

Marquette County Sheriff's Office  
Operating Guideline Manual

<b>EFFECTIVE DATE</b> September 20, 1991	<b>GUIDELINE NUMBER</b> LE-8	<b>TOTAL PAGES</b> 8
<b>REFERENCE</b>	<b>SPECIAL INSTRUCTIONS</b>	<b>RE-EVALUATION</b> 12-22-2005
<b>SUBJECT</b> <b><u>USE OF NON-LETHAL FORCE</u></b>		

**I. PURPOSE**

The purpose of this policy is to establish regulation for the use of force which is less than deadly force for **all** department personnel, to designate approved non-lethal weapons, to establish the reporting requirements in every instance involving the use of force, and to provide for the treatment of any injury, or complaint of injury arising from the use of force.

**II. DEFINITION**

Non-lethal force: The use of any bodily part(s) or approved special equipment that may impair or cause injury.

Chemical agents and Electronic devices as used in this policy will be classified as follows:

- A. Level I device/agent – is a personal chemical agent/device **Aerko Freeze Plus P** and the **M/X-26 TASER** fall into the category of Less-Lethal force. Both the Freeze Plus P and M/X-26 TASER cause temporary physical debilitation to a person when employed by an individual officer as an INTERMEDIATE WEAPON.
- B. Level II device/agent – means a chemical agent/device employed by the police that is capable of dispensing large quantities of chemical agent in tactical situations or in special deployment situations such as barricaded subjects in buildings or vehicles, or disturbances involving groups of people.

**III. POLICY**

It shall be the policy of this Department to employ the reasonable amount of force necessary (within the use of force continuum as taught in the PPCT – Pressure Point Control Tactics – Management System Program), to overcome the resistance offered to

Marquette County Sheriff's Office  
Operating Guideline Manual

affect a lawful arrest, and/or accomplish the lawful performance of duty in protecting the public.

The use of non-lethal force is intended primarily for uses described herein involving unarmed assailants. It is understood that attacks by armed assailants may result in the officer employing a high degree of force, up to and including deadly force.

The use of unreasonable, unnecessary, or excessive force, and/or failure to provide proper medical treatment following the use of force, shall in every case, result in certain and severe disciplinary action against those who use or allow the use of such force, or fail to provide for the care of persons in custody.

Non-lethal force may be used:

- A. Against persons assaulting a citizen or an officer to prevent injury and/or continuation of the assault when alternatives to the use of force have failed or are not available to the officer.
- B. Against persons offering physical resistance to lawful arrest when alternatives to the use of force has failed or are not available to the officer.
- C. Against persons passively resisting a lawful, full custody arrest when alternatives to the use of force have failed or are not available to the officer.
- D. Against persons to prevent the escape of an inmate.
- E. Against persons to prevent the destruction of property.
- F. Against animals menacing or attacking a citizen or an officer.

#### IV. PROCEDURE

Department personnel when using non-lethal force will use the following procedure:

- A. All Department personnel will use verbal and nonverbal commands or bodily movement as dictated in escalation and de-escalation of force training, if the situation allows, prior to using non-lethal force.
- B. All Department personnel will use non-lethal force only as a last resort.
- C. All Department personnel will use the reasonable amount of non-lethal force necessary.

Marquette County Sheriff's Office  
Operating Guideline Manual

- D. All Department personnel will use acceptable techniques or approved special equipment when the use of non-lethal force is necessary, as dictated by department training.
- E. All Department personnel using non-lethal force, and the party the force is used against, will receive immediate medical attention, if required.
- F. All Department personnel who use **ANY** non-lethal technique, chemical agent, or TASER will submit a written report to their Division Head before going off duty. (See Appendix A). In addition a TASER Use Report will also be completed. In the absence of the Division Head, the shift supervisor will review the incident and submit the report to the Division Head. The report of the incident shall include:
  - 1. A description of the incident.
  - 2. Justification for the use of non-lethal force and a description of the non-lethal force used.
  - 3. Any impairment of injury caused by the use of non-lethal force.
  - 4. Any other action taken, such as medical attention rendered, the use of restraints, the use of segregation, custody, etc.

**G. Department Non-Lethal Force Techniques, Equipment and Testing**

- 1. All Departmental personnel, following proper training when applying non-lethal force, will use **only** the following approved physical techniques, chemical agents, and TASER.
  - a) Physical Techniques/Tactics
    - (1) PPCT Pressure Point Control Tactics
    - (2) MCOLES Defensive Tactics Standards
  - b) Chemical Agents (Level 1)
    - (1) Only Aerko Freeze Plus P OS/CS chemical agent will be used.

NOTE: Level I device(s), once used, require appropriate follow up. Follow up may include first aid, decontamination, or other appropriate procedures, as covered in training.

- c) Electronic Device (Level 1) (M/X-26 TASER)

Marquette County Sheriff's Office  
Operating Guideline Manual

**M/X-26 ADVANCED TASER** - An Electro-Muscular Disruption device that utilizes a 26-watt electrical discharge which disrupts the body's ability to communicate messages from the brain to the muscles causing motor skill dysfunction. The deployment of the air cartridges uses compressed nitrogen to project two probes with a maximum range of 21 feet. The probes are attached to the power source by insulated wire leads. The M/X-26 Taser also features a drive stun mode as an alternative defensive system.

**ANTI-FELONY IDENTIFICATION DEVICE** - The A.F.I.D. tags are confetti like I.D. tags. Each cartridge contains up to 40 identification tags that are ejected when the weapon is discharged. The tags contain the serial number of the cartridge used, which allows for identification of the air cartridge.

**AIR CARTRIDGE** - A single use item that contains compressed nitrogen, A.F.I.D. Tags, two darts and the insulated wires. It is identified with a serial number and is tamper resistant.

**DATA PORT** - The M/X-26 Taser is designed with a data port located on the back of the unit. This data port allows for the downloading of the usage record for that weapon. Each M/X-26 Taser records the dates and times of the last 585 times the weapon was discharged.

**NOTE:** The Taser is an additional law enforcement tool and is **not** intended to replace firearms, or replace other tools or techniques. The Taser should be used only when it is appropriate for the situation present. The utilization of a Taser is considered use of force and as such, its usage **must** comply with the use of force guidelines. The Taser is equivalent to the use of pepper spray on the use of force matrix.

**A. Taser Procedures**

1. Only a department-approved Taser shall be carried or used.
2. Each Taser unit shall be inspected prior to carrying. Only a properly functioning and charged Taser may be carried on or off duty.
3. No deputy shall carry a Taser unless he/she has successfully completed a department-approved training course. The training will consist of a minimum of 4 hours for initial certification. Re-certification training will be conducted at least once a year.
4. Personnel may use an approved Taser when:

Marquette County Sheriff's Office  
Operating Guideline Manual

- they are required to use physical force to take a person into custody,
- to protect himself or herself from physical assault,
- to protect a subject from injuring himself/herself or others, and
- against animals who pose a serious threat towards the deputy or others.

6. The Taser shall not be intentionally aimed at a person's head, neck or genitals.

7. Any discharge, other than the function test, either intentional or accidental, shall necessitate the immediate notification of the deputy's supervisor. The supervisor shall investigate each incident and ensure the proper reports are submitted.

8. Prior to the use of a Taser, a Deputy Sheriff shall, if practical, give fair warning to the subject. The deputy shall inform the subject that if he/she doesn't comply, he/she would receive an electrical shock from the Taser. The Deputy's intent would be to prevent the further escalation of force and gain subject compliance by the threatened use of the Taser.

**THE TASER AND FREEZE PLUS P WILL NOT BE USED IN CONJUNCTION WITH EACH OTHER. THERE MAY BE A POSSIBILITY OF A FLAMMABLE HAZARD.**

9. Deputies should inform others in the immediate area of their intent to discharge the Taser by announcing "TASER! TASER! TASER!"

10. After a deputy uses a Taser on a subject, the deputy shall:

a. Assess the situation, for compliance; determine if a second or subsequent application is needed.

b. After the subject has complied, handcuff the subject immediately to minimize the threat of injury to either the deputy or the subject, providing officer safety. Handcuffing may be accomplished safely while the electrical impulse is still being transmitted as long as the officer stays clear of the wire leads.

c. Remove the Taser darts at the earliest opportunity. Only a certified Taser operator or a qualified medical person may remove the darts. If the darts are stuck in the facial area, soft tissue around the neck, genital area or breasts of female subject, only qualified medical personnel shall remove the darts.

Marquette County Sheriff's Office  
Operating Guideline Manual

d. Provide first aid following removal of the darts by applying an antiseptic wipe and Band-Aid to the wound sites, as needed. Deputies shall inspect the darts after removal to ensure that the entire dart and dart barb has been removed. In the event that a dart, or dart barb has broken off and it is still embedded in a subject's skin; the subject shall be provided appropriate medical attention to facilitate the removal of the object.

e. Visually examine the subject to determine if an injury was sustained. Either a dart or gravity could cause an injury.

f. Collect the spent cartridge and darts and place them into evidence. The Taser darts removed from the subject's body shall be considered a biological hazard and shall be handled in accordance with the County of Marquette Bloodborne Pathogens Exposure Control Plan. Deputies shall wear protective latex gloves when removing and handling darts.

11. When a deputy, either intentionally or accidentally, uses the Taser, even if the subject was not struck, he/she shall prepare a Use of Force Form and departmental incident report. It shall be forwarded via the chain of command to the Division Captain for review.

12. It is strictly forbidden to use the M/X-26 Taser in a manner in which is punitive and outside the scope of the officer's authority.

### **M/X-26 Deployment Reporting Procedures**

1. The deputy who has discharged the M/X-26 Taser shall record the facts and circumstances on the incident report, and complete the Use of Force Report Form, in addition there is an M/X-26 TASER Use Report that must be completed.

2. The deputy who has discharged the M/X-26 Taser shall notify the shift supervisor immediately.

3. The M/X-26 Taser Use Report shall be reviewed by the designated Certified Instructor for completeness then forwarded to the division head, and a copy of the form shall be sent to the manufacturer's representative, currently Michigan Taser Distributing. This copy is for statistical data only and will be kept confidential by the manufacturer or their designated representative. The Captain or his designee will also report the incident to MMRMA within seven calendar days. If the Taser deployment incident results in hospitalization or death the Underheriff shall immediately notify MMRMA.

Marquette County Sheriff's Office  
Operating Guideline Manual

4. Photographs shall be taken, if possible, of the dart impact sites, if the skin has been penetrated. If a qualified medical person removes a dart, the Deputy shall ask the medical person to take the photographs with the Deputies camera. The photographs will be submitted into evidence.

**H. PROHIBITED ITEMS**

Department personnel **will not** use any of the following non-lethal special equipment:

- a) Level II Chemical Agents
  - (1) A chemical agent (Level II), designed/capable of dispensing large quantities of chemical against a large group of inmates. Level II agents may only be used at the command of the Sheriff or his designated agent.
- b) Impact Weapons
  - (1) Department personnel are not authorized to use or carry any type of impact weapon, such as a baton, night stick, and riot baton.
  - (2) Other non-lethal weapons that are prohibited include sap gloves, saps, black jacks, martial arts weapons, brass knuckles, and iron claws.

Flashlights or handcuffs are not to be used as non-lethal impact weapons.

**I. Non-Lethal Force Training**

- a. Upon entry to the Department, all officers will be required to review the non-lethal force policy with the Division Head or appropriate training officer.
- b. All Department officers will be provided with escalation and de-escalation of force training that clearly defines non-lethal force and how it is applied within this Department.
- c. Approved training programs, such as PPCT, MCOLES defensive tactics, and training in the use of Taser will be provided to officers upon entry to the Department with annual recertification or qualification.

Marquette County Sheriff's Office  
Operating Guideline Manual

**J. Reporting of Use of Non-Lethal Force**

- a. All Department personnel will submit written reports (as described in Section F of this procedure) when non-lethal force is used.
- b. The Sheriff, or his designee, will review all written reports regarding the use of non-lethal force.
- c. The Sheriff will investigate, or order an investigation of, the justification of the use of non-lethal force by Department personnel in those situations where a complaint or report warrants review.
- d. The M/X-26 TASER Use Report will be completed for any TASER deployment and forwarded to the Division Head.

**POLICY HISTORY:**

Effective: September 20, 1991

Revised: October 1, 1994  
October 7, 2003  
December 22, 2005

---

MICHAEL H. LOVELACE  
Sheriff