

## GREELEY POLICE DEPARTMENT

**General Order 516.00****Reviewed: 08/21****516.00 LESS LETHAL FORCE**

- Police officers are often confronted with situations where physical control over another person is required to affect arrests or protect the public's safety. Initial attempts should be made to achieve this control through verbal, warnings, and commands. However, in situations where physical resistance or a threat of bodily injury is encountered and reasonable alternatives have been exhausted or would be ineffective, non-deadly force may be used.
- No employee shall use non-lethal force except in the performance of his duty and when it is necessary and in compliance with this General Order.
- Officers may use only that level of force to accomplish lawful objectives that are objectively reasonable to bring an incident under control. Use of necessary force will cease when resistance ceases or is overcome.
- During arrest or conflict situations, officers will remain alert to the possibility of de-escalation of force and will invoke such procedures if appropriate.
- Where deadly force is not authorized, officers should assess the incident in order to determine which non-deadly technique or weapon will best de-escalate the incident and bring it under control in a safe manner.
- During instances involving subjects engaging in passive resistance to lawful authority, the use of Chemical Mace, baton, Taser, Pepperball, or other less-lethal or lethal weapon is not authorized to overcome that particular level of resistance. Officers may use physical strength via departmentally approved control hold, pressure point compliance, or lifting to a litter, wheelchair, or other similar conveyance to remove individuals engaging in this activity. However, these situations are fluid and if the subjects involved escalate the level of their resistance to the officers, the officers may meet that resistance with appropriate levels of approved force.
- Officers not carrying a department shotgun should carry a less lethal (orange stock and forearm) shotgun for the deployment of less lethal ammunition.
- Parameters of use: When nonviolent means would be otherwise ineffective, police officers are authorized to use departmentally-approved less lethal force techniques and issued equipment for resolution of incidents as follows:
  - To preserve the peace, prevent commission of offenses, or to prevent suicide;

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- In making lawful arrests, detentions, searches, overcoming resistance to such arrests, detentions, or searches and preventing escapes from custody, or otherwise to lawfully restrain or subdue a resistant individual;
- In self defense or defense of another against unlawful violence to persons or property;
- To prevent or interrupt an intrusion or interference with the lawful possession of property or lawful activity; and
- To gain control of, or defend themselves against, aggressive and/or vicious animals
- Strength and Skill via Control Hold:
  - Only department approved control holds or techniques shall be utilized. If an officer uses a control hold to subdue a suspect, and no visible injuries are present, the officer may transport the individual to jail. If the subject appears to have injuries or complains of pain or injuries, medical personnel will be immediately summoned and if necessary, the subject will be transported to a medical facility for treatment prior to taking the subject to jail. If the subject refuses medical treatment, the officer will ensure appropriate documentation for jail intake staff.
- Provisions for carrying less-lethal weapons:
  - A Taser will be carried by uniformed officers at all times unless one is not available or the officer has not been trained.
  - Along with a Taser, officers will select and will carry a second less lethal option. These options are; chemical agent, baton, or an ASP.
  - If the officers do not select the Chemical Agent or one of the Baton/ASP options as their second less-lethal weapon on the duty belt, the less-lethal weapon not selected must be available to the officer by being accessible in the patrol vehicle (only one baton option is required).
  - Sworn supervisors in uniform above the rank of sergeant are exempt from these requirements.
  - Officers in plain clothed assignment shall carry a minimum of one less-lethal weapon. Exception to this requirement may be approved by the officer's direct supervisor.

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- Chemical Agent:
  - Only department issued chemical agent will be carried.
  - In the event an officer uses chemical agent against any person, that person shall be provided immediate medical attention. This can be done by taking to subject to a medical facility, or treatment by paramedics responding to the scene.
  - If the subject refuses treatment at the hospital, the individual should be advised to flush his eyes with cold water. The officer will obtain appropriate documentation for jail intake staff.
  - Supervisors and SWAT team members will be trained to deliver chemical agents by way of the ProtectoJet and ARWEN delivery systems.
  - Any use of impact munitions shall not be delivered indiscriminately into a crowd. Officers shall select specific targets and deliver these munitions to appropriate target locations as prescribed by the manufacturer and officer training.
    - In response to a protest or demonstration, law enforcement may not:
      - Discharge kinetic impact projectiles or any other non- or less-lethal projectiles in a manner that targets the head, pelvis, or back;
      - Use chemical agents or irritants, including pepper spray and tear gas, prior to issuing an order to disperse in a sufficient manner to ensure the order is heard and repeated if necessary, followed by sufficient time and space to allow compliance with the order
- Baton:
  - The department issued Armament System and Procedures collapsible baton will be carried on the person of the patrol officer at all times while on duty and in uniform. The department also authorizes and issues the 29" Dymondwood straight baton. Officers qualified to carry the straight baton may carry this baton in place of the Armament Systems and Procedures collapsible baton.
  - The SD-1 and/or SD-2 self-defense tool shall be used in accordance with the same parameters set for the ASP baton and Dymondwood straight baton. The Department will not issue the SD-1 or SD-2, however, officers may purchase the SD-1 or SD-2 at their own expense. These self-defense tools are not meant to replace the carrying of the Taser, chemical agent, ASP, or straight baton. Officers who are qualified may

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carry the SD-1 or SD-2 in addition to the required two less-lethal weapon requirements.

- The department may issue wooden riot batons when deemed necessary by the Chief of Police or his designee.
- In the event an officer uses a baton to strike a suspect, the officer will transport the individual to the hospital for treatment. If the subject refuses medical treatment at the hospital, the officer will request a medical record notation by medical personnel and advise the jail intake staff.
- Less Lethal Shotgun Ammunition:
  - If time and circumstances allow, the use of less lethal ammunition requires supervisory notification prior to deployment. A supervisor need not be present on-scene when the weapon is deployed, but must have been notified prior to deployment or immediately thereafter and must be in route to the incident once notification has been made. Notification must be made via radio transmission.
  - When less lethal ammunition has been used against a subject, the person will be transported to a medical facility for treatment. Only after treatment or refusal of treatment at the facility will a suspect be transported to jail.
- Prior to the deployment of Less Lethal shotguns, adequate personnel will be on-scene to ensure that at least one officer has un-impeded access to deadly force as an option, should the threat level change quickly.
- Taser®:
  - The Taser, conducted energy weapon, should be seen as occupying the same level as pepper spray on the department's list of less-lethal force options.
  - When deploying a Taser, officers should consider designating a separate officer to provide lethal cover, should the threat level escalate to necessitate the use of deadly force. Whenever feasible, the officer deploying the Taser and the lethal cover officer will be in close proximity to each other. Involved officers should also coordinate with one another the use of arrest control techniques to take physical control of the subject. Officers should avoid deploying a Taser simultaneously with their handgun, and it is recommended the pistol be holstered prior to deployment of the Taser.

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- The Taser is a defensive weapon designed to provide officers with the ability to defend themselves or others against an aggressor. Officers will not deploy the Taser when subjects are not aggressive and are trying to avoid arrest by leaving the scene.
- The use of a Taser generally would not be appropriate against an apparently unarmed individual who presents verbal noncompliance or verbal threats to officers without further actions.
- If time allows prior to the Taser being deployed, a supervisor will be notified via radio. If notification prior to deployment is not practical, notification will be made as soon after the deployment as possible.
- Only those officers certified in the use of the Taser will remove Taser probes that have penetrated a subject. Officers will not remove Taser probes when they are imbedded in a subject's neck, face, throat, groin or breasts. If Taser probes are removed by the officer, the officer will obtain medical attention for the subject exposed to the Taser or for any other reason deemed appropriate by the officer, prior to transporting the subject to jail.
- If the Taser is used against a subject and the subject is struck in the neck, face, throat, groin or breasts, the person will be transported to a medical facility for treatment and removal of the probes. Only after treatment at the facility will a suspect be transported to jail.
- The Taser will not be used in a situation where the subject involved is driving a vehicle.
- Preferred target areas will conform to Taser® manufacturer recommendations knowing that fast moving street conditions and weapon deployment accuracy will affect actual target zones hit.
- The genitals will not be an intentional target zone.
- Officers will use up to one standard (5-second) cycle and then evaluate the situation to determine if an additional cycle is necessary. After two Taser Cycles are initiated, officers will evaluate the situation to determine if the Taser is the best less-lethal alternative available for their specific situation. Officers will articulate their selection of less-lethal alternative in their police report.
- The use of other alternatives will be considered when the subject is a pregnant woman, an elderly person, very young person, visibly frail person, and persons of very small build.

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- Officers will attempt to coordinate the Taser deployment to avoid two or more officers' tasing one individual.
- Officers will be trained to obtain hands on control of the subject during the Taser cycle. Officers will be trained not to touch the subject between the two probes.
- Tasers should not be used against individuals who are in an elevated position, where a fall may cause injury or death.
- If the Taser is used against a subject medical attention will be provided through either Paramedics or by transporting the subject to the hospital.
- A subject receiving prolonged exposure to Taser cycles (15 seconds) will be transported to the hospital for evaluation.
- After any application of a Taser, officers will monitor the subjects carefully for any signs of medical issues.
- Officers should test-cycle their Taser once a week. This is called "spark testing". Officers will only spark test their Taser at the police department, in a location that is safe to do so and is out of the view of the public.
- Pepperball®:
  - The Pepperball Launching System® (PLS) is considered the same level of force as chemical munitions, Taser, baton and less lethal shotgun ammunition. The Pepperball launches frangible plastic spheres filled with Capsaicin II. It is designed to assist in overcoming resistance directed at officers or others.

Pepperball® is a non-lethal chemical agent delivery system that uses high-pressure air, CO<sup>2</sup> and electronic launchers to deliver PAVA powdered projectiles from a distance. It combines chemical agent exposure with kinetic impact and pain. It is effective on individuals as well as individuals within large groups of people for riot and crowd control.

Pepperball® is an impact weapon that allows selected application of force on individuals as well as crowds. Pepperball® can be used for individuals as well as large-scale disturbances and barricaded subjects.

Officers should avoid shooting at the head, neck, or spine unless deadly force situations exist. With authorization from a supervisor, the Pepperball® system can be used to introduce chemical agent "PAVA" into a room or large area to disperse a crowd or draw out a suspect.

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All officers utilizing the Pepperball®, will be trained and certified in the use of the weapon system and be re-certified every two years.

- If time allows, a supervisor should be notified prior to deployment. When not practical the notification will take place as soon as possible.
- If Pepperballs® are used against a suspect; the suspect will be transported to a medical facility for treatment. Only after treatment or refusal of treatment at the facility will a suspect be transported to jail.
- BolaWrap
  - The BolaWrap device is a hand-held remote restraint device that discharges an eight-foot bola style Kevlar cord to entangle an individual at a range of 10-25 feet. The wrap is equipped with entangling barbs at each end of the Kevlar cord. BolaWrap is a less-lethal impact weapon.
  - Only approved BolaWrap devices that have been issued by the department shall be utilized by personnel trained in its deployment and use. The BolaWrap device will be issued with an approved holster and maintained as a tool in patrol supervisor vehicles.
  - Bolawrap devices should not be used on handcuffed persons unless they are actively resisting or exhibiting active aggression, and/or to prevent individuals from harming themselves or others.
  - Officers shall not hold both a firearm and the BolaWrap device at the same time. Deployment of the BolaWrap shall comply with police department use of force policies.
  - The device should only be used when its operator can safely approach the subject within the operational range of the device. Although the BolaWrap device is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.
  - The use of the BolaWrap device on the individuals listed below should generally be avoided, unless an officer reasonably believes under the totality of the circumstances that other options would be ineffective or would present a greater danger to the officer, the subject, or others:
    - a. Individuals who are known to be pregnant.
    - b. Elderly individuals or obvious juveniles.
    - c. Individuals who are handcuffed or otherwise restrained.
    - d. Individuals detained in a police vehicle.

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- e. Individuals in danger of falling or becoming entangled in machinery or heavy equipment, which could result in death or serious bodily injury.
  - f. Individuals near any body of water that may present a drowning risk.
  - g. Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).
- The BolaWrap device shall not be used to psychologically torment, elicit statements or to punish any individual.

### **Pre-Deployment Responsibilities:**

- A verbal warning of “Bola, Bola, Bola” should precede a BolaWrap device application, unless it would otherwise endanger the safety of officers or when it is otherwise not practicable due to the totality of the circumstances. The purpose of the warning is to:
  - a. Provide the individual with a reasonable opportunity to voluntarily comply.
  - b. Provide other officers and individuals with a warning that the BolaWrap device may be deployed.
  - c. The fact that a verbal or other warning was given, or the reasons it was not given, shall be documented by the officer deploying the BolaWrap device in the police report.
- The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.
- The deploying officer should, if possible, assemble a sufficient number of officers to assist with taking the suspect into custody.
- Under exigent circumstances, nothing in this policy prohibits an officer from deploying the BolaWrap at a subject without requesting or having the presence of additional officers.
- The BolaWrap device may be used in any of the following circumstances, when the totality of circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:
  - a. The subject is assaultive, actively resisting, or passive non-compliant.
  - b. The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.



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- Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the BolaWrap device to apprehend an individual.
- Simultaneous applications of the BolaWrap on a single individual by multiple devices is allowed in authorized target areas.

### **TACTICAL USE**

- Targeting considerations:
  - a. Reasonable efforts should be made to target lower extremities or lower arms. The head, neck, chest and groin shall be avoided. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the BolaWrap device to a precise target area, officers should monitor the condition of the subject if it strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.
- Multiple applications of the Bolawrap device:
  - a. If the first application of the BolaWrap device appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the device, including:
    - (1) Whether the Kevlar cord or pellets/barbs are making proper contact.
    - (2) Whether the individual has the ability and has been given a reasonable opportunity to comply.
    - (3) Whether verbal commands, other options or tactics may be more effective.
- Actions following deployments:
  - a. Officers shall provide immediate medical attention if needed.
  - b. The supervisor shall determine whether transporting the person to a medical facility is necessary to remove the pellets/barbs.
  - c. If the supervisor determines that removal of the Kevlar cord is appropriate at the scene, the supervisor or officer shall remove the Kevlar cord using safety sheers or a seat belt cutter.
- Reporting the use of BolaWrap:
  - 1. The deployment of the BolaWrap is considered a restraint response.
  - 2. Officers shall:
    - a. Complete the applicable report(s) (crime, casualty, and/or incident). The report shall include a complete description of how and why the restraint device was used, as well as a description of injuries that the suspect received or claims to have received.
  - 3. The supervisor shall determine whether further documentation of the incident is necessary, in accordance with department policy.

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- Supervisor Responsibilities:
  - Supervisors should respond to calls when they reasonably believe there is a likelihood the BolaWrap device may be used.
  - Comply with reporting procedures/ supervisor's responsibilities regarding response to resistance if there is evident injury or complaint of injury by the subject.
- Training:
  - Less lethal force weapons and methods: A police officer is not permitted to use department approved control holds and open hand self defense techniques or less lethal weapon systems and ammunitions unless qualified in its proficient use as determined by departmental training procedures.
  - Each officer will be required to receive training and qualify in basic arrest control and self-defense techniques and the use of less-lethal weapons and ammunitions in accordance with departmental requirements. The Administrative Section shall maintain a record of each officer's training.
- Reports: It is the supervisor's responsibility to initiate an administrative use of force review as soon as possible after the event.
- Officers shall not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any other person. Prisoners and suspects shall be treated in a fair and humane manner.
- No police officer will be allowed to carry chemical agents, Taser, less lethal shotgun ammunition, Pepperball or other similar approved delivery system until trained and tested for proficiency in the use of these weapons.
- Flashlights are not authorized as a less lethal weapon. Baton strikes to the head are not authorized as a less lethal technique. The use of a flashlight as a weapon, or intentionally striking a subject in the head with a baton are only authorized in situations justifying the use of deadly force and then only as a weapon or tactic of last resort.
- The FBI Defensive Tactic Instruction provides for the use of personal weapons, i.e., hands, elbows, etc. in conjunction with strikes or slaps to the suspect's head, face, or leg/knee as a diversionary tactic to facilitate the accomplishment of some control hold. The strike or slap to the head or other body parts utilizing personal weapons or otherwise, solely as a diversionary technique is not an authorized tactic of the Greeley Police Department. The head strike using personal weapons as taught by the FBI may be appropriate in cases involving self-defense to ward off actual assault

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depending upon the circumstances involved. In such an incident, the use of this tactic as a self-defense maneuver is authorized if the nature of the incident warrants such action.

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<b>Authorized by Mark Jones, Police Chief</b>		
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<small>DocuSigned by:</small> <i>mark jones</i> <small>760B52491515414...</small>	<b>Date:</b>	<u>8/17/2021</u>
<b>Signature</b>		