

GENERAL ORDER

Metro Transit Police

Subject: Use of Force Next Review Date: 01/19/2013	Number: 130
	Effective: 01/19/2012

I. Purpose

This order establishes the parameters of force available to members and provides a review procedure for use of force incidents.

II. Policy

Members will use only the amount of force necessary to affect an arrest, overcome resistance, or protect themselves and/or others from harm. Use of force must be justified. Unnecessary force is prohibited.

III. Definitions

Less-Lethal Force - force that is unlikely to cause death or serious injury, but the possibility of a fatality, however remote, does exist.

Lethal Force - force likely to kill or cause serious injury.

Reasonable Belief - The facts or circumstances the member knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

Serious Physical Injury - an injury that creates a substantial risk of death, causes serious permanent disfigurement or results in long term loss or impairment of the functioning of any part of the body.

Use of Force - The amount of effort required by the police to compel compliance of an unwilling subject.

IV. Procedures

- A. Use of Force - The diagram below represents options that members may use when confronted with a use of force situation. The decision to use force of any degree must be based upon information known by the member at the time of the encounter. Members will determine the amount of force that is reasonably necessary to overcome the resistance they encounter.



B. Weaponless Physical Force:

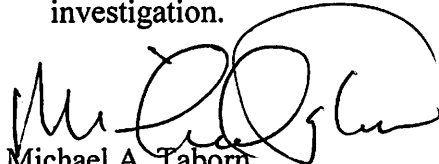
1. Active counter measures include pushing, punching and kicking.
2. Control holds, applied to an individual's neck, that are intended to compress either the trachea or carotid arteries are prohibited.

C. Less-Lethal Force Instruments:

1. Sworn members are authorized to carry Department issued less-lethal force instruments on or off duty, only after the member has been qualified by the Training Division to carry the instrument, instructed in the proper use of force guidelines, and issued copies of General Orders relating to that topic.
2. Handcuffs/Flex-cuffs - Restraining devices that may be applied when a member considers it necessary to protect themselves, citizens, or a subject under police control from harm, while reducing the risk of escape.
3. Issued Oleoresin Capsicum (OC) Agent:
 - a. OC is an alternative to hands-on countermeasures and may be used when less severe options would be clearly ineffective.
 - b. Unless otherwise directed by an official, on-duty, uniformed and casual clothes members below the rank of Lieutenant will carry the issued OC.
 - c. OC canisters will be inspected monthly by supervisors for damage/leakage, etc.
 - d. Members who improperly use OC will be subject to disciplinary action.
 - e. Members will notify their supervisor, without delay, of damage, discharge or malfunction of their issued OC canister.
 - f. The Commander, Training Division, is responsible for the issuance and replacement of OC canisters.
4. Impact Weapons:
 - a. Impact weapons authorized by the Department include the issued straight police baton, ASP and any other impact weapons approved by the Chief. Slapjacks and blackjacks are not approved. This includes previously approved slapjacks and blackjacks.
 - b. On-duty, uniformed and casual clothes members below the rank of Lieutenant will carry an issued impact weapon unless otherwise directed by an official.
5. Less-Lethal Equipment:
 - a. Other less-lethal equipment (i.e., other OC disbursing devices, Ortho-Chlorobenzal Malononitrile (CS) agents, smoke devices, bean bag rounds, stinger grenades, and distraction devices) may be used by members trained in their operation when authorized by the Watch Commander.
 - b. The pepper ball launcher is an OC or kinetic impact alternative when approach to a subject would be inappropriate or ineffective. The pepper ball launcher will be stored in a carrier case with the air bottle firmly attached, the charging handle to the rear, the chamber open and the safety on. The carrying of a pepper ball launcher without pointing at a person does not constitute use of force.

- c. Bean bag rounds are used with a dedicated 12-gauge shotgun or in the 37/40 mm launcher. The dedicated 12-gauge shotgun will be stored in the case with the chamber empty, action open and bean bag rounds stored on the outer carrier. Prior to loading the gun, the rounds will be inspected to ensure that they are bean bags.
- D. Lethal Force:
 - a. A member may use lethal force only when they reasonably believe that the action is in defense of human life, including the member's own life, or in defense of any person in imminent danger of serious physical injury.
 - b. A member may use lethal force for the destruction of an animal with authorization from the Watch Commander.
- E. Reporting and Investigation:
 - 1. A member will notify their supervisor without delay each time force is used. A comprehensive Use of Force Report (Attachment #1) will be completed as soon as possible.
 - a. Supervisors will ensure that each involved member completes a separate Use of Force Report.
 - b. The Use of Force Report will be completed prior to the member checking off unless the member is physically not capable at the time of check off.
 - c. Supervisors will ensure that a member completes a Use of Force report when handcuffs are used in conjunction with a Stop and Frisk.
 - d. This reporting requirement does not apply to the following types of force, unless the action resulted in the death of another person or injury requiring medical treatment:
 - 1) Officer presence or verbal commands.
 - 2) Hand control techniques that have little or no chance of causing injuries when controlling or subduing non-compliant or resisting persons. These techniques include touching, gripping or holding, frisking, pain compliance measures, pressure point application, come-a-long, control holds, or other custodial procedures.
 - 3) Handcuffs when used in conjunction with an arrest or transportation of a prisoner from the processing center to the local jail/central cell block.
 - 4) Physical removal of demonstrators, i.e. passive resisters.
 - 5) Firearm at tactical readiness, but not pointed at anyone.
 - 6) Presence of a police dog.
 - 2. Supervisors will review all incidents involving the use of force and ensure that an investigation is initiated when the use of force is not in conformance with Metro Transit Police Department General Orders or procedures or results in serious injury or death.
 - 3. Upon initiating an investigation for incidents involving use of force when not in conformance with MTPD General Orders or procedures will be forwarded OPRI for investigation.

4. The Use of Force Report will be forwarded to the District/Division Commander for review, then to the Records Division where they will be retained separate from other records. A copy of the Use of Force Report will be forwarded to the Commander, Training Division, by the Manager, Records Division.
5. The Commander, Training Division, will prepare an annual review of the use of force incidents to determine patterns which may indicate training needs, equipment upgrades, and/or policy modifications.
6. A member whose use of force results in serious injury or death will be removed from full-duty and placed on administrative duty pending the completion of an investigation.



Michael A. Taborn
Chief