

LAFAYETTE POLICE DEPARTMENT

GENERAL ORDERS

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| SUBJECT: DISCHARGE OF FIREARMS/ USE OF FORCE | | | | |

PURPOSE

This Order establishes rules and standards to be followed concerning the use of force and firearms by officers, along with reporting procedures required when a firearm is discharged.

POLICY

The Lafayette Police Department places its highest value on the life and safety of its officers and the public. The Department's Written Directives are designed to ensure that this value guides police officers' use of force and the use of firearms. Even though all officers must be prepared to use their firearms when necessary, restraint must be considered in their use. Police officers have been delegated the responsibility to protect life and property and apprehend criminal offenders. The apprehension of criminal offenders and the protection of property must at all times be subservient to the protection of life. The officer's responsibility of protecting life must include his own. All sworn personnel shall be issued a copy of this General Order and instructed in the use of force before being authorized to carry a firearm. Documentation of this training shall be maintained by the Training Section of the Lafayette Police Department.

LEVELS OF FORCE

- A. In all cases, only that force necessary shall be used by officers of this Department to effect lawful objectives. The levels of force authorized by the Lafayette Police Department are as shown in the following force wheel: (CALEA – 1.3.1)

FORCE WHEEL



- B. An officer of this Department may only use deadly force when he reasonably believes that it is necessary to defend his own life, or that of another person in immediate danger of death or serious physical injury.
1. Deadly Force – shall be defined as that force which is intended to cause death or grave injury or which creates such a degree of risk that a reasonable and prudent person would consider it likely to cause death or grave injury. (CALEA – 1.3.2)
 2. Reasonable Belief – shall be defined as those set of facts and circumstances that would lead a reasonable person to believe that deadly force is necessary. (CALEA – 1.3.2)
 3. Serious Physical Injury – shall be defined as any injury that could result in permanent disfigurement, disability, or death. (CALEA – 1.3.2)
- C. The same standards that apply to the use of force shall apply to the use of deadly force against a fleeing felon. No presumption shall be made that a fleeing felon poses an immediate threat in the absence of a previously demonstrated threat to, or disregard for human life.

USE OF FIREARMS

- A. Police officers shall not discharge their firearms except to protect themselves or another person from imminent death or serious bodily injury.
- B. Police officers shall discharge their firearms only when doing so will not endanger innocent persons.
- C. Police officers shall not discharge their weapons to subdue an escaping suspect who presents no imminent threat of death or serious bodily injury to the officer or others. (See “Levels of Force,” in this General Order.)
- D. Police officers shall not discharge their weapons at or from a moving vehicle. Only in dire or extreme circumstances where no avenue of escape is possible and death is imminent would the discharging of weapons be permissible. Additionally, officers shall not use their physical presence/body to attempt to block or impeded a motorized vehicle that is attempting to elude capture.
- E. Police officers shall not fire warning shots. (CALEA – 1.3.3)
- F. Officers shall not discharge firearms in connection with police activities either on or off duty except under the following circumstances:
1. At an approved range.
 2. When authorized by a supervisor.
 3. To protect themselves or other persons from imminent threat of death or serious bodily injury to officers or others.
- G. When it is necessary for officers to discharge their weapons, officers will:
1. If feasible, first issue a verbal warning.
 2. When using deadly force the intent will be to stop the subject from inflicting great bodily harm or death. For maximum stopping effectiveness, the officers should shoot at “center body mass,” when possible.
 3. When the use of force results in a death or serious injury, the involved officer(s) shall follow guidelines set fourth in General Order 203.6.
- H. No distinction shall be made relative to the age of the intended target of deadly force. Self-defense and imminent threat of death or serious bodily injury to the officer or others shall be the only policy guidelines for employing deadly force.
- I. An officer is justified killing an animal:
1. For self-defense.

2. To prevent substantial harm to another.
3. When the animal is so badly injured that humanity requires its relief from further suffering.

REPORTING AND INVESTIGATION OF FIREARMS DISCHARGE

- A. Whenever an officer discharges a firearm, either accidentally or officially, except at an approved range or a recreational function, the officer shall immediately notify a supervisor, who shall notify through the proper chain of command his Division Commander. The Division Commander shall notify the Chief of Police. A detailed report of the circumstances surrounding the discharge shall be submitted by the investigating officer, through the chain of command, to the Chief of Police within a reasonable time period. If the Chief of Police determines that the discharge was an act of negligence, the officer will be required to be recertified with the weapon within seven (7) days of the date the determination was made. **(CALEA – 1.3.6a)**
- B. When any officer causes injury to any citizen as a result of the discharge of his firearm, whether acting in an official capacity or accidentally, the Division Commander, upon notification, shall immediately proceed to the scene of the incident. The Division Commander shall ensure that the Shift Commander notifies the Internal Affairs Unit, and the Criminal Investigation Division.
 1. When an officer injures a person through the discharge of a weapon, he shall immediately:
 - a. Determine the physical conditions of any injured person and render first aid. **(CALEA – 1.3.5)**
 - b. Request paramedics. **(CALEA – 1.3.5)**
 - c. Notify Dispatch of the incident and location.
 - d. Notify his supervisor of the incident and location.
 - e. The officer shall protect his/her weapon for examination and submit the weapon to investigating personnel once a replacement weapon and magazines are made available.
 - f. An officer who is involved in either an officer-involved shooting or an accidental discharge of a firearm shall be allowed to contact any attorney or representative of his/her choice.
 - g. The officer shall not discuss the incident with anyone except for supervisory personnel, investigating personnel, attorney or representative.
 - h. The officer shall prepare a detailed report of the incident. **(CALEA – 1.3.6c)**
 - i. If feasible, the involved officer(s) should be afforded at least two sleep cycles prior to any formal questioning by administrative and criminal investigators.
 2. The involved Communications Officer shall:
 - a. Dispatch additional units if the situation is still on going.
 - b. Notify paramedics and ambulance personnel. **(CALEA – 1.3.5)**
 - c. Notify the on-duty Shift Supervisor.
 3. A uniformed field supervisor shall:
 - a. Respond immediately to the scene.
 - b. Establish control of the scene.
 - c. Secure a perimeter area.
 - d. Direct units present at the scene, those responding, and clear officers that are not needed.

- e. Brief the responding Shift Supervisor of the incident.
 - f. Assist the involved officer(s).
4. The on-duty Shift Supervisor shall:
- a. Immediately notify the appropriate Division Commander.
 - b. Notify C.I.D. and Internal Affairs, and the Public Information Officer.
 - c. Assist investigating officers.
5. The Internal Affairs Unit supervisor and/or their designee shall:
- a. Proceed immediately to the scene upon being notified.
 - b. Secure, separate, and interview all witnesses.
 - c. Assist other State agencies during their investigation.
 - d. Interview officers(s) involved in the shooting.
 - e. Submit a detailed report to the Chief of Police.

NON-LETHAL PHYSICAL FORCE

- A. Officers shall only use the type and degree of force that is reasonably necessary to affect an arrest. As a rule, officers which utilize non-lethal force or less than lethal weapons shall report the incident in the departmental electronic reporting system in addition to a departmental Use of Force Report. **(CALEA – 1.3.6c,d)**
- B. The principle by which force is judged is the minimum force necessary to accomplish a legitimate police objective. The officer must assess each situation to determine the type and degree of force required. Short of physical force, there are a variety of methods by which an officer can influence an uncooperative subject. Appropriate uses of force are as follows: **(CALEA – 1.3.4)**
- 1. Officer presence is accomplished through the officer’s appearance at a situation or through the officer’s dialog (talking) with a subject, resulting in the officer controlling the individual.
 - 2. Verbal commands.
 - 3. Soft empty hand control.
 - 4. Hard empty hand control is accomplished by an officer using approved physical restraints taught in the Basic Training Academy and Departmental In-Service training.
 - 5. Pepper spray may be used in field encounters with a resistive subject to effect compliance.
 - 6. Electro-Muscular Disruption Device is deployed as an additional police tool and is not intended to replace firearms or self-defense techniques.
 - a. The Electro-Muscular Disruption Device, a less-lethal level of force, may be utilized by officers who have been properly trained by certified (E.M.D.D.) instructors of the Lafayette Police Department in the safe and proper use of the Taser.
 - b. Departmental officers shall strictly adhere to the General Order 301.20 – Taser Protocol, in the use and deployment of departmentally issued/owned Tasers.
 - 7. Impact Weapons – See General Order 301.13.
 - 8. Injuries Resulting from Use of Force: **(CALEA – 1.3.5)**

a. The officer shall render appropriate medical aid after the use of force, which will include, but not limited to:

1. Bleeding control.
2. CPR.
3. Rescue breathing.
4. Shock control.
5. Transporting any person that is injured by an officer's use of force to a medical facility for treatment as soon as reasonably possible.
6. In life threatening situations, summon emergency medical personnel to the scene. (E.g. advanced life support paramedics, etc.)

C. Anytime an officer takes an action that results in or is alleged to have resulted in injury or death of another person, including traffic accidents, that officer shall submit the appropriate reports (Offense Report, Louisiana Crash Report if applicable, of the circumstances surrounding the action within (48) hours through the chain of command. An extension (time) may be granted if the officer is incapacitated. **(CALEA – 1.3.6b)**

SUPERVISOR RESPONSIBILITIES (USE OF FORCE REPORT FORM)

A. In any event where force is used (including firearms discharge) as listed in this General Order, or the General Order pertaining to “Emergency Response and Pursuit Driving” GO – 303.2, it shall be the responsibility of the supervisor on-scene or the Shift supervisor to complete and disseminate the Lafayette Police Department’s Use of Force Report form (LPD # 140 4/11) prior to the end of that supervisor’s work day. In the unlikely event that no supervisor was “on-scene” or able to respond to the scene, the on-duty Watch Commander shall be directly responsible for the completion of the Use of Force Report form and to disseminate the form to the proper Divisions and personnel of the Department.

1. Where a death or serious injury has occurred from the use of force by any officer of the Department, the Use of Force Report form may be completed (48) hours after the incident, but only after approval of the supervisor’s Division Commander.

B. Supervisors are also directly responsible to take photographs of any injured or arrested persons where force was applied to the degree that a Use of Force Report form would be completed – whether there is a visible sign of injury or not.

USE OF FORCE REVIEW PROCESS

A. When the use of force by an officer either on or off duty results in death or severe injury to any person, the incident shall be subject to review by the Department’s Command Staff. (Severe bodily injury is defined as a life threatening injury that requires emergency medical treatment and/or surgical procedures.) Minor injuries will normally not require review by the Department’s Command Staff where medical clearance for incarceration is not applicable. The Chief of Police or his designee may review any use of force incident if he deems necessary. A monthly documented Administrative Review of all Use of Force Reports shall be conducted by the supervisor of the Internal Affairs Unit along with assistance from the Services Division Training Unit no later than the 10th of each month. This documented review will serve the purpose of identifying any issues that may reveal patterns of employee behavior, outside trends affecting law enforcement, possible policy revision/adherence issues and/or training needs. Reviews by the Department’s Command Staff shall be conducted on the following incidents: **(CALEA – 1.3.7)**

1. When a person sustains a severe bodily injury or is killed by a Lafayette Police Officer.
2. When a person dies while in the care or custody of a Lafayette Police Officer.
3. When a Lafayette Police Officer discharges his/her firearm in the line of duty with the exception of accidental discharge and the destruction of animals.

B. Once all the investigational reports have been submitted to the Chief of Police, the Command Staff shall meet and determine:

1. Whether the shooting or use of force was within Departmental Written Directives.
 2. Quality of supervision during the incident.
 3. Members of the City of Lafayette Personnel Department and/or City-Parish Attorney's office may be consulted.
- C. If the Command Staff determines that any violations of Written Directives occurred, normal disciplinary procedures will then be followed.



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