



WICHITA POLICE DEPARTMENT

POLICY MANUAL



POLICY 906

USE OF FORCE - GENERAL

I. PURPOSE

The Wichita Police Department values and respects the sanctity of every life and identifies our role as a lifesaving organization. When officers are engaged in police activities there is an immense responsibility that comes with the authority to use reasonable force, including deadly force, to overcome resistance and protect the public. As such, the Wichita Police Department has policies, procedures, and training to encourage tactics and strategies to obtain voluntary compliance. It is the Wichita Police Department's expectation officers will make tactically sound and reasonable use of force decisions.

II. POLICY

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and protect the public requires monitoring, evaluation, and careful balance of all interests.

Officers must have an understanding and true appreciation for their authority and limitations. This is particularly true when overcoming resistance while engaged in the performance of their duties.

Officers who use excessive or unnecessary force shall be subject to discipline, possible criminal prosecution, and/or civil liability. Use of force is only authorized when it is objectively reasonable and for a lawful purpose. The Department will thoroughly review and/or investigate use of force events involving officers to assure compliance with all legal requirements and this policy.

The Department realizes and acknowledges in intense, uncertain, and rapidly evolving circumstances, a member may have to reasonably use techniques, weapons, or improvised weapons not part of the Department's formal training program, may not be covered in this policy, or due to the suspect's actions may have an unintentional impact point or outcome.

All members' actions found, through investigation, to be objectively reasonable from the perspective of a reasonable officer, on scene, at the moment force was used, without 20/20 hindsight will be considered to be within policy and regulation.

III. PROCEDURES

A. General

1. When practical, officers will use advisements, warnings, and/or verbal persuasion, before resorting to force.
2. Once a subject/situation is under control, force shall be de-escalated as resistance decreases.
3. When feasible, based on the circumstances, officers may use disengagements; area containment; surveillance; wait on a subject; summon reinforcements or backup; and/or call in specialized units, to increase officer and civilian safety.
4. When practical and based on the totality of the circumstances, officers shall allow individuals time to submit to arrest before force is used.

B. Duty to Intervene

Any officer observing another officer using force clearly beyond objectively reasonable under the circumstances, when in a position to do so, must intervene to prevent the use of unreasonable force. An officer who observes another employee use force exceeding the degree of force permitted by law shall promptly report these observations to a supervisor.

C. Use of Force Authorization and Limitations

1. Wichita Police Department Officers are authorized to use an objectively reasonable amount of force 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.
 - b. To defend the officer or others from the use, or immediate threat of 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 resistance to a lawful order.

- g. Officers are prohibited from impeding normal breathing or blood circulation by applying pressure to the throat or neck unless lethal force is justified.
2. 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 force must be objectively reasonable.
3. Force shall never be used to subject a person to torture and/or other cruel, inhumane or degrading treatment or punishment.

D. De-escalation

De-escalation techniques and tactics include, but are not limited to:

1. Remaining calm and professional.
2. Decreasing the exposure to the potential threat by using distance or physical barriers between an uncooperative subject and an officer.
3. Engage in tactical communications including active listening. Communication with the subject should be limited to one officer at a time in order to ensure clear communication.
4. Requesting and utilizing additional officers whenever necessary. If one officer is unable to build rapport with a subject, another officer may be given an opportunity to communicate with the subject whenever possible.
5. Tactical positioning, repositioning and pause when necessary.
6. Leveraging time by slowing down the situation:
 - a. When safe and feasible under the totality of circumstances, officers should attempt to slow down or stabilize the situation so more time, options and resources are available for incident resolution.
 - b. When time and circumstances permit, officers should assess whether a person's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including, but not limited to:
 1. Medical conditions
 2. Mental impairments
 3. Developmental disability
 4. Physical limitation
 5. Language barrier
 6. Drug interaction and/or intoxication
 7. Behavioral crisis

8. Emotional Response/Fear

- c. An officer's awareness of these possibilities shall be balanced against the facts of the incident when deciding which de-escalation and use of force options are the most appropriate to bring the situation to a safe resolution.

E. Use of Lethal Force in Defense of Human Life

An officer is justified in using lethal force only when the officer reasonably believes such force is necessary as a last resort when other reasonable means are exhausted or unavailable, due to intense, uncertain or rapidly evolving circumstances, to:

1. Prevent death or great bodily harm to such officer or another person; or
2. When such officer reasonably believes such force is necessary to prevent the arrest from being defeated by resistance or escape, **and** such officer has probable cause to believe the person to be arrested:
 - a. Has committed or attempted to commit a felony involving death or great bodily harm, or
 - b. Is attempting to escape by use of a deadly weapon, or
 - c. Otherwise indicated such person will endanger human life or inflict great bodily harm unless arrested without delay.

F. Shots Discharged at Moving Vehicles

1. Firearms shall not be discharged at a moving vehicle unless deadly force is necessary and the following exigent circumstances exist:
 - a. A person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle.
 - b. The vehicle is intentionally and deliberately being used as a deadly weapon, and all other reasonable means of defense have been exhausted, or are not present or practical.
2. To prevent the threat of being struck by a vehicle, officers should make every effort to avoid putting themselves in the path of any moving vehicle and when such positioning is unavoidable, to move out of the vehicle's path as soon as practical.

G. Supervisor Responsibilities

1. A supervisor will respond to calls where a person is actively threatening or engaged in force that could result in death or serious injury to themselves or others.

2. Ensure an appropriate number of officers respond to the call to ensure safety and containment.
3. Utilize de-escalation resources appropriate for the situation including:
 - a. On-call Crisis Negotiations Team Supervisor for consultation and/or a negotiator response only.
 - b. CIT trained officers.
 - c. Officers trained in Crisis Negotiations for Patrol (basic and advanced).
4. Assess for tactical deployment to ensure the safety of officers.
5. Ensure officers are utilizing de-escalation techniques when appropriate.
6. Ensure medical aid is immediately available.
7. Consider if disengagement is an option.

H. Training and Qualifications

1. In addition to training required for firearms qualification (See Firearms Policy 907), officers shall receive Department authorized training designed to simulate actual situations and conditions to enhance officers' discretion and judgment in using lethal and less lethal force in accordance with this policy.
2. All officers shall, at least annually, receive in-service training in the Department's Use of Force Policy and related case law updates.
3. All officers qualified in the use of impact weapons, OC spray, and defensive tactic techniques shall, at least every three years, re-qualify on such weapons or techniques under the instruction of a certified WSCLETC instructor. Officers qualified to use electronic control weapons shall re-qualify annually.
4. Training and proficiency results for any authorized weapon will be documented in the training files.
5. All officers who fail to demonstrate the required proficiency with Department issued weapons shall receive remedial training. Remedial instruction for Department issued firearms shall follow the Department's Firearms Policy. (Firearms Policy 907)
6. An officer failing to demonstrate proficiency after remediation with a weapon shall not return to duty with that weapon until such time as proficiency is demonstrated and documented.

7. Only officers demonstrating proficiency in the use of Department authorized weapons shall be approved to carry such weapons.