

## Use of Force LETB Uniform Statewide Policy

### 300.1 PURPOSE

In accordance with IC 5-2-1-1, the Indiana Law Enforcement Training Board (LETB) hereby establishes this consistent and uniform statewide deadly force policy in order to ensure the public safety and general welfare of the people of the state of Indiana and to promote equity for all segments of society. This policy may not be added to, modified, or altered in any way by any Indiana law enforcement agency, office, or department.

### 300.2 POLICY

It is the policy of the LETB to value and preserve the sanctity of human life. Law enforcement officers shall only use force, non-deadly or deadly, in compliance with the law, this policy, and the Board established training program to further an enforcement action. Officers shall use only the force that is objectively reasonable, while protecting the safety of officers and others. Officers shall use only the level of force which a reasonably prudent officer would use under the same or similar circumstances.

### 300.3 DEFINITIONS

The following definitions correspond to terminology used within this policy and the statewide training program:

- A. **CHOKE HOLD (IC 35-41-3-3)**-Applying pressure to the throat or neck of another person in a manner intended to obstruct the airway of the other person.
- B. **DEADLY FORCE (IC 35-31.5-2-85)**- Force which creates a substantial risk of serious bodily injury.
- C. **DEADLY WEAPON (IC 35-31.5-2-86)** - Means the following:
  1. A loaded or unloaded firearm.
  2. A destructive device, weapon, device, taser (as defined in IC 35-47-8-3) or electronic stun weapon (as defined in IC 35-47-8-1), equipment, chemical substance, or other material that in the manner it is used; could ordinarily be used; is intended to be used; is readily capable of causing serious bodily injury.
  3. An animal (as defined in IC 35-46-3-3) which is readily capable of causing serious bodily injury, and which is used in the commission or attempted commission of a crime
  4. A biological disease, virus or organism which is capable of causing serious bodily injury.
  5. The term does not include:
    - (a) a taser (as defined in IC 35-47-8-3);
    - (b) an electronic stun weapon (as defined in IC 35-47-8-1);
    - (c) a chemical designed to temporarily incapacitate a person; or

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(d) another device designed to temporarily incapacitate a person;

if the device described in subdivisions (a) through (d) is used by a law enforcement officer who has been trained in the use of the device and who uses the device in accordance with the law enforcement officer's training and while lawfully engaged in the execution of official duties.

- D. DE-ESCALATION -Actions taken in an attempt to stabilize the situation in an effort to reduce or eliminate the necessity of using force against subjects.
- E. FORCIBLE FELONY (IC 35-31.5-2-138) - a felony that involves the use or threat of force against a human being or in which there is imminent danger of bodily injury to a human being.
- F. RESISTANCE -
  - 1. PASSIVE RESISTANCE - a non-forcible act that is intended to impede, hinder, or delay complying with a lawful order or effecting an arrest (e.g., "going limp," "dead weight," ignoring a lawful command, or holding on to something while disobeying verbal orders to release, wherein no force is directed toward the officer).
  - 2. ACTIVE RESISTANCE- physical action(s) that prevent(s) an officer from being able to lawfully exercise their duties (e.g., subject walking away after being told to stop, subject fleeing from arrest, or subject tensing/pulling away/breaking officer's grip involving force demonstrated by the individual's use of power, strength, or violence directed at or against the officer).

Passive resistance may turn into active resistance. For example, holding onto a steering wheel is passive resistance; however, if an officer attempts to remove the hands and the subject reacts by tensing or pulling away using power, strength, or violence, then this becomes active resistance.

- 3. FORCIBLE RESISTANCE- the use or imminent use of force (non-deadly or deadly) directed toward an officer which interferes with the law enforcement officer's rightful exercise of their duties (e.g., hitting, punching, use of instruments or weapons).
- G. SERIOUS BODILY INJURY (IC 35-31.5-2-292) - Impairment of physical condition which creates a substantial risk of death or causes serious permanent disfigurement, unconsciousness, extreme pain, permanent or protracted loss or impairment of the function of a bodily member or organ, or loss of a fetus.

#### **300.4 PROCEDURE**

- A. De-escalation: an officer shall attempt to engage in de-escalation prior to using force when safe and feasible to do so.
- B. Officers shall only use police vehicles as a weapon in situation where deadly force is allowed by law.

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However use of a precision immobilization technique (PIT) maneuver, when used in accordance with agency, department or officer training guidelines, is not considered deadly force.

C. Officers shall not:

1. Discharge any warning shot. The objectively reasonable discharge of a firearm in the direction of an individual, against whom deadly force is allowed by law, with the intent to assist an officer or third-party who is in imminent danger, is not considered a warning shot;
2. Discharge a firearm at or from a vehicle except in situations where deadly force is allowed by law;
3. Use force against a person who is merely verbally abusive; or
4. Use a choke hold except in situations where deadly force is allowed by law.

D. Use of Force:

1. A law enforcement officer is justified in using reasonable force if the officer reasonably believes that the force is necessary to enforce a criminal law or to effect a lawful arrest.
2. A law enforcement officer is justified in using reasonable force against any other person to protect the person or a third person from what the officer reasonably believes to be the imminent use of unlawful force.
3. A law enforcement officer is justified in using deadly force if the officer has probable cause to believe that deadly force is necessary to prevent serious bodily injury to the officer or a third person or the commission of a forcible felony.
4. A law enforcement officer who has an arrested person in custody is justified in using the same force to prevent the escape of the arrested person from custody that the officer would be justified in using if the officer was arresting that person.
5. The use of deadly force against persons by officers relating to arrest or escape shall be restricted to the following:
  - (a) The officer has probable cause to believe that the deadly force is necessary:
    - i. to prevent the commission of a forcible felony; or
    - ii. to effect an arrest of a person who the officer has probable cause to believe poses a threat of serious bodily injury to the officer or a third person; and
    - iii. has given a warning, if feasible, to the person against whom the deadly force is to be used.
  - (b) An officer who has an arrested person in custody is justified in using deadly force to prevent the escape of the arrested person from custody only if the officer:

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- i. Has probable cause to believe deadly force is necessary to prevent the escape from custody of a person who the officer has probable cause to believe poses a threat of serious bodily injury to the officer or a third person; and
    - ii. Has given a warning, if feasible, to the person against whom the deadly force is to be used.
  - (c) A guard or other official in a penal facility or a law enforcement officer is justified in using reasonable force, including deadly force, if the officer has probable cause to believe that the force is necessary to prevent the escape of a person who is detained in the penal facility.
- E. Duty to Intervene:
  - 1. A law enforcement officer who is present and observes another officer using force that the officer has reason to know is excessive under the circumstances shall have a duty to intervene when it is safe and feasible to do so.
  - 2. Law enforcement officers who intervene shall immediately report the incident to a supervisor or commanding officer.
- F. Each law enforcement officer involved in a use of force incident shall:
  - 1. Cease using force when the subject is properly secured, provided that the subject has stopped any active or forcible resistance; and
  - 2. If needed, as soon as safe and practical, provide appropriate medical aid (e.g. first aid, CPR, or activation of available EMS) after any use of force.
  - 3. Complete the appropriate report(s) and/or notifications in accordance with agency, department or office reporting policies and procedures. However, if the use of force incident involves serious bodily injury or death, the officer shall immediately notify a supervisor, or the appropriate command personnel of the agency, department or office.

### **300.5 ANNUAL TRAINING**

The uniform statewide deadly force policy and corresponding training program shall be reviewed annually during the mandatory in-service training adopted by the Law Enforcement Training Board.