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			Distribution: All
Title: USE OF FORCE		Section: Organization	
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Review: Semi-Annual	Authority: Chief Michael A. Keller 		

I. Purpose

The purpose of this General Order is to provide law enforcement officers of this agency with guidelines for the use of deadly and non-deadly force.

II. Policy

It is the policy of this agency that officers use only the force that reasonably appears necessary to effectively bring an incident under control, while protecting the lives of the officer and others. It must be stressed that the use of force is not left to the unfettered discretion of the involved officer. This is not a subjective determination. The use of force must be objectively reasonable. The officer must only use that force which a reasonably prudent officer would use under the same or similar circumstances (1.3.1).

III. Definitions

- A. **Deadly Force:** Any use of force that creates a substantial risk of causing death or serious bodily harm.
- B. **Less-than-Lethal Force:** Any use of force that meets operational objectives with less potential for causing death or serious physical injury than conventional tactics.
- C. **Nondeadly Force:** Any use of force other than that which is considered deadly force. This includes any physical effort used to control or restrain another, or to overcome the resistance of another.
- D. **Objectively Reasonable:** This term means that, in determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to the community.
- E. **Roadblock:** A method, restriction or obstruction used or intended for the purpose of preventing free passage of motor vehicles on a roadway in order to affect the apprehension of an actual or suspected violator in a motor vehicle. Roadway blockages such as security at an incident scene, road closures due to hazards, etc. are not considered roadblocks for the purposes of this General Order.
- F. **Serious Bodily Harm:** Bodily injury that creates a substantial risk of death, causes serious, permanent disfigurement; or results in long term loss or impairment of the function of any bodily member or organ.

IV. Regulations

- A. Only objectively reasonable force will be used by employees [C].



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- B. Officers are prohibited from firing warning shots (1.3.3) [E].
- C. Firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants [D].
- D. Firearms shall not be discharged from a moving vehicle unless an officer in a vehicle is being immediately threatened with deadly force and the movement of the vehicle is necessary to mitigate the threat [D].
- E. Officers will complete a detailed written report and a Use of Force Form following any use of force incident as outlined below [A].
- F. Horseplay involving weapons or weaponless hand tactics is not permitted [A].

V. Procedures

A. Use of Deadly Force

Rev. 07102013

1. Officers are authorized to use deadly force against a human being only when one or both of the following apply in accordance with K.S.A. 21-5227 (1.3.2):

Rev. 10042012

- a. To protect the officer or others from what is reasonably believed to be an imminent threat of death or serious bodily harm.
- b. To prevent the escape of a fleeing violent felon who the officer has probable cause to believe will pose a significant threat of death or serious physical injury to the officer or others if not immediately apprehended. When practical prior to the discharge of a firearm, officers shall identify themselves as law enforcement officers and state their intent to shoot.

2. In determining if it is objectively reasonable to use deadly force, an officer should determine:

- a. The suspect has the ability to cause death or serious bodily harm;
- b. The suspect has the opportunity to cause bodily harm; and
- c. Jeopardy of death or serious bodily harm exists.

3. Officers may use deadly force to destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured, when the officer reasonably believes that deadly force can be used without harm to the officer or others.

4. In incidents where officers used deadly force, procedures in the department's General Order O2519 Investigation of Officer's Use of Deadly Force shall be followed.

Rev. 12112014

5. Lateral Vascular Neck Restraint (LVNR) holds and choke holds are considered deadly force. Such holds shall not be utilized by members of this department, other than situations justifying deadly force. Should a member observe or have

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immediate knowledge that a neck/choke hold has been used; the member shall ensure that medical attention is administered by a qualified medical professional as soon as possible after the use of the neck/choke hold.

B. Use of Nondeadly Force

1. Where deadly force is not authorized, officers may use only that level of force that is objectively reasonable to bring an incident under control.
2. Officers are authorized to use department approved, nondeadly force techniques and issued equipment when one or more of the following apply:
 - a. To protect the officer or others from physical harm.
 - b. To restrain or subdue a resistant individual.
 - c. To bring an unlawful situation safely and effectively under control.
3. The following less-lethal weapons will be authorized for use under these guidelines and the guidelines in other General Orders by officers who have successfully completed training in their use (1.3.4):
 - a. Taser X26.
 - b. Expandable baton.
 - c. Oleoresin Capsicum spray.
 - d. Less lethal shotgun.

C. Road Blocks

Rev. 09182015

1. The utilization of a roadblock or forcible stop with the exception of the use of a Tire Deflation Device is prohibited.
 - a. Tire Deflation Devices: Tire deflation devices are devices used to deflate a suspects tires in a controlled manner. Refer to General Order O2410 Tire Deflation Device for guidelines on the use of these devices.

D. Rendering Aid After the Use of Force (1.3.5)

1. Anytime an individual is injured during a use of force incident, a supervisor shall be immediately notified and respond to the scene.
2. In any circumstance where an officer uses force, the officer is responsible for obtaining medical attention for the subject, if necessary, as soon as reasonably possible.
3. Officers with proper training may provide medical attention for minor injuries, but should ensure medical attention for more serious injuries is provided by suitable medical care providers.
4. Medical care may be provided at the scene, or the injured party may be removed to a location where treatment is more practical.
5. Treatment for Electronic Control Device and OC spray deployments shall be in accordance with the respective General Orders for those weapons.

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E. Documentation of the Use of Force

1. Each officer involved in the actual use of force will complete a written report detailing the circumstances of the use of force incident and complete a Use of Force Report Form (APD FORM 9) in the following circumstances:
 - a. Any time a firearm is discharged for other than training purposes (1.3.6a).
 - b. Any time an action is taken by an employee that results in, or is alleged to result in, injury or death to another person (1.3.6b).
 - c. Any time force is applied using a weapon (1.3.6c).
 - d. Any time a weapon is displayed and verbal commands are given.
 - e. Any time weaponless physical force is used against a person who is actively resisting lawful efforts to take that person into custody (1.3.6d).
 - f. Any time a Tire Deflation Device is deployed (41.2.3e).
2. Officers that are only present, but not actually involved in the use of force, will not be required to complete a Use of Force form, but shall be documented as "witnesses" on the Use of Force Report, and shall be responsible for submitting a narrative report prior to the end of their shift.
3. Written report(s) and form(s) will be, if the officer(s) are physically able, submitted to the officer's immediate supervisor prior to going off duty on the date the incident occurred.
4. The officer's supervisor will review the written report(s) and form(s) and enter them into the department's computer system designated for the tracking of Use of Force incidents. All original reports and forms will be forwarded to the Operations Commander for review, tracking and storage (1.3.7).
5. Annually, the Operations Commander will conduct an analysis of Use of Force activities, policies and practices for trends or problems in the department's use of force. The analysis will be in writing and forwarded to the Chief of Police (1.3.13).

Rev. 09182015

Rev. 09042013

F. Training

1. Before being authorized to carry any lethal or less lethal weapons, officers will be provided with a copy of General Order O2102 Use of Force and instructed on the contents therein (1.3.12).
 - a. The department training coordinator must maintain documentation of the training, knowledge test results, and documentation that each officer received a copy of the aforementioned General Order.

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