

 <p style="text-align: center;">ADMINISTRATIVE REGULATION</p> <p style="text-align: center;">STATE OF ARKANSAS</p> <p style="text-align: center;">BOARD OF CORRECTION AND COMMUNITY PUNISHMENT</p>	Section Number: AR 4.9	Page Number: 1
	Board Approval Date: 4/27/95	
	Supersedes: AR 4.9	Dated: 3/17/95
	Reference:	Effective Date: 5/25/95
SUBJECT: USE OF FORCE		

- I. AUTHORITY.** Acts 548 and 549 of 1993 (Ark. Code Ann. §§ 12-27-105 and 16-93-1203 of 1993).
- II. APPLICABILITY.** This regulation applies to Department of Community Punishment (DCP) Correctional and Field Services staff.
- III. POLICY.** Employees shall use only the amount of force necessary, given the facts and circumstances perceived at the time of the event, to effectively bring an incident under control. In no event is physical force justifiable as punishment. It is the ultimate objective of every encounter to minimize injury to everyone involved. However, nothing in this policy requires an officer to actually sustain injury before applying reasonable force.
- IV. DEFINITIONS.**
- A. Authorized Weapon.** A weapon approved by the DCP for official use by its officers.
- B. Physical Force.** Any bodily impact, restraint, or confinement, or the threat thereof.
- C. Nondeadly Physical Force.** Physical force which, under the circumstances, is not intended and not reasonably likely to cause death or serious physical injury.
- D. Deadly Physical Force.** Physical force that, under the circumstances in which it is used, is readily capable of causing death or serious physical injury.
- E. Officers.** DCP 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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	Board Approval Date: 4/27/95	
	Supersedes: AR 4.9	Dated: 3/17/95
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V. EXPLANATION.

- A. Amount and Degree of Force.** 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 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:
1. it is necessary to defend himself/herself or others from what he/she reasonably believes to be an immediate threat of death or serious bodily injury;

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	Board Approval Date: 4/27/95	
	Supersedes: AR 4.9	Dated: 3/17/95
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2. it is necessary to prevent the escape of a dangerous, fleeing felon whom the officer reasonably believes will pose a significant threat of death or serious physical injury to the officer or others should escape occur, and if, where feasible, some warning of the intent to use deadly force has been given. Warning shots shall not be fired.

D. Review and Documentation of Use of Physical Force. The following procedures will be followed to review and document an officer's use of physical force:

1. An officer who discharges a weapon or uses nondeadly or deadly physical force on a suspect, resident or other person, shall file an incident report as soon as possible, in accordance with appropriate policies and procedures;
2. Every firearm and ammunition discharged during an officer-involved shooting, where there is injury or death to anyone, shall be seized for the purpose of mechanical and ballistic examination as soon as is practical;
3. An officer involved in a shooting shall be assigned administrative duties or suspended with pay until a department investigation is completed; and,
4. An officer involved in a shooting, where there is injury or death to anyone, shall be required to participate in an interview with a psychologist or psychiatrist before returning to normal job duties.

VI. REFERENCES. Ark. Code Ann. §§ 5-2-601 through 5-2-609, 5-2-613, 5-2-620 and 16-93-103; Arkansas State Police Order Number G.O. 302, Use of Force, 1/1/95; Tenn. v. Garner, 471 U.S.1 (1985).

VII. STANDARDS. American Correctional Association Standards 2-2173 through 2-2176, 2-3158 and 2-3159.