

 **CONTACT:**

 Jamie Angelle

337-291-8012

**FOR IMMEDIATE RELEASE**

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**LAFAYETTE POLICE DEPARTMENT UPDATES USE OF FORCE POLICY**

The Lafayette Police Department’s (LPD) Use of Force Policy has been revised and is in the review and approval process. Policy revisions mirror the 8 Can’t Wait campaign, a national effort to address issues in the community that result in police violence. It is important to acknowledge the Lafayette Police Department was already practicing the majority of the recommended policies of the 8 Can’t Wait initiative.

Work on policy updates began soon after the death of George Floyd in May, when two Lafayette attorneys, Xavieria Jeffers and Faith Flugence, brought the 8 Can’t Wait Campaign to the attention of Lafayette Consolidated Government Chief of Minority Affairs Carlos Harvin. Harvin then spearheaded a committee to address Lafayette Police Department’s Use-of-Force Policy.

The committee includes Harvin, Interim Police Chief Scott Morgan, Services Captain Brad Ridge, Training Director Sgt. Toby Delahoussaye, Harvin, Flugence, Jeffers, and community member Alzina Dural. The goal was to explore ways to incorporate 8 Can’t Wait reforms into LPD policies.

**Current LPD Policies Already Practiced and Updated Polices Include:**

1. **BAN CHOKEHOLDS & STRANGLEHOLDS:**

Revised policy dedicates policy specific to chokeholds and strangleholds. Previously its use in certain forms would be considered deadly force.

**LPD revised policy reads:**

A police officer may not use an intentional chokehold, neck hold, stranglehold, vascular neck restraint, carotid restraint or any other use of physical force that restricts oxygen or blood flow to the head or neck, except in the case of the reasonable use of deadly force in the defense of human life, and never as an effort to recover ingested evidence. **(CALEA 4.1.6, 4.1.7)\***

**(MORE)**

**2. REQUIRE DE-ESCALATION:**

Previous policy didn’t list de-escalation, ***but it was practiced and taught*** during training since the late 90s under the term Verbal Judo. Verbal Judo uses verbal communication to prevent, de-escalate or end potential confrontations.

Training has included: LPD officers must complete an initial and then annual de-escalation training. LPD utilizes training by the Dolan Group, which is a consultant group that trains instructors. LPD has three certified instructors. The training is comprised of eight hours of classroom and an additional eight hours of scenarios. This includes scenarios based on general contact, volatile subjects, mentally disturbed, emotionally disturbed person, and teaches techniques of subject determination, listening and communications. In addition, LPD utilizes these techniques during all other scenario based training.

**LPD Revised Use Of Force Policy Includes:**

**De-escalation**

A. 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 verbal skill, warnings, time, distance, positioning, and additional personnel and resources.

De-escalation shall be used on all potential Use of Force incidents when safe and feasible.

De-escalation efforts shall be documented on the Use of Force Report form, and in offense/supplemental reports. It is also mentioned in other appropriate locations in the Use of Force policy.

**3. REQUIRE WARNING BEFORE SHOOTING:**

 **(Existed in policy previously and remains in the revision)**

GO 301.12 Discharge of Firearms/Use of Force

Use of Firearms Section G #1

G. When it is necessary for officers to discharge weapons, officers will:

1. If feasible, first issue a verbal warning.

**4. EXHAUST ALL ALTERNATIVES BEFORE SHOOTING:**

**(Existed in policy previously and remains in the revision)**

GO 301.12 Discharge of Firearms/Use of Force

Levels of Force Section B #1-3

**(MORE)**

B. An officer of this Department may only use deadly force when he reasonably believes that it is necessary to defend his own life, or that of another person in immediate danger of death or serious physical injury.

1. Deadly Force – shall be defined as that force which is intended to cause death or grave injury or which creates such a degree of risk that a reasonable and prudent person would consider it likely to cause death or grave injury. **(CALEA 4.1.2)\***
2. Reasonable Belief – shall be defined as those set of facts and circumstances that would lead a reasonable person to believe that deadly force is necessary. **(CALEA 4.1.2)\***
3. Serious Physical Injury – shall be defined as any injury that could result in permanent disfigurement, disability, or death. **(CALEA 4.1.2)\***

**5. DUTY TO INTERVENE**:

**(Existed in policy previously and adds additional section in the revision)**

GO 201.2 Professional Conduct and Responsibilities

Attention to Duty Section B

B. All employees, within the scope of their responsibilities, shall abide by LCG Policies and Procedures, in addition to all Lafayette Police Department Written Directives. Employees shall report any violation to their immediate supervisors without delay. When possible, they will actively prevent such violation or interrupt/intervene as necessary to ensure professional and proficient operations.

GO 201.2 Professional Conduct and Responsibilities

Reporting to Supervisors Section B-C

B. Employees shall immediately report to their supervisor(s) knowledge of any unusual activity, situations, or issues which involve the duty of the Department to uphold the law, keep the peace, or to protect lives and property.

C. Employees shall immediately notify their supervisor(s) of any violation of any Federal, State, or Local Ordinance alleged or known to have been committed by another employee.

 **(New Section in the revised policy)**

A. Employees shall intervene and notify appropriate supervisory authority if they observe an employee of this agency, another agency, or public safety associate engage in any unreasonable use of force, or if they become aware of any violation of departmental policy, state law, federal law, or local ordinance. **(CALEA 1.2.10)\***

**(MORE)**

**\***Violations of policy, law, or ordinance refers to due process, constitutional, or other significant violations.

B. Intervention must be immediate when encountering unjustified actions of other employees or public safety/criminal justice associates that could result in injury, death, or violations of constitutional or civil rights.

C. Other circumstances such as conduct unbecoming of an employee may be best handled through reporting the matter to the appropriate supervisory or administrative authority.

D. Employees have a responsibility to take appropriate action in circumstances that involve fellow employees as well as other public safety associates whose actions are criminal, unconstitutional, or inappropriate and will harm the reputation of the agency or the law enforcement profession as a whole.

E. Other public safety/criminal justice associates might include, but is not limited to, members of task forces with which the agency works, members from other agencies with shared or concurrent jurisdictions, agency volunteers, or representatives from support organizations within the broader criminal justice system.

**6. BAN SHOOTING AT MOVING VEHICLE:**

**(modified slightly in the revised policy)**

GO 301.12 Discharge of Firearms/Use of Force

Use of Firearms Section D

D. Police officers shall not discharge weapons at or from a moving vehicle. Only in extreme circumstances would the discharging of weapons be permissible. Additionally, officers shall not use their physical presence/body to attempt to block or impede a motorized vehicle that is attempting to elude capture.

**7. REQUIRE USE OF FORCE CONTINUUM:**

**(modified slightly in the revised policy)**

GO 301.12 Discharge of Firearms/Use of Force

Levels of Force Section A

A. In all cases, only reasonable force necessary shall be used by officers of this Department to accomplish lawful objectives and apply de-escalation techniques when possible. Force is basically any physical effort used to control, compel or repel. In all cases where force may be used, an officer’s presence as well as verbal de-escalation strategies will be applied in an effort to reduce the need for application of force, when safe and feasible. The levels of force authorized by the Lafayette Police Department are as shown in the following force wheel: **(CALEA 4.1.1)\***

**(MORE)**

**FORCE WHEEL (revised)**



**8. REQUIRE COMPREHENSIVE REPORTING:**

**(modified slightly in the revised policy)**

GO-301.12 DISCHARGE OF FIREARMS/ USE OF FORCE

**1) SUPERVISOR RESPONSIBILITIES (USE OF FORCE REPORT FORM)**

A. In any event where force is used (including firearms discharge) as listed in this General Order, or the General Order pertaining to “Emergency Response and Pursuit Driving” GO – 303.2, it shall be the responsibility of the supervisor on-scene or the Shift supervisor to complete and disseminate the Lafayette Police Department’s Use of Force Report form (LPD # 140) prior to the end of that supervisor’s work day. In the unlikely event that no supervisor was “on-scene” or able to respond to the scene, the on-duty Watch Commander shall be directly responsible for the completion of the Use of Force Report form and to disseminate the form to the proper Divisions and personnel of the Department.

1. Where a death or serious injury has occurred from the use of force by any officer of the Department, the Use of Force Report form may be completed (48) hours after the incident, but only after approval of the supervisor’s Division Commander.

**2) USE OF FORCE REVIEW PROCESS**

A monthly documented Administrative Review of all Use of Force Reports shall be conducted by the supervisor of the Internal Affairs Unit along with assistance from the Services Division Training Unit no later than the 10th of each month.

**(MORE)**

This documented review will serve the purpose of identifying any issues that may

reveal patterns of employee behavior, outside trends affecting law enforcement, possible policy revision/adherence issues and/or training needs.

**3) ANALYSIS OF USE OF FORCE REPORTS (CALEA 4.2.4 a-e)\* (New section in revised policy)**

**A.** The Internal Affairs supervisor shall conduct an annual analysis of use of force activities, policies, and practices. The analysis shall identify:

**1.** The date and time of incidents;

**2.** Types of encounters resulting in the use of force;

**3.** Trends or patterns related to race, age, and gender of subjects involved;

**4.** Trends or patterns resulting in injury to any person, including employees;

**5.** Impact of findings on policies, practices, equipment, and training.

**B.** This analysis shall be included in the Annual Report compiled by the Internal Affairs supervisor at the beginning of the year consisting of data from the previous calendar year.

**4) Use of Force Report form was revised**.

* It now tracks de-escalation efforts used by officers
* It tracks Show of Force incidents where display of a firearm was used to gain compliance

**5)** IA Pro is the software system used by Internal Affairs as an Early Warning System to track employee conduct, use-of-force, discipline and administrative investigations.

An alert is generated when an officer is involved in a total of six incidents (Use of Force, Administrative Investigation, Shift-Level Investigation, departmentally owned vehicle crashes, civil lawsuits) or a combination of the six incidents within a twelve (12) month period.

**6)** Internal Affairs compiles an annual report of investigations and other activities of the Internal Affairs section. The reports from 2011 thru 2019 are available on the Lafayette Police Department’s website. <https://old.lafayettela.gov/PoliceDepartment/Pages/Annual-Reports>

***\**** *(CALEA) LPD is accredited by the Commission on Accreditation of Law Enforcement Agencies (CALEA), considered to be the gold standard for public safety agencies, which requires constant reviewing and updating of policies and procedures.*

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