
	SPRINGFIELD POLICE DEPARTMENT POLICY MANUAL	POLICY #1.5.1
EFFECTIVE DATE 9/14/23	 Andrew Shearer, Chief of Police	ACCREDITATION REFERENCE 1.3.1; 1.3.2

Use of Force

1.5.1.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. Every member of this department is expected to use these guidelines to make use of force decisions in a professional, unbiased, and reasonable manner.

1.5.1.2 DEFINITIONS

Cover fire - Member discharge of a firearm in a tactical situation in response to the ongoing threat of the use of deadly physical force by a person when direct action against the person is not feasible. Cover fire is not intended to strike a person but is meant only to prevent a person from taking further action against the police or others that could result in death or serious physical injury.

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or serious physical injury.

De-escalation – 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 a 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.

Feasible - When time and safety allow for a particular action

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Immediate - nearest in time or relationship.

Involved Member - a member who applies force or directs another to use physical force., or a member who assumes control, care or custody of, a subject who dies in police custody.

Physical control - The use of techniques intended to control an individual that are not likely to cause a physical injury. Control holds or restraints such as handcuffs are examples of physical control.

Public Safety Statement - a required response by a member to questions asked by an on-scene supervisor to elicit information necessary to protect life, preserve evidence, and/or ensure public safety.

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Resistance - Resistance: Opposition or obstruction directed towards a member that impedes a lawful objective. Resistance may consist of the following:

- **Passive Resistance:** Non-compliance or non-cooperation with an officer's lawful order that is non-violent and does not involve active conduct or pose an immediate threat to the member or the public.
- **Active Resistance:** A person's physical attempt(s) to evade a member's control or lawful order.

Show of force - A member's display of a control device, firearm or K9 option with the intent to influence a person's behavior.

Totality of the circumstances - The facts and context of an incident known to the member at the time of the incident, including, but not limited to:

- Graham Standard Factors (threat, severity of the offense, and active resistance or evading).
- Whether the person is experiencing an actual or perceived mental health crisis.
- Whether the person is impaired by drugs or alcohol, or otherwise incapacitated.
- Number of officers and subjects.
- Feasibility of using de-escalation techniques or non-force tactics.
- Subject possession of a weapon(s).
- Availability of cover officers.
- Environmental factors.

Witness Member - a member who observes or has firsthand knowledge of the events surrounding an in-custody death or the use of deadly physical force by another member, and other than observing the incident, did not use deadly physical force. Additionally, a member who observes or has firsthand knowledge of the events surrounding a member's direction to another to use deadly force.

1.5.1.3 POLICY

It is the policy of the Springfield Police Department to value and preserve human life. Officers shall use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the officer and others. Officers shall only use the level of force which a reasonably prudent officer would use under the same or similar circumstances. Officers shall strive to use the minimum force necessary to accomplish their lawful objectives.

The use of force is a matter of concern to the public, as well as to law enforcement. Members are constantly involved in numerous and varied human encounters and when warranted, may use reasonable force in carrying out their duties. This Department recognizes the use of force is a serious responsibility that requires constant evaluation.

Members must understand and appreciate the limitations of their authority particularly in overcoming resistance from those with whom they come in official contact. The decision to use force rests with each member. It is expected members will make such decisions in a professional, impartial, and safe manner in accordance with law and policy.

The department provides training to members to prevent the unnecessary use of force; trains supervisors

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to adequately conduct post-use-of-force investigations; and prepares members for their reactions to stress during an incident, as well as after an incident.

1.5.1.4 DE-ESCALATION

It is the policy of the Springfield Police Department that when the totality of the circumstances reasonably known to the member indicate it is safe, prudent, and feasible to do so, the member shall use de-escalation techniques.

(a) De-escalation techniques include but are not limited to:

1. Calling for additional officers. The number of officers on scene may enhance available options, which has the potential to increase the ability of the officer(s) to reduce the overall amount of forced used.
2. Requesting specialty assistance, such as Crisis Negotiators or Mental Health professionals.
3. Tactical repositioning
4. Using distance, cover and concealment.
5. Containment of the threat or scene
6. Communicating from a safe position to gain the subject's compliance through the use of verbal persuasion, advisements, and/or warnings. Generally, communication techniques should engage active listening to calm agitated individuals and promote rational decision-making.

(b) Whenever possible and when such delay will not compromise the safety of the member or another and will not result in the destruction of evidence, escape of a subject or commission of a crime, a member shall allow an individual reasonable time and opportunity to submit to verbal commands before force is used.

(c) A member is not expected to employ de-escalation techniques that could jeopardize the safety of the community or any officer. The need to take immediate action to prevent death or serious physical injury may foreclose the utilization of the de-escalation techniques by officers. If force is used officers may either escalate or de-escalate their use of force as the situation progresses or as circumstances change.

(d) The application of de-escalation techniques will be reviewed using an objectively reasonable officer standard.

1.5.1.5 USE OF FORCE

(a) A member may use physical force upon another person only when it is objectively reasonable, under the totality of circumstances known to the member, to believe:

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1. That the person poses an immediate threat of physical injury to the member or to a third person; or
 2. That the use of physical force is necessary to:
 - (A) Make a lawful arrest when the member has probable cause to believe the person has committed a crime; or
 - (B) Overcome resistance
 - (C) Prevent the escape from custody of the person when the member has probable cause to believe the person has committed a crime.
- (b) A member may use physical force upon another person only to the degree and duration that the member reasonably believes necessary to prevent physical injury
- (c) Prior to using physical force upon another person, if the member has a reasonable opportunity to do so, the member shall:
1. Consider alternatives such as verbal de-escalation, waiting or using other available resources and techniques if reasonable, safe and feasible; and
 2. Give a verbal warning to the person that physical force may be used and provide the person with a reasonable opportunity to comply.
- (d) A reasonable belief that a person has committed an offense means a reasonable belief in facts or circumstances, which if true, would constitute an offense. A member who is making an arrest is justified in using the physical force prescribed in this policy unless the arrest is unlawful and is known by the member to be unlawful.
- (e) Reasonableness of the force will be judged from the perspective of a reasonable officer with like or similar training and experience, on the scene at the time of the incident.
- (f) Members are authorized to discharge their firearm when disposing of a dangerous or severely injured animal; during authorized training; or off duty firearms training
- (g) Members are prohibited from firing warning shots.

1.5.1.6 USE OF FORCE STANDARD

Any application of force by a member of this department shall be evaluated by the standard of reasonableness. This standard recognizes that officers are expected to make split second decisions and the amount of time available to respond to changing circumstances may impact an officer's decision.

- (a) Constitutional Force Standard (Graham Standard): Force Performance Requirements:

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1. Members shall only use force necessary to accomplish a lawful objective, and the force must be objectively reasonable under the totality of the circumstances.
 2. When determining whether to use force, members must balance the individual's Fourth Amendment rights against the government's interest. At a minimum, members shall consider the following three factors prior to using force:
 - (A) *Threat*. Whether the individual poses a threat to the safety of officers or others. The extent and immediacy of the threat are the most important determining factors when considering the need for and type of force that may be reasonable during an encounter.
 - (B) *Severity*. The severity of the crime at issue.
 - (C) *Active Resistance or Evading*. Whether the individual is actively resisting control or attempting to evade.
- (b) When evaluating the level of force to be applied, or whether an member has used reasonable force, a number of factors shall be taken into consideration, as time and circumstances permit. Those factors include but are not limited to:
1. Immediacy and severity of the threat to members or others.
 2. The conduct of the individual being confronted, as reasonably perceived by the member at the time.
 3. Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
 4. Subject possession of weapon(s).
 5. The effects of suspected drug or alcohol use.
 6. The individual's mental state or capacity.
 7. The individual's ability to understand and comply with member commands.
 8. Proximity of weapons or dangerous improvised devices.
 9. Whether the person is experiencing an actual or perceived mental health crisis.
 10. Feasibility of de-escalation techniques or non-force tactics.
 11. The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
 12. The availability of other reasonable and feasible options considered by the officer and their

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possible effectiveness.

13. Seriousness of the suspected offense or reason for contact with the individual.
14. Training and experience of the officer.
15. Potential for injury to officers, subjects, and others.
16. Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
17. The risk and reasonably foreseeable consequences of escape.
18. The apparent need for immediate control of the individual or a prompt resolution of the situation.
19. Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the member or others.
20. Availability of cover officers.
21. Prior contacts with the individual or awareness of any propensity for violence.
22. Environmental factors.
23. Any other exigent circumstances.

1.5.1.7 DUTY TO INTERVENE

In accordance with Policy 26.1.1 (Code of Conduct – Duty to Intervene), members shall intervene to prevent or stop another member from using force the intervening member knows or reasonably should know is unlawful or out-of-policy force, unless the intervening officer cannot intervene safely.

1.5.1.8 USE OF DEADLY PHYSICAL FORCE

- (a) In accordance with this policy and ORS 161.242 a member may use deadly force only when it is objectively reasonable, under the totality of circumstances known to the member, to believe that the person poses an immediate threat of death or serious physical injury to the member or to a third person and the use of deadly physical force is necessary to:
 1. Make a lawful arrest when the member has probable cause to believe the person has committed a violent felony and poses an immediate threat.
 2. Defend the member or a third person from the immediate threat of death or serious physical injury
 3. Prior to using deadly physical force upon another person, if the member has a reasonable

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opportunity to do so, the member shall:

- (A) Consider alternatives such as verbal de-escalation, waiting, using other available resources and techniques if reasonable, safe, and feasible, or using a lesser degree of force; and
 - (B) Give a verbal warning to the person that deadly physical force may be used and provide the person a reasonable opportunity to comply.
4. As used in this section, “violent felony” has the meaning given that term in ORS 419A.004. “Violent felony” means any offense that, if committed by an adult, would constitute a felony and:
- (A) Involves actual or threatened serious physical injury to a victim; or
 - (B) Is a sexual offense. As used in this paragraph “sexual offense” has the meaning given the term sex crime in ORS 163A.005.
- (b) A reasonable belief that a person has committed an offense means a reasonable belief in facts or circumstances, which if true, would constitute an offense. A member who is making an arrest is justified in using the physical force prescribed in this policy unless the arrest is unlawful and is known by the member to be unlawful.

1.5.1.9 CHOKES HOLDS, HEAD, NECK AND BACK RESTRAINTS

A department member is not justified to use physical force that impedes the breathing or circulation of the blood of another person by applying pressure to the throat or neck of the other person, except in circumstances in which deadly physical force is justified, as provided in ORS 161.239.

1.5.1.10 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks. Members shall not intentionally position themselves in the path of a moving vehicle or in a location that is clearly vulnerable to vehicular attack. When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

Members shall not shoot at or from a moving vehicle unless they reasonably believe an immediate threat of death or serious physical injury exists.

1.5.1.11 MEDICAL ASSISTANCE

Medical assistance shall be obtained as soon as it is safe to do so for subjects who have sustained physical injury reasonably requiring medical attention, complained of injury, sustained serious physical injury, or have been rendered unconscious. Medical attention for superficial injuries will be at the discretion of the on-duty supervisor. See Policy 1.6.2 for specific treatment for individuals whose primary injury is due to their exposure to control devices.

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1.5.1.12 OFFICER RESPONSIBILITIES

- (a) In addition to use of force reporting in the incident report, described in subsection (d), members shall use the web based electronic documentation and reporting software to document use of force and show of force incidents.
- (b) Officers shall notify their supervisor as soon as practical following the application of force.
- (c) Except when an officer's use of force causes death or serious injury or involves the intentional discharge of a firearm at another person, which shall be handled in accordance with provisions of Policy 1.5.2, officers shall include information in their incident report describing:
 - 1. The articulated facts observed by the member and the beliefs held by the member that led the member to decide that the level of force used was reasonable under the totality of the circumstances. This includes:
 - (A) The level of resistance
 - (B) Weapon/s used by subject
 - (C) Type of force applied
 - (D) Any injuries sustained to department or personnel
 - (E) Any injuries sustained to subject or threat of injury to another person
 - (F) Any medical treatment obtained the subject or department personnel
 - (G) Articulation of why other types of force available and considered by the officer may not have been reasonable under the totality of the circumstances.

1.5.1.13 SUPERVISORY RESPONSIBILITIES

- (a) Supervisors shall respond to the scene for all use of force incidents involving the use of chemical incapacitants, Kinetic Impact Projectiles, Conducted Electrical Weapons, injuries, or complaints of injuries.
- (b) Once on-scene supervisors will
 - 1. Make an inquiry sufficient to determine the nature of the event and the member's justification for the use of force.
 - 2. Ensure proper medical assistance is provided if necessary.

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3. Make reasonable attempts to locate witnesses.
- (c) Supervisors shall review the facts and circumstances of each use of force incident to ensure compliance with State law and Department policy, to include Policy 1.5.1.2 (a). If the supervisor determines noncompliance, or questions its compliance, with State Law and/or Department Policy, they shall forward their findings to Professional Standards with the request that the case be assigned for further investigation.
- (d) In addition to a review of the Police report, supervisors shall use the web based electronic documentation and reporting software, Body Worn Camera/In Car Video footage, and any other available information (such as witness statements or video/photos captured by the public) to review employee force incidents, in accordance with the current SPD BWC/ICV policy.

1.5.1.14 ON SCENE RESPONSIBILITIES IMMEDIATELY FOLLOWING THE USE OF DEADLY FORCE INCIDENT

- (a) The involved member(s) shall notify an on-duty supervisor as soon as practicable that they are an involved member, as defined in this Policy.
- (b) If directed by the on-scene supervisor, the involved member(s) shall provide a Public Safety Statement. The on-scene supervisor shall then read from the Springfield Police Department Public Safety Statement (Policy 1.5.1 Attachment A), asking the listed questions exactly as written, and take necessary action based on the answers. The Supervisor will disseminate public safety information immediately via radio or as otherwise appropriate. After providing any required Public Safety Statement to the on-scene supervisor, involved member(s) may consult with their union and/or legal representative. The involved member(s) may elect to provide a voluntary statement and on-scene walk-through to the investigating IDFIT Detective. An involved member(s) has the right to decline a request by IDFIT Detectives to provide a voluntary statement and on-scene walk-through.
- (c) Witness Member(s) shall make it known to the on-scene supervisor that they are a witness to the incident. If directed by the on-scene supervisor, witness member(s) shall provide an on-scene Public Safety Statement. The on-scene supervisor shall then read from the Springfield Police Department Public Safety Statement (Policy 1.5.1 Attachment A), asking the listed questions exactly as written, and take necessary action based on the answers. The Supervisor will disseminate public safety information immediately via radio or as otherwise appropriate. After providing any required Public Safety Statement to the on-scene supervisor, witness member(s) may consult on scene with their union and/or legal representative.
- (d) On-Scene Supervisor: The on-scene supervisor shall take immediate action to:
 1. Stabilize the situation.
 2. Locate and separate all witnesses and involved members. If the number of individuals to be physically separated is so great as to be impractical, a supervisor or detective shall be posted to ensure that no communication regarding the incident takes place.
 3. Obtain from witness members and other sources the public safety information. If the on-

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scene supervisor is unable to obtain the necessary public safety information from witness members, initial observations, and/or other sources, the arriving supervisor shall require the involved member(s) to provide a Public Safety Statement, in accordance with Attachment A of this policy.

4. Document the involved and/or witness member's response(s) to the Public Safety Statement.
 5. If ambulance transport is required, ensure that someone other than the involved or witness member(s) is assigned to accompany the injured member, subject, or community member to the hospital in the ambulance.
 6. Ensure that a single-entry point into and out of the scene is established and advise dispatch of its location.
 7. Ensure that a Crime Scene Log is maintained at the entry point.
 8. Ensure notification of the appropriate command officers, IDFIT, the Chief of Police, Risk Management, union representatives, and others as may be appropriate.
- (e) The on-scene supervisor is responsible for the immediate safety of the public and preservation of the scene. Supervisors shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties.
- (f) The on-scene supervisor shall initiate a written Crime Scene Log as soon as practical and consider the following information when accomplishing the crime scene log:
1. The scene(s) must be secured immediately with a perimeter of sufficient distance to safeguard evidence. In some circumstances, an inner and an outer perimeter may be appropriate.
 2. Access to the scene(s) shall be limited to only those officials who must enter for criminal investigative purpose.
 3. The Crime Scene Log shall identify all persons entering the scene(s), the time of their entry and exit, and the reason for entry.
 4. When not needed for medical and fire suppression efforts, fire and ambulance personnel should be excluded from the crime scene.
 5. No items shall be moved inside the scene(s), or removed from a scene, without approval of the scene supervisor, unless necessary for public or officer safety or the preservation of evidence. If removal without approval is necessary, the removal must be documented in a police report. The report shall state the identity of the person removing the described object, the reason for removal, and the time of removal. The item should be photographed in its original location, and if possible, diagramed prior to removal. Other Responding Officers: Any member that responds to, but was not directly involved in or witness to, an incident involving the use of Deadly Physical Force shall, as soon as a reasonably prudent and prior to the end of his/her shift, prepare a police report documenting his/her actions,

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observations, and any other relevant conduct.

6. A member that has assumed or been assigned any duty to maintain the integrity and security of the crime scene shall maintain their position until relieved by a supervisor, detective supervisor or other designated person.
- (g) Other Responding Officers: Any member that responds to, but was not directly involved in or witness to, an incident involving the use of Deadly Physical Force shall, as soon as reasonably prudent and prior to the end of his/her shift, prepare a police report documenting his/her actions, observations, and any other relevant conduct.

1.5.1.15 REPORTING

The Professional Standards Office shall, annually, no later than (March 31st) report on agency use of force by participating in the National Use-of-Force Data Collection annual reporting.

1.5.1.16 TRAINING

Officers will receive annual training on this policy and demonstrate their knowledge and understanding. The Training Sergeant shall ensure officers receive initial and annual training on use of force and de-escalation techniques.