 KANSAS WESLEYAN UNIVERSITY	Use of Force	
	Initiated/Created	9/16/2022
	Revised	
	President's Council Approval	9/26/2022
	Institutional Direction Committee Approval	9/26/2022
	Board of Trustees Approval	

POLICY

It is the policy of this 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 use force only when no reasonably effective alternative appears to exist and shall use only the level of force that a reasonably prudent officer would use under the same or similar circumstances.

The decision to use force “requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer or others, and whether [the suspect] is actively resisting affects or attempting to evade arrest by flight”. In addition, “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 officers’ actions are ‘objectively reasonable’ in the light of the facts and circumstances confronting them.” (Graham v. Connor, 490 U.S. 386 (1989)).


This policy will be reviewed biannually, and any questions or concerns should be addressed to the CFO for clarification.

STATUTORY AUTHORITY

Kansas statutes authorize a Security officer to use force and make an arrest in accordance with the following:

Use of force; definitions. (a) *As used in article 32 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, K.S.A. 2012 Supp. 21-5202 through 21-5208, 21-5210 through 21-5212, and 21-5220 through 21-5231, and K.S.A. 2012 Supp. 21-3212a, 21-3220 and 21-3221, and amendments thereto:*

(1) *"Use of force" means any or all of the following directed at or upon another person or thing:*
(A) *Words or actions that reasonably convey the threat of force, including threats to cause death or great bodily harm to a person; (B) the presentation or display of the means of force; or (C) the application of physical force, including by a weapon or through the actions of another.*

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(2) *"Use of deadly force" means the application of any physical force described in paragraph (1) which is likely to cause death or great bodily harm to a person. Any threat to cause death or great bodily harm, including, but not limited to, by the display or production of a weapon, shall not constitute use of deadly force, so long as the actor's purpose is limited to creating an apprehension that the actor will, if necessary, use deadly force in defense of such actor or another or to affect a lawful arrest.*

(b) An actor who threatens deadly force as described in subsection (a)(1) shall be subject to the determination in subsection (a) of K.S.A. 21-3211, prior to its repeal, or subsection (a) of K.S.A. 2012 Supp. 21-5222, and amendments thereto, and not to the determination in subsection (b) of K.S.A. 21-3211, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5222, and amendments thereto.

DEFINITION


Deadly force: Any use of force that is likely to cause death of or great bodily harm to a person. (K.S.A. 21-5221(2))

Less-lethal force: Any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.

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 the force is used and upon what a reasonably prudent officer would use under the same or similar situations.

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 the 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.

Exigent Circumstances: Those circumstances that would cause a reasonably prudent officer to believe that a particular action is necessary to prevent physical harm to an individual, the

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destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.

Choke hold: A physical maneuver that restricts an individual's ability to breathe for the purpose of incapacitation.

Warning shot: The discharge of a firearm for the purpose of compelling compliance from an individual, but not intended to cause physical injury.


PROCEDURE

A. General Provisions

1. Use of physical force should be discontinued when resistance ceases or when the incident is under control.
2. Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person. In these situations, only the minimal amount of force necessary to control the situation shall be used.
3. Once the scene is safe and as soon as practical, officers shall provide appropriate medical care consistent with their training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.
4. 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. De-escalation

1. Officers shall use de-escalation techniques and other alternatives to higher levels of force consistent with their training whenever possible and appropriate before resorting to force and to reduce the need for force.
2. Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual to submit to verbal commands before force is used.


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C. Use of Less-Lethal Force

1. When de-escalation techniques are not effective or appropriate, an officer may consider the use of less-lethal force to control a non-compliant or actively resistant individual (i.e., pepper gel, taser). An officer is authorized to use department-approved, less-lethal force techniques and issued equipment to:
 - a. protect the officer or others from immediate physical harm,
 - b. restrain or subdue and individual who is actively resisting or evading arrest, or
 - c. bring an unlawful situation safely and effectively under control.

D. Use of Deadly Force

1. An officer is authorized to use deadly force when it is objectively reasonable under the totality of the circumstances. Use of deadly force is justified when one or both of the following apply:
 - a. to protect the officer or others from what is reasonably believed to be an immediate threat of death or serious bodily injury
 - b. to prevent the escape of a fleeing subject when the officer has probable cause to believe that the person has committed or intends to commit a felony involving serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to the officer or another if the subject is not immediately apprehended.
2. Where feasible, officer(s) shall identify themselves as a Security officer(s) and provide warning of the intent to use deadly force.
3. Deadly Force Restrictions
 - a. Deadly force should not be used against persons whose actions are a threat only to themselves or property.
 - b. Warning shots are prohibited
 - c. Firearms shall not be discharged at a moving vehicle unless
 1. A person in the vehicle threatening the officer or another person with deadly force by means other than the vehicle; or
 2. The vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle.
 - d. Firearms shall not be discharged from a moving vehicle except in exigent circumstances. In these situations, an officer must have an articulable reason for this use of deadly force.
 - e. Chokeholds are prohibited unless deadly force is authorized.

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USE OF FORCE REPORTS

POLICY


Whether directly involved with the use of force, or just witnessing it, all Security officers shall document:

- A. Any use of force which results in a person's death, physical injury, or complaint of physical injury.
- B. Any situation in which a weapon was displayed and could be considered to be an aggressive action against an individual.
- C. Any discharge of a firearm (excluding qualification or training, or the shooting of an injured animal).
- D. Any discharge of an extended range, non-deadly weapon (excluding training).
- E. Any discharge of a Conducted Electrical Weapon (excluding training or testing).

PROCEDURE

Immediately upon the resolution of an event as described in "Use of Force Reports-Policy" (above), the officers involved will ensure that any persons involved in the incident are safe and out of danger and that medical assistance has been addressed. All officers directly involved in, or witnessing, a use of force as defined above shall ensure that a non-involved supervisor has been notified as soon as reasonably possible. That supervisor shall immediately make notification to department administration by following the department's notification procedure.

As soon as possible and before going off duty, the Security officer directly involved shall make a detailed written report documenting the incident which shall include a detailed description of events justifying the Security officer's actions taken. As soon as possible and before going off duty, all officers witnessing a use of force by another officer shall make separate written reports documenting what was observed. These reports are for internal use by the department and are in addition to any criminal report necessary for the criminal justice system. The Director/Chief of Security may approve a delay in producing the written reports if special circumstances exist.

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REVIEW

The Campus Security Director or designee shall review each use of force incident described in E.2.1 and take appropriate action as befits the situation and required by law.

3. TRAINING

All Security officers shall receive training, at least annually, on this use of force policy and related legal updates. In addition, training shall be provided on a regular and periodic basis and designed to:

- A. Provide techniques for the use of de-escalation and reinforce the importance of de-escalation;
- B. Simulate actual shooting situations and conditions; and
- C. Enhance officers' discretion, decision making and judgment in using less lethal and deadly force in accordance with this policy.
- D. All use of force training shall be documented. The original documentation will be maintained in the human resources office and a copy will be in the office of the Campus Security Director.