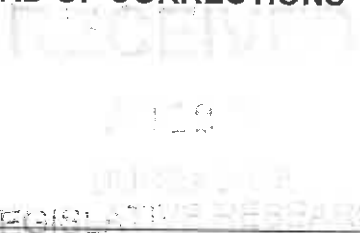


<b>ADMINISTRATIVE REGULATION</b>  <b>STATE OF ARKANSAS</b>  <b>BOARD OF CORRECTIONS</b>    <b>SUBJECT: USE OF FORCE</b>	<b>Section Number:</b> <b>AR 4.9</b>	<b>Page Number:</b> <b>1</b>
	<b>Board Approval Date:</b> <b>4/27/95</b>	
	<b>Supersedes:</b> <b>AR 4.9</b>	<b>Dated:</b> <b>3/17/95</b>
	<b>Reference:</b>	<b>Effective Date:</b> <b>5/25/95</b>

**I. AUTHORITY.** ~~Acts 548 and 549~~ The Board of 1993 (Ark. Code Ann. §§~~Corrections is~~ vested with the authority to promulgate this administrative regulation by Arkansas law sections 12-27-105 and, 16-93-1203 of 1993).and 16-93-1205.

**II. APPLICABILITY.** This regulation applies to ~~Department of Arkansas Community Correction (DCC) Correctional and Parole/Probation Services staff~~ACC) employees.

**III. POLICY.** ~~Employees shall use only the amount of force necessary, given~~Based on the facts and circumstances perceived at the time of the event, an employee may use the amount of force reasonable to effectively bring an incidenta situation under control, and protect the lives of the employee and others.

**IV. GUIDANCE.**

**A. Application of Force in General.** Based on the facts and circumstances perceived at the time, an employee may use the amount of force reasonable to effectively bring a situation under control and protect the lives of the employee and others. In no event is physical force justifiable as punishment. It is the ultimate objective of A goal in every encounter is to minimize injury to everyone involved. However, nothing in this policy requires an officeremployee to actually sustain injury before applying reasonable force.

**IV. DEFINITIONS.**

**A. Authorized Weapon.** A weapon approved by the DCC for official use by its officers.

**B. Resistance Control Continuum.** The resistance control continuum, which is taught in use of force classes, is to be used as a guide along with judgment, discretion and the concept of "ability, opportunity and jeopardy."

**C. Ability, Opportunity and Jeopardy.** Ability, Opportunity and Jeopardy are factors to be considered when determining the amount of force necessary.

1. **Ability.** This refers to the perceived ability of the aggressor to do harm.

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2. Opportunity. This is the distance relationship between the aggressor and the defender. For opportunity to be present, the defender must be within usable range of the aggressor's ability. Opportunity expands as the aggressor's ability increases. The presence of weapons may extend the opportunity range.

3. Jeopardy. This is the defender's perception of the aggressor's intent. When the defender reasonably believes that the aggressor, by word or action, intends to use his ability, the defender is in jeopardy.

**D. Physical Force.** Physical force is any bodily impact, restraint, or physical confinement, or the threat thereof.

**C. Nondeadly E. Non-deadly Physical Force.** Non-deadly physical force which is physical force that, under the circumstances in which it is used, is not intended and not reasonably likely to cause death or serious physical injury.

**DE. Deadly Physical Force.** Deadly physical force is physical force that, under the circumstances in which it is used, is readily capable of causing death or serious physical injury.

**E. Officers.** DCC employees who are employed as Parole Officers, Probation Officers or Correctional Officers.

**F. Law Enforcement Officers.** Parole or Probation Officers who have obtained law enforcement certification by the Executive Commission on Law Enforcement Standards and Training.

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V. ~~EXPLANATION.~~

~~A. Amount and Degree of Force.~~

~~G. Weapons and Security Equipment.~~ ACC must prepare appropriate staff to function effectively across the force continuum by providing training and an assortment of security equipment and firearms authorized by the Director.

~~H. Additional Guidance.~~ The amount and degree of force an officer may use is only that force which is reasonable and necessary based upon the circumstances.

~~B. Nondeadly Physical Force.~~

~~1. An officer is justified agency must provide appropriate details in using nondeadly physical force, or threatening to use deadly physical force upon another person when the officer reasonably believes it necessary to prevent escape from custody.~~

~~2. A Law Enforcement Officer is justified in using nondeadly physical force, or threatening to use deadly physical force, upon another person when the officer reasonably believes it necessary to effect an arrest or to prevent the escape from custody of an arrested person unless the officer knows that the arrest is unlawful.~~

~~3. An officer may use nondeadly physical force to defend himself/herself or a third person from what he/she reasonably believes to be the use or imminent use of unlawful physical force by that other person, and he/she may use a degree of force that he/she reasonably believes to be necessary.~~

~~4. Correctional Officers may use nondeadly force to the extent reasonably necessary to maintain order and discipline.~~

~~C. Use of Deadly Force.~~ An officer is justified in using deadly physical force upon another person when and to the extent he/she reasonably believes:



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<b>Section Number:</b> <b>AR 4.9</b>	<b>Page Number:</b> <b>4</b>
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<b>Reference:</b> Sec. of State 159	<b>Effective Date:</b> ??/??/????

- 1 ~~1. it is necessary to defend himself/herself or others from what he/she~~
- 2 ~~reasonably believes to be an immediate threat of death or serious bodily~~
- 3 ~~injury;~~
- 4
- 5 ~~2. it is necessary to prevent the escape of a dangerous, fleeing felon whom~~
- 6 ~~the officer reasonably believes will pose a significant threat of death or~~
- 7 ~~serious physical injury to the officer or others should escape occur, and if,~~
- 8 ~~where feasible, some warning of the intent to use deadly force has been~~
- 9 ~~given. Warning shots shall not be fired.~~
- 10
- 11 ~~**D. Review and Documentation of Use of Physical Force.** The following~~
- 12 ~~procedures will be followed to review and document an officer's use of physical~~
- 13 ~~force:~~
- 14
- 15 ~~1. An officer who discharges a weapon or uses nondeadly or deadly physical~~
- 16 ~~force on a suspect, resident or other person, shall file an incident report as~~
- 17 ~~soon as possible, in accordance with appropriate policies and procedures;~~
- 18 ~~2. Every firearm and ammunition discharged during an officer-involved~~
- 19 ~~shooting, where there is injury or death to anyone, shall be seized for the~~
- 20 ~~purpose of mechanical and ballistic examination as soon as is practical;~~
- 21
- 22 ~~3. An officer involved in a shooting shall be assigned administrative duties or~~
- 23 ~~suspended with pay until a department investigation is completed; and, directive to~~
- 24 ~~include documentation and review of use of force incidents.~~
- 25
- 26 ~~4. An officer involved in a shooting, where there is injury or death to anyone,~~
- 27 ~~shall be required to participate in an interview with a psychologist or~~
- 28 ~~psychiatrist before returning to normal job duties.~~
- 29
- 30 ~~**VI. REFERENCES.** Ark. Code Ann. §§ 5-2-601 through 5-2-609, 5-2-613, 5-2-620 and 16-~~
- 31 ~~93-103; Arkansas State Police Order Number G.O. 302, Use of Force, 1/1/95; Tenn. v.~~
- 32 ~~Garner, 471 U.S.1 (1985).~~
- 33
- 34 ~~**VII. STANDARDS.** American Correctional Association Standards 2-2173 through~~
- 35 ~~2-2176, 2-3158 and 2-3159.~~