

**LITTLE ROCK POLICE DEPARTMENT
GENERAL ORDER**

G. O. 303 USE OF FORCE

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I. Purpose and Scope

- A. The policies of the Little Rock Police Department regarding the use of physical force, non-lethal weapons, deadly force and the discharging of weapons, are set forth in this General Order.
- B. This Order governs 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. This Order should not be construed as to supersede an employee's legal personal prerogatives, when acting as a private citizen, pursuant to A.C.A. § 5-2-606 "Use of Physical Force in Defense of a Person," § 5-2-607 "Use of Deadly Physical Force in Defense of a Person," § 5-2-608 "Use of Physical Force in Defense of Premises" and/or § 5-2-609 "Use of Physical Force in Defense of Property." However, employees must recognize that actions taken under statutory authority granted private citizens, will be investigated and evaluated as such.
- C. Definitions
 - 1. "Deadly Force," as used in this Policy, is defined as that force which creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or serious physical injury.
 - 2. "Serious Physical Injury," as used in this Policy, is defined as physical injury that creates a substantial risk of death or that causes protracted disfigurement, protracted impairment of health, or loss or protracted impairment of the function of any bodily member or organ (A.C.A. § 5-1-102.(19)).
 - 3. "Physical Force," as used in this Policy, is defined as any bodily impact, restraint, or confinement, or the threat thereof (A.C.A. § 5-2-601.(3)).
 - 4. "Reasonably believe" or "reasonable belief," as used in this Policy, is defined as belief that an ordinary, prudent person would form, under the circumstances in question, and one not recklessly or negligently formed (A.C.A. § 5-1-102 (18)).
 - 5. De-escalation, as used in this Policy, is defined as taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.
 - 6. Exigent circumstances, as used in this Policy, is defined as those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.

II. Deadly Force**A. Statement of Philosophy**

1. The Little Rock Police Department in establishing a philosophy for the use of Deadly Force places the ultimate value on human life, while considering the legal, moral and ethical implications of its application.
2. The citizens of Little Rock have vested their police 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.
3. Police Officers are confronted daily with situations where control must be exercised to effect arrests and to protect the public safety. The 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.

B. Purpose

1. This Order states the Department's policy regarding a police officer's use of Deadly Force; and,
2. Establishes policies under which the use of Deadly Force by police officers is permissible.

C. Avoiding the Use of Deadly Force

1. Regardless of the nature of a crime or the justification for directing Deadly Force at a suspect, officers must remember that their basic responsibility is to protect life. 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.
2. Officers will plan ahead and consider alternatives which will reduce the possibility of needing to use Deadly Force.

D. The Authorization To Use Deadly Force - 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.**E. Discharging Firearms at Moving Vehicles or into Structures**

1. 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.
2. 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.

3. 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.

F. Drawing, Displaying Weapons and Warning Shots

1. Officers will not fire warning shots.
2. 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.
3. The carbine rifle is authorized as an additional force option for officers when faced with incidents posing a higher degree of danger where a long-range weapon or tactical weapon to meet comparable resistance is needed. The carbine rifle is available as a supplement to the officer's primary weapon.
 - a) Officers shall only deploy the carbine rifle in the following circumstances:
 - (1) At the direction of a supervisor, or
 - (2) When officers can clearly articulate the need for deploying the rifle. Examples of such situations may be but are not limited to:
 - (a) The officer reasonably believes a suspect(s) may be armed with or have immediate access to a high-powered weapon, or to a weapon that exceeds the capability/capacity of the officer's primary weapon;
 - (b) The officer reasonably believes a suspect(s) maybe wearing protective body armor;
 - (c) An active shooter incident; or,
 - (d) An armed barricaded suspect. (Once SWAT has arrived and the officer is relieved on the inner perimeter, the rifle will be secured).
 - b) Use or display of the rifle for routine building searches, routine traffic stops or during any other routine police action is strictly prohibited. Violation of these guidelines may result in disciplinary action and prohibition from carrying the carbine rifle.
 - c) When an officer deploys a carbine rifle, they will make a radio broadcast on the primary radio channel for that incident to notify responding officers and supervisors that a carbine rifle has been deployed. Supervisors will monitor the deployment of the carbine rifle and will take appropriate actions where needed.
 - d) Non-uniformed officers may deploy the carbine rifle only when they have donned apparel which causes them to be readily identified as a police officer from the front and rear.

III. Use of Physical Force and Non-Lethal Weapons

- A. This Section establishes the type and degree of force which may be used to overcome a level of resistance, to control persons who are in custody and/or to prevent escape. Officers will only use the type and degree of force which is reasonable and necessary based on the circumstances.
- B. Levels of Resistance
1. 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.)
 2. Verbal Non-compliance: Verbal responses indicating subject unwillingness to obey commands of detainment, arrest, or to stop unlawful or dangerous behavior.
 3. Passive Resistance: Any type of resistance where the subject does not attempt to defeat the officer(s) attempt to touch or control him/her, but refuses to actively comply with the officer(s). (e.g., dead weight, does not react to verbal commands, etc.)
 4. 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.
 5. 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.)
 6. 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.
- C. 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:
1. Level 1 - Officer Presence - The identification of police officer's authority, either by the uniformed police or the verbal indication of being a police officer.
 2. Level 2 - Verbal Direction - Verbal commands of direction or arrest.
 3. Level 3 - Empty Hand Control
 - a) 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/Distraction Technique to the subject's thigh (to prevent resistance from the escort position). These techniques have little or no potential for injury.
 - b) 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.

4. 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.) and conducted electrical weapons (Taser). 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.
 5. 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.
- D. There are so many variables pertaining to using force that it is difficult to establish “absolutes,” especially in the case of non-lethal force. For example: the type of crime committed or attempted; relative size/stature of the officer and the subject; exigent circumstances; number of officers; number of subjects involved; availability of backup; reaction time; relative strength; subjects’ access to weapons; subjects under the influence of alcohol or drugs; exhaustion of the officer; weather or terrain condition; immediacy of danger; distance from the subject; and special knowledge (e.g. subjects’ prior history of violence, etc.) are just a few of the variables that will impact an officer’s selection of a specific force response. Officers should use defensive tactics for which Departmental training has been given to control or arrest uncooperative suspects. Officers shall use de-escalation techniques consistent with his/her training whenever possible and appropriate before resorting to force and to reduce the need for force.
- E. Oral Concealment of Evidence by Suspects
1. When an officer witnesses a suspect conceal evidence in his mouth, the officer will not use force to remove the evidence.
 2. The officer will order the suspect to remove the evidence from his mouth so the officer can take possession of the evidence.
 3. If the suspect fails to comply with the officer, the suspect will be taken into custody for Tampering with Physical Evidence.
 - a) If the evidence is believed to be an illegal drug, the officer shall transport the suspect to the University of Arkansas Medical Center for treatment. 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 Narcotics Detective will be notified to process and charge the subject on the felony charge.
 - b) If the suspect is believed to have ingested a large amount of drugs/narcotics, the officer shall notify his supervisor and a Narcotics Detective. It will be the responsibility of the Narcotics Detective to process the suspect and consult with a prosecutor in reference to a search warrant for stomach content.
- F. Authorized Weapons

1. 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 General Order.
 - a) O.C. may be used when an officer must use physical force, and verbal direction is ineffective or inappropriate, and where passive restraint techniques have failed, and an officer must use physical force; or when an officer perceives any reasonable actions that threaten the officer's safety.
 - b) O.C. may also be used to effect the removal of a person from an automobile or from an enclosed area, when it becomes apparent that physical force will be necessary to otherwise accomplish this.
 - c) O.C. will only be used as a control and compliance measure against violent and/or resisting individuals, and will never be used for retaliation or for any illicit or unlawful purposes.
 - d) Officers will use only the amount of O.C. reasonably needed to achieve the desired enforcement results. Officers will discontinue the use of O.C. when it becomes apparent that a suspect may otherwise be taken into custody, or whenever the O.C. appears to disable the suspect.
 - e) After control has been established and/or resistance has ceased, officers will make reasonable efforts to allow the O.C. affected individual relief from the discomfort associated with the application of O.C. Water and sufficient ventilation will reduce the effects of the O.C.
 - f) Authorized officers will at all times conform to training provided by the Department in the use of O.C., and will carry and use only the authorized O.C. issued by the Department.
 - g) The use of O.C. against any person will be considered a use of physical force and each incident will be documented as detailed in this General Order. Following the use of O.C. spray upon any person, a Use of Force report will be completed in the Blue Team program.
 - h) O.C. spray canisters will not be defaced or altered in any way other than by normal use. Expended canisters of O.C. will be replaced by the Training Division Quartermaster; the expended canister must be turned in prior to receiving a new canister.
2. Police Batons - A police baton may be used when considerable force is necessary. The baton permits an officer to defend himself/herself or others, in situations where the use of firearms may not be necessary or justified.
 - a) 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.

- b) 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.).
 - c) Straight Baton - Officers may carry straight batons, at their discretion, after receiving departmental training. When carried, the only authorized baton will be the Departmentally-issued straight baton.
 - d) Expandable Straight Baton – The expandable straight baton is issued to recruits and officers who have received training in its use. When carried, the only authorized expandable baton will be the Departmentally-issued ASP or Monadnock expandable baton.
 - e) Side Handle Baton - Officers may carry the side handle baton, either collapsible or non-collapsible, at their discretion, after receiving current departmental training and certification in its use. When carried, the only authorized side handle baton will be the Departmentally-issued side handle baton. Officers who have not completed the training are not authorized to carry a side handle baton.
3. Conducted Electrical Weapons (i.e. Taser) – Conducted Electrical Weapons (CEW) shall be used as a resource to facilitate the safe arrest of combative, combative resisting, or violent individuals. The CEW is not a replacement or substitute for other less lethal devices or tactics and should only be used when it is determined to be the most reasonable tool or tactic under the given circumstances, in accordance with the law and departmental policy. The CEW is not intended to be an alternative to the use of deadly force when such is clearly authorized and necessary, as described in this General Order.
- a) Only officers trained and certified by a qualified instructor in the use of a CEW may carry or use a CEW.
 - b) Only department issued or approved Conducted Electrical Weapons will be used.
 - c) All Field Service Division uniformed officers certified to carry and issued a CEW will ensure that they carry the CEW on their person anytime they are on duty or off duty in departmentally authorized employment.
 - d) A CEW may be used to:
 - (1) Defend against imminent physical attack,
 - (2) Prevent injury to any person, and
 - (3) Control vicious animals when necessary.
 - e) The CEW may be deployed only in response to a situation in which a reasonable officer would perceive some immediate danger that could be mitigated by using this defense weapon and when circumstances precluded the use of a baton or O.C. spray.
 - (1) The use of verbal direction will not be a prerequisite to the use of a CEW if a subject is demonstrating an assaultive, combative, or threatening behavior.

- f) The CEW may also be used when it becomes necessary to immobilize an individual who may be a threat to themselves, or others, the use of other methods is not practical, and deadly force would be inappropriate.
- g) The CEW will only be used as a control and compliance measure against a violent individual or an individual threatening violence, and shall never be used for retaliation or for any illicit or unlawful purpose.
- h) Officers will use only the amount of control reasonably needed to effectively control the situation. Once control is obtained, the use of a CEW will be discontinued immediately.
- i) Officers shall not deploy the CEW against individuals that are demonstrating passive resistance. This is a device which is primarily used to defend one's self, a third party, or to gain control of a combative, violent or combative resistant individual.
- j) Except in a confrontation where deadly force would be justified, the officer shall not intentionally fire the CEW at sensitive areas, or the chest area, nor shall he/she direct the laser into the eyes of anyone.
- k) When practical, prior to firing a CEW, the deploying officer will:
 - (1) Warn the suspect that he/she will be "Tased" if they do not cooperate,
 - (2) In a safe manner, unholster the CEW pointing it in a safe direction, disengage the safety device and aim at the target, and
 - (3) Loudly announce that the CEW is being deployed to avoid confusion by assisting officers.
- l) Center mass of the subject's back is the primary aiming point, and lower center mass or legs are the secondary targets.
- m) The CEW may be used during exigent circumstances in a drive stun mode if:
 - (1) Upon deployment, the probes do not strike the intended target, or
 - (2) In close quarters confrontations.
- n) While in drive stun mode, target areas should be the abdominal region, hips, thigh, and the brachial plexus origin on the side of the neck or the pelvic girdle.
- o) Multiple applications of the CEW using the drive stun method are discouraged unless doing so is deemed reasonable and can be articulated.
- p) The CEW will not be used if:
 - (1) The officer recognizes the threat of sparks discharged by the CEW could come into contact with flammable liquids or substances: (i.e. meth labs, gasoline, or any similar accelerants. Officers should use discretion in the

use of a CEW when assisting/dealing with persons who have been sprayed with a OC spray containing an unknown propellant by law enforcement personnel from another agency/jurisdiction).

- (2) The subject could suffer a fall from a significant height or onto objects likely to cause serious injury.
 - (3) The subject is visibly pregnant.
 - (4) The effect of the CEW would present an increased risk of serious injury due to the age or physical disability of an individual.
 - (5) The subject is operating a motor vehicle.
 - (6) The subject flees from officers, unless the officer reasonably believes the subject has committed a violent offense or will likely commit a violent offense if not apprehended in a timely manner.
 - (7) Against a non-violent, non-cooperative individual.
- q) Once deployed, the CEW should be allowed to cycle for a period not to exceed five (5) seconds. The CEW will not be applied additional times unless doing so is reasonably necessary to gain control of the subject.
- r) After the CEW has been deployed and the desired results have been achieved, the officer must take measures to secure the individual in restraints as quickly as possible in order to minimize the need for additional cycles of the CEW.
- s) After control has been established, the deploying officer will contact an on duty supervisor who will immediately respond to the scene.
- (1) MEMS shall be requested at the scene in order to provide medical aid to anyone injured in the incident. MEMS personnel are allowed to remove the CEW probes, in accordance with MEMS protocol.
 - (2) Officers may remove CEW probes that are embedded in clothing.
- t) The suspect will be transported to an emergency medical facility if deemed necessary by MEMS personnel or if they meet the following guidelines:
- (1) If the subject is pregnant,
 - (2) If the subject displays an altered mental status,
 - (3) If the suspect has persistent abnormal vital signs,
 - (4) If a probe has penetrated into the subject's eye, or
 - (5) If a supervisor believes transport is necessary due to extenuating circumstances.

- u) Officers will indicate in the Incident Report, Arrest Disposition Report (ADR), and the Use of Force Report that a CEW was used. If the subject is arrested, make note of the time the CEW was used and notify the detention employees of the time, so they will know to observe the subject and contact the appropriate medical personnel if the subject should require those services.
- v) Officers will carry the CEW and cartridges in the issued case or holster.
 - (1) The CEW will be worn on the duty belt in a manner which enables the officer to draw the weapon using a cross draw, strong hand technique.
 - (2) Officers are to ensure they maintain possession of their assigned cartridges. Officers will not share cartridges unless exigent circumstances exist and can be articulated.
- w) Officers will conduct a spark test at the beginning of each shift or assignment to ensure the device is functioning properly.
 - (1) A spark test for the X26 is conducted by first ensuring the CEW is not loaded with a live cartridge and, then putting the safety switch in the Up (ARMED) position and test firing the device to observe an electrical discharge.
 - (2) A spark test for the X2 can be done without unloading the X2. The test is conducted by putting the safety switch in the Up (ARMED) position and, then depressing the ARC switch to both watch and hear both bays arcing from arm's length.
- x) Loading Taser Cartridges
 - (1) When loading the X26 TASER cartridges into the CEW, carefully hold the TASER cartridge on both sides of the cartridge while keeping your fingers and all parts of your body away from the front of the TASER cartridge at all times. Ensure the safety switch is in the Down (SAFE) position and point the CEW in a safe direction. Carefully insert the TASER cartridge into the deployment bay of the X26 CEW until it is seated. You may hear an audible click when this occurs. Gently tug the cartridge to ensure it's seated.
 - (2) When loading the X2, hold the Smart cartridge at both ends of the blast doors while keeping fingers and all body parts away from the front of the Smart cartridge at all times. Ensure the safety switch is in the Down (SAFE) position and point the CEW in a safe direction. Always keep your finger off the trigger while loading or unloading a CEW. Smart cartridges are not reversible. The protruding circuit board must be inserted first so that the circuit board is in the bottom of the cartridge bay. Insert the protruding end into the deployment bay of the X2 until it is seated. You may hear an audible click when this occurs. If loading with your left hand, load from right to left to avoid placing your hands in front of a loaded cartridge. Do the opposite when unloading or if loading with your right hand. Do not push the Smart cartridge into the CEW by pushing the center

of the cartridge between the blast doors. This method can result in the cartridge to malfunction.

- y) When an officer is off-duty and not working in an enforcement capacity, the CEW will be stored in a secure, climate controlled environment.
 - z) Officers will conform to training provided by the Department in the use of the CEW.
 - aa) The use of the CEW against any person will be considered a use of force and each incident will be documented, as detailed in subsection IV.A. of this General Order.
4. Less Lethal Launchers (i.e. Less Lethal Shotguns) - These weapons are an option in dealing with situations where an individual may be intent on harming themselves or others.
- a) These situations must require that the suspect be incapacitated and taken into custody under circumstances that would:
 - (1) Otherwise require a justified use of deadly force as described in this General Order or;
 - (2) Require the immediate intervention of an officer under circumstances that requires the officer to place himself/herself in immediate danger of death or injury unless a less lethal weapon is deployed.
 - b) The use of the less lethal launcher is a decision that must be made by the individual officer considering the specific tactics and resources immediately available to him/her. Under no circumstances should an officer attempt to use less lethal weapons on a suspect who is capable of using deadly force on the officer or another person unless supported by officers armed with deadly force.
 - c) Only officers that have been trained in the use of less lethal launchers shall check out a less lethal weapon at the start of their shift. These weapons are maintained by each of the Field Services Divisions for issue to trained personnel. The procedure for maintaining these weapons shall be as follows:
 - (1) Less lethal launchers shall be carried unloaded in the patrol vehicle trunk, and in the provided carrying case at all times when not in use;
 - (2) While outside, prior to securing the weapon in the trunk, the issued officer shall be responsible for inspecting the weapon. Special attention should be made to assure that the breech and barrel are clear and that the weapon is unloaded;
 - (3) The issued officer shall assure that serviceable less lethal ammunition is in the case and that no other ammunition is carried with this weapon;
 - (4) If the weapon is deployed during the course of an officer's shift, he/she is responsible for assuring that it is unloaded and secured in the case prior to leaving the scene. If the weapon has been fired during the course of an officer's shift, it should be returned to the Training Division with a copy of

the Use of Force Report so that the weapon can be cleaned and ammunition replenished;

- (5) Each issued officer shall be responsible for assuring that the less lethal launcher is returned at the end of his/her shift in the above-described condition. Any defects in the weapon or ammunition should be documented and directed to the Training Division. Any defective weapon or ammunition should immediately be taken out of service;

- (6) All officers trained in the use of less lethal launchers will qualify annually with such weapons, which will be documented and instructed by the Training Division.

- d) The use of the Less Lethal Launchers against any person will be considered a use of force and each incident will be documented, as detailed in subsection IV.A. of this General Order.

- 5. Canines - The use of a police canine to search for or apprehend suspects will be considered a use of force under this Order, when the canine inflicts injury to any person.

- G. 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.

- 1. Only departmental issued flashlights or those meeting the below specifications will be carried by employees.
- 2. Officers may purchase and use, at their own expense, a flashlight which meets the following requirements:
 - a) A.B.S. plastic construction;
 - b) Overall length shall not exceed 13 inches;
 - c) Light head not to exceed 2 5/8 inches in diameter;
 - d) Total weight, with batteries inserted, not to exceed 24 ounces;
 - e) Flashlights will be of the 3-cell type or less.

- H. Firearms - Striking a person with any firearm is prohibited, unless the firearm has already been drawn or displayed in accordance with this Order, and the immediate use of physical force is necessary for the 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.
- I. Only employees demonstrating proficiency in the use of department authorized weapons will be approved to carry such weapons.
- J. Police Vehicles - Officers will not attempt to deliberately collide with other vehicles or to use police vehicles to force any vehicle off the roadway.
- K. Medical Treatment Required:

1. When any force is used, the officer shall attempt to determine if any injuries have occurred as soon as practical.
2. 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.
3. In these instances, officers will provide medical treatment for the offender by:
 - a) Transporting the offender to the U.A.M.S. hospital, or,
 - b) Requesting an ambulance for transport to U.A.M.S., if appropriate.

IV. Reports and Documentation

- A. Officers employing force to control, arrest or prevent the escape of any person, will, prior to the end of the officer's tour of duty, submit a detailed report outlining the circumstances and exact type and amount of force used in the following instances:
 1. Whenever the use of force results in, may reasonably result in, or is alleged to have resulted in a physical injury to the person. Such force includes, but is not limited to, those instances when:
 - a) Physical force is employed to restrain or control an individual, if the restraining or controlling act results in the person falling or being thrown to the ground;
 - b) An officer strikes, or attempts to strike, another person with his hands, feet, baton, or other instrumentality, device, or method of force, whether or not injury results to the person; or
 - c) A person is injured by a police canine utilized to search for or apprehend suspects.
 2. Whenever a person is charged with resisting arrest or battery on an officer of this Department;
 3. Whenever a person complains of incurring a physical injury, as the result of physical force employed by an officer of this Department;
 4. Whenever an officer or supervisor believes documentation pertaining to any force employed, or not employed, by an officer, is necessary for the protection of the officer, the Department, or the City; and,
 5. Prior to the end of the supervisor's tour of duty, they will enter the basic components of the use of force into the Blue Team program, which will include the involved officer(s), involved citizen(s), location of the incident, and the incident number.
- B. The following procedures will be followed for review and documentation of an officer's use of force, as outlined in this Order:
 1. As soon as the suspect is restrained and the scene is stabilized, the involved officer will immediately contact a supervisor.

2. The supervisor will immediately evaluate the circumstances, amount and necessity of the force used.
 3. An Incident Report will be completed.
 4. An Officer's Report (Form 5600-02) will be made with a complete and detailed account of the exact force used.
 5. A Use of Force Report will be entered into the Blue Team program.
 6. The reports will be reviewed by the officer's supervisor, who will make a written evaluation and forward the reports through the Chain of Command to be reviewed at each level and submitted to the Office of the Chief of Police.
 7. If necessary, after review by the appropriate Bureau Commander, the Use of Force file will be forwarded to the Chief of Police for his findings and disposition.
 8. The following Use of Force files will be forwarded to the Chief of Police for his findings and disposition:
 - a) Any file wherein a potential violation of Departmental policy has been identified;
 - b) Any file where counseling or other disciplinary action has been recommended;
 - c) Any file where there is some element of disagreement in the Chain of Command evaluations;
 - d) Any file where an officer has been injured; and,
 - e) Any file where there is an indication of a safety or policy issue which should be addressed.
 9. After final review, the Use of Force file will be forwarded to Professional Standards for computer data entry. The Professional Standards Section will retain files where any type of disciplinary action was taken. All other files will be routed to the appropriate Division Commander for retention.
 10. The Division Commander will ensure that all provisions of this Order are observed, reports are submitted in a timely basis, and each Use of Force file is maintained in his Division.
- C. Files regarding the use of force, including resisting arrest, battery on officers and canine bites, will be prepared as follows:
1. All documentation shall be placed in a file folder and secured at the top with an ACCO two hole fastener.
 2. Any photographs or audio/video recordings will be placed in a manila envelope and attached to the inside front file cover.

3. The initial evaluating supervisor shall be responsible for ensuring that necessary documentation is obtained and properly placed in the file, before routing it through the Chain of Command.
4. The order of included documentation shall be:
 - a) Lieutenant's evaluation;
 - b) Sergeant's evaluation;
 - c) Incident Report(s) (copies);
 - d) Involved Officer's Report (Form 5600-02);
 - e) Printed copy of the Use of Force Report from the Blue Team program;
 - f) Copy of the Arrest Report (if any);
 - g) Medical treatment information (if any);
 - h) Computer printout of suspect's arrest record (if any); and
 - i) Copies of the Workers Compensation Forms, if an injury has occurred to an involved employee.
- D. A copy of all Use of Force files involving canines will be forwarded to the Headquarters Division Commander after the file has been reviewed and evaluated.
- E. When an officer employs the use of O.C. spray, or uses physical force to restrain, move and/or place a suspect in a vehicle, where no blows are exchanged by either the officer(s) or the suspect, the following procedures will be followed:
 1. The involved officer will:
 - a) Contact his supervisor for evaluation of the incident;
 - b) Specify the exact amount of force employed and list the involvement of any other officer(s) in his original Incident Report concerning the incident; and,
 - c) When completing the Incident Report in the IRDE System, select "Use of Force" as an incident type.
 2. The supervisor will:
 - a) Immediately evaluate the circumstances, amount, and necessity of the force;
 - b) Sign the original report, as indication of his approval of the officer's actions;

- c) Ensure that a Blue Team program Use of Force Report is completed and a printed copy of the Use of Force Report is forwarded along with a copy of the Incident Report through the Chain of Command to the office of the Chief of Police, where it will be signed at each level.
- 3. If the supervisor does not approve of the officer's actions, following his evaluation, he will follow the guidelines set forth in Section IV. C of this Order.
- 4. Each division will be responsible for maintaining documentation on each Use of Force incident.
- F. The use of force report will be utilized by the Chain of Command to evaluate the actions of all officers involved, in order to determine if the policies and procedures of the Department were adhered to.
- G. Annual analysis
 - 1. The Training Division Commander will be responsible for compilation of a quarterly statistical report of all Use of Force incidents. This report should be completed and forwarded to the Office of the Chief of Police no later than the 10th of each quarter (April, July, October, January).
 - 2. The Training Division Commander will be responsible for compilation of an annual analysis of all Use of Force incidents, policies, and reporting procedures. This analysis will review patterns or trends that may indicate training needs, equipment upgrades, and/or policy modification. The annual analysis shall be forwarded to the Office of the Chief of Police no later than February 15th of each year.

V. Deadly Force Investigation and Review

A. Investigation Requirements

- 1. Whenever a Little Rock 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.)
 - a) When the use of deadly force by an officer results in someone being injured or killed, or in other high profile cases (at the discretion of the Chief) a briefing may be held the following day in the Chief's conference room. The meeting will be for the purpose of developing a Press release and statement to the Department. Any confidential information or facts will remain confidential. The meeting will consist of:
 - (1) Chief of Police;
 - (2) Assistant Chiefs;
 - (3) Major Crimes Division Supervisor(s);
 - (4) Professional Standards Section Supervisor(s);

- (5) Crime Scene Supervisor;
 - (6) Public Affairs Officer;
 - (7) Division Commander of the Officer involved; and,
 - (8) Other individuals as deemed necessary.
2. The Major Crimes Division will conduct the criminal investigation to facilitate successful prosecution, if deemed appropriate, by the Prosecuting Attorney's Office.
3. The Crime Scene Search Unit will be summoned to the scene of all officer-involved shootings, and will process the scene for evidence in compliance with standard investigative procedures.
4. The Professional Standards Section will conduct a separate administrative investigation to ensure compliance with Little Rock Police Department Rules and Regulations and these General Orders. Professional Standards will be immediately notified of all intentional uses of Deadly Force, and will respond to the scene to conduct the administrative investigation.
5. Unintentional weapons' discharges not resulting in physical injury will be investigated by the involved officer's Chain of Command.

B. On Scene Investigation and Responsibilities

1. 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.
 - a) The field supervisor in charge at the scene will be responsible for the integrity of the crime scene until it is released to the Major Crimes Division supervisor.
 - b) The ranking supervisor from the Major Crimes Division will be in command of the overall initial investigation, and will notify the Pulaski County Prosecuting Attorney's Office and the City Attorney's Office.
2. Once the situation has been stabilized, the officer involved will relate a brief account of the incident to the field supervisor prior to the arrival of Detective personnel, so the supervisor may brief ranking officers requiring administrative information.
3. When the scene is stabilized, the field supervisor in charge shall take possession of all weapon(s) in possession of the officer(s) at the time of the incident (including back-up weapons). The supervisor shall render the weapon(s) safe in the presence of the Crime Scene Technician prior to relinquishing the weapon(s) for processing. Both the supervisor and the Crime Scene Technician shall document the transfer of the weapon(s) on the Evidence Transmittal Form LRPD 5480-11 identifying the weapon, location, date, time and persons involved. Crime Scene shall then maintain custody of the weapon for purposes of storage and testing. Weapon(s) seized from the involved officer(s), determined by the Major Crimes Division investigators not to have been used in the incident, shall be returned to the officer(s) upon the issuing of a replacement weapon.
4. The Shift or Section Commander and/or Division Commander may relate basic facts to the news media, or have the Public Affairs Officer make the initial release.

5. If the officer involved is not injured, he should retire some distance from the scene to await the arrival of the officer-in-charge of the investigation. This should be done in the company of a companion officer chosen by the involved officer, such as another supervisor or an officer of equal rank who was not a witness to or involved in the incident. It will be the responsibility of the field supervisor to ensure a companion officer is made available. The purpose of a companion officer is to serve the involved officer in a supportive role.
6. The first supervisor on the scene shall assess the involved officer(s) for physical injury. If physical injury is noted, medical personnel shall be summoned immediately. Should the injury be suspected of having been caused by a gunshot, the injured officer shall be immediately transported to a medical facility for examination and treatment by a licensed physician.
7. When the Major Crimes Division supervisor arrives at the scene, he will be briefed by the field supervisor and, if he deems necessary, the involved officer will report back to the scene and respond to the needs of the investigation. When the Major Crimes Division supervisor determines that the involved officer is no longer needed at the scene, the companion officer will transport him/her to the Major Crimes Division.
8. The companion officer shall:
 - a) Accompany the involved officer to the Major Crimes Division offices after release from the scene. The companion officer shall remain with the involved officer unless the officer desires to be left alone.
 - b) Be responsible for acting as a calming influence and monitor the involved officer for signs of critical incident stress or trauma. If signs of trauma or shock are evident, appropriate medical assistance shall be summoned to the scene and the on-scene supervisor shall be notified immediately.
9. The companion officer shall take all measures to ensure they **do not**:
 - a) Interfere with the preliminary investigation in any manner.
 - b) Discuss the facts or specifics of the incident with the involved officer or jeopardize the criminal investigation.
 - c) Make any statements that infringe on the privacy of the involved officer.
10. The involved officer will refrain from discussing the details of the incident with anyone except Departmental personnel assigned to the investigation, the Prosecuting Attorney's Office, Departmentally-provided and/or personal Psychologist or counselor, the officer's private attorney, the officer's chosen clergy, and the officer's immediate family.
11. A designated representative with the F.O.P. may have contact with the involved officer for the purpose of arranging an attorney retained by them or for assisting the companion officer with notification and transportation of family members.
12. Any employee not directly involved in the investigation shall refrain from lingering in or near the crime scene or investigative offices of the Department.

13. Any employee not participating in the authorized Departmental investigation who has contact with the involved officer(s) before conclusion of the initial investigation shall document that contact in writing for inclusion in the investigative files.
14. The field supervisor at the scene shall have someone not involved in the incident prepare the initial Incident Report and other necessary reports and have copies delivered to the Major Crimes Division after supervisory review.
15. Prior to the end of the field supervisor's tour of duty, they will enter the basic components of the use of force into the Blue Team program, which will include the involved officer(s), involved citizen(s), location of the incident, and the incident number.
16. The involved officer shall be afforded an early opportunity to communicate with family members. The person designated as a companion may assist in making this notification. The Major Crimes Division supervisor shall ensure that this is accomplished.
17. In order to ensure the integrity of an investigation and protect the best interest of the involved officer(s), the Training Division will ensure that all personnel receive adequate instruction detailing the responsibilities of a companion officer.

C. Major Crimes Division Investigation

1. Officers who actually employ Deadly Force shall be requested to make a written and/or oral statement.
2. Statements from officers involved in the incident shall be taken by Major Crimes Division supervisors.
3. The Major Crimes Division will prepare a briefing sheet for Shift and Section Commanders, who will brief their personnel as soon as practical.
4. Upon completion of the Major Crimes Division's investigation, a copy of the investigative file will be forwarded to the Office of the Chief of Police for review before forwarding to the Prosecuting Attorney's Office.
5. Upon conclusion of the investigation by the Prosecuting Attorney, the Major Crimes Division Commander will notify the officer(s) in writing of their findings.
6. It shall be the responsibility of the Major Crimes Division supervisor to update the officer, his supervisors, the Office of the Chief of Police, and the Pulaski County Prosecuting Attorney's Office, as to the status of the investigation.

D. Issuance of Replacement Weapon

1. The field supervisor in charge of the scene will notify the officer(s) involved Division Commander and advise him/her that a replacement weapon is needed for an officer involved in a shooting if he feels it necessary to replace the weapon immediately.
2. The Departmental Armorer shall issue the replacement weapon(s) during regular business hours. In the absence of the Departmental Armorer, the Training Sergeant or his designate shall be responsible for the issuing of weapons.

3. After business hours, the Division Commander shall advise a Major Crimes Division Supervisor to remove a replacement weapon from the Major Crimes Division's safe for the officer(s) involved in the shooting.
 - a) When issuing a firearm, the log will be completed by the issuing personnel and initialed by the receiving officer on a LRPD Quartermaster Issue/Return Inventory Tracking Log 5210-02 and forwarded to the Training Division Commander.
4. If more replacement weapon(s) are needed, then the supervisor will advise Communications of the location where the weapon needs to be brought in order for it to be issued to the involved police officer. The In-Service Training Sergeant shall contact the Training Division Armorer or respond himself/herself and issue the weapon. It shall be the responsibility of the In-Service Training Sergeant to notify Communications of an alternate call-out person whenever he is unavailable.
 - a) Prior to returning to full duty, the officer involved will need to respond to the Training Division and qualify with a passing score using the newly issued weapon.
5. The Departmental Armorer shall inspect those weapons kept in the Major Crimes Division semi-annually.

E. Employee Assistance Referral

1. Officers who have employed Deadly Force which has resulted in injury or death to any person, will be referred to the Employee Assistance Program as soon as practical after the incident.
 - a) Officers will attend the confidential counseling session, which will be provided by the Employee Assistance Program.
 - b) The involved officer's Division Commander will be responsible for ensuring that such counseling is scheduled and completed, and that appropriate supporting documentation is forwarded to the Professional Standards Section.
2. Officers who have employed Deadly Force, which has resulted in injury or death to any person, will be placed on Administrative Leave until after the officer(s) has attended mandatory EAP sessions, a thorough administrative review has been completed or a decision by the Chief of Police or his designee has been made to return to work. During this time the officer(s) will make themselves available to assist with the Professional Standards investigation.
 - a) Officers who have been placed on such leave will not engage in off-duty employment during this time, nor are they expected to perform police-related functions, except under extreme circumstances. Officers on Administrative Leave will be available at the direction of the Professional Standards Section to assist in the investigation of the Deadly Force incident.
 - b) Officers who have been placed on such leave will not be returned to normal duties until completion of E.A.P. counseling.
 - c) The involved officer's Division Commander or the Professional Standards Section Commander will be responsible for ensuring that the officer is placed on leave and that such action is documented on an Administrative Notification Form for the Professional Standards file.

- d) The involved officer's Division Commander will authorize his return to normal duties.
- e) Administrative Leave may be extended at the discretion of the appropriate Division Commander as he deems necessary.

F. Professional Standards Investigation

1. The Professional Standards investigation will be conducted in conjunction with but separate from the Major Crimes Division's investigation.
2. The Professional Standards Investigator will interview the involved officer(s) only in situations where there was no initial Major Crimes Interview. The Professional Standards Investigator shall advise the involved officer(s) of his/her rights, as to the administrative investigation process. Those rights are:
 - a) The right of the Department to conduct an administrative investigation into the specific Deadly Force incident;
 - b) The right to know if he/she is suspected of misconduct which, if sustained, could be grounds for administrative disciplinary action up to and including dismissal;
 - c) The right to refuse to answer any questions, but such refusal shall be grounds for disciplinary action, including dismissal;
 - d) That the results of the Professional Standards investigative interview will not be used against the officer(s) in any subsequent criminal proceeding (*Garrity v. New Jersey*, 385 U.S. 493 (1967)); and,
 - e) The interviewed officer will be provided a copy of the statements he made during the course of the administrative investigation, upon his request.
3. The Professional Standards investigator shall prepare a report on adherence to policy, and submit the Professional Standards file to the involved officer's Chain of Command for review and recommendations to be forwarded to the Chief of Police.

G. Deadly Force Review

1. The Deadly Force Review Board is established for the purpose of reviewing and evaluating incidents of firearms discharge, both intentional and unintentional, resulting in injury or death by sworn members while in the performance of their duties as police officers, and those incidents where an officer or another person is killed by any other means, except motor vehicle accidents.
2. All incidents, as noted above, will be reviewed within ten (10) days after the Professional Standards Section has completed its investigation.
3. The Chief of Police, at his discretion, may have the Deadly Force Review Board review any other firearms discharge or intentional use of Deadly Force not resulting in injury or death.
4. The objective of the Deadly Force Review Board is to make recommendations to the Chief of Police concerning firearms discharges and other incidents described herein, based on:

- a) Avoidability of similar incidents in the future;
 - b) Adequacy of training;
 - c) Adherence to training;
 - d) Adequacy of supervision; and,
 - e) Adequacy of investigation.
5. The Assistant Chief of Police - Field Services Bureau shall appoint the Deadly Force Review Board for each incident, comprised of the following:
- a) Chairman, Captain, not in the officer's Chain of Command.
 - b) Member, Lieutenant, not in the officer's Chain of Command.
 - c) Member, Lieutenant, not in the officer's Chain of Command.
 - d) Member, Sergeant, not in the officer's Chain of Command.
 - e) Member, Training Division representative (Sergeant or above).
 - f) The City Attorney or his representative (may be asked to be present as an adviser).
6. The Chairman will convene the Deadly Force Review Board for the purpose of reviewing the Major Crimes Division investigation and the Professional Standards investigation of each incident.
7. The Chairman of the Deadly Force Review Board is authorized to discuss/clarify any matters the board identifies/requests pertaining to the incident with appropriate Major Crimes, Professional Standards or other divisional personnel prior to the conclusion of the board and submission of the final report.
8. After conducting the review, the Review Board shall develop its findings and recommendations. The Chairman will submit a written report specifically covering the issues identified in subsection G.4.a. through e. and any recommendations to the Office of the Chief of Police within five days.
- H. All investigations shall be completed within ninety days from the date of the incident, unless evidentiary or investigatory considerations warrant delay and the Chief of Police approves.
- I. The Chain of Command review and evaluation should not exceed the deadline established by Professional Standards Section upon submission.
- J. The Shooting Review Board shall complete its review as prescribed by Subsection G of this Order.

VI. Other and Accidental Discharges of Firearms (may not constitute the use of force)

- A. Accidental Discharge of Firearm By an Employee (No injuries involved)

1. This procedure will be followed any time a member of the Department, on duty or off duty, accidentally discharges a firearm and no injury or death occurs.
 2. Procedure
 - a) Any employee who accidentally discharges a firearm will contact an on-duty police supervisor who will initiate an investigation.
 - b) The supervisor will complete an Incident Report and ensure that the employee(s) involved submit a detailed Officer's Report on the incident.
 - c) The supervisor will complete a Divisional Investigation report in the Blue Team program, and will include a printed copy of this report in the file.
 - d) The supervisor will evaluate the employee's performance and submit his findings, in writing, to be reviewed at each level in the Chain of Command.
 - e) The involved employee's Division Commander will review and maintain the files on all accidental weapons discharges.
- B. Accidental Discharge of Firearm By an Employee (With Injury)
1. This procedure will be followed any time a member of the Department, on duty or off duty, accidentally discharges a firearm resulting in injury or death.
 2. Investigation requirements
 - a) Any accidental discharge of a firearm by an employee resulting in death or serious physical injury will be fully investigated, pursuant to Section V of this Order.
 - b) The supervisor will complete a Divisional Investigation report or a Use of Force report, whichever is appropriate, in the Blue Team program, and will include a printed copy of this report in the file.
 - c) Any employee who accidentally discharges a firearm resulting in injury where there is no threat of death or permanent disability will immediately contact an on-duty police supervisor, who will respond to the scene and initiate an investigation.
 - d) The supervisor will complete an Incident Report and ensure that the involved employee(s) submit a detailed Officer's Report, as soon as practical after the incident. The supervisor in charge may also request assistance from the Major Crimes Division, as needed, toward the successful completion of the investigation and for any appropriate criminal investigation necessary.
 - e) CSSU will be summoned to the scene and will photograph and process the scene as needed.
 - f) The Professional Standards Section will be notified and briefed as to the specific circumstances of the incident.

C. Discharge of Firearm Upon Animals

1. This procedure will be followed any time a member of the Department discharges a weapon at an animal while in an on-duty capacity.
2. Any officer who discharges a firearm upon an animal will contact an on-duty police supervisor who will initiate an investigation.
3. The supervisor will complete an Incident Report and a Use of Deadly Force Report, and will ensure that the involved officer(s) submit a detailed Officer's Report of the incident.
4. The supervisor will complete a Divisional Investigation report in the Blue Team program, and will include a printed copy of this report in the file.
5. The supervisor will evaluate the officer's performance and submit his findings, in writing, to be reviewed at each level in the chain of command.
6. The involved officer's Division Commander will review and maintain the files on all weapons discharges upon animals.

D. Investigative review

1. The supervisor will evaluate the officer's performance and submit his findings, in writing, to be reviewed at each level in the chain of command to the office of the Chief of Police.
2. The completed investigative file will be forwarded to the Professional Standards Office, who will record the file according to Professional Standards procedures.

E. Professional Standards shall maintain the files on all accidental weapons discharges with injury.

Additions and revisions are *italicized and underlined*.