

BLOOMINGTON POLICE DEPARTMENT

GENERAL ORDER: Use of Force

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I. Purpose.

The purpose of this General Order is to establish guidelines for incidents involving the use of force, including the use of deadly force, or other actions by officers which result in injury or death.

II. Policy.

The primary duty of all police officers is to preserve and respect the value of all human life. It is the policy of this Department that officers use only the force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of officers and others. It shall be stressed that the decision to use force is not a subjective determination and the decision is not left to the unfettered discretion of the involved officer. A use of force shall be objectively reasonable. The officer shall use only that force which a reasonably prudent officer would use under the same or similar circumstances.

It shall be the policy of this Department that any police officer who observes, or becomes aware of, any use of force by another member of the Department inconsistent with the provisions of this policy has a duty and obligation to intervene and immediately stop the force being used and to report their observations and any intervention to a supervisor.

Further, any officer of the Department that observes any law enforcement officer or public safety associate from another agency engage in any unreasonable use of force has a duty and obligation to intervene and immediately stop the force being used and to report their observations and any intervention to a supervisor.

Non-sworn employees that observe any law enforcement officer or public safety associate engaging in any unreasonable use of force also have a duty and obligation to report their observations to appropriate supervisory authority.

All employees shall be required to notify appropriate supervisory authority if they become aware of any violation of Departmental policy, state or federal law, or local ordinance by any employee of the Department.

III. Definition(s).

- A. **Bodily Injury.** Any impairment of physical condition, including physical pain.
- B. **Chemical Irritant Agent.** Includes, but is not limited to: OC spray, PepperBall systems, and launched or hand-thrown chemical irritant munitions.
- C. **Deadly Force.** Force that creates a substantial risk of serious bodily injury.
- D. **Edged Weapon.** Any Department authorized knife.
- E. **Electronic Control Weapon (ECW).** A weapon that uses electricity to override voluntary motor responses, or apply pain in order to gain compliance or overcome resistance (commonly referred to as a Taser).
- F. **Impact Weapons.** Batons or flashlights. “Specialty impact weapons” include, but are not limited to: shotgun launched beanbags and 40mm sponge rounds.
- G. **Non-Deadly Force.** Force which, in its normal use, does not cause death but may cause some bodily injury.
- H. **Objectionably Reasonable.** The reasonableness of a particular use of force based on the totality of the circumstances known by the officer at the time of the use of force.
- I. **Serious Bodily Injury.** Bodily injury that creates a substantial risk of death or that causes:
 - 1. Serious permanent disfigurement;
 - 2. Unconsciousness;
 - 3. Extreme pain;
 - 4. Permanent or protracted loss or impairment of the functions of a bodily member or organ; or
 - 5. Loss of a fetus.
- J. **Use of Force.** Physical effort to compel compliance by an unwilling subject above an un-resisted handcuffing, which shall include:
 - 1. An officer using any type of pain compliance technique, strike or come-along hold on a person;
 - 2. An officer using any body part or object to strike a person;

3. An officer pointing or discharging a firearm.

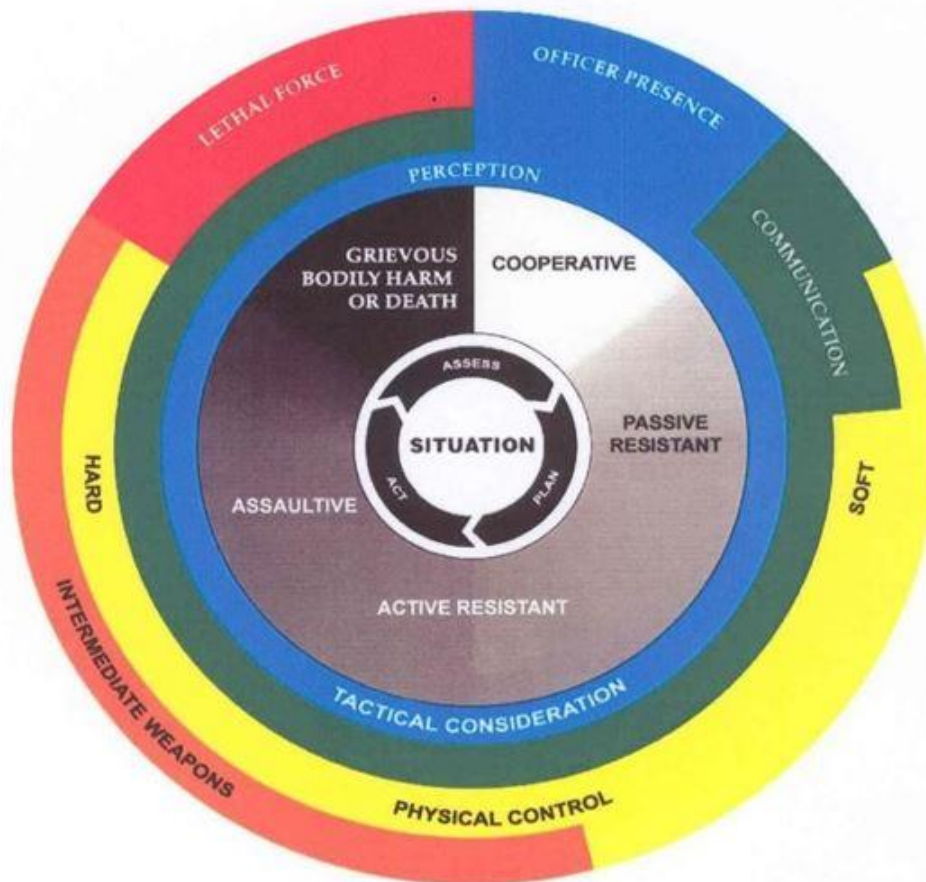
IV. Legal and Other Reference(s).

- A. Indiana Code Chapter 35-31.5-2.**
- B. Rules and Regulations.**
- C. General Order, Officer Use of Deadly Force, In-Custody Deaths and Other Occurrences Resulting in Serious Bodily Injury or Death.**
- D. General Order, Supervisors, Incidents to Respond To and Take Command Of and Notifications.**
- E. General Order, Weapons and Ammunition Authorization.**

V. Procedure(s).

- A. Response.** An officer's decision of the level of force necessary to control an individual shall be based on the perception of the threat and that individual's ability to carry out the threat based on the experience and training of the officer. An additional factor is the officer's knowledge of his or her own physical ability to manage the threat presented. Officers shall respond only with that force which is reasonably necessary to accomplish lawful objectives and control the situation and shall attempt de-escalation techniques when possible. Officers shall bear in mind that resistance can escalate and deescalate, and an officer's response shall be objectively reasonable and appropriate for the fluidity of the situation.
 1. The use of chokeholds, strangleholds, or any technique intended to restrict the intake of oxygen or flow of blood to the brain is prohibited except in defense of human life.
 - a. Any use of a chokehold, stranglehold, or any technique intended to restrict the intake of oxygen or flow of blood to the brain by an officer shall be considered a use of deadly force and will be investigated as outlined in the **General Order, Officer Use of Deadly Force, In-Custody Deaths and Other Occurrences Resulting in Serious Bodily Injury or Death.**
 2. The below continuum may be used as a guide:

Bloomington Police Department Use of Force Critical Decision Making Model



The officer continuously assesses the situation and acts in a reasonable manner to ensure officer and public safety.

B. Chemical Irritant Agents. Chemical Irritant Agents are considered low level Intermediate Weapons. Chemical Irritant Agents shall be used in accordance with training received from a certified instructor, and in accordance with the overriding provisions below:

1. Chemical Irritant Agents may be used by an officer to help subdue a person who is committing any of the following acts:
 - a. Is forcibly resisting arrest, including fleeing, or is forcibly interfering with an officer's actions.
 - b. Is using force against the officer or any other person.

- c. Is making any overt move indicating the imminent use of force against the officer or any person, or imminent resistance to arrest.
 - d. Is threatening the use of force, where the person does appear to have the means to carry out the threat, or is threatening to resist arrest.
- 2. Chemical Irritant Agents may be used against an animal which an officer believes to be a threat to the officer or any person.
- 3. Before any launched chemical irritant agent may be used for the purposes of controlling a civil disturbance or launched into a structure to dislodge a barricaded suspect by an officer, the use of such an agent shall be authorized by the Chief, or his/her designee, unless exigent circumstances exist.
- 4. Chemical Irritant Agents shall not be used to:
 - a. Punish a person.
 - b. Control a person who is only verbally abusive.
 - c. Control a person who is restrained in some manner, such as handcuffs; except under extraordinary circumstances where an immediate threat to an officer or another person's safety exists and no lessor means of force is deemed immediately viable.
- 5. Post-use action.
 - a. If, after the use of a chemical irritant agent on a person, the person demands to receive medical attention, an officer shall transport the person to the most appropriate medical facility for examination at the person's own expense.
 - b. In the absence of a demand for medical attention, an officer may bring the person to the Department and allow the person to flush his or her eyes and face with water, consistent with the need for officer safety.
 - c. The use of a chemical irritant agent shall be documented in an officer's case report.

C. Electronic Control Weapons (ECWs). ECWs are considered Intermediate Weapons. Only officers who have been trained in the use of ECWs shall use said weapons. ECWs shall only be used in circumstances where such force is objectively reasonable and where there is no safe alternative.

1. Only ECWs purchased by the Department are authorized for use.
2. The ECW may be used to subdue a person who is committing any of the following acts:
 - a. Is forcibly resisting arrest, including fleeing, or is forcibly interfering with an officer's actions;
 - b. Is using force against an officer or any other person;
 - c. Is making any overt move that demonstrates the imminent use of force against an officer or any other person, or imminent resistance to arrest; or
 - d. Is engaged in self-harm.
3. Unless it would compromise officer safety or is impractical due to circumstances, a verbal warning of the intended use of the ECW shall precede the activations of the device in order to:
 - a. Provide the individual with a reasonable opportunity to voluntarily comply; and
 - b. Provide other sworn personnel and individuals with a warning that a ECW may be activated.
4. ECWs shall not be used to:
 - a. Punish a person.
 - b. Control a person who is only verbally abusive and is not communicating a threat to use force against an officer or another person.
 - c. Except under extraordinary circumstances where an immediate threat to an officer or another person's safety exists and no lesser means of force is deemed immediately viable, ECWs should not be deployed on the following persons:
 - i. Handcuffed persons;

- ii. Persons detained in a police vehicle;
 - iii. Persons detained in any booking or holding cell;
 - iv. Persons in control of a motor vehicle;
 - v. Persons in danger of falling or becoming entangled in machinery or heavy equipment which could result in death or serious bodily injury;
 - vi. Persons near flammable or combustible fumes;
 - vii. Persons near any body of water that may present a drowning risk; and
 - viii. Persons known to have a pacemaker or known to be pregnant.
5. Any individual subjected to an application of an ECW, in either the “probe” or the “touch/drive stun” mode, shall be evaluated by EMS prior to booking for appropriate medical treatment and/or removal of the probe(s). However, any individual subjected to more than two applications of an ECW, in either the “probe” or the “touch/drive stun” mode, shall be taken to a medical facility prior to booking for appropriate medical treatment and/or removal of the probe(s).

D. Impact Weapons. Impact Weapons are considered Intermediate Weapons.

1. All officers shall be issued a baton and shall receive training on how to use said baton. All officers shall be required to either carry the baton on his or her person or keep it in his or her vehicle while on duty.
2. A flashlight shall be issued to each officer. The flashlight may be used in the same manner as the baton, but only shall be used if it is not feasible for the officer to access his/her baton. The flashlight shall only be used if it is not tactically feasible for the officer to use or deploy his or her baton.
3. Both the baton and the flashlight shall only be used in accordance with Departmental training.
4. A direct intentional strike with the baton, flashlight, or any object to a person’s head, neck, throat, clavicle, groin, or spine carries the risk of serious bodily injury and shall only be used in circumstances justifying such force and when there is no reasonable or safe alternative.

5. Specialty Impact Weapons. Only officers who have been trained in the use of specialty impact weapons shall use said weapons. Specialty impact weapons shall only be used in circumstances where such force is objectively reasonable and when there is no safe alternative.
 - a. Only launchers and munitions purchased by the Department are authorized for use.
 - b. The launcher, when firing impact munitions, may be used to subdue a person who is committing any of the following acts:
 - i. Is forcibly resisting arrest, including fleeing, or is forcibly interfering with an officer's actions;
 - ii. Is using force against an officer or any other person; or
 - iii. Is making any overt move or is communicating the imminent use of force against the officer or any person, or imminent resistance to arrest.
 - c. The impact munitions may be used against an animal that an officer believes to be a threat to the officer or another person.
 - d. Impact weapons shall not be used to:
 - i. Punish a person.
 - ii. Control a person who is only verbally abusive and is not communicating a threat to use force against the officer or another person.
 - iii. Control a person who is restrained in some manner such as handcuffs; except under extraordinary circumstances where an immediate threat to an officer or another person's safety exists and no lessor means of force is deemed immediately viable.
 - e. If an officer uses an impact weapon on a person and the person demands or needs medical attention, the officer shall ensure that the person is transported to the most appropriate medical facility. If medical attention is sought, the officer shall notify his or her immediate supervisor as soon as it is reasonably possible to do so.

- f. The use of an impact weapon shall be documented in an officer's case report.

E. Deadly Force. The use of deadly force shall be controlled by the following Departmental guidelines:

1. Deadly force shall only be used when an officer has an objectively reasonable belief that deadly force is necessary to defend him or herself or any third party from the immediate danger of suffering serious bodily injury or death.
2. Officers shall give a verbal warning before using deadly force whenever it is reasonably feasible to do so.
3. Officers shall not discharge their weapons as a warning for any purpose.
4. A person who is fleeing an officer shall not be presumed to pose an immediate threat to human life unless the fleeing person behaves in a manner that causes the officer to hold an objectively reasonable belief that he or she or a third-party is in immediate danger of suffering serious bodily injury or death.
5. Officers may only discharge a firearm at or from a moving vehicle under the following circumstances:
 - a. Defense of human life, including the life of the officer discharging his or her weapon; or
 - b. Defense of any person in immediate danger of serious bodily injury; including defense of the officer discharging his or her weapon.
 - c. Officers shall consider the risks to the public, such as the risk of losing control of a vehicle, ricochet bullets, and the inherent difficulty of making accurate shots in these circumstances.
6. The authorized edged weapon is not intended for use as a primary weapon and officers are discouraged from using it in this capacity. However, it may be used in defensive or offensive capacities under exigent circumstances. Under such circumstances it shall be deemed a use of deadly force.
7. After the application of deadly force officers shall render medical aid as soon as it is reasonably safe to do so at the scene. Officers shall request an ambulance via Central Dispatch as soon as it is reasonable.

8. Officers shall notify their supervisors of the use of deadly force as soon as possible. The supervisor shall notify the Chief, or his or her designee, of the event immediately, or as soon as practical.

F. Other Injuries. If a person sustains an injury, illness, or other medical condition during any law enforcement action or encounter and the person demands or needs medical attention, the officer shall ensure that appropriate medical aid is rendered as quickly as reasonably possible. If medical attention is sought at the time of the event as a result of a use of force, the officer shall notify his or her immediate supervisor as soon as it is reasonably possible to do so. If the event results in obvious severe injuries, medical distress is apparent, or there is a loss of consciousness to anyone involved, the emergency medical system shall be activated through the Central Emergency Dispatch Center by requesting an ambulance respond to the scene or stage nearby until the scene is determined to be safe for medical personnel to enter.

VI. Reporting a Use of Force.

- A.** Any officer who uses any type of force, regardless of whether or not said force results in an injury to the person who was the recipient of said force, shall note said force in his or her case report. Any report of force shall include, but not be limited to, the following:
1. A description of why force was necessary.
 2. A description of what force was used.
 3. Any follow-up action or treatment that was used or needed as a result of the use of force.
- B.** Any officer who uses any type of force, regardless of whether or not said force results in an injury to the person who was the recipient of said force, shall complete a **“Use of Force Report”** form in Guardian Tracking. The officer shall complete the form as soon as reasonably possible.
- C.** The officer shall submit the completed **“Use of Force Report”** to a supervisor via Guardian Tracking by selecting **“Publish Incident”** once the form has been completed.
1. The supervisor shall approve the form as an acknowledgement that he or she has provided supervisory review of the form and of the section of the case narrative describing the force used. The supervisor shall also make a determination as to whether or not the force used was appropriate.

2. The “**Use of Force Report**” form will then be forwarded to the Training Officer via Guardian Tracking for review and data collection.
- D.** Any officer who uses force that results in any bodily injury or death to a person shall report the use of said force and the result of that force to his or her immediate supervisor as soon as it is reasonably possible to do so.
- E.** The Training Officer shall conduct an annual analysis of the Department’s use of force activities, policies and practices. The analysis may reveal patterns or trends that could indicate training needs are not being met or that policies need to be modified, as well as show a specific pattern of the use of force by an individual officer. The analysis should identify:
1. Date and time of incidents;
 2. Types of encounters resulting in use of force;
 3. Trends or patterns related to race, age and gender of subjects involved;
 4. Trends or patterns resulting in injury to any person including employees; and,
 5. Impact of findings on policies, practices, equipment, and training.