

## USE OF FORCE

### 500.1 PURPOSE AND SCOPE

This policy recognizes that the use of force by law enforcement requires constant evaluation. Even at its lowest level, the use of force is a serious responsibility. The purpose of this policy is to provide officers of the Department with guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, each officer is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

### 500.2 POLICY

It is the policy of the Department that officers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident under control. "Reasonableness" of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving about the amount of force that is necessary in a particular situation.

Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force.

#### 500.2.1 USE OF FORCE TO EFFECT AN ARREST

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance (Utah Code 77-7-7).

Off-duty officers who do identify themselves as peace officers have the same rights as any other person to use force as described in Utah Code 76-2-401 through 403.

#### 500.2.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply any level of force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:

- (a) The conduct of the individual being confronted (as reasonably perceived by the officer at the time).

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- (b) Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion and number of officers vs. subjects).
- (c) Influence of drugs/alcohol (mental capacity) of the subject.
- (d) Proximity of weapons.
- (e) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (f) Time and circumstances permitting, the availability of other options (what resources are reasonably available to the officer under the circumstances).
- (g) Seriousness of the suspected offense or reason for contact with the individual.
- (h) Training and experience of the officer.
- (i) Potential for injury to citizens, officers and suspects.
- (j) Risk of escape.
- (k) Other exigent circumstances.

It is recognized that officers are expected to make split-second decisions and that the amount of an officer's time available to evaluate and respond to changing circumstances may impact his/her decision.

While various degrees of force exist, each officer is expected to use only that degree of force reasonable under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

It is recognized however, that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the standard tools, weapons or methods provided by the Department. Officers may find it more effective or practical to improvise their response to rapidly unfolding conditions they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree reasonably necessary to accomplish a legitimate law enforcement purpose.

### 500.2.3 NON-DEADLY FORCE APPLICATIONS

Any application of force that is not reasonably anticipated and intended to create a substantial likelihood of death or serious injury shall be considered non-deadly force. Each officer is provided with equipment, training and skills to assist in the apprehension and control of suspects as well as protection of officers and the public. Non-deadly force applications may include but are not limited to:

- (a) 503-Leg Restraint Devices
- (b) 504-Control Devices and Techniques
- (c) 505-Taser Guidelines

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### 500.2.4 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a passive or actively resisting individual. Officers may only apply those pain compliance techniques for which the officer has received Department-approved training and only when the officer reasonably believes that the use of such a technique appears necessary to further a legitimate law enforcement purpose. Officers utilizing any pain compliance technique should consider the totality of the circumstance including, but not limited to:

- (a) The potential for injury to the officer(s) or others if the technique is not used.
- (b) The potential risk of serious injury to the individual being controlled.
- (c) The degree to which the pain compliance technique may be controlled in application according to the level of resistance.
- (d) The nature of the offense involved.
- (e) The level of resistance of the individual(s) involved.
- (f) The need for prompt resolution of the situation.
- (g) If time permits (e.g., passive demonstrators), other reasonable alternatives.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

### 500.2.5 EXCITED DELIRIUM

Excited delirium (ED) is a state of extreme mental and physiological excitement. ED is characterized by exceptional agitation, hyperactivity, overheating, excessive tearing of the eyes, hostility, superhuman strength, aggression, profused sweating, disrobing, irrational speech, acute paranoia, and "endurance without apparent fatigue."

- (a) Differentiating someone who is experiencing excited delirium from someone who is simply violent and aggressive is often difficult. It may only become apparent that the individual is suffering from ED when they collapse suddenly. This "sudden state of tranquility" typically occurs after frenzied activity and may be caused by severe exhaustion, asphyxia or drug related cardiopulmonary problems (problems with the heart and lungs).
- (b) If you encounter an individual, which you suspect is experiencing ED, have medical respond immediately and if practical, the following safeguards should be taken to ensure your safety, as well as, theirs.
  - 1. Unless there are compelling reasons to do otherwise, officer should not approach the individual until substantial backup and medical personnel are on scene.
  - 2. The use of pepper spray and impact techniques (baton strikes and beanbag rounds) will likely be diminished with individuals who are unresponsive to pain. A better choice may be Conducted Energy Devices (tasers). However, current research cautions

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about a possible link between MULTIPLE (taser) applications and death in persons with symptoms of ED.

- (a) To mitigate this risk, a SINGLE taser application should be made BEFORE the subject reaches exhaustion.
3. Avoid prolonged containment of the individual in the prone position. Once the individual is secured, lay them on their side, sit them up, or have them stand.
4. The goal is to get the subject into the hands of Advanced Life Support personnel or into a hospital as quickly as possible. Ideally, do not transport ED subjects in a police car. They should be transported to a hospital in an ambulance, unless waiting for an ambulance would cause an unreasonable delay.

### **500.3 DEADLY FORCE APPLICATIONS**

While the use of a firearm is expressly considered deadly force, other force might also be considered deadly force if the officer reasonably anticipates and intends that the force applied will create a substantial likelihood of causing death or very serious injury.

A peace officer, or any other person acting by his/her command in his/her aid and assistance is justified in using deadly force when:

- (a) Effecting an arrest or preventing an escape from custody following an arrest, where the officer reasonably believes that deadly force is necessary to prevent the arrest from being defeated by escape and
  1. The officer has probable cause to believe that the suspect has committed a felony offense involving the infliction or threatened infliction of death or serious bodily injury; or
  2. The officer has probable cause to believe that the suspect poses a threat of death or serious bodily injury to the officer or to others if apprehension is delayed.
- (b) The officer reasonably believes that the use of deadly force is necessary to prevent death or serious bodily injury to the officer or another person.
- (c) If feasible, a verbal warning should be given by the officer prior to any use of deadly force (Utah Code 76-2-404).

### **500.4 REPORTING THE USE OF FORCE**

Any use of physical force by an employee of the Department shall be documented promptly, completely and accurately in an appropriate report depending on the nature of the incident. The use of particular weapons such as chemical agents may require the completion of additional report forms as specified in any Department policy and/or law.

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### 500.4.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practical following the application of physical force under any of the following circumstances:

- (a) The application of force appears to have caused physical injury.
- (b) The individual has expressed a complaint of pain.
- (c) Any application of a control device.
- (d) The individual has been rendered unconscious.

### 500.4.2 MEDICAL ATTENTION FOR INJURIES SUSTAINED USING FORCE

Prior to booking or release, medical assistance shall be obtained for any person(s) who has sustained visible injury, expressed a complaint of an injury or continuing pain or who has been rendered unconscious. Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practical, should be witnessed by another officer and/or medical personnel. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible. The cost of any medical treatment for a prisoner is the prisoner's responsibility and will not be charged to the Department.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, unusually high tolerance to pain or who require a protracted physical encounter with multiple officers to bring under control may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

### **500.5 SUPERVISOR RESPONSIBILITY**

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officer(s).
- (b) Ensure that any injured parties are examined and treated.
- (c) Separately interview the subject(s) upon whom force was applied.
- (d) Ensure that photographs have been taken of any areas involving visible injury or complaint of pain as well as overall photographs of uninjured areas.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.

Should the supervisor determine that any application of force was not within policy parameters, a separate internal administrative investigation shall be initiated.

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In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

All use of force incidents that do not result in injury will be reviewed by the section commander to ensure the officer's conduct was justified and appropriate. Use of force incidents that result in personal injury to another will be evaluated by the Section and Bureau Commanders and may be reviewed by the "Use of Force Review Board." The Section Commander will ensure all pertinent information is forwarded to the Bureau Commanders in a Use of Force Packet, with the Use of Force Label attached to the outside of the file folder.