




Clayton County Police Department PROCEDURES

Subject USE OF FORCE		Procedure # A5	
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I. PURPOSE

The purpose of this policy is to provide sworn personnel of the Department with guidelines for the use of force. Force will be used only to the extent reasonably necessary to accomplish lawful objectives as provided by the United States Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989) and its progeny. Excessive force will not be tolerated by this Department.

II. POLICY

It is the policy of the Clayton County Police Department to value and preserve human life.

It is the policy of this Department that sworn personnel will use only that force that is reasonably necessary to effectively bring an incident under control while protecting their lives and others. The decision to use force “requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer or others, and whether he is actively resisting arrest or attempting to evade arrest by flight”.

In addition, “the ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision hindsight. The question is whether the officers’ actions are ‘objectively reasonable’ in light of the facts and circumstance confronting them”.

Officers shall endeavor to use the minimal level of force necessary in order to achieve a legal and lawful law enforcement objective. Officers will receive annual training relating to appropriate law enforcement use of force issues and any questions or concerns shall be addressed to the officer's immediate supervisor for clarity.

Officers shall, at all times, comply with all departmental procedures relating to firearms and use of force, and all applicable local, state, and federal laws while possessing a firearm under the authority of the Department while either on or off duty.

III. DEFINITIONS

Choke Hold: A physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation.

Deadly Force: Any force that would be expected to cause death or serious bodily injury when utilized.

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 command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

Exigent Circumstances: Those circumstances what would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.

Forcible Felony: Any felony that involves the use, or threat, of physical force or violence against any person.

Less-Lethal Force: Physical control techniques or implements that a reasonable officer would not normally expect to cause death or serious bodily injury, involving a physical effort to control, restrain, or overcome the resistance of another. Impact weapons, electronic control devices (ECD's) and/or conducted electrical weapons (CEW's) and similar objects are generally considered less-lethal.

Objectively Reasonable: The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar situations.

Reasonable Belief: A belief based upon the perspective of, and observations made by, a reasonable officer on the scene that generates action resulting from that officer's knowledge, skills and past experiences whereby these same facts and circumstances would cause a similarly trained officer to react in a like manner.

Reasonable Force: Force used by an officer only to accomplish lawful objectives (e.g., to effect an arrest; to protect themselves or others from personal attack, physical resistance, harm or death; etc.), and then only to the extent reasonably necessary in light of the circumstances confronting the officer. Force is reasonably necessary only if lesser force would not likely lead to safe control of persons and situations.

Serious Bodily Injury: An injury that causes a substantial risk of death, serious permanent disfigurement, or results in long-term loss or impairment of any bodily part or organ.

IV. PROCEDURES

- A. Many decisions and actions of police officers have serious consequences, but none as irrevocable as the decision to use force. Police officers are expected to achieve control when attempting a lawful arrest. Control is the objective of use of force. Officers may use force to establish and maintain control over a subject.

Officers may use physical force to protect themselves or others from attack, or to overcome resistance to lawful duties and tasks. Reasonably necessary force can be used to overcome resistance to lawful arrest, to prevent escape from custody, during an investigative detention of a person whom the officer reasonably believes has committed a criminal offense, or to prevent physical injury to the officer or others. Use of physical force should be discontinued when resistance ceases or when the incident is under control.

Offender control is based upon appropriate law enforcement response to a specific action of resistance generated by the offender. Control is achieved when all of the offender's resistance to a legitimate arrest or detention has ceased. Control may be established through:

1. Police officer presence on the scene;
2. The utilization of one (1) or more appropriate responses by a single or multiple officers;
3. The utilization of verbal or physical commands and controlling tactics or techniques requiring physical strength and skill;
4. The deployment of chemical or natural irritants;
5. The deployment of electronic control devices (ECD's) and/or conducted electrical weapons (CEW's);
6. The application of restraining devices;
7. The utilization of impact weapons;
8. Achieving temporary incapacitation through the application of striking or kicking techniques;
9. Canine (K9) deployment;

10. Deploying less-lethal munitions; and
11. The use of deadly force when officers are required to protect themselves or a third party from actual or threatened use of deadly force or when the officers must prevent a forcible felony (CALEA 4.1.2).

Officers may use any available resource, which is reasonably necessary based upon the totality of the circumstances, while defending themselves or other person(s) from physical assault or while attempting to control a violently-resistant offender.

12. Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person. In these situations, only the minimal amount of force necessary to control the situations shall be used.

B. Duty to Intervene

1. When encountering unreasonable actions of other employees or public safety officials that could result in injury, death, or violations of constitutional or civil rights, intervention must be immediate and any such actions shall be reported immediately to the employee's immediate or on-duty supervisor. Failure to report or intervene can result in disciplinary action up to and including termination.
2. All employees (sworn or non-sworn) are required to intervene, when it is safe and reasonable to do so, and shall notify their immediate and/or on-duty supervisor, as soon as practicably possible, if they:
 - a. Observe an employee or any other agency/department representative, engaging in any unreasonable use of force; or
 - b. Become aware of any violation of applicable laws, departmental policy, or County rules and regulations.
3. An officer has a duty to intervene to prevent or stop the use of excessive force by another officer when it is safe and reasonable to do so.
 - a. Any time an officer observes another officer using force that is beyond what is objectively reasonable force under the circumstances will, when in a position to do so safely, intervene to end and prevent the use of such excessive force.
 - b. Officers have a duty to intervene in all other situations where an officer is acting in violation of laws, orders, policies, or ethical conduct and shall immediately notify their on-duty supervisor or District Commander. Failure to intervene may subject an employee to disciplinary action.
 - 1) Preventative Approach
 - a) Officers will take actions to prevent, whenever possible, unethical conduct or inappropriate behavior.

- b) Officers shall examine the circumstances surrounding the incident to determine the appropriate method of intervention.
 - c) Officers may intervene, verbally, physically, or both, depending on the circumstances.
- 2) Active Approach
- a) Officers will take an active approach to intervene and stop any unethical behavior or misconduct when such conduct is being committed by another employee.
 - b) If verbal intervention is not sufficient to stop the act, the employee will take an active approach, when in a position to do so safely, and intervene between the officer and other party involved.
- 3) Provide Emergency Medical Care
- a) Any time a person has visible injuries or claims to be injured due to force, or any other type of police action used against them by an officer, the officer must take appropriate actions (up to their ability) to provide medical care for the injured person. This includes providing first aid, requesting emergency medical services (EMS), and/or arranging for other transportation to a hospital or emergency medical facility.
 - (1) Officers should be aware that injuries associated with Use of Force can be non-visible.
 - (2) Increased observation of the subject to detect changes in condition and respiratory function shall be included in aid procedures.
 - (3) Minor abrasions or bruises that can be treated with first-aid, normally do not require transportation to a medical facility unless requested by the subject.
 - b) Officers will be trained in proper treatment procedures for persons exposed to Oleoresin Capsicum (OC) or other less-lethal force. If the person is offered and/or refuses treatment, this refusal will be recorded in the police report, along with all relevant information. Appropriate medical aid shall also include the flushing of OC from the subject's eyes. In addition, the officer will also notify their supervisor as soon as possible.
 - c) If the subject must be admitted to the hospital, the transporting officer shall observe the following procedures:
 - (1) Consult with medical personnel concerning the use of restraining devices; and
 - (2) Contact their supervisor for detainee security and control situations.

4) Reporting

a) Employee's Responsibilities

Employees shall immediately notify their immediate and/or on-duty supervisor, if they observe any excessive or unreasonable force used by an employee of this Department, or an employee of another agency/department.

b) Supervisors Responsibilities

(1) Supervisors will document all incidents involving intervention by following established reporting procedures and immediately report allegations of excessive or unreasonable force through the chain of Command up to the Chief of Police.

(2) Supervisors will notify the Office of Professional Standards Commander (OPS), or authorized designee, immediately to seek guidance and further action. Supervisors and OPS will take immediate action to prevent retaliatory actions against an employee who reports in good faith allegations of excessive and unreasonable force by another employee.

(3) If an incident involves a representative from another department/agency, the reporting Supervisor and/or OPS will make immediate notification to the Internal Affairs Unit of the outside department/agency involved in such incident.

c) Department's Responsibilities

(1) The Commander, or authorized designee, of the Office of Professional Standards (OPS) will ensure that all complaints of excessive or unreasonable force are entered via Blue Team and assigned an Internal Affairs (IA) case number.

(2) The Department's Internal Affairs (IA) Unit will investigate allegations of employee misconduct, including anonymous allegations, received from any source outside or within the Department. Upon completion of the IA investigation, the OPS Commander shall review the IA Case File. After such review, the OPS Commander will:

(a) Include a determination as to whether a violation occurred and/or other employees were involved; and

(b) Forward the completed IA Case File to the Chief of Police for review and action.

d) County Resources

The County has contracted with Ethical Advocate to assist in providing a system of communication designed to accomplish transparency, integrity and ethical behavior, along with prompt

evaluation and response to comments, opinions and observations. This communication system is provided to County employees in the form of an Employee Incident Reporting Hotline and website. Employees can access this information through the Buzz Clayton County Employee Portal or by clicking on the web link shown below.

<https://claytoncounty.ethicaladvocate.com>

C. Parameters for the Use of De-escalation Techniques

1. An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training whenever possible and appropriate before resorting to force and (to) reduce the need for force.
2. Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

D. Parameters for the Use of Less Lethal Force

1. When de-escalation techniques are not effective or appropriate, an officer may consider the use of less-lethal force to control a non-compliant or actively resistant individual. An officer is authorized to use agency-approved, less-lethal force techniques and issued equipment:
 - a. To protect the officer or others from immediate physical harm;
 - b. To restrain or subdue an individual who is actively resisting or evading arrest; or
 - c. To bring an unlawful situation safely and effectively under control.
2. Police officers will use only that level of force reasonably necessary to bring the incident under control.
3. Police officers must ensure that the following elements have been satisfied before resorting to the use of force:
 - a. Does the need for legitimate law enforcement intervention exist?
 - b. When possible, has a controlling verbal command been issued?
 - c. Has the offender failed to comply with verbal commands or begun to aggressively confront the officer?
 - d. Has the offender escalated physical resistance, causing the officer to fear for his/her personal safety?
 - e. Is the aggressor physically assaulting a third party in the officer's presence, requiring immediate reaction on the part of the officer?
 - f. Is the officer's reaction appropriate and reasonable following established legal guidelines and current training trends?

4. Objective reasonableness is determined by balancing the nature and quality of the intrusion with the countervailing governmental interests. Objective reasonableness considers the facts and circumstances of the incident, including:
 - a. The severity of the crime at issue;
 - b. Whether the suspect poses an immediate threat to the safety of officers and others;
 - c. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight;
 - d. Officer/Offender factors such as age, gender, size, fitness, skill level, number of officers and number of suspects;
 - e. Special circumstances such as close proximity to weapons, special knowledge, injury or exhaustion, ground position, disability and imminent danger;
 - f. Actions by third parties who may be present;
 - g. Physical conditions and tactical considerations;
 - h. The possibility of creating an unreasonable risk of injury or death to innocent persons; and
 - i. The feasibility/availability of alternative actions.
5. Police officers are authorized to use departmentally approved less-lethal techniques, and issued or approved equipment, for resolution of incidents under the following circumstances:
 - a. To protect themselves or others from physical harm;
 - b. To restrain or subdue a resistant individual; and/or
 - c. To bring an unlawful situation safely and effectively under control.
6. Necessary force may include the use of certain tactics or equipment by police officers, such as:
 - a. Physical strength and skill;
 - b. Chemical or natural irritants;
 - c. Electronic control devices (ECD's) and/or conducted electrical weapons (CEW's);
 - d. Temporary restraining devices;
 - e. Approved impact weapons;
 - f. Approved less-lethal munitions; and
 - g. Issued and approved firearms and ammunition.

7. The following items, weapons, materials, and control techniques are not authorized for use by this Department:
 - a. Blackjacks, sap sticks, slap gloves, sap gloves, brass knuckles, or any other weighted material not authorized;
 - b. Claws of metal or strong plastic designed as “come-along” that attach to the wrists or other body parts and can be tightened by twisting;
 - c. A chokehold or neck hold is any hold or contact with the neck that may inhibit breathing by compression of the airway in the neck, may inhibit blood flow by compression of the blood vessels in the neck, or that applies pressure to the front, side, or back of the neck; chokeholds and neck holds are prohibited unless deadly force is warranted.
8. Noise Flash Diversionary Device (NFDD) or Flashbang is an essential less-lethal option utilized by the SWAT Team. Prior to deploying any NFDD, SWAT Team personnel shall visually check the targeted area to determine an unoccupied space for deployment.

E. Parameters for the Use of Deadly Force: (CALEA 4.1.2)

1. An officer is authorized to use deadly force when it is objectively reasonable under the totality of the circumstances. Use of deadly force is justified when one or both of the following apply:
 - a. To protect the officer or others from what is reasonably believed to be an immediate threat of death or serious bodily injury;
 - b. To prevent the escape of a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit a felony involving serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to the officer or another if the subject is not immediately apprehended.
2. If feasible, and prior to the utilization of deadly force, the officer shall identify himself or herself as a law enforcement officer and give a WARNING indicating that such use of force is imminent.
3. Regarding deadly force, officers are authorized to discharge their firearms in order to:
 - a. Protect themselves or others from what is reasonably believed to be an immediate threat of death or serious bodily injury; and
 - b. Prevent the commission of a forcible felony
4. Fleeing Felons
Peace officers may use deadly force to apprehend a fleeing suspected forcible felon only when the officer reasonably believes that the suspect possesses a lethal weapon or any object, device, or instrument which, when used offensively against another person, is likely to, or actually does, result

in serious bodily injury; and when the officer: (1) Has probable cause to believe that the suspect poses a threat of serious physical harm either to the officer or others; (2) Reasonably believes that the use of deadly force was necessary to prevent escape; and (3) Gives a warning, if feasible, about the possible use of deadly force. See *Tennessee v. Garner*, 471 U.S. 1 (1985).

5. Moving Vehicles

Officers will not discharge firearms from or at a moving vehicle except:

- a. When a person in the vehicle is threatening the officer or a third party with deadly force by means other than the vehicle;
- b. When the vehicle is operated in such a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted (or are not present or practical), which include moving out of the path of the vehicle;
- c. Firearms shall not be discharged from a moving vehicle except in exigent circumstances. In these situations, an officer must have an articulable reason for this use of deadly force.

6. Defense of Canines (K9)

The Law Enforcement K9 is an animal, and as such, officers must recognize that a criminal act that is reasonably likely to cause death or serious bodily injury to the animal does not justify the use of deadly force against a human perpetrating such action.

7. Deadly force shall not be used against persons whose actions are a threat only to themselves or property.
8. The use of choke holds are prohibited, unless deadly force is authorized.

F. Rendering Aid after the Use of Force (CALEA 4.1.5)

1. Any time deadly or non-deadly force is used and the individual has a visible injury and/or complaint of injury, becomes unconscious either during or following the use of force, or if an officer believes the individual is in need of a medical evaluation as a result of any use of force, a medical assessment and treatment will be conducted by properly trained medical personnel.

When a medical assessment and/or treatment are required, the officer will advise the E911/Communications Center of the apparent medical issue or injury and request Emergency Medical Services (EMS) personnel. Any refusal of medical treatment must be made by the offender to EMS personnel, not to an officer. Determination as to further treatment or care at a hospital will rely upon the professional assessment of the medical issue or injury as made by the responding EMS personnel.

2. The officer, if possible, will provide immediate and appropriate care as necessary, within the limitations of the officer's knowledge and training, until relieved by EMS or other trained personnel. It will be the responsibility of the officer who has immediate knowledge of the injury, or complaint of injury, to request EMS personnel for a medical assessment and/or treatment. Should treatment beyond emergency first aid become necessary, individuals requiring such treatment will normally be transported to a hospital.
3. Any time a request for a medical assessment and/or treatment is required for an individual involved in a use of force incident, the officer will immediately notify a supervisor following the request for EMS personnel.
4. Photographs of Injuries-
An on-duty supervisor shall have photographs taken of all parties who sustained injuries as a direct result of the use of force. This includes photographing the injuries of all directly-involved officers.

G. Use of Force Reporting (CALEA 4.2.2)

1. A *Use of Force Report* is required for the following circumstances:
 - a. The discharge of a firearm for other than training, recreational purposes or the destruction of animals;
 - b. The officer applies force through the use of less-lethal munitions, impact weapons, electronic control devices (ECD's) and/or conducted electrical weapons (CEW's), or oleoresin capsicum (OC);
 - c. The officer takes an action that results in, or is alleged to have resulted in, the injury or death of another person;
 - d. Any other physical force that is utilized by the officer beyond that of soft hand control techniques (e.g., escort techniques, etc.) used for guidance;
 - e. Any instance in which a law enforcement canine (K9) is deployed and is instrumental in the apprehension of a suspect; or
 - f. Incidents in which a noise flash diversionary device (NFDD) or "flashbang" is deployed in an area occupied by a human, whether intentionally or unintentionally, but only if it causes visible injury or death.

2. EXEMPTION to *Use of Force Report*:

Special Weapons & Tactics (SWAT) actions while in an official SWAT deployment and under the command of the SWAT Commander or Assistant SWAT Commander, shall be documented in the *After-Action Report* completed by the Commander, or designee. A *Use of Force Report* is not required for official SWAT deployments unless the incident results in, or is alleged to have resulted in, the injury or death of another person.

3. Officer Involvement & Notification
 - a. For any sworn personnel to be considered “involved,” the officer(s) must have been directly involved in the application of force during a use of force incident.
 - b. Any officer(s), whether on or off duty, involved in a use of force incident shall contact an on-duty supervisor as soon as immediately possible to have the *Use of Force Report* completed.
 - c. Any supervisor, whether on or off duty, involved in a use of force incident will contact another on-duty supervisor, regardless of rank, to complete the *Use of Force Report*.
4. Completion of *Incident Reports* and *Supplemental Reports*
 - a. An *Incident Report* and/or *Supplemental Report* shall be completed by each officer and/or supervisor of this Department involved in and/or present for any use of force incident.

Each individual officer and/or supervisor involved in and/or present for a use of force incident shall complete their own *Incident Report* and/or *Supplemental Report*. This policy applies to two-man units, as well as Field Training Officers (FTO) with Probationary Officers (PO).
 - b. Upon completion, all *Incident Reports* and/or *Supplemental Reports* related to the use of force incident will be reviewed by the supervisor responsible for the *Use of Force Report*, when practical. This is due to the reporting supervisor having detailed knowledge of the facts and circumstances. When not practical, review by an immediate supervisor of the involved and/or concerned officer(s) is acceptable.
5. Use of Force Investigation
 - a. The first responding on-duty supervisor shall investigate the use of force incident.
 - b. The investigating supervisor is responsible for the following:
 - 1) Interviewing and identifying all officers who are involved in or present for the use of force incident;
 - 2) Interviewing the subject(s) against whom the force was applied;
 - 3) Interviewing and identifying any parties who assisted, witnessed or were involved in the use of force incident, to include any law enforcement personnel from other agencies;
 - 4) Gathering any evidence related to the use of force incident.
6. *Use of Force Report*
 - a. To document his/her investigative findings, the investigating supervisor shall complete the *Use of Force Report* by accessing it through the Blue Team Field Entry Support application maintained on the departmental intranet site.

- b. When entering data into a *Use of Force Report*, the reporting supervisor will attach all relevant documentation to the incident by clicking on the attachment icon.
 - 1) The following documentation shall be attached with the report:
 - a) *Incident Report*;
 - b) *Supplemental Report(s)* by all sworn personnel directly involved in and/or present for the use of force incident; and
 - c) Photographs, unless taken by the County Photographer.
 - 2) The reporting supervisor may attach any other supporting documentation of evidentiary value.
- c. The *Use of Force Report* must be completed and submitted to the concerned chain of command by the reporting supervisor within ten (10) calendar days of the incident. The supervisor is required to notify the concerned Division Commander and the OPS Commander, via email, when a *Use of Force Report* cannot be completed and submitted within the designated time period. The notification will clearly explain the reason(s) for the delay.
- d. Chain of Command Review

The administrative review of each *Use of Force Report* by the entire concerned chain of command shall be completed within twenty (20) calendar days of the incident. Any administrative review of a *Use of Force Report* that is not completed within twenty (20) days will result in disciplinary action.

Use of Force Reports generated using the Blue Team Field Entry Support shall be forwarded through the chain of command via County email. Prior to forwarding the *Use of Force Report*, the reporting supervisor shall state, "For your review," in the comments/instruction section. If any level of the chain of command, including the reporting supervisor, detects a legal or procedural discrepancy with an officer's application of force during an incident, that supervisor or commander shall immediately notify the concerned chain of command. The concerned Captain will be responsible for immediately notifying the Assistant Chief, or Deputy Chief, and the OPS Commander via email. The email notification shall include the corresponding case number and the details and/or circumstances in question.

After review by the concerned chain of command, up to and including the Assistant Chief or Deputy Chief, the reports will then be forwarded to OPS, finalized and stored in the IA Pro database.

Refer to standard operation procedure: *E1: Internal Affairs Investigations* regarding the IA Pro database.

V. DISPLAY OF FORCE DOCUMENTATION

- A. Except for maintenance, inspections, training, or the destruction of animals, police officers will not draw, exhibit or display firearms unless circumstances create reasonable belief that it may be necessary to use the weapon in conformance with this policy.

Officer(s) may draw, exhibit or display a firearm, when:

1. Approaching a situation in which officer(s) reasonably believe someone has physical possession of a lethal weapon;
2. Involved in a high-risk activity (e.g., building searches or clearances; responding to alleged violent crimes or felonies; etc.); or
3. The officer(s) have reason to fear for their safety, or the safety of others.

- B. If lethal and/or less-lethal weapons are displayed to gain compliance (e.g., during building clearance; engaging a suspect or person of interest; etc.), but are not utilized to apply force, a *Use of Force Report* shall not be completed.

In such incidents the concerned officer(s) are only required to complete an *Incident Report* and/or *Supplemental Report(s)* and justify their actions in the narrative.

- C. In any incident in which a lethal and/or less-lethal weapon is displayed to gain compliance or attempt to gain compliance, the first listed Incident Type on the *Incident Report* shall be "PDFD" (Police Department Force Displayed). Only the acronym of PDFD shall be used as an Incident Type on an *Incident Report*.

Depending on the lethal and/or less-lethal weapon displayed to gain compliance, the corresponding Incident Code on the report shall be as follows:

1. PDFD(f) - when firearms are displayed;
2. PDFD(t) - when electronic control devices (ECD's) and/or conducted electrical weapons (CEW's) are displayed;
3. PDFD(b) - when impact weapons are displayed; and/or
4. PDFD(c) - when chemical irritants are displayed.

For each officer who displays a weapon to gain compliance during an incident, one (1) count of each applicable Incident Code shall apply. For example, if two (2) officers displaying firearms are clearing a building and encounter a person of interest, the *Incident Report* will reflect two (2) counts of Incident Code PDFD(f).

VI. OTHER INCIDENTS INVOLVING THE DISCHARGE OF FIREARMS

This policy applies to all departmentally-authorized firearms. For all firearm discharges that occur during training or approved competitive shooting, and do not result in injury, a report is not required. All other firearm discharges require an *Incident Report* by that officer. A copy of the approved *Incident Report* shall be forwarded via email to the OPS Commander, or OPS supervisor, for record keeping.

Other incidents involving the discharge of firearms that require an *Incident Report*, may include, but are not limited to, the following:

A. Accidental Discharge of Firearm

Unintentional and/or accidental discharges of an authorized firearm, whether on or off duty, will be reported immediately to an on-duty supervisor. The on-duty supervisor will determine if the incident meets the protocol requiring a *Use of Force Report*. Regardless of the on-duty supervisor's investigative findings, the incident will require an *Incident Report* and/or *Supplemental Report(s)* by the officer(s) involved in and/or present for the discharge of the firearm.

B. Destruction of Animals

The humane destruction of injured, sick, mad or vicious animals to minimize suffering and the risk to the public is not a use of force and does not require a *Use of Force Report*. When it becomes necessary to destroy an animal, the concerned officer will properly complete an *Incident Report*.

1. When it becomes necessary to destroy an injured, wounded or sick animal, the officer should make a reasonable attempt to locate and receive permission to destroy the animal from the animal's owner. The officer will notify an on-duty supervisor prior to initiating action or destroying the animal.
2. A firearm may be utilized when it becomes necessary to destroy a mad or vicious animal that cannot otherwise be reasonably controlled. Such action may be taken, when the animal poses a threat to the officer, another person or other animal.

C. Warning Shots (CALEA 4.1.3)

Warning shots are generally prohibited due to the potential for harm. However, tactical situations may arise in which the firing of a warning shot may be warranted. Where warranted, warning shots may be fired at a defined target and shall not be fired unless:

1. In an effort to stop a person only when the officer would be otherwise authorized to use deadly force.
2. Only if the officer reasonably believes a warning shot can be fired safely in light of all circumstances of the encounter and the warning shot will not pose a substantial risk of injury or death to the officer or others.
3. The officer reasonably believes that the warning shot will reduce the possibility that deadly force will have to be used.
4. The firing of a warning shot requires specific direction of a line supervisor, or another ranking officer, unless it is reasonably likely that failure to take immediate action would result in the serious bodily injury or death of the officer or third party.

5. Upon the utilization of a warning shot, the event and who directed the shot will be documented by *the involved personnel in the Incident Report and/or Supplemental Report(s)*.

In each instance where a warning shot has been fired, such action will be closely scrutinized by a Post-Incident Review Board (PIRB) which will determine if a valid justification for the shot existed and to ensure proper application of technique.

VII. DEADLY FORCE INVESTIGATION PROCEDURES

A. Investigative Process

1. The first responding supervisor to arrive on scene is responsible for the following:
 - a. Confirming that no emergency medical care is required;
 - b. Maintaining control and integrity of the crime scene until the arrival of the OPS Commander, or designee;
 - c. Ensuring the officer(s) has properly holstered the weapon in the condition it was in immediately following the deadly force incident.
 - d. Notifying the OPS Commander, or designee, via chain of command;
 - e. Ensuring that the welfare of the involved officer(s) is/are closely and effectively monitored; and
 - f. Obtaining informal, administrative statement(s) from the involved officer(s) to adequately brief the Chief of Police, Assistant Chief, Deputy Chief, concerned Division Commander(s) and the OPS Commander, or designee, about the incident.
2. The OPS Commander, or designee, is responsible for the following:
 - a. Responding to the scene of all deadly force incidents, regardless of injury or death;
 - b. Ensuring that the GBI is notified and requested to act as the investigating agency for all deadly-force incidents resulting in injury or death;
 - c. Ensuring that the on-call staff of the District Attorney's Office is notified of all deadly force incidents resulting in injury or death.
 - d. Ensuring that CID is notified and requested to act as the investigating body for all deadly-force incidents not resulting in injury or death;
 - e. Maintaining control of the crime scene during the on-scene investigation;
 - f. Escorting the involved officer(s) to a designated location to be interviewed by the GBI, CID and/or OPS personnel;

- g. Administratively investigating all deadly force incidents, regardless of injury or death; and
- h. Conducting administrative interviews and statements

The following guidelines for administrative interviews are offered as a means of ensuring that the details of the incident are obtained and documented as accurately as possible:

1) Post-Incident (Initial) Interview

This interview should be conducted by OPS as soon as reasonably possible after the deadly force incident. This should be a quick narrative review of what occurred and should focus on the generalities of:

- a) Type of weapon (e.g., handgun, knife, etc.), but not the characteristics of the weapon;
- b) General information about the suspect;
- c) General details about the encounter; this interview should be recorded and transcribed. There should be no attempt made to have the officer provide a written rendering of the incident at this time.

2) Formal Interview

After a twenty-four (24) hour rest period has passed, the officer should be interviewed again with an attempt being made to focus upon specific details and fine points regarding the incident. The officer should complete written documentation of the incident at this time. The officer may choose to waive this rest period and participate in formal interviews and provide detailed written documentation as required by investigatory personnel.

3) Additional Fact Finding

Subsequent witness interviews may be conducted forty-eight (48) to seventy-two (72) hours after the incident. This allows each witness several days to process the information presented in the first interview, which provides an opportunity for the most thorough and complete memories to come forward.

- 3. In each instance in which the Georgia Bureau of Investigation (GBI) has primary investigative authority, the Criminal Investigation Division (CID) will assist, as requested by the GBI.
- 4. Officer(s) shall immediately respond to any and all questions directed to them by the Deputy Chief, Assistant Chief, or Chief of Police, regardless of any other investigative process.

B. Custody of Firearms

Weapons used in deadly force incidents are generally maintained by the involved officer(s) until secured by the designated investigating authority. At the discretion of the Chief of Police, or authorized designee, the officer(s) will be given a replacement weapon. Privately-owned weapons will not be replaced by the Department.

C. Psychological Services

In all cases in which deadly force has been used, the involved officer(s) will be required to undergo a debriefing with a departmentally-provided psychologist as soon as possible after the incident. The purpose of this debriefing is to deal with the emotional and/or psychological after-effects of the incident. The debriefing shall not be related to any departmental investigation of the incident and the officer(s) will enjoy those rights and privileges normally associated with patient/doctor confidentiality. Additional meetings will be scheduled with the departmentally provided psychologist six months and twelve months after the incident to continue the support of dealing with the emotional and/or psychological after-effects of the incident.

Administrative Leave (CALEA 4.2.3)

Any officer involved in a deadly force incident shall be placed on Administrative Leave directly upon the preliminary report of the incident. This leave shall be with full pay and benefits pending the results of the investigation. The assignment of Administrative Leave shall not be interpreted to imply or indicate that the officer acted improperly. While on Administrative Leave, the officer shall remain available at all times for official departmental business, including interviews and statements regarding the shooting incident, and may be recalled to duty at any time. Upon returning to duty, the officer may be assigned to administrative duty for a period of time deemed appropriate by the Chief of Police.

VIII. TRAINING REQUIREMENTS

- A. All officers will have direct access to this policy via the departmental intranet site.
- B. All officers shall receive annual training on OCGA § 16-3-20 through 16-3-24 and 17-4-20.
- C. In-service training will be conducted annually on the use of deadly force and related legal updates. The department will provide training biennially (every other year) on the use of non-deadly force and emergency first aid. In addition, training shall be provided on a regular and periodic basis and designed to:
 - 1. Provide techniques for the use of and reinforce the importance of de-escalation;
 - 2. Simulate actual shooting situations and conditions; and
 - 3. Enhance officers' discretion and judgment in using less-lethal and deadly force in accordance with this policy.

- D. All officers shall receive training in, and be assessed in their ability to perform, departmentally recognized defensive (controlling) techniques and tactics. Officer proficiency will be documented in all training that is use of force related. A record of use of force-related training will be maintained in Training Unit files or by electronic methods such as spreadsheets or databases intended for electronic storage and retrieval. (CALEA 4.3.3)
- E. Officers who have a valid medical reason not to participate in firearms or other use of force training sessions may petition the Chief of Police in writing for permission to be exempted from such training. The Chief of Police may exempt any employee from training and subsequent restrictions relative to carrying those uses of force implements indicated above.

IX. ADMINISTRATIVE REVIEW, ANALYSIS & RECORDS (CALEA 4.2.4)

All *Use of Force Reports* will be analyzed annually by the OPS Commander. The *Use of Force Report* will include date and time of incidents, types of encounters resulting in use of force, patterns or trends related to race, age, and gender of subjects involved, trends or patterns resulting in injury to any person including employees, and impact of findings on policies, practices, equipment, and training. Upon completion of this analytical process, a statistical report of all use of force incidents will be compiled and forwarded to the Training Unit Commander, Accreditation Manager and Chief of Police. This information may assist the Training Unit in assessing the need for future training in the areas of use of force.

In January of each year, the Training Unit Commander, or designee, will prepare a written report of each officer's non-deadly force and emergency first aid status. This report will also indicate attendance to all mandatory non-deadly force in-service training attended by the individual officer during the calendar year. Copies of this report shall be forwarded to the Chief of Police, Assistant Chief, Deputy Chief, Division Commanders and the OPS Commander.

X. CANCELLATION

This procedure amends and supersedes the following standard operating procedure: *A5: Use of Force*