



# KNOXVILLE POLICE DEPARTMENT KNOXVILLE, TENNESSEE



## General Order No. 1.6

Subject: Use of Force	Effective Date: August 5, 2003	Revised Date: December 15, 2020
Title: Use of Force	Pages: 17	Distribution: All Members
Cross Reference: CALEA Standards T.C.A. 39-11-620 & 39-17-1315	Chief of Police Approval:	

### Purpose:

The purpose of this directive is to provide specific guidelines regarding lethal and less lethal use of force by members of the Knoxville Police Department. This directive consists of the following sections:

- I. Purpose
- II. Policy
- III. Definitions
- IV. Use of Force Policy
- V. Use of Force Authorization and Limitations
- VI. Less Lethal Force
- VII. Lethal Force
- VIII. Documentation and Responsibilities of Members Who Use Less Lethal Force
- IX. Documentation and Responsibilities of Members Who Use Lethal Force
- X. Training Initiatives
- XI. Administrative Reviews

## I. Purpose

To establish the Knoxville Police Department's guidelines and limitations concerning the appropriate and acceptable use of deadly and non-deadly force.

## II. Policy

It is the policy of the Knoxville Police Department to value and preserve human life. Members of this department are routinely confronted with situations where a use of force must be exercised to effect an arrest, take someone into protective custody, defend oneself, and to protect the public's safety. Members shall use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the member and others. Members shall only use force when no reasonably effective alternative appears to exist. Based upon the circumstances of the situations, members shall use only the level of force which a reasonably prudent officer would use under the same or similar circumstances. 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 question is whether the member's actions are "objectively reasonable" in light of the facts and circumstances confronting them.

## III. Definitions

- A. Active Aggression/Resistance – A threat or overt act of an assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person, including the officer, is imminent.
- B. Conducted Energy Weapon (CEW) – A weapon designed to cause incapacitation by overriding the peripheral nervous system causing uncontrollable muscle contractions.
- C. Chokehold – Any pressure or constriction of the neck, throat or windpipe that may inhibit breathing (ex: (a) arm-bar control hold, which inhibits breathing by compression of the airway on the neck; (b) a hold with a knee or other object to the back of a prone subject's neck).
- D. De-escalation – An attempt to reduce the intensity of a conflict or potentially violent situation by remaining calm, using active listening skills and speaking techniques in trying to resolve an issue.

- E. Empty Hand Hard – Techniques that include kicks, punches, strikes, or take downs that result in an impact (such as leg sweeps, tackling, tripping and shoving to the ground).
- F. Empty Hand Soft –Techniques that include empty hand escort controls, pressure points, come-a-longs, and directional controls that have a minimal chance of inflicting injury.
- G. Exigent circumstances – Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.
- H. Force – Any physical strike or instrumental contact with a person; any intentional attempted physical strike or instrumental contact that does not take effect; or any significant physical contact that restricts the movement of a person. The term includes the discharge of a firearm, or pointing a firearm at or in the direction of a human being, use of chemical spray, use of impact weapons, use of electronic control weapons (ECW), chokeholds, vascular neck restraints or hard hands, taking of a subject to the ground, or the deployment of a canine. The term does not include escorting or handcuffing a person with minimal or no resistance. Use of force is lawful if it is objectively reasonable under the circumstances to effect an arrest, or protect the officer or other persons.
- I. Imminent Threat – An officer’s reasonable perception of impending danger, death or serious injury from any action or outcome that may occur during an encounter. A subject may pose imminent or impending threat even if he or she is not pointing a weapon at the officer but has, for example, a weapon within reach, is running for cover carrying a weapon, or running to a place where the officer has reason to believe a weapon is available.
- J. Impact Weapons – Authorized department equipment for which the member has received training in techniques for a response to an aggressive violator.
- K. Less-lethal Weapons – weapons or any devices that are intended to be less likely to cause death (examples include but not limited to baton, conducted energy weapon, OC)

- L. Lethal Force – Any force that is likely to cause death or serious bodily injury.
- M. Lethal Force Incident – All instances in which a member uses lethal force in the line of duty or when acting in a law enforcement capacity, whether or not the use of such force results in a fatality.
- N. Objectively Reasonable – The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time that force is used and upon what a reasonably prudent officer would use under the same or similar situations. *See Graham v. Connor, 490 U.S. 386 (1989).*
- O. Officer Presence – The mere presence of an officer in uniform and/or identified by a badge, identification, police vehicle, raid jacket, or other form of police identification.
- P. Oleoresin Capsicum (OC) Spray – Pepper based spray authorized for use by the department.
- Q. Passive Resistance – When a subject does not cooperate with an officer's commands but does not take action to prevent being taken into custody. For example, a protestor who lies down in front of a doorway and must be carried away upon arrest.
- R. Pursuit Termination Device – Devices that contain numerous hollow steel spikes that deflate tires at a rapid and controlled rate.
- S. Reasonable Belief – Facts and circumstances that would lead a reasonable person to believe that force is necessary.
- T. Serious Bodily Injury - Any injury that could result in disfigurement, disability or death.
- U. Vascular Neck Restraint – Refers to one of the following types of holds: (a) carotid restraint hold which inhibits blood flow by compression of the blood vessels in the neck; (b) lateral vascular neck restraint;
- V. Verbal Control – The instruction or direction from an officer in the form of verbal statements or commands.
- W. Warning Shot – Discharging of a firearm for the purpose of compelling compliance from an individual, but not intended to cause physical injury.

#### IV. Use of Force Policy

This policy is developed to capture the options available to members when responding to calls, dealing with resistant subjects, and defending themselves. This policy recognizes the fluidity between response options and the amount of objectively reasonable force appropriate for the situation. Not all response options constitute an application of force. Whenever possible, officers shall employ a guide for use of force, commonly referred to as the "Use of Force Continuum". The Use of Force Continuum is a visualization of options of force based on the level of resistance or threats of the suspect or violator (Appendix A). Due to the varying circumstances of different incidents, it is not always possible for an officer to start at the beginning of the use of force continuum and increase the level of force through each level of control. The preferred outcome of an encounter with a non-compliant subject is that mere officer presence and/or de-escalation techniques would be successful in bringing the subject into compliance.

Knoxville Police Department training recognizes the unique nature of each encounter and the many factors that may figure into the decision making of the officer in that circumstance. The objectively reasonable response required of an individual officer may be different with each occurrence even in encounters that, on their face, seem similar. Allowances must be made for the fact that officers are often forced to make split-second decisions about the amount of force that is necessary in a particular situation or circumstances that are tense, uncertain, and rapidly evolving. Factors that may be considered in a response include but are not limited to the following:

1. The seriousness of the subject's actions or potential actions (the action that would reasonably occur without police intervention)
2. The perception of the threat presented by the subject's verbalization and body language. Physical cues may well convey an intended threat even with no verbalization at all.
3. Physical size and strength of both the subject and the officer. This does not mean that an officer that is of greater size or strength than the subject encountered is limited to lesser response options, as physical conflicts with persons of lesser size and strength do not necessarily diminish the potential danger to an officer.
4. The reasonableness of a response given the options available to an individual officer (i.e. an undercover officer will not likely have all of the tools available to him/her that a uniformed patrol officer might have).

5. The presence of additional subjects that may participate in an altercation with an officer if the principal subject's actions are not stopped.
6. The perception of visible threats may be diminished or increased based on the conditions depending on the time of day.
7. The availability of backup officer(s). A backup officer who is in close proximity to the officer in an encounter may allow the principal officer enough time to delay other force or response options in the hope that increased officer presence would be enough to secure compliance.

The litmus test of the action is the reasonableness of the officer's response given the circumstances and the officer's reasonable perception of the threat presented by the subject. An officer's personal familiarity with the particular subject encountered may factor heavily in both the subject's subsequent actions upon arrival and the officer's gravitation to a particular response. Experience and training are a critical components when determining the reasonableness of a particular officer's response. An officer must be able to offer reasonable explanations for the particular response chosen and this action must be within the parameters of this policy.

Employees are required to intervene and notify the appropriate supervisor if they observe another agency employee or public safety associate engage in any unreasonable use of force or if they become aware of any violation of departmental policy, state/provincial or federal law, or local ordinance. If the employee observes the individual indicating such action is about to occur, the employee should attempt to prevent the action or stop it from continuing.

All members of this department will receive instruction on this policy as well as any related instruction prior to being authorized to carry any lethal or less lethal force options.

#### V. Use of Force Authorization and Limitations

Officers of the Department are authorized to use only the amount of force necessary to accomplish lawful objectives. Force may be used:

- A. To effect an arrest or prevent the escape from custody of a person whom the officer reasonably believes has committed an offense. (See TCA 39-11-620)
- B. To defend the officer or others from the use, or imminent use, of physical force.

- C. To take persons into protective custody when authorized by law, such as persons who are a danger to themselves or others, persons incapacitated by alcohol, and/or runaway children.
- D. To prevent someone from committing suicide or inflicting serious physical injury upon themselves.
- E. To assist a licensed physician or psychologist in providing necessary medical treatment.
- F. To control a situation, and to overcome passive or active resistance to a lawful order.
- G. To neutralize an unlawful assault and defend themselves or others from harm.

The authorized use of physical force ends when resistance ceases and/or the officer has accomplished the purpose necessitating the use of force. Justification for the use of force is limited to the facts known or perceived by the officer at the time such force is used, including levels of resistance, suspect's behavioral cues, the number of officers and/or offenders present, and the availability of other options. Force shall never be used to subject a person to torture and/or other cruel or inhumane or degrading treatment or punishment.

Members shall not use vehicles, flashlights, radios or other unauthorized weapons as a means of force, except when there is reason to believe that imminent threat of death or serious bodily injury exists, and no other option is readily available. Chokeholds or vascular neck restraints are not authorized as a use of force.

## VI. Less Lethal Force

- A. All members who encounter situations in which the possibility of violence or resistance to lawful arrest is present but diminished, should, if possible, attempt to remedy the situation through advice, persuasion, or warning. Members should attempt to de-escalate the situation by remaining calm, using active listening skills, and attempting to work with the subject, if possible. If a subject continues to be noncompliant or engages in passive resistance a higher response may be permissible.
- B. All members who encounter situations in which the possibility of non-compliance to lawful arrest is present, should, if possible, attempt to

remedy the situation through advice, persuasion, or warning. Members should attempt to de-escalate the situation by remaining calm, using active listening skills, and attempting to work with the subject, if possible. If a subject is noncompliant/passively resistant, and aggressive, then the member may employ Empty Hand Soft techniques to control the subject.

- C. All members who encounter situations in which the possibility of violence or resistance to lawful arrest is present and escalated, should, if possible, attempt to remedy the situation through advice, persuasion, or warning. Members should attempt to de-escalate the situation by remaining calm, using active listening skills, and attempting to work with the subject, if possible. If a subject is passively resistant, active resistant and/or actively aggressive, then the member has the following options:

1. Empty Hand Hard – This method involves the member utilizing Empty Hand techniques [strikes, kicks, leg-sweeps, trips, and tackles] to effect control of the resisting subject.

Empty Hand Soft – This method involves the member utilizing Empty Hand Soft techniques [empty hand escort controls, pressure points, come-a-longs, and directional controls that have a minimal chance of inflicting injury] to effect control of the resisting subject.

- a. Once detained or in custody, if the subject is complaining of an injury or it is apparent that an injury has occurred, the member shall provide first aid or seek medical attention, if necessary.
  - b. Members will receive instruction in weaponless control techniques from a certified instructor at least every other year (biennially).
2. Oleoresin Capsicum (OC) Spray
    - a. This method involves the utilization of chemical agents and is restricted to members authorized by the Chief of Police or designee
    - b. Only members who have completed the prescribed course of instruction on the use of Oleoresin Capsicum (OC) Spray by a certified instructor are authorized to carry or utilize the OC Spray.
    - c. When OC Spray is used and the subject has been taken into custody the member shall provide first-aid in the form of fresh air exposure to the subject's eyes and face. If water is available it



may be applied to the subject, but members should note that water will only act as a temporary cooling agent.

- d. The member shall advise the detention center that the subject has been sprayed with an OC Spray.
- e. Members will receive instruction on OC Spray from a certified instructor at least every other year (biennially).

### 3. Baton

- a. This method involves the utilization of baton and is restricted to members authorized by the Chief of Police or designee.
- b. Only the members who have completed the prescribed course of instruction on the use of baton by a certified instructor are authorized to carry or utilize a baton.
- c. Once detained or in custody, if the subject is complaining of an injury or it is apparent that an injury has occurred, the member shall provide first-aid or seek medical attention, if necessary.
- d. Members will receive instruction on baton from a certified instructor at least every other year (biennially).

### 4. Conducted Energy Weapon (CEW)

- a. This method involves the utilization of the CEW and is restricted to members authorized by the Chief of Police or designee.
- b. Only members who have completed the prescribed course of instruction on the use of CEW by a certified instructor are authorized to carry or utilize the CEW.
- c. Immediately after utilizing the CEW on a subject and getting the subject in custody, the member who deployed the CEW shall immediately summon medical assistance and notify the on duty supervisor.
- d. Subjects on which the CEW has been used shall be monitored continuously for indications of medical problems and shall not be left alone while in police custody.

- e. The member shall advise the detention center that the subject has been exposed to a CEW.
- f. Members will receive instruction on CEW from a certified instructor annually.

5. Canines (K-9)

All departmental personnel, particularly the canine handler, must recognize that the use of the police canine against a person could constitute a use of force, or the implied threat of a use of force. Therefore, it is imperative that, prior to actual use of the canine, the decision to utilize the canine be made with full knowledge of the degree of force justified.

- D. Members who have been issued a baton, conducted energy weapon, and/or OC spray shall carry a minimum of two (2) of these less lethal options while wearing a Class A uniform in an official on-duty, off duty, or extra duty capacity, unless otherwise directed by the Chief of Police or designee. Should a member decide not to carry all three less lethal options, the chosen option not carried shall be maintained, and readily available, for use to include presentation during uniform inspections.
- E. Special use weapons are issued to members of specialty teams and shall follow the guidelines outline with their respective SOP as well as General Order 1.5.

VII. Lethal Force

- A. Members of the Knoxville Police Department, when feasible, shall exhaust all other means of apprehension or arrest, including attempts of de-escalation, and shall only use lethal force/response in the following circumstances:
  - 1. To protect the member or others from what is reasonably believed to be an imminent threat of death or serious bodily injury.
  - 2. Effect an arrest or prevent the escape from custody of a person who they reasonably believe has committed, or attempted to commit a felony involving the infliction or threatened infliction of serious physical injury; and the officer reasonably believes this person still poses a significant threat of death or serious physical injury to the officer or other persons. Where feasible, the officer should give warning of the intent to use deadly physical force.

See, *Tennessee v. Garner*, 471 U.S. 1, 85 (1985.) (Also see TCA 39-11-620): The United States Supreme Court ruled that the use of deadly force to prevent the escape of a suspected felon violates the Fourth Amendment prohibition against unreasonable seizure if used against an apparently unarmed, non-violent suspect (the case involved a burglary suspect). The Supreme Court further stated that deadly force may be used against an offender who has attempted or committed an offense involving the infliction or threatened infliction of great bodily harm. Deadly force may not be used against an unarmed, non-violent, property crime offender. The United States Supreme Court decision went on to state when an officer is justified in the use of deadly force he will, if feasible, first give a verbal warning. (Example: "Police Officer, Halt").

2. To destroy an animal to protect the public safety or for humanitarian reasons in cases of extreme or prolonged suffering. Permission to destroy an animal for humanitarian reasons must be obtained from a first line supervisor prior to discharge of the weapon.
  - a. When notified that a lethal response on an animal may be used or has been used, a first line supervisor shall respond to the scene. The supervisor will ensure that the proper reports are filed, that the chain of command is notified, and that an Internal Affairs Unit review occurs.
  - b. A Firearms Use Report must be filed in all situations involving the use of a lethal response on an animal, regardless of a shot being a hit or a miss.
- B. Lethal force/response shall not be used in the following circumstances:
  1. Discharge of a weapon as a warning. Warning shots are prohibited.
  2. To fire toward or from a moving vehicle except when every reasonable means of defense has been exhausted and the member feels that their life or the life of innocent citizens would be in imminent danger of death or serious bodily injury if the subject is not immediately halted. The member should be reasonably certain that no innocent persons will be injured as a result of firing at or from a vehicle.
  3. In situations involving any felony case that does not involve an actual or threatened attack which the member has reasonable cause to

believe could result in death or serious bodily injury to the member or innocent citizens/persons.

4. In situations involving misdemeanor offenses.

C. The lives of innocent persons must be considered and not endangered if at all possible should the member decide to use a lethal force.

VIII. Documentation and Responsibilities of Members Who Use Less Lethal Force or Show Lethal Force

A. A Show of Force Report shall be completed by any member who intentionally points a firearm directly at a subject.

B. A Use of Force Report shall be completed by any member employing less lethal force if any of the following circumstances occur:

1. There is apparent injury to the suspect

2. The suspect complains of injury

3. If the force was sufficient that it requires medical attention or requests of medical attention.

4. Any less lethal weapon was actually used, not merely displayed.

5. Any empty hand hard technique

C. When any reportable force is used the member shall immediately notify the on duty supervisor and request they respond to the scene.

D. The supervisor shall immediately respond to the scene of any reportable use of force.

1. The immediate supervisor shall, upon arrival, conduct a preliminary investigation of the incident including interviewing the subject

2. The supervisor shall photograph, or request Forensics to photograph, any subject of the use of force to include any visible injury for any reportable use of force. Any injuries to members or third parties shall be photographed as well. The supervisor shall attach the photograph(s) to the Use of Force Report. If the photographs cannot be attached to the Use of Force Report the supervisor shall ensure the photographs are attached to the incident report or field

interview. If Forensics is requested to photograph any use of force, then the photographs shall be forwarded to Internal Affairs for inclusion with the Use of Force Report. The reviewing supervisor shall document why the pictures were not attached to the report (Use of Force, Incident Report, or Field Interview).

- E. The Use of Force Report completed by the member shall be a complete and accurate description of the subject's actions, the circumstances of the incident, and the action of the member(s). The member shall complete and submit the report to their immediate supervisor as soon as practical after proper review. The supervisor shall ensure that the Use of Force Report is submitted at the appropriate time.
  - F. Upon submission of the Use of Force Report, the supervisor shall review the report for completeness and compliance with the department's policy and procedure.
  - G. The Internal Affairs Unit will review all Use of Force Reports and assume responsibility for any follow-up investigation that is deemed necessary.
  - H. Copies of all Use of Force reports will be accessible to the Division Commander of the involved member, the Training Director, and the Chief of Police.
  - I. All Use of Force reports will be maintained and filed in Internal Affairs.
  - J. Any unintentional discharge of a Conducted Energy Weapon (CEW) cartridge or malfunction of a CEW where no one is injured shall be documented in a Departmental Memorandum which will be forwarded to the Division Commander, Internal Affairs Unit, and Training Section.
  - K. In a situation where a canine bites a subject, a K-9 Use/Apprehension Report shall be completed to document the bite. If other force is employed during the incident that would normally require a Use of Force Report, then that report will be completed detailing the force used along with the K-9 Use/Apprehension Report explaining the force used by the canine.
- IX. Documentation and Responsibilities of Members Who Use Lethal Force
- A. All employees who employ a lethal response shall:
    - 1. Immediately take all measures to render the situation safe and provide/summon medical assistance for the injured.

2. Notify Communications of the situation.
  3. Request additional units to assist in protecting the scene and detain witnesses.
  4. Contact immediate supervisor to respond to the scene.
- B. Upon arrival at the scene, the supervisor shall:
1. Confirm that appropriate medical assistance has been provided/summoned.
  2. Coordinate protection of the scene and detainment of witnesses.
  3. Summon Violent Crimes Unit to scene
  4. Summon Internal Affairs Unit to scene
  5. Notify Division Commanding Officer
  6. Notify the Communications Manager Office
  7. Notify the Tennessee Bureau of Investigation if injury or death are involved
- C. Any member who employs a lethal response or takes any action that results in or is alleged to have resulted in serious bodily injury or death of another person, to include a physical response, lethal weapons, or use of a vehicle, shall complete the Use of Force Report and any other reports and submit it to their immediate supervisor as soon as practical.
1. If a firearm was used, a Firearms Use Report will also be completed as soon as practical after proper review. The supervisor shall ensure that the Firearms Use Report is submitted at the appropriate time. Distribution shall be as follows:
    - a. Division Commander
    - b. Internal Affairs
    - c. Chief of Police

2. A Firearms Use Report will be completed in all situations in which a firearm is discharged for any reason other than training or recreation purpose and shall be an official document of any investigation.
  3. All Firearms Use Reports shall have a documented review at all levels of the member's chain of command, up to and including the Chief of Police.
- D. The Internal Affairs Unit and Tennessee Bureau of Investigation shall conduct simultaneous investigations in all incidents where a lethal response is employed resulting in injury or death. Knoxville Police Department CID will assist TBI in a liaison capacity.
  - E. If lethal force is used and no injury or death occurs, then Knoxville Police Department CID and Internal Affairs Unit shall conduct the investigation. Tennessee Bureau of Investigation will not be involved in the investigation unless requested.
  - F. Reports and investigative findings will be reviewed by the Critical Incident Review Board, upon request of the Chief of Police.
  - G. Any member, or employee, whose action(s), force in an official capacity results in a death or serious bodily injury shall be removed from line-duty assignment or placed on Administrative Leave at the discretion of the Chief of Police or at the request of the member, subject to approval of the Chief of Police, pending Administrative Review.
  - H. Any member, or employee, whose use of force results in a death will be required to attend an initial counseling session with the Employee Assistance Program (EAP) representative. Future sessions to be decided by Employee Assistance Program staff in conjunction with the Chief of Police.
  - I. Any member, or employee, whose use of force results in serious bodily injury may be required to attend one session with Employee Assistance Program at the discretion of the Chief of Police or at the request of the member.
- X. Training Initiatives

The department offers a wide range of initiatives to improve employee competence and reduce use of force complaints. These initiatives include but are not limited to:

- A. Thorough and rigid basic recruit training
  - B. A strong Field Training Officer Program
  - C. Continued firearms training with a department certified firearms instructor
  - D. Ongoing in-service training
  - E. Roll call training, both verbal and video
  - F. Formal and flexible remedial training in indicated areas
  - G. De-escalation techniques
  - H. Crisis intervention training
  - I. Cultural awareness training
  - J. Supervisory training
- XI. Administrative Reviews
- A. All Use of Force reports will be analyzed through the officer's chain of command. The purpose of the review is to determine reasons for the use of force, if the response was reasonably based on the totality of the circumstances and compliance with policy.
  - B. An annual analysis on all use of forces will be conducted by the Internal Affairs Commander and submitted to the Chief of Police for review.
  - C. The Use of Force Committee, or designee, will conduct an annual document review of this general order and provide any recommended changes to the Chief of Police, or designee.



# KNOXVILLE POLICE DEPARTMENT USE OF FORCE CONTINUUM

