

**4-07.00****USE OF FORCE****PREAMBLE TO USE OF FORCE:**

The use of force by members of Law Enforcement is a matter of critical concern both to the public and law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore Law Enforcement Officers are sometimes called upon to use force in the performance of their duties. It is also recognized that members of Law Enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians but also servants of the public.

The Department's guiding value when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communication and available resources in an effort to de-escalate the situation whenever it is safe and reasonable to do so. When warranted, Department personnel may use reasonable force to accomplish their duties. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow Officers to legal and physical hazards and violate the rights of individuals upon whom unreasonable force is used. Conversely, Officers who fail to use reasonable force when warranted may endanger themselves, the community and fellow Officers.

The purpose of this policy is to provide Law Enforcement Officers of this agency with guidelines for the use of deadly and non-deadly force.

It is the policy of the Homewood Police Department that Officers use only the force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the Officer and others. It must be stressed that the use of force is not left to the unfettered discretion of the involved Officer. This is not a subjective determination. The use of force must be objectively reasonable. The Officer must only use that force which a reasonably prudent Officer would use under the same or similar circumstances.

**4-07.05****DEFINITIONS**

**DEADLY FORCE:** *Any use of force that creates a substantial risk of causing death or serious bodily harm.*

**NON-DEADLY (LESS-LETHAL) FORCE:** *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.*

**PHYSICAL FORCE:** *Any physical effort used to control, restrain or overcome the resistance of another.*

**OBJECTIVELY REASONABLE:** *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.*

**DE-ESCALATION:** *Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a*

*reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning*

*EXIGENT CIRCUMSTANCES: Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts*

4-07.10

## USE OF FORCE GENERAL PROVISIONS

### **General Provisions**

1. Use of physical force should be discontinued when resistance ceases or when the incident is under control.
2. Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the Officer, or another person. In these situations, only the reasonable amount of force necessary to control the situation shall be used.
3. Once the scene is safe and as soon as practical, an Officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.
4. An Officer has a duty to intervene to prevent or stop the use of excessive force by another officer as soon as it is safe and reasonable to do so.
5. All uses of force shall be documented on the *Homewood Police Department Officer's Response to Resistance Report* and copies of all appropriate documents disseminated to the supervisory chain of command, Internal Affairs Unit and the Department Training Unit, thus ensuring thorough and proper review. All documentation regarding use of force incidents shall be maintained by the Internal Affairs Unit and Training Unit.
6. Agency related incidents that result in the death of a suspect or individual in custody shall be investigated by the State Bureau of Investigation (Alabama Law Enforcement Agency).

### **De-escalation**

1. An Officer shall use de-escalation techniques and other alternatives to greater levels of force consistent with his or her training whenever possible and appropriate before resorting to force and to reduce the need for force.
2. Whenever possible and when such delay will not compromise the safety of the Officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an Officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

**4-07.15****USE OF LESS-LETHAL FORCE**

When de-escalation techniques are not effective or appropriate, an Officer may consider the use of less-lethal force to control a non-compliant or actively resistant individual. An Officer is authorized to use agency-approved, less-lethal force techniques and issued equipment (to include but not limited to; TASER Conducted Electrical Weapon, Baton, OC Spray, Impact Munitions, etc.),

1. To protect the officer or others from immediate physical harm,
2. To restrain or subdue an individual who is resisting or evading arrest, or
3. To bring an unlawful situation safely and effectively under control.

**4-07.20****USE OF DEADLY FORCE**

- Law Enforcement Officers are authorized to use deadly force when one or both of the following apply:
  - To protect the Officer or others from what is reasonably believed to be a threat of death or serious bodily harm;
  - To prevent the escape of a fleeing violent felon who the Officer has probable cause to believe will pose a significant threat of death or serious physical injury to the Officer or others. Under these circumstances and where feasible, a verbal warning should precede the use of deadly force.

**4-07.25****DEADLY FORCE RESTRICTIONS**

- Officers may use deadly force to destroy an animal that represents a threat to public safety or as a humanitarian measure where the animal is seriously injured, when the Officer reasonably believes that deadly force can be used without harm to the Officer or others.
- Generally, warning shots should not be fired
- Firearms shall not be discharged at a moving vehicle unless:
  - a person in the vehicle is threatening the Officer or another person with deadly force by means other than the vehicle.
  - Or the vehicle is operated in a manner deliberately intended to strike an Officer or another person and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle.

- **Firearms shall not be discharged from a moving vehicle except in exigent circumstances. In these situations an Officer must have an articulable reason for this use of deadly force.**
- **Due to the potential of inflicting unintended serious bodily injury or death, Officers shall not use chokeholds, strangleholds, vascular neck restraints, carotid restraints, or any other tactics that restrict oxygen or blood flow to the head or neck unless deadly force is authorized.**

**4-07.30**

**TRAINING**

- 1. All Officers shall receive training, at least annually, on this agency's use of force policy and related legal updates.**
- 2. In addition, training shall be provided on a regular and periodic basis and designed to:**
  - a. provide techniques for the use of and to reinforce the importance of de-escalation techniques;**
  - b. simulate actual shooting situations and conditions;**
  - c. enhance Officers' discretion and judgment in using less-lethal and deadly force in accordance with this policy.**
- 3. All use of force training shall be documented and all records of training maintained by the Department Training Unit.**

**4-07.35**

**DISCIPLINE**

**Any violation of this policy is subject to disciplinary action, up to and including termination (reference Homewood Police Department Policy and Procedure Manual 3-13.00 - DISCIPLINE).**