Indiana University Police Department
Chapter 7 – Use of Force
Sub-Chapter - 7.1 – Use of Force

7.1.2 Use of Deadly Force

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Purpose
To provide the Indiana University Police Department (IUPD) with guidance surrounding the use of deadly force.

General Order (7.1.2)
The Indiana University Police Department respects the sanctity of human life, and the application of deadly force is a measure to be employed only in the most extreme circumstances. Officers may use deadly force only under a reasonable belief that the action is in defense of human life or in defense of any person in imminent danger or facing a significant threat of serious physical injury and in accordance with Indiana law. Indiana Code 35-41-3-3 requires officers to give a warning, if feasible, to the person against whom the deadly force is to be used.

IUPD requires de-escalation techniques to be utilized, when feasible, prior to any use of force. Officers should exhaust all other reasonable means before resorting to deadly force.

Definitions
Reasonable Belief – a belief that would be considered reasonable from the perspective of any sworn officer in that situation.

Imminent Danger – a risk or threat that puts any person in immediate serious risk of death or serious physical injury.

Significant Threat – a threat or action that is likely to result in death or serious physical injury.

Serious Bodily Injury – defined by Indiana Code 35-31.5-2-292 as bodily injury that creates a substantial risk of death or that causes serious permanent disfigurement, unconsciousness, extreme pain, permanent or protracted loss or impairment of the function of a bodily member or organ, or loss of a fetus.

Serious Physical Injury – bodily injury that creates a substantial risk of death or that causes serious permanent disfigurement or permanent, protracted lost or impairment of the function of a bodily member or organ, or loss of a fetus. Serious physical injury is different from serious bodily injury, as defined by Indiana Code 35-31.5-2-292, in that it does not include unconsciousness or extreme pain.

Use of Deadly Force Considerations
This directive is not intended to limit an officer’s consideration of the use of deadly force to the matters discussed herein; rather, it is intended to highlight only a few of the many factors. All officers are expected to remain current in statutory and case law developments affecting use of force issues.
Legal precedent establishes that the decision to use force requires careful attention to the facts and circumstances of each particular case, including the severity of the crime, whether the suspect poses an immediate threat to the safety of the officer or others, and whether the subject is actively resisting arrest or attempting to evade arrest by flight.

**Fleeing Felons**
The United States Supreme Court set the standard for the use of deadly force against fleeing felons in Tennessee v. Garner (1985).

- It is **not constitutionally reasonable** to use lethal force to prevent escape of an unarmed fleeing felon who poses no danger to others.
- It is **constitutionally reasonable** to prevent the escape of a fleeing felon by using lethal force if:
  - The suspect poses a threat of serious physical injury to the officer or others.
  - The suspect threatens the officer with a weapon or there is probable cause to believe that they have committed a crime involving the infliction of serious physical harm, and there is substantial risk that the suspect will cause death or serious physical harm if apprehension is delayed.

**Restriction of Airway or Breathing**
Techniques which restrict a person’s airway or interfere with their ability to breathe for the purpose of incapacitation are considered deadly force and may only be implemented in situations where deadly force is necessary and reasonable. As outlined in G7.1.5 Vascular Neck Restrictions and G7.1.6 Choke Holds, officers are prohibited from using chokeholds and vascular neck restrictions unless deadly force would be considered necessary and reasonable.

**Positional Asphyxiation**
Officers will be trained on and aware of the risks of positional asphyxiation and will not leave a subject in a position that creates a substantial risk of positional asphyxiation longer than is necessary to effect a lawful arrest. As soon as a suspect is handcuffed, they will be maneuvered onto their back or into the sitting position.

**Use of Deadly Force Against Persons Threatening Self Harm**
Deadly force will not be used against a person whose actions have been determined to be a threat only to themselves.

**Knives**
The IUPD does not issue knives to officers but does allow officers to carry knives for use as a tool. Knives will only be used as weapons in situations where deadly force is necessary and reasonable.
Weapons of Opportunity
Officers who find themselves in a situation where deadly force is necessary and reasonable may use any object as a weapon of opportunity to act in defense of human life or in defense of any person in imminent danger or facing a significant threat of serious bodily injury and in accordance with Indiana law.

Related Information
Indiana University Police Department
• G7.1.5 Vascular Neck Restrictions
• G7.1.6 Choke Holds

Indiana Code
• 35-31.5-2-292 – Serious Bodily Injury
• 35-41-3-3 – Use of Force Relating to Arrest or Escape

Legal Precedent