

- When in pursuit of any offender or suspected offender who is charged with the commission of a crime while on the premises of the institution.

- To make arrests otherwise lawfully for crimes committed, or for which there is probable cause to believe have been committed, within his presence, or within the boundaries of said property owned or leased.

Recent court interpretation has made it clear that University Police have the authority to effect off campus arrests if the officer has a legal right to be in the geographical location where the offense was committed, and the offense was committed in his presence.

It shall be the policy of this department to limit off campus arrests that fall within these guidelines to incidents which present an immediate an extreme public safety concern in which the duty to act is obvious. Notification of such action will be made to the Dispatcher, who in turn, will notify the shift supervisor. It will be the duty of the supervisor to determine if the incident requires further action on behalf of the officer.

Exceptions to this rule would include, but not be limited to, the utilization of University officers to supplement multi-agency task forces, and assistance requested from another law enforcement agency legally authorized to act in that capacity (such as the City of Mobile requesting assistance in close proximity to the University).

1.3 USE OF FORCE

1.3.1 USE OF FORCE POLICY

Members of this department are expected to use force only in a lawful and justifiable manner. This means the unnecessary use of force, the use of force in an excessive or unreasonable amount, or to use force in a cruel manner, is an unjustified use of force and violates this policy. Officers shall use the minimum amount of force necessary to accomplish lawful objectives

In some cases, some level of physical force may be necessary to effect an arrest or to protect others. That amount of physical force may be as low as placing a hand on a subjects shoulder or arm, and directing that person to place their hands behind their back for handcuffing. Depending on the level of resistance offered, the officer may use techniques that may escalate to physically pinning the subject to techniques that influence behavior by eliciting pain in order to apply handcuffs. Hand/leg strikes, impact weapons, or even the use of firearms may be necessary if the resistance offered is severe enough.

In all cases, the Alabama State Statute (13A-3-27) indicates that only "necessary force" is justified. Any force above that act would be unjustified, and a criminal act by the officer would then occur. For the purposes of this policy, the use of force will be examined from two perspectives, resistance and control. Both resistance and control can be in the form of verbal directives or physical action.

Resistance is manifested by the subjects efforts to evade an officer's attempt of control. The amount and type of resistance will vary based on a variety of factors.

Control is the force an officer uses to influence or neutralize the unlawful physical action of a subject under arrest. Generally, there are four times an officer is justified in using physical control methods.

1. To stop potentially dangerous and unlawful behavior.
2. To protect the officer or another from injury or death.
3. To protect the subject from injuring themselves.
4. In the process of effecting a lawful arrest when the suspect offers resistance.

Justification of the use of force in the judicial system is measured by two broad standards.

1. The officer's use of control methods was initiated by a suspect's resistance.
2. The level of physical force used by the officer was "necessary" and not excessive when considering the type of resistance offered by the suspect.

- Levels of Resistance

Resistance is defined as the force used by a suspect under arrest against the officer effecting the arrest. Although the resistance offered by a suspect is usually physical, the type and amount of resistance an officer meets is determined by the persons level of intent. The intent of the suspect may range from passive resistance to an active, aggressive attack on the officer.

- Suspect Resistance

1. Cooperative
2. Uncooperative/Passive resistance
3. Defensive resistance
4. Active aggression
5. Active aggression with weapon

- Officer Control

1. Verbal Direction
2. Handcuffs/Restraints
3. Empty hand control "soft & hard" including pepper spray
4. Intermediate weapons
5. Lethal force

LEVELS OF CONTROL SHOULD MATCH LEVEL OF RESISTANCE THEN MOVE UP OR DOWN AS RESISTANCE CHANGES.

● Levels of Control

Verbal Direction: Good verbal commands and communication techniques can prevent many physical confrontations from escalating to higher levels of control techniques.

Handcuffs and Restraints: To prevent further resistance. Soft empty hand control may be used to get this done. Passive resistance is usually in the form of "dead body weight" not following commands.

Empty Hand Control: Soft hand control has minimal implications of injury. Open hand techniques including holding, pulling arm behind their back, and moving them from one place to another.

Hard Hand Control: Techniques that have a higher probability for suspect injury, such as strikes and kicks.

Intermediate Weapons: These techniques should be consistent with training or justifiable under the conditions. They include chemical irritant and impact weapons.

Deadly Force: The amount of force used that is likely to cause serious physical injury or death. It is the policy of the University of South Alabama Police Department to use deadly force only when:

- The officer reasonably believes that his life is in jeopardy and that deadly force is immediately necessary to preserve the officer's life, or prevent serious bodily injury.
- The officer reasonably believes that the life of another is in jeopardy and that deadly force is immediately necessary to preserve that life, or prevent serious bodily injury.

1.3.2 DEADLY FORCE

Elements Necessary in the Use of Deadly Force

- Intent: the person intends to seriously injure or kill the officer or another person.
- Opportunity: the person is in range to seriously injure or kill the officer or another person.
- Ability: the person has the means to seriously injure or kill the officer or another person.

ALL THREE MUST BE PRESENT IN A LEGAL DEADLY FORCE SITUATION

- Officers should refrain from shooting if he does not have a clear field of fire; cannot be reasonably certain of a hit to the suspect, or if the potential for harm to innocent bystanders exceeds the risk of firing.

1.3.3 WARNING SHOTS: University Police Officers are not authorized to fire warning shot(s).

1.3.4 USE OF NON-LETHAL FORCE

Officers are authorized to use such non-lethal weapons in a manner consistent with the provision of this directive, in the following instances:

- To defend against violent attack when the use of firearms would not be appropriate or advisable.
- To overcome the violent resistance of a suspect when making an arrest.
- To restrain a combative suspect who is already in custody.

Only that force necessary to control or restrain a suspect or prisoner to defend against an assault may be used. These include the use of the following weapons:

- Police Baton

A police baton may be used by an officer only when it is reasonably apparent that a lesser degree of force would be inadequate to control the situation. An officer shall not intentionally strike an individual above the shoulders unless such an action would be justified under the Use of Deadly Force guidelines. Any situation where a person is struck with a baton shall require a Use of Force report to be completed and turned in to the shift supervisor as soon as practical after the incident.

- Chemical Irritant

OC Pepper Spray may be used at the officer's discretion under the following circumstances:

- When necessary to defend himself or others.
- To effect a lawful arrest.
- To prevent the commission of a public offense.
- When lower levels of force are deemed ineffective.
- OC Spray may be used against animals that present a threat to an officer or others.

Anytime OC Pepper Spray is used, a Use of Force report shall be completed and submitted by the end of the tour of duty. Officers shall only use the amount of spray necessary to control the individual and the situation. Once the suspect is subdued and restrained, every effort to relieve the offender's discomfort shall be made, including flushing the eyes and contaminated areas with

water. A Use of Force report shall be completed and turned into the shift supervisor as soon as practical after the incident.

1.3.5 RENDERING AID AFTER USE OF FORCE

In all cases where an officer utilizes lethal or less-than-lethal force or weapons against a person, the officer shall immediately:

- Notify the dispatcher and request appropriate police and medical assistance.
- Upon securing the individual, attempt to determine the necessary level of medical treatment required and the possible injuries involved, to assist medical personnel upon their arrival.
- Notify a supervisor.

1.3.6 REPORTING USE OF LETHAL AND NON-LETHAL WEAPONS

An Officer will file a written report in all cases when he or she discharges a firearm, whether on or off duty, except when the use of a firearm was in regard to training or recreational purposes. There will be no recreational discharge of firearms while on duty. Other actions to be taken will be:

- Request medical personnel if needed.
- Notify communications and request that the on duty supervisor be notified.
- File a complete written report as soon as practical outlining all facts and circumstances surrounding the incident, prior to the end of the current tour of duty.

The supervisor of the on duty shift shall notify the on call Investigator and the Chief of Police. A written report must be filed by an officer when he or she takes an action or is involved in any action that results in, or is alleged to have resulted in, injury or death to another person by weapon and/or physical force, to include any lethal or non-lethal weapons. The following additional actions must be initiated:

- The officer must surrender his/her weapon in all firearms incidents.
- An in depth incident/offense report should be completed as soon as possible.
- A detailed administrative statement by the on scene investigative officer in charge must be completed no later than eight (8) hours after the end of the tour of duty during which the incident occurred. The statement should be extensive and as in depth as possible.

A written report must be submitted by any officer if he or she applies any kind of physical force as defined by department policy.

Any member of this department who witnesses an injury or death of a person by another member must submit a complete and detailed written statement to a supervisor prior to the conclusion of their tour of duty.

1.3.7 INTERNAL REVIEW

The Chief of Police will review all use of force and discharge of firearms incidents.

1.3.8 REASSIGNMENT OF OFFICERS CAUSING DEATH OR SERIOUS INJURY

In all use of force incidents or accidents where death or serious injury occurs, the officer will be routinely re-assigned to inside, internal assignments pending the review and disposition of the use of force or accident. This action is taken to protect the community's interest when officer(s) may have exceeded the scope of their authority in the use of deadly force and to shield officer(s) who have not exceeded the scope of their authority from confrontations with the community. If an incident results in death or serious injury of a citizen or an officer, officers witnessing the event will have post-trauma counseling made available to them as soon as possible.

1.3.9 AUTHORIZED FIREARMS AND AMMUNITION

The University Police Department will authorize its members to carry the following types of weapon while on duty:

REVOLVER

Revolvers may only be carried as a backup weapon. For the officers who wish to carry a revolver as backup, the following guidelines shall be adhered to:

- Caliber: .38 caliber or .357 magnum
- Barrel length: 2 inches
- Number of rounds held in cylinder: 5 or 6
- Ammunition: Jacketed Hollow Point
(i.e. .38 caliber 125 grain Speer Gold Dot Hollow Point)
- Authorized brands of weapons: Smith and Wesson, Colt, and Ruger. Other brands will be approved on a case by case basis by the Chief Firearms Instructor with approval from the Chief of Police.

SEMI-AUTOMATIC PISTOL

Officers will carry a semi-automatic pistol as primary and/or secondary weapon. The following guidelines shall be adhered to

- Caliber: 9mm, .40 caliber, double-action, semiautomatic pistol
- Barrel length:
- Number of rounds: Weapons must be loaded with the number of rounds as specified by the weapon manufacture and capacity of ammunition magazine
- Ammunition: Weapons must be loaded with department approved ammunition and a round chambered ready for use
- Authorized brands of weapons: Glock, Smith and Wesson, Colt, Ruger, Browning, Beretta, and Sigarms. Other brands will be approved on a case by case basis by the Chief Firearms Instructor with approval from the Chief of Police.

SEMI-AUTOMATIC RIFLE

While on duty, Officers assigned to the ASAP Team will have immediate access to a semi-automatic rifle to respond as needed. The following guidelines shall be adhered to:

- Caliber: .223 caliber
- Barrel length: 16 inches
- Number of rounds: Weapons must be loaded with the number of rounds as specified by the weapon manufacture and capacity of ammunition magazine
- Ammunition: Weapons must be loaded with department approved ammunition
- Authorized brands of weapons: Smith and Wesson, Rock River Arms, Bushmaster, and Colt. Other brands will be approved on a case by case basis by the Chief Firearms Instructor with approval from the Chief of Police.

ON DUTY (UNIFORM)

Officers will be required to carry a weapon that conforms to Section 1 or Section 2 of this order. When on duty in plain clothes

ON DUTY (PLAIN CLOTHES)/SPECIAL DETAILS/OFF DUTY

Officers may carry their primary duty weapon or an alternate weapon and their badge. This alternate weapon must be inspected, approved, and registered with the Chief Firearms Instructor. It must also be approved by the Chief of Police. The officer must qualify with the alternate weapon on an approved State of Alabama Peace Officers Standards and Training (POST) course of fire. If the alternate weapon is of a caliber other than .357 Magnum, 9 MM, or .40 the officer may be responsible for his own ammunition for qualification, practice, and duty carry.

AMMUNITION

All ammunition carried on or off duty whether it be a primary weapon, alternate weapon, or law enforcement rifle must be factory ammunition. No reloaded ammunition will be used except in practice and qualification. All factory ammunition will be required to meet state and federal law. The specifications of the ammunition is subject to review and change based on professional surveys such as those by the FBI Firearms Training Division and the NRA Police Firearms

Training Division, etc. The Chief of Police will approve the caliber, weight by grains, and the type of round (i.e. jacketed, semi-jacketed, hollow point, full metal jacket, frangible etc).

INSPECTION

All officers that are authorized to carry firearms as part of their normal duty are subject to inspection of said firearms. Inspections can be conducted by any on duty supervisor, the Chief Firearms Instructor, or any member who is the rank of Police Corporal or above. Inspections will be conducted to ensure compliance with this policy or for investigative reasons, or for compliance with safety rules and proper function. The inspecting official will be responsible for conducting the inspection in a safe location and manner.

RECORDING OF INFORMATION

All weapons and ammunition utilized by department personnel (on or off duty) shall be recorded on the Officer Qualification Form by the Chief Firearms Instructor. One copy will be sent to APOST, and one copy will be maintained in the Department file for verification and informational purposes.

1.3.10 TRAINING IN USE OF AUTHORIZED WEAPONS

NEW OFFICERS

Upon employment with the University Police Department, an officer must attend an eight hour firearms training session before being authorized to carry a weapon. This training session will consist of firearms safety lectures and training time on the firing range. The new officer will be required to demonstrate safe proficiency with his primary weapon as stated in the Weapons and Ammunition Section of this order. New police officers will not fire their alternate weapons until they have met the requirements of the Alabama Peace Officers Standards and Training Act with their primary weapon. A minimum score of 35 hits or 70% will be required to qualify. This training will be conducted by the Chief Firearms Instructor or by another certified firearms instructor as authorized by the Chief of Police. All newly employed police officers will be required to attend and pass a basic law enforcement training course within six (6) months of provisional appointment (Alabama Law Act No. 156) at an Alabama state certified training facility. This class must include a basic firearms training course.

All officers will be required to participate in firearms qualification and training on an annual basis or as otherwise designated by the Chief of the University Police. Police Officers must qualify with their primary and their alternate weapons at the annual session. Security Officers must qualify with their primary weapon at the annual session. Police Officers must qualify with the shotgun annually if authorized by the Chief of University Police. All ASAP Team members must qualify with the law enforcement rifle annually, and they must attend 24 hours of additional training per team member per year with the type of training to be determined by the team leader and approved by the Chief Firearms Instructor and Chief of Police.

All officers must night fire once per year, if adequate facilities are available.

Officers will be required to attain a minimum score of 35 hits or 70% on the Alabama POST approved police firearms course. Should an officer not be able to fire the course in the amount of time allotted, but still qualify point-wise, his score sheet will be marked, "Did Not Qualify Under