

# Chattanooga Police Department - Policy Manual

## ADM-05 – USE OF FORCE

**Amends/Supersedes:** ADM-5 (3/15/2020)      **Reviewed:** Annually/February      **Date of Issue:** 06/17/2020

**CALEA 4.1.1-4.2.3; 4.3.2, 4.3.3, 4.3.4 & 70.3.2 (6<sup>th</sup> Ed.)**

### PURPOSE

The purpose of this general order is to establish proper procedures in the use of force for all officers of the Chattanooga Police Department.

### I. DEFINITIONS [4.1.2]

- A. Active Aggression- Physical actions of assault which are threatening in nature.
- B. Deadly Force - Any tactic or force which is likely to cause death or serious physical injury, such as the use of a firearm or impact weapon strikes to certain areas of the body. The use of choke holds or other neck restraints shall be considered deadly force and only used in deadly force assaults, or deadly force incidents as defined in C&D below.
- C. Deadly Force Assaults- Force, used against an officer and/or another person, which imposes an immediate threat of serious bodily injury or loss of life.
- D. Deadly Force Incident - All instances in which an officer uses deadly force in the line of duty or when acting in a law enforcement capacity, whether or not the use of such force results in a fatality.
- E. Defensive Resistance- Physical actions which attempt to prevent officer's control, which are non-threatening in nature
- F. Conducted Electrical Weapon (CEW) - An electro-muscular disruption weapon that disrupts the body's ability to communicate messages from the brain to the muscles causing temporary motor skill dysfunction to a subject and that may also be used to stun a subject by making direct contact with the body after the cartridge has been removed from the weapon.
- G. Empty Hand Control - The level of force employed by officers without the aid of any equipment or weapons. Included in empty hand control are "soft empty hand techniques" and "hard empty hand techniques."
- H. Hard Empty Hand Techniques - The subcategory of "empty hand control" that includes kicks, punches or other striking techniques such as a brachial stun or other strikes to key motor points.
- I. Impact Weapons - Authorized department equipment for which the officer has received training in techniques for use against an aggressive violator. Impact weapons include the friction lock expandable baton and the positive lock expandable baton.
- J. Intermediate Weapon- An instrument which fills the gap between the officer's use of empty hand tactics and the use of a firearm.
- K. Officer Presence - The level of force which includes the mere presence of an officer in uniform and/or identified by a badge, identification, police vehicle or other form of police identification such as a raid jacket.
- L. Oleoresin Capsicum (OC) Spray - Pepper based spray authorized for use by the department.
- M. Passive Resistance- Physical actions that do not attempt to prevent officer's attempt of control, but are not in compliance with an officer's orders or actions.
- N. Psychological Intimidation- Resistance that may include psychological intimidation and/or verbal resistance; (i.e. Nonverbal cues indicating subject's attitude, appearance, and physical readiness, blank stare, clenching of fist(s), tightening of jaw muscles, etc.).

O. Reasonable Belief - The conclusion based upon facts and/or circumstances that a reasonable police officer would believe to be true. [4.1.2]

P. Serious Physical Injury - Any physical injury which causes serious temporary or permanent disfigurement, serious impairment of health, or loss or protracted impairment of the function of any bodily organ or limb. [4.1.2]

Q. Soft Empty Hand Techniques - The subcategory of "empty hand control" that includes empty hand escort controls, pressure points and come-alongs that have a minimal chance of inflicting injury.

R. Use of Force Continuum - A progression of force based on the concept of increasing the police officer's level of control in response to the level of resistance offered by a suspect. As the suspect increases his level of resistance or threat to the officer or others, or a lower level of force has failed, the officer is justified in increasing his level of control while still using the minimum amount of force necessary. As suspect resistance decreases, the level of force used by the officer shall diminish until suspect resistance ceases and the suspect is securely in custody.

S. Use of Force Report - A department report of the specific actions of a suspect which resulted in the use of force by the officer or officers; the report will include an accurate documentation of the officer's actions used to overcome the resistance of the suspect, to affect the arrest and/or to protect life or prevent injury. [1.3.6]

T. Verbal Control - The level of force in the Use of Force Continuum that includes instruction or direction from an officer in the form of verbal statements or commands.

U. Verbal Non-compliance- Any verbal response indicating subject unwillingness to obey commands of detainment, arrest or to stop unlawful or dangerous behavior.

## II. USE OF FORCE

A. Officers of the Chattanooga Police Department shall use only the minimum level of force necessary to conduct lawful public safety activities and accomplish the mission of the department. The level of force used by a police officer in any given situation is dependent on the level of resistance presented by the person with whom the officer is dealing. An officer shall only use the minimal amount of physical force reasonably necessary to (1) protect persons and property and (2) overcome any physical resistance offered by a person with whom the officer is dealing. Under no circumstances shall the force used be greater than necessary to achieve lawful objectives. Deadly force shall not be used unless an officer reasonably believes it is necessary to protect the officer or another person from imminent danger of death or serious physical injury. [4.1.1, 4.1.2]

B. Officers are authorized to use only the minimal amount of force which is reasonably necessary to (1) protect themselves or others, (2) effect an arrest, or (3) maintain control of an arrested person. Officers must always use the minimum amount of force necessary to accomplish these objectives. Any officer who uses force against any person must be able to articulate the specific reason(s) for using the force and must be able to articulate specific reasons for employing the amount of force used. [4.1.1]

### C. Use of Non-Deadly Force

1. Non-deadly force may be used in instances where a police officer reasonably believes it is immediately necessary to take physical action to: [4.1.4]

- a. Preserve the peace;
- b. Prevent the commission of an offense;
- c. Make a lawful arrest; and/or
- d. Prevent suicide, serious physical injury or death.

2. Officers shall use only the minimal amount of force that is reasonably necessary to accomplish their lawful purpose. [4.1.1]

3. An officer shall, except in exigent circumstances, use only equipment and/or techniques for which he or she is trained and certified by the department. [4.1.4, 4.3.2]

4. In non-deadly force situations, the use of force shall generally begin with officer presence and may progress up the use of force continuum to the use of impact weapons. However, officers may immediately use any authorized option or level when necessary for officer safety or the safety of others, provided that only the minimal amount of force necessary shall be used. Officers shall deescalate the level of force employed as the suspect/violator renders compliance to the officer's directions or instructions.

5. In any situation in which an officer has used physical force by any means upon any person, the officer shall, as soon as possible, (1) render appropriate medical aid if needed and (2) request Emergency Medical Service (EMS) if needed. [4.1.4, 4.1.5]

6. Officers shall document the use of non-deadly force by completing a Use of Force Report. Officers are not required to complete a Use of Force Report for instances where verbal control or officer presence are the only levels of force used. Incidents of the use of verbal control or officer presence shall be detailed in the incident or miscellaneous report. An exception to this rule would be by orders from a supervisor. Officers may be permitted to review any available Body Worn Camera or In Car video prior to completion of the Use of Force Report. [4.2.1d]

#### D. Use of Force Continuum

1. Whenever possible, police officers shall employ a progression of force commonly referred to as the "use of force continuum." The continuum is based on the concept of increasing the police officer's level of control in response to the level of resistance of the suspect or violator. If a suspect or violator increases his level of resistance or threat to the officer, the officer is justified in increasing his level of control. As the suspect's resistance decreases, the officer's use of force shall decrease proportionally until the suspect is safely secured, usually by handcuffing.

2. Due to the varying circumstances of different incidents, it is not always possible for an officer to start at the beginning of the use of force continuum and increase the level of force through each level of control.

3. Officers may be required and may be fully justified in using force that falls at any point on the continuum based on the circumstances. Allowances must be made for the fact that officers are often forced to make split-second decisions about the amount of force that is necessary in a particular situation or circumstances that are tense, uncertain and rapidly evolving. Circumstances impacting the officer's decision may include, but are not limited to, the following:

- a. The nature of the offense;
- b. The behavior of the subject against whom force is to be used (i.e. verbal dialogue, physical actions);
- c. Physical size and conditioning,
- d. The feasibility or availability of alternative actions;
- e. Location;
- f. The availability of additional officers.

4. The chart below is based on the concept of increasing and decreasing the police officer's level of control in response to the level of resistance offered by the suspect or violator and depicts the escalation / de-escalation of an officer's responses to the suspect's or violator's compliance or non-compliance to the officer's presence, directions or actions:

<u>Individual's Actions</u>	<u>Officer's Responses</u>
Psychological Intimidation	Officer Presence
Verbal Non-Compliance	Verbal Direction
Passive Resistance	Soft Empty Hand Control
Defensive Resistance	Hard Empty Hand Control & CEW
Active Aggression	Intermediate Weapons (Includes Canine)
Deadly Force Assaults	Deadly Force

5. As used above, "Active Aggression" is defined as an action, which an officer reasonably believes, constitutes an imminent threat of serious bodily harm or death against the officer or another person. The use of deadly force is dealt with more fully in Section E below.

6. This policy will recognize that there may be occasions when an officer must choose to jump levels of the continuum due to a suspect's actions. Factors that may lead to such a decision will include, but are not limited to the officer's and the suspect's relative age, sex, size, skill level and strength. Other factors which may be considered in a deviation from the use of force continuum may include the officer's and the suspect's proximity to weapons, the officer's and the suspect's relative physical states including any injuries or degree of exhaustion, as well as the officer's distance from the subject and the officer's special knowledge of the subject. The officer must be able to articulate why the deviation from the use of force continuum was necessary when reporting the use of force.

### III. METHODS

#### A. Oleoresin Capsicum (OC) Spray

##### 1. Authorization

- a. Only officers who have completed the prescribed course of instruction on the use of OC are authorized to carry the device. **[4.3.2]**
- b. Officers whose normal duties/assignments may require them to make arrests or supervise arrestees shall be required to carry department authorized OC while on duty.
- c. Uniformed officers shall carry only department authorized OC canisters in the prescribed manner on the duty belt. Non-uniformed officers may carry OC in alternative devices as authorized by the department.

##### 2. Usage Criteria

- a. OC Spray is a force option following verbal control tactics on the use of force continuum.
- b. OC may be used when verbal dialogue has failed to bring about the subject's compliance or the subject has signaled his intention to actively resist the officer's efforts to make the arrest.
- c. Once a suspect is in custody and compliant, the use of OC is no longer justified.

##### 3. Effects of OC and Officer Response

- a. Within several seconds of being sprayed by OC, a suspect will normally display symptoms of temporary blindness, difficulty in breathing, burning sensation in the throat, nausea, lung pain and/or impaired thought processes.
- b. A suspect shall be handcuffed as soon as possible after being sprayed. Officers shall also be prepared to employ other means to control the suspect to include, if necessary, other levels of force consistent with department policy, if the suspect does not respond sufficiently to the spray and cannot otherwise be subdued.
- c. Immediately after spraying a suspect, officers shall be alert to any indication that the individual needs medical care. Indications that medical care may be necessary include, but are not necessarily limited to, breathing difficulties, gagging, profuse sweating and/or loss of consciousness. Upon observing these indications or other medical problems, or if the suspect requests medical assistance, the officer shall immediately summon emergency medical aid. **[4.1.5] [70.3.2]**
- d. Suspects who have been sprayed shall be monitored continuously for indications of medical problems and shall not be left alone while in police custody. **[70.3.2]**

e. Exposure to normal air will normally begin reducing the effects of OC spray within 15 minutes of spraying. Once the suspect has been restrained, officers shall assist him by rinsing and drying the sprayed area, when practical.

#### 4. Reporting Procedures

a. Accidental discharges as well as intentional uses of OC spray against an individual in an enforcement capacity shall be reported to the officer's immediate supervisor as soon as possible.

b. A Use of Force Report shall be completed following all discharges of OC spray except during testing, training or malfunction. Whenever multiple officers have been involved in a single incident, each officer involved shall complete a use of force report documenting his or her actions. **[4.2.1c]**

c. Officers shall notify the jail staff when turning over an arrestee who has been sprayed with OC.

### B. Conducted Electrical Weapons (CEW)

#### 1. Authorization

a. Only Officers who have completed the prescribed course of instruction on the use of the CEW are authorized to carry or utilize the CEW.

b. Officers shall receive retraining in the use of the CEW during annual in-service. (See TNG-3) **[4.3.3]**

c. All uniformed officers shall carry the CEW, if issued, in its holster in a cross draw position on their duty belt.

d. Officers shall carry the CEW with a nitrogen cartridge seated in the weapon.

e. Officers may dispense with carrying the baton if they have been issued a CEW. Personnel are encouraged to have their baton available in their assigned vehicle if not worn on their belt.

#### 2. Usage Criteria

a. The CEW may be used when the following three criteria are all present:

- (1) Verbal commands have failed to bring about the subject's compliance.
- (2) Defensive Resistance has been exhibited by the subject.
- (3) Probable Cause has been established on the subject  
(PC must be established before the subject evades or resists)

**NOTE:** A CEW may be used in the rare case where a subject is undergoing a mental health crisis and they are a danger to themselves or others. Extreme due regard must be exercised before a CEW is used in these cases.

b. The CEW is programmed to give a 5-second "electrical current." The operator can shorten or extend this time as needed base on the duration of the resistance of the subject.

c. The preferred target area when deploying a CEW should be the lower-center mass for front shots and center mass for back shots. The face, head, neck, chest and groin areas are to be avoided if at all possible.

d. The device shall not be used in any of the following places and situations:

- (1) Near flammable gasses or liquids.
- (2) In drug houses where ether is suspected to be in use.

- (3) As a defense against a deadly weapon.
  - (4) To threaten a person in an attempt to gain information from the person.
  - (5) Against a subject already in custody unless physical resistance has to be overcome.
  - (6) To wake up a suspected intoxicated individual.
  - (7) As a form of punishment to any person.
- e. No officer may use a CEW on an obviously pregnant, juvenile, or elderly suspect unless verbal commands, soft empty hand techniques and pepper spray have, if at all practical, been used and have failed. In such cases, an officer shall fully articulate in the use of force report the circumstances which justified the use of the CEW.
- f. No officer shall playfully, maliciously, or intentionally misuse the unit in an improper display of power.

### 3. Officer Response

- a. A suspect shall be handcuffed as soon as possible after being exposed to the CEW. Officers shall also be prepared to employ other means to control the suspect including, if necessary, other levels of force consistent with department policy, if the suspect does not respond sufficiently to the CEW and cannot otherwise be subdued.
- b. Immediately after utilizing the CEW on a suspect and getting the suspect in custody, the officer who deployed the CEW shall immediately examine the suspect for any indication that the individual needs medical care. Upon observing complications or other medical problems, or if the suspect requests medical assistance, the officer shall immediately summon emergency medical aid. **[70.3.2]**
- c. Suspects on which the CEW has been used shall be monitored continuously for indications of medical problems and shall not be left alone while in police custody. **[70.3.2]**
- d. If the probes penetrate the skin, the officer shall summon medical assistance and the puncture sites shall be brought to the attention of medical personnel, who will determine if the officer can remove probes.
- e. An officer shall not remove a probe if the barb shaft is imbedded so deep as to prevent the probe from hanging loosely. The officer shall request EMS to examine person if the probes cannot be removed because of (1) the depth of penetration of the probes, or (2) a hit to the head or groin or to a woman's breast. Officers are to wear rubber gloves when removing probes from skin. Officers shall use the two-finger method for removing probes.
- f. Unless a person subjected to any electrical shock from a CEW is exhibiting signs of medical distress, the person shall be taken by law enforcement transport to a medical facility for examination and treatment. If a person subjected to an electrical shock from a CEW is exhibiting signs of medical distress, the officer shall immediately summon emergency medical personnel, who will decide whether the person needs to be transported by ambulance. **[70.3.2]**
- g. Officers shall obtain medical clearance from the emergency room physician before transporting a subject shocked by a CEW to a detention facility. This clearance can be obtained from the physician. **[70.3.2]**
- h. Officers must be aware that one easily overlooked aspect of injury in shooting a subject with a CEW is that of falling from a standing position. An examination with particular emphasis on secondary injuries should be performed by the paramedics if on-scene.
- i. The Nitrogen Cartridge and probes used shall be tagged into evidence until there is a disposition on the case. Since the probes will probably have blood on them (biohazard) officers shall wear protective latex gloves when handling. The wires shall be wound around the cartridge. The probes shall be

inverted into the portals they originally were deployed from (this will prevent the sharp ends from penetrating the envelope). Tape should then be placed over the portals to secure the probes in the cartridge. Place into an evidence envelope.

#### 4. Reporting Procedures

- a. Use of the CEW against an individual in an enforcement capacity shall be reported to the Officer's immediate supervisor as soon as possible.
- b. Use of Force Reports shall be completed by each involved officer following all discharges of the CEW except during testing and training. Individual officers shall document only their own actions and not those of other officers.
- c. Officers shall notify the jail staff when turning over an arrestee on whom the CEW has been used.
- d. Any accidental discharge of a CEW or malfunction of a CEW shall be reported in an EOF report.

#### C. Baton

##### 1. Authorization

- a. Every officer shall be issued an approved friction lock baton and a baton holster by the Training Division. It shall be the responsibility of the officer to maintain both in good working order. No officer may carry the baton on duty until he/she has demonstrated proficiency in its use by successful completion of the approved training curriculum to be provided by the department training staff or by a certified instructor recognized as such by the training staff. **[4.3.2]**
- b. Any officer may, at personal expense, purchase and carry an approved positive lock baton in the issue baton holster.
- c. Officers may dispense with carrying the defensive police baton if they have been issued and carry the CEW. Personnel are encouraged to have their baton available in their assigned vehicle if not worn on their belt.

##### 2. Usage Criteria

- a. The defensive police baton is normally considered to be an intermediate weapon in the force continuum. It fills the gap between the officer's use of empty hand tactics and the use of a firearm (deadly force). The baton is normally considered to be an instrument designed to deliver non-deadly force to a combative subject. This is not to say that the defensive police baton could not be utilized to deliver deadly force if the circumstances are appropriate for the use of deadly force, but this is not the normal intended use of this instrument. Any use of force will be evaluated with the totality of the circumstances considered.
- b. Whenever an officer finds it necessary to use physical force to gain compliance or maintain control of a person, consideration must always be given to minimizing any the injury to that person. Target selection is based on the amount of force the officer perceives as reasonably necessary to bring the subject under control.
- c. The concept of Primary, Secondary and Final target areas was developed to assist officers in responding appropriately to varying levels of danger. An officer's target selection will depend on a comparison of the degree of imminent harm to the officer versus potential injury to the subject.
- d. Primary Target Areas are for non-deadly confrontations where the necessary physical force is not intended or likely to cause serious bodily harm or death. The resultant trauma to the subject is minimal. Any injury to the suspect tends to be temporary rather than permanent.

e. Secondary Target Areas are for non-deadly confrontations in which the officer's safety or another person's safety is at greater risk than in a situation in which a Primary Target Area is chosen by the officer. Greater caution must be used in applying force to a Secondary Target Area since the effect of physical force to a Secondary Target Area may be temporary but tends to be more permanent. Secondary Target Areas represent the upper level of non-deadly force because the force is directed at a joint or an area in close proximity to the Final Target Area.

f. Final Target Areas are designated for situations in which the use of force on Secondary Target Areas either fail or do not match the level of threat present (deadly force). Physical force intentionally directed at Final Target Areas is considered deadly force because of the potential result of serious bodily harm or death.

g. Immediately after using the defensive police baton to subdue a suspect, the officer shall assess the resulting trauma or injury and render first aid and summon emergency medical assistance or transport the subject to an appropriate medical facility for treatment. **[4.1.5] [70.3.2]**

### 3. Reporting Procedures

a. A use of the defensive police baton by an officer against a suspect shall be reported to the officer's immediate supervisor as soon as possible.

b. A Use of Force Report shall be completed by each officer involved following all incidents involving the use of force with a baton on a person whether or not such use results in injury to any person. Individual officers shall document only their own actions in the use of force report and not those of other officers present. **[4.2.1c]**

### D. Canines

All department personnel, particularly the canine handler, must recognize that the use of the police canine in any situation constitutes the use of force, or the implied threat of the use of force. Therefore, it is imperative that, prior to actual use of the canine, the decision to utilize the canine be made with full knowledge of the degree of force justified. The use of the canine is considered an intermediate weapon in the use of force continuum. Medical aid will be summoned to assess any injury resulting from use of a canine. **[4.1.5]**

### E. Firearms

#### 1. Authorization

a. All police officers, while on duty, are hereby directed to carry a department issue sidearm. Officers may carry an approved personally owned firearm as a secondary weapon while on duty or as a primary weapon while off-duty. All weapons carried on duty shall be inspected by the department armorer for safety and functional requirements prior to being carried by any officer on duty. Officers shall be required to qualify annually on the regular day course with any personal firearm the officer desires to carry as a back-up or while off-duty. Following the inspection of the weapon by the armorer and qualification on the regular day course, the request along with the recommendation from the training division will be forwarded to the Chief of Police for approval.

b. Each officer is to qualify with his primary firearm once a year, or more often as directed, in accordance with the established course of instruction provided by the department training staff. Officers who carry shotguns on duty shall also qualify with that weapon. **[4.3.2]**

c. Failure to qualify with a weapon shall result in the revocation of the officer's authorization to carry the weapon on duty and may result in a relief of duty until qualification is achieved. The training staff shall make remedial training available to any officer who fails his annual firearms qualification.



- d. Officers are to keep their firearms clean and in a condition ready to use.
- e. When off duty, and when located within the State of Tennessee, officers are hereby authorized to carry their department issue service weapon or any 9mm, .380, 357 Sig .40 Smith & Wesson, or .45 A.C.P. semiautomatic pistol, a .38 caliber revolver, or a .357 magnum revolver which may be concealed and which meets the safety and functioning requirements of the department. Prior to carrying any personal weapon off-duty, the weapon must be inspected by the department armorer, and the officer must qualify annually on the regular day course with the weapon to be carried.
- f. An officer shall not carry a firearm while consuming alcohol, or during an eight (8) hour period after consuming alcohol, or at any time the officer is affected by the consumption of alcohol.
- g. An officer shall not carry a firearm while the officer is under the effects of any medication (prescription or non-prescription) which impairs the officer's ability to perform his or her duties.
- h. Officers who live outside Tennessee must comply with all laws governing the carrying of handguns and firearms relevant to the state of their residence. This section shall not be deemed to authorize any officer to live outside the state of Tennessee in violation of any provision of the City Charter, City Code, department rule or executive order of the Mayor.
- i. Officers are permitted to carry and use a handgun in addition to their service weapon while on duty as set forth below:
- (1) A written request to carry an additional weapon must be submitted to the Training Division and approved by the Chief of Police and shall include the make, model, serial number and caliber of the handgun along with the location that the officer intends to carry the weapon concealed about his person in a holster.
  - (2) The weapon must be inspected by the armorer, and the officer shall demonstrate proficiency in the operation of the weapon on the regular day course in accordance with the guidelines set forth covering off-duty weapons above.
  - (3) Handguns carried in addition to an officer's service weapon are to be used only under one or more of the following circumstances:
    - (a) The officer has been disarmed of his primary weapon by a hostile suspect and the officer is in a situation in which deadly force may be required in accordance with department policies;
    - (b) The officer's primary duty weapon has broken, been damaged or has otherwise malfunctioned;
    - (c) The officer has lost his primary weapon during a struggle, foot pursuit, or other activity and the additional handgun carried is the only means available to the officer to protect himself and/or other persons;
    - (d) As an emergency reload when going to the additional weapon would be faster than attempting to reload a fresh magazine or the officer has run out of spare ammunition; or
    - (e) The officer is in a position that will not allow him access to his primary weapon and his additional weapon is the only one he can get to in order to defend himself against hostilities.
- j. Repairs or modification to department issued firearms may be made by the department armorer or by an outside technician or firm as directed by the armorer.
- k. All uniformed personnel while on duty shall carry their service weapon in an approved security holster. Plainclothes and administrative personnel shall use the department plainclothes holster or it's

equivalent which has been approved by a supervisor. Off-duty holsters must be worn in a location which is not visible to the public. Personal weapons authorized for on-duty use as a service firearm shall be carried in an approved safety holster.

l. Only department issued ammunition shall be carried in the officer's department issue weapon while on duty. Each officer shall be issued and shall carry sufficient ammunition to provide for his service weapon to be fully loaded and to reload twice. While on duty, officers may carry extra magazines of ammunition in addition to the ones issued to them provided they are identical to the magazines that were issued with the pistol. Officers who carry a personally owned weapon may carry only factory magazines. Ammunition for off-duty weapons and additional firearms carried while on duty shall be provided by the officer and must be equivalent to department issue ammunition bullet design even if of a different caliber.

m. After qualifying on the shotgun course, officers may elect to carry a 12 gauge pump (manual operated) shotgun. Department issued shotguns are available from the training division on a "first come, first served" basis. Personal shotguns of approved manufacture and of the same specifications as issue shotguns will be authorized by following the guidelines set forth in this order for approval of personally owned handguns. Barrel length for shotguns may be no less than 18 inches. Shotguns shall be loaded with department issued 00 buckshot or low recoil slugs while carried on duty.

n. After qualifying on the rifle course, officers may elect to carry an approved and issued patrol rifle. Department issued rifles are available from the training division on a "first come, first served" basis. Personal rifles of approved manufacture and of the same specifications as issue rifles will be authorized by following the guidelines set forth in this order for approval of personally owned handguns and shotguns. Approved training, specifications of rifles, and ammunition are described in OPS-13, Appendix D.

## 2. Usage Criteria

a. The use of deadly force is authorized when an officer reasonably believes that its use is necessary in order to stop an imminent threat of serious bodily harm or death against the officer or another person. **[4.1.2]**

b. An officer's decision to use deadly force will be judged only on what information and observations were known to the officer at the point when deadly force was used.

c. Use of firearms is prohibited in the following circumstances:

(1) Firing warning shots; **[4.1.3]**

(2) Firing at fleeing felony suspects who do not represent an imminent threat to the life of the officer or another person;

(3) Firing at or into a moving vehicle which does not represent an imminent threat to the life of the officer or another person;

(4) Firing at a vehicle for the purpose of disabling it; and

(5) Firing from a moving vehicle.

d. An officer, after giving verbal notice to the suspect of his or her identity as a police officer, may use or threaten to use force that is reasonably necessary to accomplish the arrest of an individual suspected of a criminal act who resists or flees from the arrest; an officer may use deadly force to effect an arrest only if all other reasonable means of apprehension have been exhausted or are unavailable, and where feasible, the officer has given notice of such officer's identity as such and given a warning that deadly force may be used unless resistance or flight ceases, and:

- (1) The officer has probable cause to believe the individual to be arrested has committed a felony involving the infliction or threatened infliction of serious bodily injury; or
  - (2) The officer has probable cause to believe that the individual to be arrested poses a threat of serious bodily injury, either to the officer or to others unless immediately apprehended. (See Tennessee Code Annotated § 39-11-620.)
- e. Officers shall not unnecessarily place themselves in a position of exposure to the immediate threat of death or physical bodily injury when there are reasonable alternative actions, including but not limited to, the following:
- (1) Finding suitable cover;
  - (2) Containing the threat and securing the scene; and/or
  - (3) Waiting for available back-up officers necessary to deal with the situation without the necessity of the use of deadly force if possible.
- f. Immediately after any injury in the presence of an officer, including any injury resulting from the use of deadly force, the officer shall assess the resulting trauma or injury, render any necessary first aid and summon emergency medical assistance if necessary. **[4.1.5]**

### 3. Reporting Procedures

- a. Whenever a member discharges his firearm, either accidentally or in the performance of his police duty, he shall verbally notify the on-duty supervisor as soon as time and circumstances permit, but in no case later than the conclusion of the current tour of duty. Any officer who fires his or her weapon while off-duty shall notify the patrol supervisor for the area where the incident occurred. **[4.2.1a]**
- b. The supervisor to whom any firearm discharge is reported shall notify the Office of Internal Affairs and ensure a Use of Force Report of the incident is completed by each officer involved in the incident and forwarded through established channels to the Chief of Police. Multiple officers involved in a single incident need only document their own actions during the incident and not those of others. Included shall be the names of the officer(s) involved, suspect, other concerned persons, the circumstances under which the firearm was used, the nature of the injury inflicted, if any, and the care given afterwards to the injured person(s). In the event that a firearm discharge results in serious bodily injury to any person, the Use of Force report may be submitted by a member of the investigation team in order to protect the due process rights of the involved officer. Officers may be permitted to review any available Body Worn Camera or In Car video prior to completion of the Use of Force Report.
- c. An incident report shall be completed whenever an officer takes an action that results in, or is alleged to have resulted in the injury or death of another person. If injury or death results from the police use of deadly force, the Major Investigations Division and Internal Affairs shall be notified and conduct an investigation. **[4.2.1b]**
- d. Any employee, whose action(s) or use of force in an official capacity results in death or serious physical injury, shall be removed from operational assignments, pending an administrative review. **[4.2.3]**
- e. Supervisors reviewing and submitting Use of Force Reports shall ensure that the team commander is notified and receives the original use of force report for his/her review and signature.
- f. During the period of administrative leave with pay, the officer shall be available for interviews by Major Investigations and Internal Affairs personnel.

g. Any officer placed on administrative leave with pay following a deadly force incident which results in death or serious bodily injury to a suspect shall not work any off-duty jobs in the capacity of a law enforcement officer.

#### IV. REVIEW AND ANALYSIS OF USE OF FORCE INCIDENTS

A. All Use of Force Reports shall be forwarded through the chain of command to the officer's Division Commander. Each reviewer shall view all available Body Worn Camera or In Car video prior to forwarding the Use of Force Report. [4.2.1 a-d; 4.2.2]

B. The Division Commander shall review the report (as well as all available evidence, including video) for accuracy, completeness, and proper application of policy, further routing the report to IAPro if the documented action is consistent with policy. If a report is determined to have documented action which is not consistent with policy, the reviewing Captain shall notify the Commander of the Internal Affairs unit for further investigation. [4.2.1 a-d; 4.2.2]

C. The Training Unit commander shall conduct an annual Use of Force Analysis and to the Office of the Chief of Police. Use of Force data shall be obtained from the Office of Internal Affairs for use in the analysis. The analysis should identify any patterns or trends which could be predictive or indicate the following: program effectiveness, training needs, equipment upgrade needs, and/or policy modification needs. The analysis should identify: [4.2.4]

- 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. trends or patterns resulting in injury to any person including employees; and
- e. impact of findings on policies, practices, equipment, and training

The Training Unit will conduct a documented review of all assaults on Officers to determine trends or patterns, identifying policy or training issues and presenting recommendations designed to enhance officer safety and correct errors. [4.2.5]



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