

## Use of Force

### 300.1 PURPOSE AND SCOPE

The purpose of this policy is to provide sworn members of this department with guidelines on the reasonable use of force. "Use of force", as used herein, includes both deadly force and non-deadly force which can be used against a person, an animal, and an inanimate object.

#### 300.1.1 DUTY TO INTERCEDE

Any sworn member present and observing another member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of such excessive force. Such members shall also promptly report these observations to a supervisor.

An allegation of excessive use of force by a member, whether reported by a citizen or other department member, shall be investigated. The supervisor receiving such allegation shall complete a Personnel Complaint form and forward it through his chain of command to the member's Division Commander. The Chief of Police or his designee may convene a review board per Policy §209 Policy Training and Review Board, to review the use of force in conjunction with any Administrative Investigation.

### 300.2 POLICY

It is the policy of this department that sworn members shall use only that amount of force reasonably necessary, given the facts and circumstances perceived by the member at the time of the event, to effectively bring an incident under control. Nothing in this policy requires a member to actually sustain physical injury before applying reasonable force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, each member is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

"Reasonableness" of the force used must be judged from the perspective of a reasonable sworn member on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact that members 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.

#### 300.2.1 USE OF FORCE

A sworn member may use reasonable force as allowed by Idaho law and as necessitated by the circumstances encountered by the member. Circumstances when reasonable force may be used by a member include, but are not limited to, the following:

- (a) When an arrest is being made pursuant to the terms of a warrant or when the arrest is supported by probable cause;
- (b) When preventing an escape or forcible resistance by a person being arrested under the conditions described in (a) above, after the member announces the intention to effectuate the arrest;
- (c) Detaining a person during the initial stages of a criminal investigation when safety of the member or the safety of others is a concern;

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- (d) Safety or protection of the member(s) or others;
- (e) Liberating a member(s) or others;
- (f) If an animal is so badly injured that human compassion requires immediate euthanizing to prevent further suffering when other dispositions are impractical, a sworn member, upon authorization of a supervisor, may use a department firearm to euthanize the animal.

#### **300.2.2 NON-DEADLY FORCE APPLICATIONS**

The use of non-deadly force applications is authorized. Non-deadly force is force that is not reasonably anticipated nor intended to create a substantial likelihood of death or very serious injury. Non-deadly force applications can include the use of equipment and control devices, as well as the member's own physical force.

Equipment and control devices for non-deadly force applications may include, but are not limited, to:

- Handcuffs.
- Linear Restraints.
- Protection Hoods.
- Conducted Energy Devices
- Batons.
- Chemical Agents.
- Firearms.
- Specialty Impact Munitions.

#### **300.3 USE OF DEADLY FORCE**

The use of deadly force by sworn members is authorized:

- (a) In obedience to any judgment of a competent court, or
- (b) When reasonably necessary in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty including suppression of riot or keeping and preserving the peace. Use of deadly force shall not be justified in overcoming actual resistance unless the member has probable cause to believe that the resistance poses an imminent threat of death or serious physical injury to the member or to other persons, or
- (c) When reasonably necessary in preventing rescue or escape or in retaking inmates who have been rescued or have escaped from any jail, or when reasonably necessary in order to prevent the escape of any person charged with or suspected of having committed a felony, provided the member has probable cause to believe that the inmate, or persons assisting his escape, or the person suspected of or charged with the commission of a felony poses an imminent threat of death or serious physical injury to the member or other persons, or
- (d) When protecting himself or others from what he reasonably believes would be an imminent threat of death or serious bodily injury.

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#### **300.4 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE**

When determining whether or not to apply any level of force and evaluating whether a member 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 member at the time.
- (b) Member versus subject factors such as age, size, relative strength, skill level, injury, and exhaustion.
- (c) The number of members versus subjects.
- (d) Whether the subjects are under the influence of drugs or alcohol.
- (e) The mental capacity and mental stability of the subjects.
- (f) Proximity of weapons.
- (g) Time and circumstances permitting, the availability of other options.
- (h) What resources are reasonably available to the member under the circumstances.
- (i) Seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the member.
- (k) Potential for injury to citizens, members, and suspects.
- (l) Risk of escape.
- (m) Other exigent circumstances.

It is recognized that members are expected to make split-second decisions and that the amount of a member's time available to evaluate and respond to changing circumstances may impact the member's 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 members reasonably believe it would be impractical or ineffective to use any of the standard tools, weapons, or methods provided by the department. Members 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.

##### **300.4.1 WARNING**

Where feasible, a warning should be given before a member uses control devices, other than handcuffs.

A specific warning that deadly force will be used is not required by this policy, only that a warning be given if feasible.

However, this section shall not apply in the event tactical considerations, including but not limited to member safety, would warrant a warning not being given.

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#### **300.5 REPORTING THE USE OF FORCE**

Any use of physical force by a member shall be documented promptly, completely, and accurately in an appropriate report. The use of particular weapons such as batons, specialty impact munitions, chemical agents or conducted energy devices, may require the completion of additional report forms as may be required.

##### **300.5.1 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 has caused a physical injury or death.
- (b) Although a physical injury is not immediately apparent, a member reasonably believes a person has been injured by the use of force.
- (c) Any application of a control device.
- (d) The individual could have been or has been rendered unconscious.
- (e) Emergency medical personnel have been called to assess an individual.

##### **300.5.2 MEDICAL ATTENTION FOR INJURIES SUSTAINED USING FORCE**

Prior to booking or release, medical assistance shall be obtained for any person that has sustained visible injury, or for any person the member reasonably believes has been injured or has been rendered unconscious. 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 member and/or medical personnel. If an audio and/or video recording is made of contact or an interview with the individual, any refusal should be included, if possible.

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 members 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.

##### **300.5.3 SUPERVISOR RESPONSIBILITY**

- (a) A supervisor shall ensure any use of force is properly documented in the member's report(s).
- (b) When a member has used force that results in an apparent injury or, although an injury is not apparent, the member reasonably believes a person is injured, a supervisor shall ensure the following occurs:
  - 1. The application of force is fully documented in an appropriate report.
  - 2. Ensure that any injured parties are examined and treated.
  - 3. Ensure the subject(s) upon whom the force was applied is interviewed and/or allowed to provide a statement.
  - 4. Ensure that photographs have been taken of any areas involving visible injury or complaint of pain as well as overall photographs of uninjured areas.
  - 5. Identify any witnesses not already included in related reports.
  - 6. Review and approve all related reports.

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- (c) The supervisor shall complete a separate Use of Force Report under any of the following circumstances:
  - 1. The application of force has caused a physical injury or death.
  - 2. Although a physical injury is not immediately apparent. A member reasonably believes a person has been injured by the use of force.
  - 3. The application of any control device.
  - 4. An individual could have been or has been rendered unconscious.
  - 5. Emergency medical personnel have been called to assess an individual.
  - 6. The application of force against an individual who exhibits extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, unusually high tolerance to pain and may be at an increased risk of sudden death.
  - 7. If the supervisor believes an incident where force was used may give rise to potential civil litigation.
- (d) In the event that the supervisor believes an incident where force is used may give rise to potential civil litigation, a separate e-mail titled "Privileged Communication" should be completed and routed to appropriate channels, including the Division Commanders, the Chief of Police, and the City Attorney.
- (e) Should the supervisor determine that any application of force was not within policy, one or more separate internal administrative investigations shall be initiated.
- (f) When deadly force has been initiated, the incident shall be reviewed under Policy Manual §211 Use of Deadly Force Review Board.