporting the use of Taser shall follow the guidelines required under General Order 3.1.6.
  - If the ERT utilizes the Taser, the ERT chain of command will be utilized for reporting purposes.
  - As soon as possible, following the use of the Taser, the information for the specific incident should be downloaded.
  - If assisting another agency in making an arrest and a Department Taser is utilized, the assisting officer shall provide an "Assist Other Agency" case report to the arresting agency at the conclusion of the Fishers Police Department Use of Force Reporting process.
  - If assisting another agency, and it is determined that the person on which the Taser was used be taken to the Hospital, it will be the arresting agencies responsibility to take the person to be hospitalized.
- E. Upon successful conclusion of a Taser incident, without unusual circumstances, it shall not be necessary to save and secure the spent barbs, cartridge, or AFID tags for evidence.
- All items should be disposed of properly, and the serial number of the spent cartridge shall be provided to the armory, prior to the issuance of a new cartridge.
  - Should unusual occurrences arise during or immediately following the use, or unsuccessful use of a Taser, then the barbs, cartridge, wires, and AFID tags (if easily located), shall be secured as evidence.

### **3.4 Specialty Impact Munitions**<4.3.1a>

#### **Policy**

This policy addresses the use of Specialty Impact Munitions (SIM/SIMS) defined as extended range less lethal weapons and projectiles and as extended range batons. The Fishers Police Department recognizes that combative, non-compliant, armed and/or violent subjects cause handling and control problems that require special training and equipment. Thus, the department has adopted the less-lethal force philosophy to assist with the de-escalation of these potentially violent confrontations.

#### **3.41 Procedure**

- A. There are many projectiles considered “less lethal.” The primary types used by the Fishers Police Department include the following:
  - a. Flexible baton – 12 gauge, 40MM
  - b. Non-flexible – 40MM
  - c. 32 Caliber Rubber Pellet Stinger Grenade (ERT use only)
- B. Technical Aspects—Kinetic Energy Impact Projectiles
  - a. Approved munitions – 12 gauge
    - i. The authorized 12-gauge less-lethal round is manufactured by Defense Technologies. This round is referred to as the 12 Gauge Drag Stabilized Round.
    - ii. The standard round is a 2.50 inch plastic 12-gauge cartridge containing a 5-inch “Tear Shaped” Bean Bag filled with approximately 40 grams of #9 shot.
    - iii. The Standard Drag Stabilized Bean Bag exits the barrel at approximately 270 feet-per-second. This round has an effective range from 20 to 75 feet.
    - iv. The only approved weapon for the deployment of the 12 gauge less lethal munitions is the department issued Remington 870 police shotgun. All less lethal shotguns will be clearly marked. See section 5 of this policy.
  - b. Approved munitions – 40MM
    - i. The authorized 40MM less-lethal rounds are manufactured by Defense Technology. These rounds are the 40MM Exact Impact Sponge Round, the 40MM Smokeless Powder Bean Bag, the 40MM Smokeless Powder 60-Cal Stinger Rubber Ball Round, the 40MM Smokeless Powder Rubber Baton, the 40MM Smokeless Powder Foam Baton, and the 40MM Smokeless Powder Wood Baton.
    - ii. The approved weapon systems for the deployment of 40MM less lethal munitions are the 40MM Rifled Bore Single Shot Launcher and the 40MM Tactical 4-Shot Launcher.
    - iii. ERT 40MM less-lethal weapon systems will be maintained by the Emergency Response Team, and Patrol 40MM less-lethal weapon systems will be maintained by Assigned Shift and/or the Dept. Rangemaster.
- C. Deployment Recommendations
  - a. Special attention must be given to the deployment of specialty impact munitions by all officers. Many factors should be considered in order to ensure the safety of all those involved. Specialty Impact Munitions should be used by officers trained in their use following approved guidelines as set forth in department approved training.

D. Reporting

- a. Reporting the use of these munitions shall follow the guidelines required under General Order 3.1.6.

E. Identification of SIMS Weapons Systems—12-Gauge

- a. The 12 gauge shotguns used in deploying specialty impact munitions will be clearly marked with colored stocks and foreends.
- b. The weapon may be equipped with a sling.
- c. The weapon will conform to departmental-approved models.
- d. This weapon system will be deployed with a lethal cover officer if practicable.

F. Deployment Techniques—40MM

- a. This system will only be deployed by officers who have qualified with the weapon system.
- b. This weapon system will be deployed with a lethal cover officer if practicable.

G. Review

- a. A review by the Office of Professional Standards will be conducted into any situation involving the firing of less-lethal round at a suspect.
- b. The depth of the investigation will be decided by the Chief or his/her designee and will be based on the extent of the suspect's injuries.

H. Handling of Injured Subjects

- a. Subjects who are struck by a less-lethal round shall be examined by emergency medical personnel.

I. Training <4.3.3>

- a. Only trained personnel will be authorized to use specialty impact munitions. Officers selected will attend and successfully complete an approved course of training prior to deploying the munitions in the course of their duties. Biennial re-certification is required. Training will include but is not limited to the following:
  - i. 9.1.1 Classroom instruction
  - ii. 9.1.2 Scenario exercises
  - iii. 9.1.3 Live fire exercises
  - iv. 9.2 Officers designated as "SIMS Certified" shall complete a re-qualification shoot for re-certification on an annual basis.

**3.5 Less Lethal Force Tactics, Techniques and Principles (TTP) and Less Lethal Force Physical Skills Training <4.3.3>**

Definition of Less Lethal Force Tactics, Techniques and Principles: Trained empty hand tactics, techniques or principles, or trained deployment of equipment (non-deadly force weapons) that supplement empty hand skills, utilized for non-deadly force to:

- a. Protect the officer or others from physical harm;
- b. Restrain or subdue a resistant individual; and / or
- c. Bring an unlawful situation safely and effectively under control.

- A. Less Lethal TTP's may include, but are not limited to the following:
  - Empty hand strikes (closed or open fist strikes, kicks, knees, etc.),
  - Takedowns, throws, and sweeps,
  - Grappling,
  - Physical and assisted restraints (ie. handcuffs and The Wrap),
  - Expandable or fixed Batons (ASP, 24" and 36" Straight Batons),
  - Taser,
  - O.C. Spray (Oleoresin Capsicum) and Tear Gas (C.S.)
- B. Less lethal TTP's may also include weapons of opportunity when deployed in a controlled manner as non-deadly force TTP. (ie. Using a stick or object in the same manner as TTP's for the use of the ASP or straight batons).
- C. Less lethal TTP's are oftentimes referred to by any of the following, similar names, that all identify non-deadly force tactics:
  - Combatives
  - Physical Tactics (ILEA 1999 Forward)
  - Defensive Tactics (ILEA Until 1999)
  - Response to Resistance
  - Using Force (Use of Force)
  - Empty Hand Techniques
- D. Training of less lethal force TTP's shall be approved by the Lead Combatives/Physical Tactics Instructor and the FPD training staff; annual training shall include tactics approved for use and GO 3.
  - a. A core group of less lethal TTP's shall be identified and trained in the same manner as closely as possible across all disciplines (i.e..Firearms, Physical Tactics, STOPS, EVOC).
  - b. These will be reviewed yearly and evaluated by Senior Physical Tactics Instructors for effectiveness.
  - c. Once reviewed, any changes will be approved by the FPD Command Staff, before being formally trained and implemented as a Department Technique.
  - d. Due to the uniqueness of each individual and their own ability to become skillful at physical techniques or use of less than lethal weapons systems that require a core familiarity/ability with physical skills;
    - i. It should be noted that yearly training in and of itself is not enough to become proficient(skillful) with non-deadly force TTP's.
    - ii. Officers should seek out additional opportunities to train in order to better their physical skills.
- E. Training on basic/core less lethal force TTP's shall be conducted annually by a certified instructor, with the recommendation that additional training be conducted more frequently as time, facilities, and personnel are available.
- F. All less lethal TTP training will be documented.
- G. Officers absent from scheduled training shall conduct the required training as soon as practical under the circumstances at the directions of the Training Coordinator.
- H. All less lethal force training shall be documented and retained for a period not to exceed one (1) year beyond the officer's last day of employment or as required by law.

### **3.6 Written Directives Issued** <4.3.3><4.3.4><4.1.2>

All personnel authorized to carry weapons will be issued electronic copies of and be instructed on the policies, definitions, and procedures described in General Order 3 and General Order 3.1 before being authorized to carry a weapon and during annual proficiency and principles trainings. All training and distribution, including in-service training, will be documented. ♦