

RM-9



LAW ENFORCEMENT REFERENCE MANUAL

Approved:

A handwritten signature in black ink, appearing to read "Karen Taylor-Goodrich", written over a horizontal line.

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CHAPTER 10 – USE OF FORCE

1. Introduction
 2. Definitions
 3. Use of Force Policy
 4. Use of Intermediate Defensive Equipment
 5. Reporting, Supervisory Review, and Investigation
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1. INTRODUCTION

Commissioned law enforcement personnel are authorized to use a wide variety of defensive equipment and force options in response to various threats and other enforcement situations. These options are provided in order to permit commissioned officers to select the defensive equipment or tactics that are most appropriate for the circumstances. The ability to transition from one type of force to another and stop the use of force is critical.

2. DEFINITIONS

The following definitions apply to this chapter:

2.1 Deadly Force

Deadly force is the use of any force (with or without firearms) that is likely to cause death or serious physical injury. Deadly force does not include force that is not likely to cause death or serious physical injury but unexpectedly results in such death or injury.

2.2 Display

The term “display” means the removal of a weapon from its holster, case, locking mount or other normally stored location or position in anticipation of its use in a potential conflict.

2.3 Physical Control Techniques

Physical Control Techniques include methods such as come-alongs, touch pressure points, personal weapons (hands, feet, etc.) and the application of restraints.

2.4 **Intermediate Weapons**

Intermediate weapons are weapons that are approved by the NPS that are intended to be unlikely to kill, or to cause great bodily harm. This includes firearms with less-lethal munitions.

2.5 **Objective Reasonableness**

For purposes of this chapter, these terms refer to the facts and circumstances, including the reasonable inferences drawn therefrom, known to a commissioned employee at the time of the use of deadly or other force that would cause a reasonable officer to conclude that the use of force used by the ranger was reasonable based on the totality of circumstances known to the ranger at the point in time the force was used. The reasonableness of a belief or decision must be viewed from the perspective of the commissioned officer on the scene, who may often be forced to make split-second decisions in circumstances that are tense, unpredictable, and rapidly evolving. In the context of this section, reasonableness will not be viewed from the calm vantage point of hindsight.

2.6 **Use of Force**

For purposes of this chapter the term “use of force” is intended to address the physical application of force as opposed to mere officer presence or verbal commands. The use of force may range from physical controls through intermediate/less-lethal weapons, to deadly force.

All incidents involving the **intentional** discharge of a firearm by commissioned employees, either on-duty or off-duty are considered use of force, with the following exceptions:

- Training where no injury occurs.
- Authorized destruction of animals or other resource management activities.
- Legal recreational activities, such as hunting or sport shooting, where there is no human injury involved.

All incidents involving the **unintentional** discharge of a firearm (either on-duty or off-duty) are considered use of force.

3. USE OF FORCE POLICY

3.1 Primary Consideration

The primary consideration in the use of force for commissioned employees is the timely and effective application of an objectively reasonable level of force required to establish and maintain lawful control. Commissioned employees may only use that force which is objectively reasonable in the performance of their duties, based upon the totality of the circumstances confronting them at the time of the incident.

3.2 Use of Force Other Than Deadly Force

If force other than deadly force appears to be sufficient to accomplish an arrest or otherwise accomplish the law enforcement purpose, that is the preferred level of force.

Justifications for the use of less-lethal defensive equipment are:

- to defend self;
- to defend others;
- to effect an arrest or investigatory “Terry” stop when lesser force is or would be insufficient;
- to restrain or control violent, threatening or resistive behavior; **or**
- to disperse an unlawful group.

3.3 Use of Deadly Force

Commissioned employees may use deadly force only when necessary, that is, when the employee has an objectively reasonable belief, in light of the facts and circumstances confronting the employee, that the subject of such force poses an imminent danger of death or serious physical injury to the employee or to another person.

3.4 Fleeting Subject

Deadly force may be used to prevent the escape of a fleeing subject if there is probable cause to believe:

- The subject has committed a crime involving the infliction or threatened infliction of serious physical injury or death;

and

- The escape of the subject would pose an imminent danger of death or serious physical injury to the commissioned employee or to another person.

3.5 **Verbal Warnings**

If feasible and if to do so would not increase the danger to the commissioned employee or others, a verbal warning to submit to the authority of the employee should be given prior to the use of deadly force.

3.6 **Warning Shots**

Warning shots are not permitted.

3.7 **Vehicles**

Firing at or from a moving vehicle is prohibited except in self-defense or in defense of others.

Weapons may be fired at the driver or other occupant of a moving vehicle only when:

- The commissioned employee has a reasonable belief that the subject poses an imminent danger of death or serious physical injury to the commissioned employee or to another person;

and

- The public safety benefits of using such force outweigh the risks to the safety of the commissioned employee or other persons.

Weapons may not be fired solely to disable moving vehicles.

4. **USE OF INTERMEDIATE DEFENSIVE EQUIPMENT**

4.1 **Impact Defensive Equipment**

Commissioned employees will avoid delivering a blow to the head or face with a baton or other impact weapon, except where the use of deadly force is necessary.

4.2 **Chemical Agents**

The following procedures will be followed:

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- Ensure chemical agent dispenser is stored and safeguarded in a manner that prevents misuse or tampering.
- Attempt to spray Oleoresin Capsicum (pepper spray) directly into the person’s face from a suitable control distance.
- Once the situation is controlled and it is safe to do so, begin decontamination process according to manufacturer recommendations.

The following situations should be avoided when possible:

- Discharging a chemical agent directly into the eyes or face of a subject at close range (less than two feet).
- Discharging an unnecessary or excessive amount of chemical agent into a confined space, such as a small room or closed automobile.
- Discharging a chemical agent in the immediate vicinity of an infant.

5. REPORTING, SUPERVISORY REVIEW, AND INVESTIGATION

5.1 Reporting Requirement

All incidents involving the use of force and the display of weapons must be reported. Any use of force that results in serious injury or death must be reported immediately to a commissioned supervisor. These incidents are to be managed as specified in Chapter 11. Other uses of force or weapon display must be reported within 24 hours.

5.2 Supervisory Review Requirement

All use of force incidents will undergo supervisory review and be referred to investigation when appropriate. Investigations are required when use of force causes injuries requiring professional medical care (other than removal of ECD probes), allegations of excessive force, and the application of deadly force.

CHAPTER 32 – ELECTRONIC CONTROL DEVICE (ECD) PROGRAMS

1. Purpose
 2. Definitions
 3. Policy
 4. Standards
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1. PURPOSE

This chapter establishes NPS policy concerning use of Electronic Control Devices (ECD) by commissioned employees. Any SOPs or policies developed to meet local needs must be in compliance with this chapter and relevant DOI policies, and must be furnished to the DCOP for approval prior to implementation.

When a park or other work unit establishes an ECD program, it is the responsibility of the Senior Law Enforcement Officer to notify the DCOP with the name of the commissioned employee who is overseeing the program, the type and number of ECDs being used, the number of instructors and the number of trained users. These statistics should be updated at least annually on the NPS-LETC training web site.

The Deputy Chief, Division of Law Enforcement, Security and Emergency Services will have final authority in approving or denying any ECD program.

2. DEFINITIONS

For the purpose of this chapter, the terms below are defined as follows:

2.1 Electronic Control Device (ECD)

A handheld conducted energy device designed to transmit a disruptive electrical impulse to a target.

2.2 Probes/Darts

Projectiles fired from an ECD in order to transmit an electrical impulse to a target.

3. POLICY

Electronic Control Devices are approved for use according to this policy, and will be used in compliance with the agency use of force policy.

The ECD is an intermediate weapon that may be appropriate for use in some situations. It is NOT a substitute for deadly force. Commissioned employees must assess the effectiveness of each application and determine whether further applications are warranted or a different tactic should be employed.

4. STANDARDS

This section sets forth minimum standards for use of ECDs.

4.1 General Conditions

Only commissioned employees will be authorized to carry ECDs for law enforcement purposes.

Only ECDs issued or otherwise approved by the NPS will be used by commissioned employees in the performance of their duties. The approved ECDs are the Taser International models M-26 and X-26. Future purchases are restricted to the X-26. As technology develops, future devices may be approved by the DCOP.

All ECDs will be entered into the NPS Property Management Division property database and will be issued a bar code property number.

4.2 ECD Use Parameters

When such force is legally justified and consistent with Department policy, ECDs may be used on individuals who are actively resisting a commissioned employee or to prevent individuals from harming themselves or others.

When such force is legally justified and consistent with Department policy, ECDs may be used on animals if they pose an imminent danger to the LEO or others.

Unless compelling reasons to do so can be clearly articulated, ECDs will not be used when:

- a subject exhibits passive resistance to a LEO;
- the LEO believes the use of deadly force is necessary pursuant to NPS and DOI policy, or

- the LEO perceives use of an ECD may result in direct or secondary injuries. To include when:
 - a subject may fall from a significant height;
 - a subject is operating a moving vehicle or machinery;
 - a subject is in or near a body of water which presents a risk of drowning; or
 - a subject is believed to be contaminated by or otherwise near flammable or explosive materials.

When a subject is believed to be part of a high risk group (e.g., the very young, the very old, the infirm, pregnant females, etc.) the commissioned employee should evaluate other options if possible and provide follow-up medical attention.

All ECD use will be consistent with agency-approved or recognized ECD training curricula, as determined by the Superintendent, NPS-LETC.

A non-contact demonstration of the ability to discharge electricity (i.e., a ‘Spark Display’) may be used with verbal commands to attempt to gain compliance to a lawful command without the ECD being deployed in either the Drive Stun (direct contact) or Dart mode. A spark display is conducted only when the cartridge has been removed from the ECD.

The device may be used in a “drive stun” mode. Use of the “drive stun” mode is subject to the same restrictions as that of the ECD in cartridge deployments.

4.3 **ECD Post-Deployment Procedures**

As applicable, the following procedures will be implemented subsequent to an ECD deployment.

- If a commissioned employee reasonably believes that the recipient of an ECD application is in need of medical treatment the employee will make reasonable efforts to obtain such treatment.
- Accompanied by a commissioned employee, the following subjects will be entered into the emergency medical services (EMS) system for medical care when subjects exhibit the following conditions:
 - ECD probe embedded in face, neck, joints, groin, or female breast;

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- High risk subjects such as the very young, the very old, the infirm, visibly pregnant females, etc.
- Subjects who display signs of distress, hyperthermia, loss of consciousness, difficulty breathing, chest pain or other severe symptom.
- Subjects who received three or more ECD impulse cycles.
- ECD probes embedded in non-sensitive areas may be removed by a commissioned employee according to procedures outlined in training. Universal precautions for infection control will be followed and probes will be treated as biohazard sharps.
- When practical and appropriate, photographs of ECD probe impact sites should be taken before and after probe removal.
- Probes and their expended cartridge will be placed into evidence. This evidence will be labeled a “bio-hazard.” Generally, probes will be placed backwards into the expended cartridge or a sharps container to provide protection from the probes, and placed into a marked evidence bag.
- A use history report will be downloaded from the deployed ECD(s) as soon as practical.
- When an NPS Law enforcement officer deploys an ECD outside of NPS jurisdiction, the officer MAY follow the post deployment policy of the primary agency.

4.4 ECD Certification and Training

Prior to carrying or utilizing an ECD, commissioned employees will successfully complete the NPS ECD certification course approved by the Superintendent, NPS-LETC.

All commissioned employees certified to use an ECD will receive re-certification training annually, as determined by the Superintendent, NPS-LETC.

All ECD certification training will be conducted by instructors certified by the Superintendent, NPS-LETC.

ECD certification and training records will be maintained according to RM-9, Chapter 7.

ECD certification and re-certification training curricula will include the following:

- ECD fundamentals (e.g., system terminology, functional principals, etc.);
- ECD handling and use (e.g., equipment care and inspection, function testing, carry methods, deployment, subject target areas, etc.);
- ECD physiological effects (e.g., recognition of high risk groups, deployment scenarios, etc.);
- ECD post-deployment procedures (e.g., probe removal, medical treatment, evidence collection, etc.);
- ECD reporting requirements
- ECD use policies
- A review of use of force policy and court cases relevant to ECD use, and
- Proficiency testing.

Commissioned employees will *not* receive an ECD application as part of training curricula except when required for certification.

4.5 **ECD Inspection**

ECDs should be inspected for damage by a park-designated coordinator and will be downloaded from their data port quarterly. Data port records will be maintained for three years. ECDs that reveal signs of damage will be returned to the manufacturer for service. Damaged cartridges should be replaced. Batteries should be kept on hand for replacement.

4.6 **Reporting Requirements**

Parks and other work units will document and maintain the following:

- a record of all ECDs and ECD cartridges issued, to include serial numbers and commissioned employee identifying information;
- a record of all ECD and ECD cartridge damage, repair, or loss;
- a record of all ECD certification and training, consistent with Chapter 7 requirements;

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- a record of all ECD inspections; and
- a record of all unintentional ECD deployments;

In addition to standard “use of force” and/or incident reporting requirements, parks and other work units will:

- (a) download and maintain device-specific use history reports for all ECD deployments, excluding those associated with authorized training and demonstrations.
- (b) report “use of force” deployment of an ECD to the DCOP or designee as well as in accordance with the requirements outlined in RM-9 and Departmental Manual, 446 DM 68, “Serious Incident Reporting.” All deployments, other than training use (e.g., unintentional discharges, deployments to suspects, visual displays and spark displays), will be reported to the DCOP Office within 72 hours using the NPS ECD Deployment Form found at the NPS Law Enforcement Training Center website at <http://inside.nps.gov/waso/custommenu.cfm?lv=3&prg=801&id=7757>.

4.7 **Chemical Agents**

Work units with ECD programs will ensure that the chemical sprays that are also carried in the work unit are non-flammable and ECD compatible.

4.8 **Weapon Readiness**

ECDs will be carried in holsters specifically designed for ECDs. Uniformed commissioned employees will carry the ECD on the duty belt. All ECDs will be carried on the side opposite the duty firearm; cross-draw position is optional.

The ECD will be carried with an inserted cartridge, power source in place, with the safety on. The strength of the power source will be checked at the beginning of each shift. The power source will be replenished when it falls below 20% remaining power. Manufacturer recommendations for long-term storage of the ECD will be followed. ECDs will not be stored in a vehicle except temporarily when secure storage in a building is unavailable.

A spark test will be conducted at the beginning of each shift. The spark test will be conducted in the following manner:

- All cartridges will be removed from the weapon, including the primary cartridge and any reserve cartridges, and inspected.

- The cartridges will be placed on a table or other flat surface, blast door down.
- The user will conduct the test aimed in at the cartridges, ensuring a safe background, and at least 12 inches away to avoid activating the cartridge.

Commissioned employees approved to use the device shall be issued a minimum of one spare cartridge to be carried as a back-up. The spare cartridges shall be carried in a manner consistent with training in either the optional weapon grip battery retainer or on the duty belt in a holster device designed to carry extra cartridges. Cartridges shall be replaced consistent with the manufacturer’s expiration requirements.

Only battery power sources recommended by the manufacturer shall be used in the ECD.

4.9 **Non-ECD-Carrying Commissioned Employees**

When a park or other work unit employs the use of ECDs and not all commissioned staff are outfitted or fully trained in the use of an ECD, all non-trained and/or outfitted commissioned employees (permanent and seasonal) shall receive awareness and familiarization training on the use and effects of the ECD, to the standards of the Superintendent, NPS-LETC.

4.10 **Flying with an ECD on a Commercial Airline Carrier**

A commissioned employee may carry an agency-issued ECD onboard a commercial aircraft if that employee is flying armed, and is in compliance with TSA and DOI flying armed policy directives.

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NPS ECD USE REPORT

Date/Time: _____ Deploying Ranger's Name: _____

Park: _____ Supervisor: _____ Case Incident # _____

ECD Model (check one): TASER X26 ADVANCE TASER M26

Air Cartridge Type(s): 21-ft Standard 25-ft XP 15-ft 35-ft XP

Incident Type: _____ If OTHER Please Specify: _____

Charges Filed: _____ Arrested: _____

Type of Suspect: Human Animal Suspect: Age Sex Height Build

Location of Incident: Indoor Outdoor Jail Hospital

Type of Force Used (Check all that apply): Physical Baton Impact Munition Chemical Firearm

Nature of the Injuries and Medical Treatment Required for Suspect: _____

Admitted to Hospital for Injuries: _____ Admitted to Hospital for Psychiatric: _____

Medical Exam: _____ Suspect Under the influence: Alcohol / Drugs (specify): _____

Was an officer/law enforcement employee injured during the incident? _____ If YES please list injuries: _____

Incident Type: _____ If OTHER Please Specify: _____

ECD use: _____

Number of Air Cartridges fired: _____ Number of cycles applied: _____

Did probes penetrate suspect's skin? _____ Suspect's Clothing: _____

If neither probe or only one probe penetrated the suspect's skin did the ECD still work: _____

Usage (check all that apply): Arc Display Laser Display ECD Application Display of ECD

ECD: Is this a dart probe contact: _____ Is this a drive stun contact: _____

Did ECD application cause injury: _____ If yes, was the subject treated for the injury: _____

DESCRIPTION OF INJURY: _____

SYNOPSIS OF EVENT/ADDITIONAL INFORMATION: _____

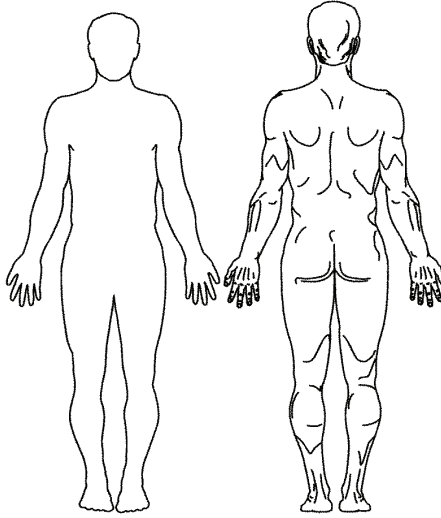
Need for additional applications? _____ Did the device respond satisfactorily? _____

If the ECD deployment was unsuccessful was a DRIVE STUN followup used? _____

Photographs Taken: _____

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APPLICATION AREAS
(Place “X’s” where probes hit suspect **AND** “O’s” where stunned)



Report Completed by:

Signature and Date