

## UCI POLICE DEPARTMENT GENERAL ORDER - 9

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Subject: **Use of Force**

Dissemination: All Police Department Personnel

Date: January 14, 1993

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### **Purpose:**

The purpose of this General Order is to provide officers with guidelines on the use of lethal and non-lethal force.

### **Introduction:**

While in the performance of official duties, the use of force may be necessary to maintain order, enforce the law, and protect life and property. Legal limits have been placed on police use of force to ensure the rights of individuals and to limit possible liability for the police department.

It is in the best interest of the Department to have a policy which members of the community believe to be fair and appropriate, and which creates public confidence in the Department and its individual officers. It is also in the best interest of the Department to have a policy which provides protection for officers from criminal prosecution and civil litigation, without imposing undue restraints on them in the performance of their duties.

It is the policy of this Department to accomplish the police mission with minimal reliance on the use of physical force and authority, i.e.: *UCI Police Department employees shall not use inappropriate force or more force than necessary in making an arrest or in the carrying out of assigned duties.*

### **Definitions:**

Lethal Force: Any use of force that is likely to cause death or serious bodily injury.

Non-Lethal Force: Any use of force other than that which is considered lethal force.

Force may be defined as the power used to obtain compliance with the law or control of a situation. This power includes more than physical action. Verbal commands or the mere presence of the officer often may be sufficient to control a situation. However, physical force may be required to safely obtain compliance or gain control of a situation.

**Escalation and De-Escalation:**

Control of a suspect through advise, warning or persuasion is preferable, however, the use of physical force is sometimes necessary for the protection of the public, the suspect and the officer. When physical force is applied, the officer must escalate or de-escalate the force used, depending on the suspect's level of force, or resistance.

Every situations different and an officer may be required to initiate force at any level, however, the following levels of force should be used as a guideline for the escalation and de-escalation of force.

1. **Officer Presence:** An officer's presence alone is a form of power and control. An officer's authority and uniform are frequently enough to bring about order or compliance.
2. **Verbal Commands:** Verbalization is usually the first action an officer will take. This may include persuasion, advise and warnings. If the suspect submits to verbal commands, physical force would probably be unreasonable.
3. **Controlling Force:** This is the lowest level of physical force and the goal is the application of pain without injury. This should include such tactics as firm grip control, escort holds, compliance holds, and the use of chemical agents and tasers. *(Note: Use of chemical agents shall be in compliance with Universitywide Police Policies and Administrative Procedures, Chapter Eight, Sections 811 through 811.4).*
4. **Injuring Force:** This involves the use of the baton and other tactics which are likely to result in injury to the suspect. Injuring force should only be used when a suspect fails to submit to non-injury control techniques or when non-injury control tactics would be inappropriate. *(Note: Use of police baton shall be in compliance with Universitywide Police Policies and Administrative Procedures, Chapter Eight, Sections 812 through 812.3).*
5. **Deadly Force:** This is the ultimate use of force which generally refers to the use of firearms. However, any use of force likely to result in great bodily injury or death may be considered deadly force and should be used only as a last resort. *The discharge of firearms shall be in compliance with Universitywide Police Policies and Administrative Procedures, Chapter Eight, Sections 801 through 810.*

**Legal note:** The United States Supreme Court and the California Appellate Court have limited the circumstances in which an officer is authorized to use deadly force against a fleeing felon. For example, two cases involved police officers who shot suspects fleeing burglaries. Neither suspect was armed nor posed an immediate threat to the officer's life or that of another. Courts have ruled that the actions of the officers were not justified or authorized. Relevant to this thinking is: *Subsection (c), of Section 807 of Universitywide Police Policies and Administrative Procedures, reads: "To apprehend a fleeing suspect when there is reasonable cause to believe that such person has committed a felony involving the use or threatened use of deadly force, is armed and is an immediate or imminent threat to life;"*

**Vehicles:**

Officers shall not use a police vehicle as a weapon except as outlined below and when all other reasonable means have failed:

1. In the necessary defense of the officer's life;
2. In the necessary defense of the life of another person;
3. To apprehend a fleeing suspect when there is reasonable cause to believe that such person has committed a felony involving the use or threatened use of deadly force, is armed and is an immediate or imminent threat to life.

**Non-lethal Force:**

The parameters for use of non-lethal force are as follows:

- A. Where lethal force is not authorized, officers should assess the circumstances in order to determine which non-lethal technique or weapon will safely de-escalate the incident and bring it under control in a safe manner.
- B. Officers are authorized to use department approved non-lethal force techniques and are issued equipment for resolution of incidents, as follows:
  1. To protect themselves or another person from physical harm;
  2. To restrain or subdue a resistant individual; or
  3. To bring an unlawful situation safely and effectively under control.

**Unauthorized use of force:**

The following use of force is not authorized: *Universitywide Police Policies and Administrative Procedures, Chapter Nine, Section 902.3, reads: "Prisoners and suspects shall not be subject to physical force except as required to subdue violence or ensure detention. No officer shall strike a prisoner or suspect except in self-defense, to prevent an escape, or to prevent injury to another person. No officer shall verbally abuse prisoners or suspects."*

**Documentation of Use of Force:**

All use of physical force should be documented in an appropriate arrest report, crime report, or incident report. Copies shall be forwarded to the offices of the Division Commander and the Chief of Police.

**Summary:**

The decision to use force places a heavy responsibility on each officer. While there is no way to provide specific guidelines for every particular situation, officers are expected to make every effort to act professionally, impartially and safely when dealing with resisting suspects and to use only the amount of force reasonable and necessary to deal with the situation.