

COLUMBUS POLICE DEPARTMENT



General Order 4: Use of Force

CALEA Standards:	4.1.1	4.1.6	4.2.4
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Definitions:

1. **Deadly Force**
Force that creates a substantial risk of death or serious bodily injury.
2. **Direct Line of Supervision**
An employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. The term does not include the responsibilities to make decisions regarding salary ordinances, budgets, or personnel policies of the department. (IC 36-1-20.2-4)
3. **Electronic Control Device (ECD)**
A weapon that is designed to disrupt neuro-motor control of a person.
4. **Objectively reasonable**
What is reasonable after evaluating the situation in light of the totality of known circumstances.
5. **Reasonable belief**
That which an ordinary person of average intelligence and sound mind would believe.
6. **Relative**
Includes a spouse, parent or stepparent, child or stepchild, brother, sister, stepbrother, stepsister, half-brother, or half-sister, niece or nephew, aunt or uncle, daughter-in-law or son-in-law, or adopted child.
7. **Serious physical injury**
Physical injury that creates a reasonable risk of death or that causes serious or permanent disfigurement, serious impairment of health or loss or protracted impairment of the function of any bodily organ or limb.

4.1 Use of Force

4.1.1 Use of Reasonable Force

Officers may only use reasonable force to accomplish lawful objectives, and apply de-escalation techniques when possible. The use of force is not left to the unfettered discretion of the involved officer, and must be objectively reasonable; the officer may only use that force which a reasonably prudent officer would use under the same or similar circumstances. Such uses of force are permitted by I.C. 35-41-3-3. The department's use of force training will include immediate action, de-escalation, and use of distance and cover tactics and recognizing situations that do not pose an immediate threat and allow for other resources to be activated.

4.1.2 Use of Deadly Force

- A. In accordance with IC 35-41-3-3, deadly force may only be used when an officer reasonably believes the action is in defense of any human life in imminent danger of death or serious bodily injury.
 - 1. Prior to using deadly force, an officer should give a warning, if feasible, to the person against whom the deadly force is to be used.
- B. An officer is justified in using deadly force for self-defense purposes if such force is used in accordance with I.C. 35-41-3-2.
- C. The use of deadly force, definitions of conditional terms, the importance of providing warning where reasonable, and the use of deadly force as a last resort shall be reviewed during annual in-service training in accordance with G.O. 4.3.3.

4.1.3 Warning Shots

- A. Warning shots are prohibited.
- B. Other regulations regarding firearms:
 - 1. Discharging a firearm at a moving vehicle is justified in deadly force situations only.
 - 2. Discharging a firearm from a moving vehicle is allowed only as a last chance effort to protect the life of an officer or other person in a deadly force situation.
 - 3. Officers may discharge a firearm under the following circumstances:
 - a. During range practice or for legitimate recreation purposes, or
 - b. For the destruction of sick, injured, nuisance, or aggressive animals. However, if practical, permission from a supervisor in charge must be obtained before destroying the animal.

4.1.4 Use of Authorized Less Lethal Weapons

Authorized less lethal weapons are governed by General Order 4.3.1. Authorized less lethal weapons may be used in accordance with General Order 4.1.1. Less lethal weapons are not meant to be deployed in deadly force situations, and should not be used or deployed in a deadly force situation without lethal backup.

4.1.5 Rendering Medical Aid Following Police Actions

- A. Officers shall render appropriate medical attention as quickly as reasonably possible following any law enforcement action in which injuries have been sustained. In addition, as soon as reasonably practical, officers shall request emergency medical assistance when obvious severe injuries have occurred, medical distress is apparent or the individual is unconscious.
- B. If a person requests medical attention after any use of force used by an officer on the person, the officer should seek medical attention for the person as soon as objectively reasonable.
- C. If an officer should reasonably deem that a person is in need of medical attention as a result of force used by an officer on the person, the officer shall either transport the suspect to a place where medical attention can be rendered or call for medical personnel to meet with the suspect at the scene, even if the person has refused medical attention.
- D. Additional requirements for SIM (Specialty Impact Munition) impacts – Whenever a person is impacted by a SIM, the person impacted shall either be transported to a place where medical attention can be rendered or be assessed by medical personnel at the scene.
- E. Additional requirements for Electronic Control Device (ECD) exposures – Once the person or animal has been restrained and/or controlled, officers may remove the probe(s) and shall treat them as a biohazard; however, if the probe(s) are embedded in the neck, female breast area, face or groin area, the probe(s) shall be removed by medical personnel. If the person exposed to an ECD is arrested, the jail staff shall be notified of such exposure by the remanding officer.
- F. Additional requirements for Chemical Agent exposures – Once the person has been restrained and/or controlled, officers should ensure that the person is not lying on their belly and the officer should not apply pressure to the person's back. Contact lenses shall be removed by medical personnel. If the person exposed to a chemical agent is arrested, the jail staff shall be notified of such exposure by the remanding officer.

4.1.6 Vascular Neck Restrictions

Vascular neck restraints rely on the temporary disruption of blood flow, not the restriction of oxygen intake. Officers shall receive annual proficiency training of this weaponless control technique in accordance with G.O. 4.3.3. Officers may use vascular neck restraints when considered reasonable in accordance with G.O. 4.1.1 and 4.1.2 only after having received training in the application of the technique in order to minimize the possibility of unintended consequences. If such technique is used, officers shall provide immediate medical aid in accordance with G.O. 4.1.5.

4.1.7 Choke Holds

Choke holds rely on restricting the intake of oxygen. Choke holds are prohibited unless deadly force would be considered reasonable in accordance with G.O. 4.1.2. If such technique is used, officers shall provide immediate medical aid in accordance with G.O. 4.1.5.

4.2 Use of Force Reporting and Review

4.2.1 Reporting Uses of Force

Whenever an employee uses force, they shall immediately notify either his/her direct supervisor or the on-duty supervisor. If practical, supervisors should ensure that photographs and other evidence relevant to the use of force be obtained and preserved. The supervisor shall complete the established use of force report in Guardian Tracking. Use of force reports shall be completed whenever an employee:

- A. Discharges any firearm on or off-duty, for any reason other than authorized training or legitimate recreation purposes.
 - 1. Use of force reports are not required for an accidental discharge where there is no injury, but an accidental discharge without injury shall be reported in an incident report and delivered to supervisors through the employee's chain of command.
 - 2. Use of force reports are not required for discharging a firearm for putting an injured animal down for humane purposes, but shall be reported in an incident report.
- B. Takes any action that results in or is alleged to have resulted in injury or death of another person.
- C. Applies force through the use of lethal or less lethal weapons.
 - 1. The pointing of weapons alone does not constitute application of force to another person, and does not require the completion of a use of force report.
 - 2. Use of force reports are not required for an accidental discharge where there is no injury, but an accidental discharge without injury shall be reported in an incident report and delivered to supervisors through the employee's chain of command.
 - 3. Use of force reports are not required for using lethal or less lethal force on an aggressive animal, but applying lethal or less lethal force to an aggressive animal shall be reported in an incident report.
- D. Applies weaponless physical force to another person.

1. Slight physical touching, slight gripping or holding, or frisking alone does not constitute application of weaponless physical force, and does not require the completion of a use of force report.

4.2.2 Written Use of Force Reports and Administrative Review

- A. Upon completion of a use of force report in Guardian Tracking by a supervisor, the supervisor shall then create an action item on the Guardian Tracking entry, assigning it to the defensive tactics instructor designated by the Chief of Police to complete the administrative review of the use of force incident. The supervisor shall immediately address any obvious findings of policy violations or training inadequacies.
- B. Upon review and approval of the use of force report in Guardian Tracking:
 1. The defensive tactics instructor designated by the Chief of Police shall add information into the Guardian Tracking entry created by the supervisor.
 2. The defensive tactics instructor designated by the Chief of Police shall report any findings of policy violations or training inadequacies to the Chief of Police through his/her chain of command.
 3. After the defensive tactics instructor designated by the Chief of Police adds information into the Guardian Tracking entry created by the on-duty supervisor, the administration will review the use of force incident.
 4. If the defensive tactics instructor designated by the Chief of Police was involved in the use of force event, the administrative review will be conducted by the administration and an administrator will add information into the Guardian Tracking entry created by the supervisor.
- C. If the Chief of Police receives a report of any policy violations or training inadequacies, he/she shall take the appropriate action for resolution and/or discipline.

4.2.3 Administrative Leave

When an employee's use of force or other action results in death or serious injury that is likely to result in death of another person, the employee shall be placed on administrative leave and an internal investigation should be initiated, all in accordance with General Order 26.

- A. The on-duty supervisor shall:
 1. Ensure the scene is secured as a crime scene;
 2. Ensure notifications are made:
 - a. Immediately to the Chief of Police through the chain of command;

- b. Immediately to the Indiana State Police for the criminal investigation;
 - c. When necessary, to the employee's emergency contact;
 - d. Upon the employee's request to the department chaplain; and
 - e. Upon the employees request to legal counsel.
 3. Escort the involved employee to the Columbus Police Department, provided the employee is medically able to go to the department.
 4. Give the officers the opportunity to designate a support officer, who they wish to be contacted. The support officer's responsibilities should be:
 - a. To attend to the mental and physical well-being of the involved officer.
 - b. To assist the involved officer in making notifications of family, legal counsel, etc.
 - c. To keep the involved officer in a position of safety/security away from the media/public.
 - d. To stay with the involved officer, and provide other support as needed (i.e. food, beverage, transportation, etc.).
 - e. The support officer shall not engage in conversation with the involved officer regarding the facts of the incident, as such conversations are not protected.
- B. During the employee's administrative leave, the Chief of Police may require the officer to obtain psychological counseling through the Employee Assistance Program (EAP), and the employee will not return to duty until found psychologically fit for duty.
- C. If the employee's issued firearm was discharged during the incident, the employee should expect to have their issued firearm taken and held as evidence. A replacement firearm should be issued within a reasonable time after the issued firearm is taken. This should be done out of view of the public and media.
- D. Employees may be asked to:
 1. Participate in a walk-through of the crime scene in accordance with General Order 26.3.5(C)(4) prior to the internal affairs investigation being initiated.

2. Submit to tests/procedures in accordance with General Order 26.3.6 prior to the internal affairs investigation being initiated.

E. In the event of a critical incident, the family members of the employee may also require assistance in dealing with the situation. Counseling for family members of the employee is available through the department chaplains and Employee Assistance Program (EAP).

4.2.4 Analyze Reports from Use of Force

Each calendar year, the Deputy Chief or his/her designee shall perform a documented administrative analysis of all reports submitted regarding the use of force by department employees as required by General Order 4.2.1. The analysis may reveal patterns or trends that could indicate training needs, equipment upgrades, and/or policy modifications. The annual report shall include the following:

- A. Date and time of incidents;
- B. Types of encounters resulting in use of force.
- C. Trends or patterns related to race, age and gender of subjects involved;
- D. All injuries and data that shows trends or patterns of injuries; and
- E. Impact of findings on policies, practices, equipment and training.

4.3 Weapons and Training

4.3.1 Authorization: Weapons and Ammunition

While in the performance of their official duties, both on and off duty, officers are required to use only weapons and ammunition that are authorized by the department. Authorization includes meeting the criteria of General Orders 4.3.2, 4.3.3 and 4.3.4 with each weapon. Officers may, but are not required to, carry an authorized firearm while off duty. However, officers must be armed with an authorized firearm when in uniform and/or while operating a department issued vehicle, and are prohibited from carrying an authorized firearm while consuming alcoholic beverages or other intoxicants (this does not apply if an officer who is at home or to an officer working in an undercover capacity where it may be necessary to consume alcoholic beverages during an investigation.) This directive is not intended to prohibit the use of other weapons or ammunition if exigent circumstances exist that justify the need to use unauthorized weapons or ammunition, provided the officer acts in accordance with General Order 4.1.1.

- A. The types and specification of all lethal and less lethal weapons approved for use, including those used by members of the SWAT team shall be listed in an SOP.

- B. Types and specifications of ammunition approved for use, including ammunition used in specialized weapons for members of the SWAT team shall be listed in an SOP.
- C. Each weapon intended for use by an officer in the performance of duty shall be examined, inspected and approved by a CPD armorer prior to being issued or carried.
 - 1. The Chief of Police will appoint an ECD program manager who will be responsible for the maintenance/inspection of the department registered ECDs.
- D. If any employee discovers that a weapon is deemed unsafe or otherwise not in a state of operational readiness, it should be reported in accordance with General Order 17.5.2(D)(3). An armorer, or the firearm's manufacturer should be consulted on whether the weapon can be deemed safe and maintained in a state of operational readiness. Upon a recommendation that the weapon cannot be deemed safe and maintained in a state of operational readiness, the training coordinator shall make arrangements to remove and replace the weapon in question, and shall make the necessary inventory changes in accordance with General Order 17.5.1(C).
- E. The procedure outlined in General Order 17.5.1 shall be used for maintaining a record on each weapon authorized and issued by the department for official use. The training coordinator will also be responsible for maintaining a record on back-up and off-duty handguns authorized by the department for official use.
- F. Guidelines for the safe and proper storage of agency authorized firearms:
 - 1. Department issued handguns should be carried concealed when the officer is in plain clothes unless:
 - a. The officer is on duty and the officer's badge is prominently displayed on the officer's belt, or the officer is engaged in law enforcement actions.
 - b. The officer is engaged in activities where it would be permissible for a citizen to carry an exposed handgun, such as target practice, etc.
 - 2. When armed, whether on or off duty, officers shall carry their authorized handgun in a holster and have on their person their agency identification.
 - 3. Officers shall not carelessly, flippantly, or casually use, display, or store a firearm.

4. Any authorized firearm carried or stored in a department issued vehicle shall be safely secured in a locked container or gun mount of substantial strength to prevent easy removal, and that is affixed to the vehicle in such a manner that removal would be difficult by unauthorized persons. (Gun vault, locking glove box and/or console, cable and/or chained trunk lock, etc.)
 5. Officers who store authorized firearms in their residence shall lock those firearms in a locked container or gun vault of substantial strength to prevent easy removal by unauthorized persons.
- G. Only firearm armorers can work on the internal/external mechanics of CPD firearms. Firearm instructors can install, uninstall and maintain long gun slings and make adjustments to gun sights and weapon-mounted flashlights.

4.3.2 Demonstrating Proficiency with Weapons

Employees shall not be approved to carry or use any department-authorized weapons until they demonstrate proficiency in the use of such weapons. Department authorized weapons include all weapons listed in General Order 4.3.1. Employees shall demonstrate proficiency by:

- A. Achieving minimum qualifying scores on prescribed courses;
- B. Attaining and demonstrating a knowledge of the laws concerning the use of authorized weapons;
- C. Attaining and demonstrating a knowledge of the department policies on the use of force, escalating force and deadly force;
- D. Being familiar with recognized safe-handling procedures for the use of the weapons; and
- E. Showing compliance with General Order 4.3.4.

4.3.3 Annual Proficiency Training

Employees authorized to carry weapons are required to receive annual in-service training on the department's use of force policies, and demonstrate proficiency with weaponless control techniques and all approved lethal weapons and less lethal weapons that the employee is authorized to use.

- A. Proficiency training must be instructed by or at least monitored by an instructor certified to instruct in each specialty.
 1. Firearms

- a. Every calendar year, each officer shall be required to qualify with his/her assigned long gun and assigned handgun during at least one (1) training session. If an officer is also assigned a compact handgun, he/she shall qualify with both the assigned handguns during each training session. The qualification will be graded on a pass/fail basis.
 - i. Every calendar year, officers shall qualify with their back-up or off-duty handguns at least once during each training session.
 - ii. Officers shall be allowed no more than three attempts per gun to qualify on any given training session.
 - iii. Officers must qualify if they have not been on full duty for 180 days or more.
 - iv. Officers that miss a firearms qualification course due to an extended leave (examples include medical leave, administrative leave, etc.) must first qualify before returning to full duty.
 - b. Each calendar year, all officers authorized to carry firearms shall receive training in the law and agency policy and procedures relating to the use of force, and shall be required to demonstrate their understanding of the training.
 - c. Officers assigned to SWAT, are required to qualify using additional proficiency standards established by their unit commander. These include but are not limited to proficiency testing at night and/or in reduced light situations, in combat simulation, and using both weak and strong hands.
2. Each officer shall be required to qualify with each authorized less lethal weapon issued and/or utilized by them annually, which will be graded on a pass/fail basis.
 3. Each officer shall be required to receive in-service training for weaponless control techniques annually, which will be graded on a pass/fail basis.
- B. All training shall be documented by the certified instructor who either instructed or monitored the training. The documentation shall including the lesson plan and the training record maintenance requirements set forth in General Order 33.1.6. The instructor will be responsible for delivering this documentation to the training coordinator.

C. Officers who are unable to qualify with an authorized weapon, other than a back-up or off-duty handgun, are not fit for duty and should be treated as if they were on light duty, and assigned to non-enforcement duties. The officer shall be referred to remedial training in accordance with General Order 33.1.5.


1. In order to resume official duties, the officer must:
 - a. Complete remedial training as determined by the training coordinator after taking into consideration the instructor's recommendations for corrective action.
 - b. Pass the qualification within one week of the initial qualification failure. The officer shall not have more than three attempts per authorized firearm to qualify after the remedial training is complete.
2. If the officer does not resume official duties by meeting the requirements of General Order 4.3.3(C)(1), he/she shall be placed on administrative leave in accordance with General Order 26.3.7, pending the outcome of a fitness-for-duty evaluation as determined by the Board of Captains.

4.3.4 Prerequisites to Carrying Lethal/Less Lethal Weapons

Employees authorized to carry lethal and less lethal weapons shall be issued copies of and be instructed in General Orders 4.1.1, 4.1.2, 4.1.3, 4.1.4 and 4.1.5 and related instruction before being authorized to carry any weapon. The issuance of the General Orders and instruction shall be documented. Instruction should include confirmation of employee understanding of legal implications and requirements and weapon specific operating and care procedures.


Acceptance by Columbus Police Department Captain's Board:

Date: 9-1-2020


Michael Richardson, Chief

Attest:


Steve Norman, Deputy Chief


Kathy Randomanski, Chief's Secretary


Jay Frederick, Uniform Captain


Jonathan L. Rohde, Administrative Captain

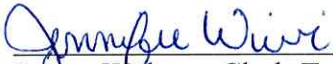
Acceptance by Columbus Board of Public Works and Safety:

Date: Sept. 1, 2020


Jim Lienhoop, Mayor

Attest:


Mary Ferdon, Member


Luann Welmer, Clerk-Treasurer
Jennifer Wiwi, Deputy

John Pickett, Member


Jim Strietelmeier, Member


Brenda Sullivan, Member