

Firearm and Deadly Force	Procedure Number	591
	Effective Date	Jan 1, 2019

1.0 PURPOSE

To establish the rule for the Office of Police and Public Safety regarding the use of physical force, non-lethal weapons, deadly force and the discharging of weapons.

2.0 REVISION HISTORY

Adopted on:
 October 1995
 Revised on:
 March 2015

3.0 PERSONS AFFECTED

UA-PTC law enforcement officers and all personnel who are acting or who may reasonably be expected to act in the capacity of a law enforcement officer, on or off duty, may only use deadly force to protect themselves or others from what they reasonably believe to be an immediate threat of death or serious injury.

4.0 DEFINITIONS

5.0 PROCEDURE

The State of Arkansas has vested UA-PTC Officers with the responsibility to protect life and property, and to apprehend criminal offenders. The apprehension of criminal offenders and protection of property must, at all times, be secondary to the protection of life. Therefore, the use of Deadly Force is not allowed to protect property interests.

Officers may achieve control of situations by the use of verbal warnings or the use of reasonable physical force. The use of any reasonable physical force must be based on reasonable alternatives that have been considered and would be ineffective. The use of Deadly Force shall be the last alternative, and the officer's responsibility to protect human life must include his own.

Avoiding the Use of Deadly Force

Officers shall not fire their weapons under conditions that would unnecessarily subject bystanders or hostages to death or possible injury, except to preserve life or to prevent serious physical injury. Deadly Force is an act of last resort and will be used only when other reasonable alternatives are impractical or have failed.

Officers will plan ahead and consider alternatives, which will reduce the possibility of needing to use Deadly Force.

Discharging Firearms at Moving Vehicles or into Structures

Discharging firearms at a moving or fleeing vehicle is prohibited, unless it is necessary to prevent imminent death or serious physical injury to the officer or another person.

Officers will not voluntarily place themselves in a position in front of an oncoming vehicle where Deadly Force is the probable outcome. When confronted by an oncoming vehicle, officers will move out of its path, if possible, rather than fire at the vehicle.

Officers will not fire into a building or through doors, unless the officer or someone else is drawing fire and the suspect can be identified and is clearly visible. Drawing, Displaying Weapons and Warning Shots Officers will not fire warning shots. Officers may draw or display firearms when there is a threat or reasonable belief that there is a threat to life, or when they have a reasonable fear for their own safety and/or the safety of others.

Levels of Resistance

- Psychological Intimidation: Non-verbal clues indicating subject's attitude, appearance, and physical readiness (e.g., blank stare, clenching of fist(s), tightening of jaw muscles, etc.)
- Verbal Non-compliance: Verbal responses indicating subject unwillingness to obey commands of detainment, arrest, or to stop unlawful or dangerous behavior.
- Passive Resistance: Any type of resistance where the subject does not attempt to defeat the officer(s) attempt to touch or control him, but refuses to actively comply with the officer(s) (e.g., dead weight does not react to verbal commands, etc.)
- Defensive Resistance: Any action that attempts to prevent an officer from gaining control of the subject (e.g., pulling/pushing away to defeat the escort position). It is not an attack on the officer, but a physical act designed to prevent the officer from gaining control.
- Active Aggression: Includes physical actions/assaults against the officer or another person with less than deadly force (e.g., advancing, challenging, punching, kicking, grabbing, wrestling, etc.)
- Deadly Force Assault: Any force used against an officer and/or another person that may result in great bodily harm or the loss of human life. It is important to note that a subject's use of deadly force does not require the use of a weapon against the officer. Deadly force is any force that the officer reasonably believes could result in serious injury or death.

The type and degree of levels of control that may be used to overcome resistance, to control persons who are in custody, and to prevent escape, are:

Level 1 - Officer Presence - The identification of police officer's authority, by either the uniformed police or the verbal indication of being a police officer.

Level 2 - Verbal Direction - Verbal commands of direction or arrest.

Level 3 - Empty Hand Control

- Soft Empty Hand Control - Techniques that are designed to control Passive or Defensive Resistance, used when verbal direction/commands are not effective and there is non-compliance with lawful orders. They include strength techniques, joint locks, pressure points, or a Knee-Strike/Distracton Technique to the subject's thigh (to prevent resistance from the escort position). These techniques have little or no potential for injury.
- Hard Empty Hand Control - Techniques that are designed to control Active Aggression, but can be used to control Defensive Resistance when lower forms of control have failed or when the officer believes lower forms of control will fail. These techniques include Defensive Counterstrikes and the Shoulder Pin Restraint. These techniques have a probability of injury in the form of bruises, contusions, or lacerations.

- Level 4 - Intermediate Weapons – Intermediate Weapon level of control is the application/use of any weapon/object that is not part of the human body to control resistance or an assault. Examples include any form of chemical agent, impact weapons (flashlight, radio, broomsticks, etc.). The use of an Intermediate Weapon is justified when lower forms of empty hand control have failed, or when an officer believes that his skill level in empty hand control will be insufficient, and the use of Deadly Force is not justified. They are used with the intent to temporarily disable the subject and never with the intent to cause permanent injury.
- Level 5 - Deadly Force – Any force used by an officer that may result in great bodily harm or the loss of human life. Officers may only use Deadly Force to protect themselves or others from what they reasonably believe to be an immediate threat of death or serious physical injury.

Oral Concealment of Evidence by Suspects

When officers' witnesses a suspect conceal evidence in his mouth, the officer will not use force to remove the evidence.

The officer will order the suspect to remove the evidence from his mouth so the officer can take possession of the evidence. If the suspect fails to comply with the officer, the suspect will be taken into custody for Tampering with 1 Physical Evidence.

Any visible residue on the suspect's lips, which the officer believes to be an illegal drug/narcotic, may be swabbed by the officer to be forwarded to the State Crime Laboratory. A subject shall be charge the subject on the felony charge.

If the suspect is believed to have ingested a large amount of drugs/narcotics, the officer shall notify his supervisor. It will be the supervisor responsibility to process the suspect and consult with a prosecutor in reference to a search warrant for stomach content.

Oleoresin Capsicum (O.C.) - O.C., a chemical deterrent, may be used in defense against combative, resisting, and/or otherwise violent individuals. O.C. is not necessarily a replacement or substitute for otherwise less-than-lethal devices or tactics and, therefore, should only be used when it is determined to be the best available enforcement tool or tactic, under the given circumstances.

Similarly, O.C. is not intended to be an alternative to the use of Deadly Force, when such is clearly authorized and is necessary, as described in this policy.

Police Batons

A police baton may be used when considerable force is necessary. The baton permits an officer to defend him or others, in situations where the use of firearms may not be necessary or justified.

When the use of the baton is warranted, officers will attempt to strike the suspects' arms or legs. Officers should not attempt to strike suspects on the head, neck, sternum, spine, groin or kidneys *unless Deadly Force is authorized*.

Jabs to the body with the baton should be used under circumstances that inhibit the officer's ability to strike the suspect in the arms or legs (e.g. crowded areas, other officers in the area, etc.).

Taser Weapons

This department will not allow Officers to use or carry Tasers on the College campuses.

Flashlights

In the event it becomes necessary to use a flashlight as a defensive weapon, officers will use it in the same manner as the baton. An officer shall use only departmental issued flashlights or a flashlight that has been approved by the Director of Police and Public Safety.

Firearms

Striking a person with any firearm is prohibited, unless the firearm has already been drawn or defense of an officer or another person, under circumstances where the use of Deadly Force is not justified and the opportunity to secure the firearm is not present.

Police Vehicles

Officers will not attempt to deliberately collide with other vehicles or to use police vehicles to force any vehicle off the roadway. 6

Medical Treatment Required

When any force is used, the officer shall attempt to determine if any injuries have occurred as soon as practical. If a suspect is obviously injured, alleges injury or requests medical assistance when an officer has used lethal or less-than-lethal force, the officer will immediately notify a supervisor. In these instances, officers will provide medical treatment for the offender by:

- Transporting the offender to the nearest hospital, or
- Requesting an ambulance for emergency transport, if appropriate.

Investigation Requirements

Whenever a UA-PTC Police Officer becomes involved in an incident in which either the officer or another person is injured or killed as a result of police action and/or the use of Deadly Force, or whenever an officer intentionally employs Deadly Force, but no injury or death results, two separate investigations shall be initiated - a criminal investigation and an administrative investigation. (This shall not be applicable to those instances where the death or injury is the result of a motor vehicle accident.)

- The Director of Police or a designee will be responsible for conducting the criminal investigation to facilitate successful prosecution, if deemed appropriate, by the Prosecuting Attorney's Office.
- The Director of Police or a designee will conduct a separate administrative investigation to ensure compliance with UA-PTC Police Department Rules and Regulations
- Unintentional weapons discharges not resulting in physical injury will be investigated by the involved officer's supervisor and/or Director of Police.

On Scene Investigation and Responsibilities

The first supervisor on the scene of an officer-involved shooting or other incidents established above shall take charge and limit unnecessary access to the scene. The field supervisor in charge at the scene will be responsible for the integrity of the crime scene until it is released to the appropriate agencies. (North Little Rock Police, Little Rock Police, etc).

Discharge of Firearms upon Animals

Officers will only discharge firearms at an animal when the officer perceives the animal as an immediate threat to the officer or to another person. This procedure will be followed any time a member of the Department discharges a weapon at an animal while in an on-duty capacity.

- a. Any officer who discharges a firearm upon an animal will contact an on-duty police supervisor who will initiate an investigation.
- b. The supervisor will complete an Incident Report.
- c. The supervisor will evaluate the officer’s performance and submit his findings, in writing and forward them to the Director of Police.

REQUIRED APPROVALS	NAME/SIGNATURE	DATE
Originator(s) Name(s):	PTC Board of Trustees	Oct 1995
Ratified by:	PTC Student Services Chief Mark Stafford, UA-PTC Office of Police & Public Safety	March 2015 Dec 2018
Recommended by Chancellor (Signature)	Margaret Ellibee	Jan 2019
UA Policy Alignment:		

