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Non-Lethal Use of Force

NON-LETHAL FORCE DEFINED:

Non-lethal force is that amount of force that when used is not likely to result in death or serious physical injury.

Serious physical injury is defined as a bodily injury that creates 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.

DEFENSIVE TACTICS:

"Defensive tactics" is a general term used in law enforcement for various methods of non-deadly force techniques used to control resistive and aggressive behavior. The defensive tactics techniques authorized by the LCC PD are those from Human Factor Research Group (HFRG). These techniques are required training in the basic police academy as mandated by MCOLES. The techniques taught by the HFRG system, when properly used, have the least probability of injury to a resistive subject. Additionally the HFRG techniques also tend to provide the greater probability of successful control.

Defensive tactics shall normally be attempted prior to the use of intermediate weapons, such as pepper spray or Taser®. However, each officer must judge the specific circumstances they are facing, bearing in mind their physical size and apparent strength relative to the subjects. Other factors may be the officer's skill level as compared to the apparent skill level of the subject, injuries suffered by the officer or other articulable factors justifying the early use of intermediate weapons.

It is also expected that officers shall summon, when possible, as much assistance from other officers as is available and necessary to discourage or prevent resistance from subjects, or to bring the subject under control as quickly as possible to minimize injury to the officers or the subject.

Officers are responsible to maintain themselves in proper physical conditioning and to maintain competence in the defensive tactics training received.

HANDCUFFING:

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Arrestees shall be handcuff behind their back and placed in the rear seat of the patrol car with the seat belt properly secured around them. The only exception to this rule is described below under Pre-Existing conditions.

There are three areas of concern when handcuffing a subject.

a. Tightness.

1. Officers should check to be sure the handcuffs are not too tightly on the subject's wrists.
2. A common method of checking acceptable tightness is for the officer to place their little finger between the handcuff and the subject's wrist. If the little finger can fit between the handcuff and the wrist, the handcuffs are on appropriately tight.
3. ALWAYS remember to double-lock the handcuffs so they do not continue to tighten.
4. If a subject complains that the handcuffs are on too tight, take the time to double check them. Adjust if necessary.

b. Pre-Existing Injuries.

1. Subjects with pre-existing injuries that could be exacerbated or re-injured may require special handcuffing.
2. The options to work around a subject's pre-existing injury could range from using two sets of handcuffs locked together, to handcuffing in the front, or using flex-cuffs to secure the subject.
3. If the subject with a pre-existing injury or condition is arrested for a minor offense, is non-threatening, not a flight risk, and cooperative, handcuffing could be considered as excessive force.
4. Officers should use their best judgment and discretion when determining how to handle these types of subjects.
5. If bringing the subject to the jail without handcuffing is determined to be the best option, have dispatch notify the jail prior to your arrival as a courtesy to let them know an arrestee will be arriving who is technically in violation of jail policy by not being handcuffed.

c. Handcuffing for Officer Safety.

1. LCC PD officers shall not engage in routine handcuffing of detained subjects who are not under arrest.

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2. Officers must be able to articulate those facts and circumstances that would lead a reasonable officer to believe that a legitimate safety concern existed that required handcuffing a detained subject not under arrest.

AUTHORIZED NON-LETHAL WEAPONS:

The LCC PD authorizes the following non-lethal weapons to be carried and used by its officers upon completion of Department approved training. Guidelines for the use of each type of non-lethal weapon follows in subsequent sections.

- a. Pepper spray.
- b. X-2 Taser®.
- c. Flashlights.

USE OF PEPPER SPRAY:

NOTE: Only the specific pepper spray product purchased and provided by the Department may be carried and used. Currently, the only authorized pepper spray is the following non-flammable product: Freeze +P 2K3 CS/OC, 2 oz. by weight, manufactured by Aerko International, Fort Lauderdale, FL.

Pepper spray has an affect that will last longer than the subject's compliance with the Officer's orders, and as a result is considered a high level use of force. Pepper spray should be reserved for those circumstances in which the seriousness of the crime and the level of resistance or aggression involved justify the use of increased force.

Additional provisions related to pepper spray are:

- a. Pepper spray will be carried in a Department approved holster on the Officer's gun belt.
- b. Only Officer's who have completed Department approved pepper spray training will be allowed to carry or use pepper spray.
- c. Subjects taken into custody who have been sprayed with pepper spray must be given medical attention at a local hospital and receive clearance from a medical doctor prior to being lodged in jail.
- d. Any discharge of pepper spray, intentional or accidental, shall be reported to the Command Officer immediately and documented in an Incident Report

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Pepper spray should be used with discretion, taking into account the following types of circumstances in which pepper spray should not be used. This list is not all inclusive, but should give officers a clear understanding of the concerns surrounding the discharge of pepper spray.

- a. The hydraulic needle effect. The pressurized stream from the pepper spray could cause serious injury to the eye if the can is held too close to the eye (generally one foot or less).
- b. Buildings with closed heating and air conditioning systems (which includes most College owned buildings). The pepper spray could be circulated throughout the building, causing innocent persons to be exposed.
- c. Crowded areas, particularly enclosed crowded areas. The exposure of innocent people to pepper spray is a risk in crowded areas, as is the risk of creating panic in enclosed crowded areas when people feel the effects of the pepper spray.
- d. Any situation in which infants or small children could be exposed to overspray.
- e. Any situation where overspray could affect innocent people.
- f. As a crowd control measure. Pepper spray should never be used as a crowd control measure, or against non-violent protestors.
- g. Applied with Q-tips®, tissue, or other method. Wiping pepper spray under a subject's eyes, on their face or clothes is prohibited.
- h. Animals. Pepper spray may have unpredictable or even little impact on animals. The use of pepper spray on animals should be reserved for situations in which an animal is about to attack or is attacking an officer or another person.

USE OF THE X-2 TASER®:

The Taser® model X-2 Conducted Electrical Weapon (CEW) are the only make and model CEW authorized by the Lansing Community College Police Department. No other CEW will be carried or used by LCC PD Officers. Only the College owned and maintained Taser® weapons shall be carried or used by officers.

- a. Only officers who have successfully completed the approved training may carry or use the Taser®.
- b. The Taser® training will be conducted by LCC PD sworn personnel who were certified by the manufacturer as instructors. The training course will consist of the course approved by the manufacturer.

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- c. Each unit shall be inspected prior to carrying. Any malfunctioning Taser® shall not be carried and shall be brought to the attention of a Command Officer immediately. Occasional dry firing (without the discharge of probes) of the Taser® is acceptable as part of the inspection process.
- d. Officer will document the Taser® number he/she is carrying on their activity log.
- e. Officers will only use the Taser® as part of their official duty. Officer will not play with or discharge the Taser® with or without the cartridge attached unless they are justified under this procedure or as part of Department authorized training. Discharging the weapon shortens the life of the battery. All discharges are recorded in the weapons memory.
- f. The decision and manner to deploy the Taser® should be based on the subject's actions, the totality of the circumstances and be consistent with the objectively reasonable standard that governs the application of force by law enforcement officers. In order to deploy the Taser® in any manner the subject should be minimally displaying aggravated or aggressive behavior towards the officer or others: (assaultive type behavior).
- g. Any discharge of the Taser®, intentional or accidental, shall be reported to a Command Officer immediately and documented in an Incident Report.
- h. The Taser® shall not be intentionally aimed at a person's head, neck or groin area. Officers should avoid targeting the chest area if at all possible.
- i. Before deploying the Taser®, the officer should take into consideration any known safety hazards such as flammable liquids in the area, other people in the area or whether the suspect located in a location that a fall would result in serious injury. If the suspect has been sprayed with a chemical agent from another agency, officers will not deploy the Taser® unless Deadly Force is justified (as it may not be known whether the other agency's pepper spray is non-flammable, as LCC PD's is).
- j. Prior to the use of the Taser® the officer shall, if possible, give the subject verbal commands and warning to comply or the Taser® will be deployed. The officer, if possible shall inform other officers of the intent to deploy the Taser® by announcing "TASER! TASER!"

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- k. Officers shall attempt to handcuff the suspect during the Taser® cycle to avoid any additional applications. Handcuffing after the Taser® cycle is also acceptable if the Officer/Officers are unable to handcuff during the Taser® cycle.
- l. Any repeated applications of the Taser® must be justified and clearly documented in an Incident Report.
- m. A Taser® Certified Officer or qualified medical personnel should remove the Taser® probes at the earliest opportunity. The probes should be properly inspected per Taser® training. Taser® probes that have been removed shall be treated as a biohazard and disposed of appropriately. If possible, photographs should be taken of the probe's points of contact with the subject's skin.
- n. Prior to a subject who has been Taser®'d being lodged in jail, they will be taken to the hospital (by ambulance) for medical assessment and/or treatment. The subject will not be lodged in jail until cleared by a medical doctor.
- o. Officers will collect a minimum of three A.F.I.D. tags for each cartridge fired and place them into evidence. Officers will complete a detailed Incident Report outlining the entire incident. In the report, list the Taser® serial number and the serial number of the cartridge. Include the number of cartridges fired and number of cycles applied. List any injuries or medical attention needed.
- p. After the deployment of the weapon, a Command Officer or certified instructor will download a report from the weapons data port.
- q. The Taser®s will be periodically inspected and their data report downloaded by a certified instructor.

FLASHLIGHTS:

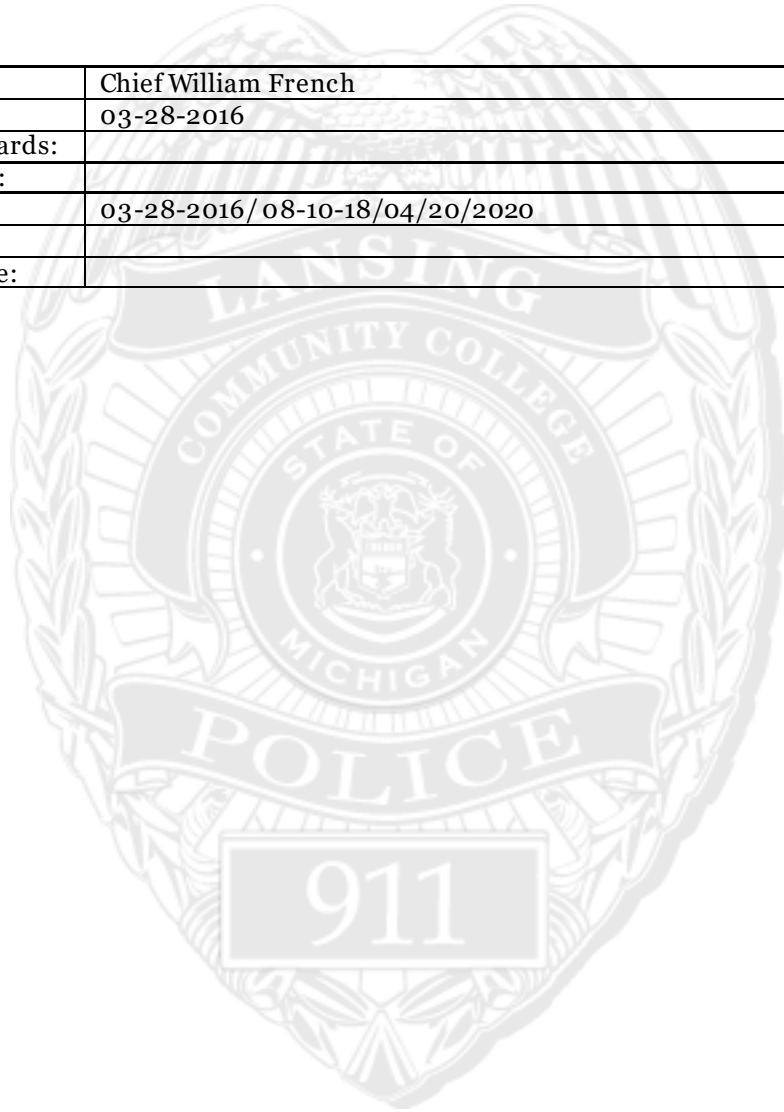
Flashlights are provided by the Department for officers to carry on their gun belts and for use in the patrol cars.

Flashlights shall not be used as impact weapons except in defensive situations only. Flashlights shall only be used when HFRG defensive tactics have been or

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would be ineffective against a subject's aggression and the use of an impact weapon is justified in accordance with the Subject Control Continuum.

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