



City of Lyons Police Department
POLICE OPERATIONS MANUAL

Table with 4 columns: Chapter 11, Effective Date, January 20, 2021, # of Pages, 21; USE OF FORCE, Revised Date, January 20, 2021, Distribution; SPECIAL INSTRUCTIONS: GEORGIA LAW ENFORCEMENT CERTIFICATION PROGRAM (GLECP) STANDARDS INCLUDED: 1.10, 1.11, 1.12, 1.13, 1.14, 1.15, 1.16 1.17, 2.3 2.4 2.5, 2.7 and 2.8

Officers must review and have a demonstrated working knowledge of this chapter prior to receiving an Agency issued firearm.
It is recommended the agency have a policy using the Georgia Bureau of Investigation to investigate deadly force incidents. Self-defense, defense of another and imminent threat(s) shall be the only justifications for the use of deadly force.
ATTENTION CEO: The standard to evaluate the use of force incidents is the objective reasonableness based on the information the officer knew at the time of the incident.
ATTENTION CEO: The following two policies were significantly changed in order to make the manual less duplicative. You will notice that one or more standards are mentioned more than once. Each policy has many of the same reporting and/or training requirements. In the Less-Lethal Weapons policy, the most common less-lethal systems currently in use by agencies. This is not all inclusive; consequently, the agency must specifically list the authorized system's types and names, both lethal and less-lethal.

I. PURPOSE

The purpose of this policy is to provide officers of the Lyons Police Department with structured guidelines on the use of non-deadly and deadly force. It will also establish standard operating procedures for investigating use of force incidents, both deadly and non-deadly.

Provide a standard operating procedure for Investigation of Use of Force Incidents.

Provide a standard operating procedure for Less Lethal Weapons.

Provide a standard operating procedure for Use of Force When Dealing with Animals.



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**This policy is for departmental use only and does not apply in any criminal or civil proceeding. The departmental policy shall not be construed as a creation of a higher standard of safety or care in an evidentiary sense with respect to third party claims. *Violations of this policy will form the basis for departmental administrative sanctions only. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.***

### II. DEFINITIONS

- A. **OBJECTIVELY REASONABLE:** The legal standard used to determine the lawfulness of a use of force is the Fourth Amendment to the United States Constitution. (See *Graham vs. Connor*, 490 U.S. 386(1989)) Graham states in part, "The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that law enforcement officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application." The force must be reasonable under the circumstances known to the officer at the time the force was used.
- B. **FACTORS USED TO DETERMINE REASONABLENESS:** The Department examines reasonableness using Graham and from the articulated facts from the perspective of the officer in the same circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case.
- Those factors may include:
1. The Seriousness of the Crime or Suspected Offense;
  2. Whether the Suspect posed an Immediate Threat to the Safety of the Officer or Others;
  3. Was the Suspect Actively Resisting Arrest; or
  4. Was the Suspect Attempting to Evade Arrest by Flight;
- C. **DEADLY FORCE:** Deadly Force is defined as that force which creates a substantial risk of causing death or serious bodily injury.
- D. **IMMINENT:** Black's Law Dictionary defines imminent as, "Near at hand; impending; on the point of happening."



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- E. **FORCIBLE FELONY:** As defined in O.C.G.A. 16-1-3, a forcible felony is, "any felony which involves the use or threat of physical force or violence against any person"
- F. **SERIOUS BODILY INJURY:** A serious bodily injury is an injury that creates a substantial risk of death, causes serious, permanent disfigurement, or results in long-term loss or impairment of the functioning of any bodily member or organ.

### III. RULES AND REGULATIONS

#### A. Use of Force

##### 1. General (GLECP Std. 1.10)

Our agency's use-of-force policies adhere to all applicable federal, state, and local laws.

It is the policy of the Lyons Police Department that officers shall only use force necessary to achieve a lawful law enforcement objective. Officers may use only that force which is "objectively reasonable" to:

- a. Defend themselves;
- b. Defend others;
- c. Effect an arrest or detention;
- d. Prevent an escape; or
- e. Overcome resistance.

Use of physical force should be discontinued when resistance ceases or when the incident is under control.

#### B. Deadly Force (GLECP Std. 1.11)

Law enforcement officers are authorized to use deadly force to:

- 1. Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury;
- 2. Prevent the commission of a forcible felony; or
- 3. Prevent the escape of a violent fleeing felon, if such force is necessary, to prevent the escape and the officer has *probable cause* to believe that the suspect poses a significant threat of death or serious bodily injury to the



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officer or others.

**Facts unknown to an officer, no matter how compelling, cannot be considered in later investigations of whether the use of lawful force, particularly that of deadly force, was justified.**

### C. Warning Shots

Warning shots are permitted but should only be used in exceptional circumstances where it might reasonably be expected to avoid the need to use deadly force. Warning shots shall be directed in a manner that minimizes the risk of injury to innocent persons, ricochet dangers, and property damage.

### D. Neck Restraints (**GLECP Std. 2.4**)

Neck restraints such as choke holds, carotid artery restriction techniques and other similar types of control techniques are to be considered deadly force and are not authorized for use by members of this department except in situations where the use of deadly force would be authorized.

### E. Shooting at or from Moving Vehicles

Firearms are not to be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. The moving vehicle in itself is not presumptively a threat that justifies an officer's use of deadly force. An officer threatened by an oncoming vehicle should attempt to move out of its path instead of discharging a firearm at it or any of its occupants. Firearms are not to be discharged from a moving vehicle, except in exigent circumstances and in the immediate defense of life.

### F. Animals

The killing of an animal is justified: (1) for self-defense; (2) to defend another; or (3) when the animal is so badly injured that humanity requires its relief from further suffering. The destruction of vicious animals shall be guided by the same rules set forth for self-defense and the defense and safety of others.

**NOTE: Killing another person's animals may be considered a seizure of a person's property under the 4<sup>th</sup> Amendment. The standard of objectively reasonable should be used in these incidents.**

### G. Escapees

O.C.G.A. 17-04-20 (c) addresses the use of lethal force to prevent escape by



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stating,

*"...nothing in this Code section shall be construed so as to restrict the use of deadly force by employees of state and county correctional institutions, jails, and other places of confinement or by peace officers of any agency in the State of Georgia when reasonably necessary to prevent escapes or apprehend escapees from such institutions."*

**NOTE: Escapees from arrest or confinement are guilty only of a misdemeanor until convicted, irrespective of the nature of the original offense. Deadly force is prohibited in such instances.**

### H. TRAINING AND QUALIFICATION

1. Use of Force (GLECP Std. 2.3)
2. Officers of the Lyons Police Department will attend at a minimum, annual training on legal updates, de-escalation, and in the Use of Force policies and procedures of this agency. Training will be documented.
3. Further, all officers will receive in-service training on the constitutional and legal limitations on the use of deadly force and on the agency's policies regarding the use of deadly force at least annually. Training will be documented. (GLECP Std. 2.5)
4. Non-Deadly Force weapons
5. "Less-Lethal Weapons" for training and qualification standards.
6. Deadly Force weapons
7. "Firearms Qualifications" for training and qualification standards.

### I. USE OF FORCE REPORTS (GLECP Std. 1.14)

**NOTE: Agencies use different approaches to document use of force incidents. In some cases, the reporting system is designed to have the officer begin the use of force report. This policy uses the approach that it is the supervisor's responsibility to complete the use of force report. Second, some agencies also use the terminology of 'response to aggression'. This approach is based upon the assumption that officers do not use force but respond to the aggression displayed by an individual toward the officer or others.**

It will be the responsibility of the supervisor of any employee involved in any of the below listed incidents to complete a Use of Force Report as soon after the incident as possible, but not longer than 24 hours, and forward the report, along



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with supporting documentation, through the chain-of-command to the Chief Executive Officer.

Use of Force Reports shall be completed when: **(GLECP Std. 1.14 a, b, c, d)**

1. A firearm is discharged for other than training or recreational purposes.
2. A less-lethal weapon is used on a person (ECD, OC, ASP Baton, etc.);
3. A suspect is struck with hands, feet;
4. Officer used physical force to secure the suspect;
5. Use of force results in injury or death;
6. The presence of blood or broken skin on the person of either the officer or suspect, that occurs as a result of an arrest or confrontation; or
7. A complaint of physical injury is made by a suspect in the presence of any law enforcement officer that arose as a result of any arrest or confrontation.

### IV. Investigation of Use of Force Incidents

A fair, thorough, objective investigative process is critical component of maintaining the trust and confidence of the public and employees. The investigation of any use of force shall be done in a consistent and objective manner. This requires each person conduct their assigned responsibilities and duties. This section includes, but is not limited to, the use of firearms.

#### A. Non-Deadly Force Incidents

1. Responsibilities and Duties of Involved Officer(s)
  - a. If there is an injury to the suspect or officer, medical attention will be immediately sought.
  - b. The injured party may be transported to a medical facility when injuries are minor and do not require EMS response to the scene. **(GLECP Std. 1.12)**
  - c. Immediately summon a supervisor to the scene.
  - d. A statement detailing the use of force shall be completed and delivered to a supervisor as soon as possible after the incident.



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- e. Any officer present or witnessing the incident will submit a supplemental report detailing their observations and actions taken.
2. Responsibilities of employees witnessing perceived excessive Use of Force.
    - a. An officer has a duty to intervene to prevent or stop the use of excessive force by another officer when it is safe and reasonable to do so.
    - b. Any employee who observes another officer using excessive force shall make a written report describing the incident and submit it to the on-duty supervisor before the end of their shift.
  3. Responsibilities of Supervisor (**GLECP Std. 1.15**)
    - a. Upon notification of the use of force, is to a supervisor shall respond to the scene and initiate an investigation into the incident.
    - b. The supervisor shall complete a Use of Force report describing the use of force, the weapon or instrumentality involved, any injuries or property damage, etc., the name and address of any injured persons or witnesses, and the extent and/or treatment of any injuries. Photographs shall be taken of any injuries when possible.
    - c. The supervisor will, as much as possible, objectively review and determine the accuracy of the information provided including officers, witnesses and suspects as well as other evidence (i.e. video recordings, ECD download data).
    - d. The Use of Force report shall be forwarded to the Chief Executive Officer through the chain of command without delay.

### B. Deadly Force Incidents

1. Responsibilities and Duties of Involved Officer
  - a. When deadly force is used, and as soon as is secured, the officer is to holster their weapon, without unloading, or reloading it;
  - b. Determine the physical condition of any injured person and administer first aid; an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid, requesting



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emergency medical services, and/or arranging for transportation to an emergency medical facility.

- c. Request emergency medical aid (**GLECP Std. 1.12**);
- d. Notify the Communications Center of the incident and location and attempt to detain all witnesses. If the witnesses refuse to stay, the officer should try to obtain their names for future reference.
- e. Unless injured, the officer will remain at the scene until the arrival of the appropriate investigators. However, if the circumstances are such that the continued presence of the officer at the scene might cause a more hazardous situation to develop (e.g., violent crowd), the ranking commanding officer at the scene shall have the authority to have the officer moved to another, more appropriate location.
- f. The officer shall protect their weapon for examination and submit it to the appropriate investigator.
- g. The officer shall prepare a detailed report of the incident.
- h. The officer shall not discuss the case with anyone except:
  - (a) Supervisory and assigned investigative personnel;
  - (b) His attorney/Legal Representative
  - (c) Mental health professional;
  - (d) The officer's chosen clergy; and/or
  - (e) The officer's immediate family

**ATTENTION CEO: It is critical should ensure the difference between internal (Garrity) and criminal (Miranda) warnings are explained in policy and provided to officers as appropriate for the different investigations.**

### 2. Responsibility of the Communications Center

Once the communications center is notified, they shall:

- a. Dispatch requested medical aid;
- b. Notify the on-duty patrol shift supervisor;





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- c. Notify the Chief Executive Officer;
  - d. Notify the Uniform Patrol Commander; and
  - e. Notify the designated investigative unit(s).
3. Uniform Patrol Commander
- The Uniform Patrol Commander shall:
- a. Proceed immediately to the scene;
  - b. Ensure the scene is secured;
  - c. Conduct a preliminary field investigation;
  - d. Render command assistance to the assigned investigator(s);
  - e. Assist the involved officer(s); and
  - f. Submit a detailed written report of the results of the investigation to the Chief Executive Officer or their designee.
4. Investigative Responsibility
- a. Investigations of deadly force incidents in which injury or death occur will be referred to the GBI by the Chief Executive Officer;
  - b. All required written reports will be submitted without delay to the Chief Executive Officer in original form;
  - c. The Chief Executive Officer is responsible for notifying the governing authority of the incident;
  - d. Upon approval of the Chief Executive Officer, any comments given the news media will be limited to the basic facts of the incident without speculation or expression of opinion.
5. Treatment of Officer (**GLECP Std. 1.17**)
- a. In every instance in which an officer (or any employee) uses deadly force, where such use results in death or serious bodily injury to another person, the officer shall be placed on either administrative leave or in-house administrative duty.
  - b. The officer is to remain available at all times for official interviews and statements regarding the case and shall be subject to recall



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to normal duty at any time after the preliminary investigation.

**ATTENTION CEO: It is recommended officers be required to meet with a psychologist specializing in law enforcement officer use of force incidents or engage the assistance of the Peer Support counseling through the Georgia Department of Public Safety.**

### C. Administrative Review of Use of Force Incidents (**GLECP Std. 1.15, 1.16**)

1. All reported uses of force will be reviewed by the Shift Supervisor, Division Commander and Chief Executive Officer to determine whether:
  - a. Departmental rules, policy or procedures were violated.
  - b. The relevant policy was clearly understandable and effective to cover the situation.
  - c. All findings of policy violations or training inadequacies shall be reported to the appropriate unit for resolution and/or discipline.
  - d. At each level of review, the reviewer shall have the option to refer the incident to Internal Affairs for further investigation when deemed appropriate or necessary.
2. All use of force incident reports shall be retained as required by state law.
3. There will be annual review of all use of force incidents by the *appropriate departmental authority* to ascertain training and policy needs.
4. The agency will prepare a written annual analysis of all use of force incidents. (**GLECP Std. 1.16**)

## V. Less-Lethal Weapons

It is the policy of the Lyons Police Department to provide officers with less-lethal weapons, such as department approved **Electronic Control Device (ECD), Oleoresin Capsicum (O.C.), the ASP baton, and the K-9 unit (see SOP K-9 Unit)**, so they may successfully defend themselves from combative, resistant, and/or violent individuals and to reduce the risk of injury to the officer or suspect.

### A. TRAINING

1. Officers must successfully complete an Agency approved training course and demonstrate proficiency in the use of any less-lethal weapon prior to its being issued. (**GLECP Stds. 2.7, 2.8**)



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2. Training must be provided by an instructor who is certified to provide training of the weapons they are providing instruction. **(GLECP Std. 2.7, 2.8)**
3. Officers will, at a minimum, attend biennial refresher training in the use of each issued less-lethal weapon. Training on Electronic Control Devices Axon (TASER) will be conducted yearly. **(GLECP Std. 2.7, 2.8)**
4. Officers who fail to attend the required refresher training or who are **unable to demonstrate proficiency** in the use of any less-lethal weapon will not be allowed to carry it until they attend remedial training and are able to demonstrate proficiency. **(GLECP Std. 2.7, 2.8)**
5. Training will be documented in the training file. **(GLECP Std. 1.7)**

### B. USE OF Axon (TASER)

#### 1. DEFINITIONS

- a. Electronic Control Devices: Weapons designed to disrupt a subject's central nervous system by means of deploying battery powered electrical energy, sufficient to cause uncontrolled muscle contractions, and override an individual's voluntary motor responses.
- b. ECD: The Axon TASER X26P device is currently in use by the Lyons Police Department.

#### 2. PROCEDURES

- a. Agency approved Axon TASER **(GLECP Std. 1.13)**
- b. The Axon TASER X26P is the only authorized ECD for use by on-duty/extra duty personnel of the Lyons Police Department.
- c. Authorized use of Axon TASER
  - (a) The use of an ECD is considered a less lethal weapon and shall be deployed in a manner consistent with the Use of Force Policy and Training.
- d. Prior to Deployment:
  - (a) The ECD shall only be issued to and used by authorized employees who have successfully completed the Axon TASER Certification Training.



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- (b) All ECD will be inspected by a certified ECD weapon instructor to ensure they are charged and properly functioning prior to being issued for field use.
  - (c) The Axon TASER is a sensitive electronic device and should be treated with appropriate care. It should not be dropped or thrown around. When not in use it should remain in an approved holster and be protected from becoming wet (i.e. rain, submerged in water).
  - (d) The Axon TASER shall be carried in an approved holster on the officer's non-firearm side of the duty belt.
  - (e) The Axon TASER will be turned over to any requesting supervisor for inspection or to investigate usage. Only batteries authorized by the manufacturer should be used in the Axon TASER.
  - (f) Axon TASER cartridges should be replaced by the expiration date. Expired cartridges are to only be used for training purposes.
  - (g) Each officer certified to carry an Axon TASER is responsible for conducting a weekly spark test on their assigned Axon TASER.
  - (h) When the Axon TASER is experiencing any type of malfunction, it is to be removed from service and turned in to the Department Quartermaster as soon as practically possible for repair. Malfunctions include but are not limited to being dropped and causing damage, broken safety switch, battery light not working, CID display not properly working, or displaying "00," "EE," or any type of error reading, etc. Axon TASERS that cannot be repaired onsite will be shipped to manufacturer.
- e. DECISION TO DEPLOY Axon TASER
- (a) An officer's response level to a subject's resistance should always be based on the objectively reasonable standard.
  - (b) The Axon TASER is a possible option to use on a handcuffed subject **only** if the risk of injury for the officer and/or the subject is greater if another force option is used instead of the Axon TASER.



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- (c) The Axon TASER should not be used on a visibly pregnant woman. Officers should consider the particular subject and any vulnerability they have such as someone very small or frail.
  - (d) The Axon TASER is prohibited from being used in questioning or interrogating a suspect. The Axon TASER shall not be considered for the passively resistant subject, such as on a seated protestor who goes limp. The Axon TASER shall never be used as a punitive measure.
- f. METHOD OF DEPLOYMENT
- (a) The deployment of the ECD is to be conducted in accordance with the department's use of force policy and training.
  - (b) The Axon TASER can be deployed in two (2) different modes. The preferred mode is firing the darts in the preferred target areas as identified in training. This deployment enables electrical impulses to temporarily override the central nervous system and directly control the skeletal muscles. The second approach is in the 'drive-stun' mode which does not involve firing the cartridges.  
  
With this approach the electrical current is limited to the area between metal points on the front of the device.
  - (c) The primary risk of serious injury or death during a Axon TASER deployment is the risk related to falls. Users should avoid deploying the (ECD Brand) on persons next to swimming pools, on elevated platforms, or other places where a fall can be more injurious.
  - (d) The Axon TASER should never be used near flammable liquids and fumes. The Axon TASER can ignite gasoline or other flammables. Some self-defense sprays/O.C. sprays are flammable and would be extremely dangerous to use in conjunction with the Axon TASER. The Axon TASER should not be used on an individual who has been O.C. sprayed, unless they were sprayed by a member of the Lyons Police Department. Do not deploy the Axon TASER near a suspected meth lab.
  - (e) Prior to using the Axon TASER on a person who is in physical control of a moving vehicle or in any other



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situation where the body's reaction might place the subject or others at an increased risk of injury beyond that which would be considered reasonable given the situation.

- (f) When the Axon TASER is deployed in situations involving deadly weapons, a back-up officer is to directly accompany the Axon TASER user and will be designated to utilize lethal force.
  - (g) If practical, a verbal warning should be issued to the subject that the Axon TASER will be deployed if they do not comply. The verbal warnings should be announced to let others know the Axon TASER is being deployed.
  - (h) Back shots are the preferred target area when practical to do so. If the situation requires the officer to deploy the ECD on an individual facing them, the preferred point of aim is low center mass (abdominal area). Officers are to make reasonable efforts to avoid striking persons in the head, neck, heart area, or genitals.
  - (i) The Axon TASER has a built-in five (5) second timer. The electrical current will continue for the full five (5) seconds every time the trigger is depressed; the cycle should never be stopped unless special circumstances dictate. If additional cycles are required, each five (5) second cycle, or extended exposure of any time frame, shall be evaluated as an independent use of force.
- g. AFTER DEPLOYMENT
- (a) Once the subject is in custody or the situation is safe to do so, Communications will be notified the ECD was deployed.
  - (b) With a witness nearby, the Axon TASER probes should be removed. When removing the probes, employees should wear latex gloves. Probes embedded in non-sensitive areas can be removed by firmly grasping the probe and quickly pulling it straight out. After probes are removed, the wounds are to be cleaned with antiseptic and dressed.  
**(GLECP Std. 1.12)**
  - (c) Qualified medical personnel should remove probes embedded in the neck, head, groin, woman's breasts, and as special circumstances dictate.



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- (d) Photographs should be taken of probe impact sites and any other related injuries. Photographs should also be taken of the probes after they have been removed from the subject.
- (e) All persons who officers have used an ECD on shall be monitored for at least 10 minutes for signs and symptoms of physical distress. Persons exhibiting distress, vulnerable classes such as juveniles, pregnant women, the elderly, persons small in stature, and those with pre-existing conditions should get medical clearance at a hospital.
- (f) Personnel who deploy the Axon TASER on subjects exhibiting symptoms of exhaustion, distress or agitated/excited delirium will immediately request EMS respond to the scene.

### h. DOCUMENTATION (**GLECP Std. 1.14**)

- (a) All deployments of the Axon TASER including those cases where a subject complies once threatened with the device shall be documented in accordance with the use of force report policy.
- (b) Photographs of the affected area are to be taken prior to and after the removal of the darts, including "drive-stun" usage.
- (c) Darts, cartridges, and aphids shall be properly collected, stored and maintained as evidence.
- (d) The Supervisor will complete the reporting guidelines in 11-3 Use of Force.

### C. OLESORESIN CAPSICUM (O.C.)

- 1. Agency Approved Oleoresin Capsicum (O.C.) Aerosol Spray (**GLECP – Std. 1.13**)
  - a. Officers will only carry O.C. that is authorized and issued by the Lyons Police Department.
  - b. Authorized use of O.C.



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- c. O.C. spray is considered a less lethal use of force and shall be employed in a manner consistent with the use of force policy and training.
- d. Officers are authorized to use O.C. chemical agents against animals such as dogs to protect the officer or another person from an attack by the animal.

### 2. Decontamination Procedures

After control has been established and/or resistance ceased, the officer will make reasonable efforts to decontaminate the affected areas.

- a. When it is safe, the officer is to provide the appropriate first aid to the suspect and decontaminate using cool water to the face and/or affected areas;
- b. Suspects who have been sprayed shall be continuously monitored for indications of medical problems and shall not be left alone while in police custody until decontamination is complete;
- c. Call for professional medical attention (EMS) if it appears necessary or when decontamination procedures do not appear to be effective **(GLECP Std. 1.12)**;
- d. The effects of O.C. vary between individuals. Immediately after spraying an individual, officers should be alert to any indications that the suspect needs medical care. This includes, but is not limited to, breathing difficulties, gagging, profuse sweating and loss of consciousness. Upon observing these other medical

problems, or if the suspect requests medical assistance, the officer shall immediately summon emergency medical aid;

**NOTE: The EMS personnel should determine if the suspect needs to be transported to a hospital or other medical facility for further medical evaluation.**

- e. If reasonable, the person will be transported immediately to the jail. If it is not reasonable to transport the person to the jail, the person should be moved to an area with fresh air;

### 3. Storage and Distribution

- a. All O.C. will be distributed/replaced by the quartermaster.





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### (GLECP Std. 1.13);

- b. Unexplained depletion of O.C. canisters shall require an inquiry and written report by the officer's supervisor.

#### D. IMPACT WEAPONS

1. Authorized carry of the Baton **(GLECP Std. 1.13)**
2. Officers will only carry batons that are issued and authorized by the Lyons Police Department.
3. Authorized Use of the Baton
4. The baton is considered a less-lethal weapon and shall be employed in a manner consistent with the use of force policy and training. Training shall be provided by a certified POST Use of Force Instructor who is also certified as an instructor for the baton issued by the department.
5. The officer's decision to deploy the baton should be based on the tactical situation and the officer's reasonable belief its use is the appropriate choice based upon the situation.
6. The use of the baton is to be in accordance with the prescribed methods and training. The baton shall be deployed and used only as necessary to complete the desired objective and affect the arrest of the suspected offender.
7. Except in life-threatening situations, intentional strikes to the following areas and techniques will not be accepted as defensive techniques and will not be considered proper use of the baton:
  - a. Head and face
  - b. Heart areas
  - c. Spine
  - d. Kidneys
  - e. Direct frontal blow to kneecap
  - f. Groin area
  - g. Throat or Larynx
8. Flashlights will not normally be used as impact weapons, except in those



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cases where a sudden, violent attack on an officer precludes the use of other means of defense. When a flashlight is used as an impact weapon, the officer will follow the guidelines regarding impact weapons.

9. Maintenance and repairs shall only be conducted by factory authorized individuals or returned to the manufacturer. **(GLECP 1.13)**

### E. LESS-LETHAL WEAPON INSPECTION (GLECP Std. 1.13)

The Axon TASER shall be inspected annually during the required training by the departmental armorer.

At least every other year, all other authorized less-lethal weapons will be inspected by the departmental armorer or instructor on that particular less-lethal weapon platform during re-certification. Weapons found to be deficient shall be removed from service by the armorer or instructor then repaired or replaced. The employee will receive a replacement weapon until their issued weapon is repaired or replaced.

## VI. USE OF FORCE WHEN DEALING WITH ANIMALS

It is the policy of this department to use the least amount of force necessary when encountering an animal. As with other use of force options, deadly force will only be used to defend the officer, other person or animal from being bitten by a vicious animal. The department recognizes that not all domestic animals, especially dogs, are inherently vicious. However, some may be vicious by nature or may be protecting their area and officers should be aware of signs, warnings and visual/audio cues as to the intent of the animal.



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**ATTENTION CEO:** This policy is designed to protect domestic pets from being intentionally shot by officers for no apparent reason other than the dog appeared to be aggressive towards the officer(s). Courts have ruled that the unnecessary shooting of an animal may constitute a seizure under the 4<sup>th</sup> Amendment to the Constitution thus making the department and officer liable. Agencies should review their policies and procedures that contribute to effective responses to dog-related incidents with the primary goal of ensuring public and officer safety.<sup>1</sup> The department should consider training officers on the behavioral traits of dogs. Each officer, however, will have their interpretation on what constitutes a vicious animal.

**ATTENTION CEO:** The agency should consider equipping patrol vehicles (at a minimum at the supervisor level) specialized equipment to enable the officers to take control of a vicious animal. Tranquilizer Guns are a very specialized piece of equipment that are usually only carried by a trained animal control officer. Careful consideration should be used if the agency considers this. Specialized training shall be required if issued.

**ATTENTION CEO:** If the agency has access to an Animal Control Unit, then a statement should be inserted stating that the animal control shall be called prior to the officer attempting to do so themselves.

### A. DEFINITIONS

1. **DEADLY FORCE:** Any force that is likely to cause serious bodily harm or death.
2. **NON-DEADLY FORCE:** All uses of force other than those likely to cause serious bodily harm or death.
3. **IMMINENT:** Impending or about to occur.
4. **SPECIALIZED WEAPONS/TOOLS:** OC Spray, Axon TASER, Control Pole, Food Treats, Tranquilizer Gun.

### B. PROCEDURE

1. **Calls for Service, Routine/Non-Emergency.** When an officer is dispatched to a call for service that is non-emergency in nature and is encountered by a vicious animal the following shall be followed;
  - a. If the caller is at the home and the officer can speak directly to the person, the officer will ask the owner to restrain the animal and keep it on a leash, in a pen or other secure space that allows security for the officer while working the call for service.

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<sup>1</sup> <sup>1</sup> For more information regarding this subject, see the link below.

<https://daiqlelawgroup.com/use-of-deadly-force-against-mans-best-friend/>



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- b. If direct contact cannot be made by the officer, the officer will ask the dispatcher to contact the caller by phone and have them come out to take control of the animal prior to the officer leaving a place of safety: (car, hardened structure). Should contact by phone fail, the officer should leave the scene and stand by a short distance away in the event contact is made allowing the officer to handle the call. If no contact is made the officer will resume normal patrol and periodically have the dispatcher call in an attempt to make contact with the complainant.
2. Calls for Service, Welfare Checks and Emergencies. When an officer receives a call of an emergency nature or welfare check the following applies;
    - a. On a welfare check, if the vicious animal is out of the residence, and the officer does not have control equipment, the officer shall request another officer to assist in taking control of the animal in the quickest manner possible. Once the animal is secured, the welfare check will continue.

**NOTE: Officers should always be aware of a second animal in the area and be vigilant at all times.**

- b. If the animal is inside the house, the same procedures outlined above will be followed. If no one can be seen inside by the officer, then the officer will not enter a residence without a second officer present who can take control of the animal.
- c. If a person can be seen and the officer has knowledge of a medical emergency either from dispatch or personal knowledge (previous calls) then the officer is authorized to use the necessary force to save the human life.

**NOTE: Human life will always take priority over that of an animal.**

**NOTE: Deadly force is authorized only if the potential for receiving an injury from the animal is imminent.**

- d. In the event of an emergency call where it is necessary for the officer to save a human life or prevent further injury, the officer is authorized to use the necessary force to save a human life over that of an animal. (See notes above.)



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### 3. Search Warrants;

**ATTENTION CEO: When planning the execution of a search warrant, officer safety must always be considered. Accordingly, good intelligence should be gathered and disseminated to officers prior to the execution of a search warrant regarding the presence of animals and what actions are to be taken.**

- a. When an officer/s attempt to conduct a search warrant that is a regular search warrant, officer safety will always take precedent. Similarly, the preservation of evidence is important as well. Any vicious animals encountered pose a serious concern to both of the above. Not all animals are necessarily vicious just because it is barking, snarling or growling. Officers should be aware of this and try to control the animal as stated in paragraph A above.
- b. Prior to the execution of a search warrant, as much intelligence shall be gathered regarding the existence of potentially vicious animals. The officer in charge of the investigation will brief all officers accompanying them as to the presence of animals on the property.
- c. The only time an officer is allowed to use deadly force in the execution of a search warrant is when the potential for receiving injury from the animal is imminent.
- d. When an officer/unit is attempting to execute a "no knock" search warrant, the OIC will gather and disseminate intelligence regarding the presence of potentially vicious animals at the site.

**NOTE: Many criminals have dogs present to alert them of the presence of others on their property. Some also use these animals to protect any illegal substances being stored there as well.**

- e. The commander of the unit executing the no knock warrant shall have a plan for dealing with vicious animals encountered when attempting the execution of the warrant. The plan shall have specific details on what types of specialized weapons shall be used against a vicious animal. Deadly force is authorized only in the event of an imminent injury by a vicious animal.