



FAIRBURN GEORGIA POLICE DEPARTMENT OPERATIONS MANUAL



CHAPTER 11 Response to Resistance

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III. PURPOSE

- A Establishes and prescribes guidelines for the lawful use of force

- B Establishes standard operating procedures for regulating response to resistance incidents (Deadly or non-deadly)
- C Establishes standard operating procedures for investigating response to resistance incidents (Deadly or non-deadly)
- D Establishes standard operating procedures for addressing critical incidents/post critical incidents

IV. DEFINITIONS

- A **AUTHORIZED WEAPON:** Those weapons with which the officer has qualified and received Agency training on proper and safe usage. In addition, the weapon(s) must be approved and comply with Agency specifications.
- B **FORCE:** The unwanted touching directed toward another. This may involve the direct laying on of hands or the putting of an object into motion that touches the individual; therefore, taser guns, water hoses, as well as a push from the hands are "use of force". Use of force is not necessarily wrong, and in certain conditions personnel have the duty and obligation to use it.
- C **NON-DEADLY FORCE:** A quantity of force which is neither likely nor intended to cause great bodily harm.
- D **DEADLY FORCE:** That degree of force that is likely to cause death or great bodily injury.
- E **FORCIBLE FELONY:** Any felony which involves the use or threat of physical force or violence against any person.
- F **REASONABLE BELIEF:** The facts or circumstances known to the officer are such as to cause an ordinary prudent person to act or think in a similar way under similar circumstances.
- G **SERIOUS BODILY/GREAT BODILY INJURY:** An injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in long-term loss or impairment of the functioning of any bodily member or organ.

V. RULES AND REGULATIONS

A General

This Agency recognizes and respects the value and integrity of each human life. Vesting law enforcement officers with lawful authority to use force to protect the public welfare requires a careful balancing of interests. In effecting the capture, arrest, or transport of a subject, the officer will take care to employ only the amount of force objectively reasonable to accomplish the task with minimal injury to himself/herself, the subject or prisoner and/or innocent bystanders. When possible, apply de-escalation techniques. Force shall be used only to maintain or restore discipline and never maliciously or sadistically for the purpose of causing harm. Applied force should be limited to the minimum extent objectively reasonable to affect the arrest. Many decisions and actions of law enforcement officers have serious consequences, but none are as irrevocable as the decision to use force, particularly deadly force. Law enforcement officers are armed and trained to achieve

control of various situations. Other means of force should be exhausted or deemed impractical before resorting to the use of deadly force. Control is achieved through the officer's presence, verbal commands, control and restraint, use of temporary incapacitation, or in situations where any person is endangered, by the use or threat of deadly force. The officer shall respond only with the objectively reasonable force, and all actions by an officer are governed by the situation.

An officer is supported by the Agency in drawing his/her firearm pursuant to official duties when circumstances dictate. Nonetheless, these guidelines are intended for internal use only, and any violation of these rules may result in administrative and/or disciplinary action. They are not intended to create a higher standard of safety or care with respect to third party claims. A violation of the law may be the basis for civil or criminal penalties.

B Justification for Use of Non-Deadly Force

Non-deadly force can be used by an officer in the performance of his/her duty when:

1. Objectively reasonable to preserve the peace, prevent the commission of offenses, or prevent suicide or self-injury;
2. Preventing or interrupting a crime or attempted crime against property;
3. Making lawful arrests and searches, overcoming resistance to such arrests and searches, and preventing escapes from custody; and
4. In self-defense, or defense of another against unlawful violence to his/her person.

C Justification for the Use of Deadly Force

Use of deadly force by an officer during his/her performance of duty is restricted to the following:

"Sheriffs and peace officers who are appointed or employed in conformity with Chapter 8 of Title 35 may use deadly force to apprehend a suspected felon only when the officer reasonably believes that the suspect possesses a deadly weapon or any object, device, or instrument which, when used offensively against a person, is likely to or actually does result in serious bodily injury; when the officer reasonably believes that the suspect poses an immediate threat of physical violence to the officer or others; or when there is probable cause to believe that the suspect has committed a crime involving the infliction or threatened infliction of serious physical harm".

The following examples are provided to show when an officer may use deadly force:

1. When the officer reasonably believes it objectively reasonable to defend his/his own life or the life of another, or to prevent grave bodily injury to himself/herself or another and all available means of defense have failed or would be inadequate or dangerous under the circumstances;
2. When objectively reasonable to prevent the commission of forcible felonies;
3. To affect the arrest of a person at the scene of a crime who is attempting to escape, but only if there is a serious threat of immediate danger to the officer

or third persons, such as the use of firearms or the taking of hostages;

4. When objectively reasonable to destroy a severely wounded or sick animal, but only after making every reasonable attempt to locate and receive permission from the animal's owner.

Special care should be taken to ensure that no person or property is injured or damaged when an officer fires his/her weapon.

5. When objectively reasonable to destroy an obviously mad or vicious animal that cannot otherwise be controlled.

D Shoot to Stop the Commission of a Forcible Felony

1. Before using a firearm, officers shall identify themselves if prudent and state their intent to shoot;
2. Officers shall fire their weapon to stop an assailant from completing a potentially deadly act. Officers should shoot to stop the threat and to minimize danger to innocent bystanders;
3. Warning shots are prohibited;
4. Officers shall not fire their weapons from a moving vehicle or at a moving vehicle except as allowed under S.O.P. 12-2; and
5. Facts unknown to an officer, no matter how compelling, cannot be considered in later determining whether the use of lawful force, particularly that of deadly force, was justified.

E Participant's Follow-up Report

1. Anytime any officer of the Agency takes an action that results in, or is alleged to have resulted in, the injury or death of another person, whether on or off duty, the officer shall prepare and submit an investigative report through the proper channels as soon as possible. This investigative report shall include the officer's evaluation of the situation at the time of the incident, the weapon or instrumentality involved, any injuries or property damage, etc., the name and address of any injured persons or witnesses.
2. All incidents involving the response to resistance shall be documented on a Response to Resistance report and reviewed by the Review Board to determine if the action was within the Agency rules, policy and procedures, if the relevant policy was understandable and effective to cover the situation, and if the training was adequate.
3. All findings of policy violation or training inadequacies shall be reported to the Chief of Police.

F Training and Qualifications

All weapons training, both deadly and non-deadly, including remedial training, will be conducted by a certified weapons instructor.

1. The Use of Non-Deadly Force or Weapons:

- a) An officer is permitted to use any weapon or item if the force used is objectively reasonable.
- b) The following non-deadly weapons and methods are authorized tools issued by the Agency:
 - 1. Oleoresin Capsicum (OC) Spray: OC Spray will be issued by the department to all sworn personnel who have attended the basic OC instruction class. Only department issued OC Spray will be permitted to carry while on duty.
 - 2. Conducted Energy Weapon (CEW): Conducted Energy Weapons will be issued by the department to all sworn personnel who have attended the basic Conducted Energy Weapons instruction class. Only department issued Conducted Energy Weapons will be permitted to carry while on duty.
 - 3. Expandable Baton: The expandable tactical baton is issued to all sworn personnel. Only approved and issued equipment is authorized.

2. Deadly Weapons

- a) A Glock model 17/21/47 (semi-automatic), is agency issue for the department. When not in use, it is to be secured in the holster.
- b) Shotguns: These weapons are permitted for use by all officers and supervisors who have successfully completed annual training and have qualified with these weapons.
- c) Patrol Rifle: These weapons are permitted for use by all officers and supervisors who have successfully completed annual training and have qualified with these weapons.
- d) The Agency issued/approved firearm and ammunition shall be carried by all sworn personnel.
- e) Permission to carry a personal backup weapon must be authorized by the Chief of Police. Use of a personal weapon will require recording the serial number, make and model in the personnel file of the individual officer. The officer is also required to qualify on the firing range with his/her personal weapon.
- f) The agency shall schedule annual training and qualification sessions for duty weapons, off duty weapons, backup weapons, and specialized weapons, which will be graded on a qualifying/non-qualifying basis.
- g) Officers failing to receive a qualifying score with their firearm shall immediately begin remedial training.
- h.) Any officer who is unable to demonstrate proficiency with a non-

deadly weapon will have the non-deadly weapon removed from service.

G Agency Response

1. When an employee's actions or response to resistance causes death or serious injury, the employee will be placed on administrative leave pending administrative review.
2. The Agency will respect the rights of the federal government to conduct an independent investigation to identify any civil rights violations that may have occurred. The Agency will not order or request any of its members who may be suspect to confer with federal investigators without the advice of counsel.

**STANDARD OPERATING PROCEDURE
EFFECTIVE: 01/19/2010**

S.O.P. 11-1 CRITICAL INCIDENT INVESTIGATION AND REVIEW

I. PURPOSE

The purpose of this policy is to direct a proper response to critical incidents by this agency.

II. POLICY

It is the policy of this agency to provide a thorough investigation and review of all critical incidents involving members of this agency.

III. PROCEDURE

A General

The agency shall conduct a critical incident review of all firearm discharges (except euthanasia and training), OC discharges, CEW discharges, and other employee actions that lead to death or serious injury to another. This review shall result in a written critique and specifically address the following issues and make a specific determination whether:

1. The response, control and/or restraint was consistent with the agency policy
2. There are any issues requiring a reevaluation of agency policy and/or procedures
3. There are any training needs identified
4. The equipment provided by the agency was adequate, and
5. Supervisory involvement was reasonable

B Agency Response

1. When an employee's actions or response to resistance causes death or serious injury, the employee will be placed on administrative leave pending administrative review.
2. The Agency will respect the rights of the federal government to conduct an independent investigation to identify any civil rights violations that may have occurred. The Agency will not order or request any of its members who may be suspect to confer with federal investigators without the advice of counsel.

C Officer Involved Shootings - Initial Response

1. First Officer on Scene Not Involved in Shooting:
 - a) Neutralize scene - Ensure that scene has reached a level of control such that there is no longer a threat of harm to citizens, officers or suspects.

- b) Provide for the immediate medical attention of all persons injured.
- c) Secure the scene(s) of the event(s); to the extent possible use crime scene tape to secure any area that may contain evidence pertinent to the events being investigated.
- d) Assign sufficient personnel to ensure that the scene perimeter is not breached.
- e) Remove the involved officer from the center of the scene to a discreet area such as a police vehicle (do not place the officer in the backseat).
- f) Secure and segregate all witnesses to the event. This would include the segregation of officers so that no allegations can be made that officers got together to come with a story of the events.

2. First Responding Supervisor:

- a) Check on the well-being of involved officers
- b) Allow/Assist officers in calling family member(s) and ensure notifications are made to the officer's family.
- c) Immediately assume role of incident commander and utilize the incident command concept until otherwise relieved of incident command.
- d) Ensure that the first responders have completed the above listed duties.
- e) Determine resources objectively reasonable for circumstances i.e. community unrest etc.
- f) Document all personnel present.
- g) Assign officer(s), if needed, to accompany injured officers, suspects and victims to hospital
- h) Notify Chain of Command
- i) Notify and brief surrounding agencies, when appropriate.
- j) Brief arriving investigators and ranking officers
- k) Review all initial reports and supplements
- l) Secure all weapons - With officer weapons-secure discreetly and provide officer with another weapon
- m) Consider notifying DA for on-scene response
- n) Secure all Evidence

- o) Secure all recorded information surrounding event:
 - (1) Vehicle Video Recording
 - (2) Body Worn Camera recording
 - (3) Dispatch tapes
 - (4) CAD Log
 - (5) 911 phone calls
- p) Other Evidence:
 - (1) Photographs
 - (2) Diagrams
 - (3) Bullet Trajectory including those that missed
 - (4) Walk-through
 - (5) Witness officers' equipment
 - (6) Consider light meter (illuminometer) to measure lighting conditions
- q) Provide all available information to investigators of the incident.

**STANDARD OPERATING PROCEDURE
EFFECTIVE: 01/19/2010**

S.O.P. 11-2 RESPONSE TO ACTIVE RESISTANCE

I. PURPOSE

The purpose of this policy is to direct officers in the appropriate use of force.

II. POLICY

The policy of this agency is to protect and serve all citizens while at the same time respecting the rights of suspects and balancing the need for officer safety in use of force events. It is the policy of this agency that officers will use only reasonable force to bring an incident or event under control. Reasonable force is only that force which is objectively reasonable to accomplish lawful objectives. All uses of force must be objectively reasonable.

III. DEFINITIONS

- A Deadly Force: Any force that is likely to cause serious bodily harm or death.
- B Non-Deadly: All uses of force other than those likely to cause serious bodily harm or death.
- C Imminent: Impending or about to occur.
- D Objectively Reasonable Force: The amount of force that would be used by other reasonable and well-trained officers when faced with the circumstances that the officer using the force was presented with.
- E Reasonable Belief: Reasonable belief means that the person concerned, acting as a reasonable person believes that the prescribed facts exist.
- F Serious Bodily Harm: (18 U.S.C. § 1365 (h) (3)): the term "serious bodily injury" means bodily injury which involves
 - 1. a substantial risk of death;
 - 2. extreme physical pain;
 - 3. protracted and obvious disfigurement; or
 - 4. protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
- G Conducted Energy Weapon - TASER or stun guns (energy weapons) that disrupt the central nervous system of the body.

IV. PROCEDURE

In determining the appropriate level of force, officer actions shall be in compliance with *Graham v. Connor*. The following *Graham* factors will be considered:

- How serious was the offense the officer suspected at the time the force was used?
- What was the physical threat to the officer or others?
- Was the subject actively resisting?
- Was the subject attempting to evade arrest by flight?

A Force Options: Officers have several force options that will be dictated by the actions of the suspect upon the appearance of the police officer. Officers may be limited in their options due to the circumstances and actions of the subject. For example, an officer who immediately observes a subject with a firearm unjustifiably threatening another may immediately respond with deadly force without considering other force options. Officer options include:

1. Command Presence: Visual appearance of officer where it is obvious to the subject due to the officer's uniform or identification that the officer has the authority of law.
2. Verbal Commands: Words spoken by the officer directing the subject as to the officer's expectations.
3. Soft Empty Hand Control: Officer's use of hands on the subject to direct the subject's movement; Techniques that have a low potential of injury to the subject.
4. Chemical Spray and/or Conducted Energy Weapon: Where subject exhibits some level of active resistance/active aggression, officers may use chemical spray and/or CEW to temporary incapacitate the subject.
5. Hard Hand Control: Punches and other physical strikes, including knees, kicks and elbow strikes that have the possibility of creating mental stunning and/or motor dysfunction. The use of "Neck Restraint" techniques are not authorized by the Agency, unless a situation where the use of deadly force is justified.
6. Impact Weapons: Batons, ASP/Expandable Baton may be utilized in cases where the officers believe the use of these weapons would be reasonable to bring the event under control. Examples would be where other options have been utilized and failed or where based on the officer's perception at the time, the other options would not be successful in bringing the event to a successful conclusion.
7. Deadly Force: Force that is likely to cause serious bodily harm or death.

B Deadly Force: The use of deadly force is objectively reasonable when:

1. The officer is faced with an imminent threat of serious bodily harm or death to himself/herself, or some other person who is present, or;
2. To prevent the escape of an individual in cases where the officer has probable cause to believe that the subject has committed a violent felony involving the infliction or threatened infliction of serious bodily harm or death and by the subject's escape may pose an imminent threat of serious bodily harm or death to another.

Officers should warn the subject prior to using deadly force where feasible.

Once the subject's active resistance has ceased and control has been gained an officer is no longer authorized to use force.

Officers should immediately request emergency medical units to respond to evaluate the suspect(s) after any response to resistance if the suspect has complaints of injury or if there is apparent visible injury. This is to ensure proper medical care is provided and made available. If there is no complaint of injury or visible injury, the officer should still request if the suspect(s) would like medical attention to ensure the safety and protection of the person(s).

C Discharge of Firearms Restrictions:

1. Warning Shots are prohibited
2. Discharge of firearms is prohibited when the officer is presented with an unreasonable risk to innocent third parties.
3. When a moving vehicle is involved, use of deadly force by discharging a firearm is dangerous, can be ineffective, and should not occur when there is an unreasonable risk to the safety of persons other than the suspect. Whenever possible, officers should avoid placing themselves in a position where the use of deadly force is the only alternative.
4. Even when deadly force is justified, firearms shall not be discharged at a vehicle unless:
 - a) The officer has a reasonable belief that an occupant of the vehicle poses an imminent threat of death or serious physical injury to the officer or another person, or
 - b) The officer has a reasonable belief that an occupant is using the vehicle in a manner that poses an imminent threat of death or serious physical injury to the officer or another person, and there is no avenue of escape.

D Non-Deadly Weapons/Tactics: Prior to deployment of any non-deadly weapon, officers must be trained and certified in the proper use of the weapon from both the technical and legal aspects. All deployments must be consistent with agency response to resistance training and policy, relevant statutes, and case law.

1. Chemical Spray
 - a) Chemical Spray shall not be deployed as a compliance technique for a person who is passively or verbally non-compliant. Active resistance/active aggression shall be required.
 - b) Chemical Spray shall never be used as a punitive measure.
 - c) Officers should never spray from a pressurized can directly into a subject's eyes from a close distance due to the potential for eye injury as a result of the pressurized stream.

d) Officers shall consider alternatives to chemical spray when attempting to control a subject in a crowded or enclosed area due to over-spray which may cause the onset of panic.

e) Officers shall consider alternatives to chemical spray when the event is inside a building, particularly where the building has a closed-ventilation system due to the potential impact on innocent persons who may have to be evacuated (temporarily) from the locations.

f) Once control is gained, officers shall make arrangements for emergency medical response and render first-aid at the degree for which they are trained.

2. Conducted Energy Weapons (CEW)

Conducted Energy Weapons not a substitute for deadly force. They are employed as a non-deadly alternative and may be used under the following circumstances:

a) When a suspect signals or provides a clear indication that he intends to physically resist arrest or when suspect is an imminent threat to himself or others;

b) Other means of lesser or equal force have been ineffective and a threat still exists to the officer(s) and others or;

c) Due to the severity of the crime, there is an immediate need to apprehend the suspect because he poses an immediate and/or continual threat to the safety of officers or others.

3. Impact Weapons: Batons, ASP/Expandable Baton

Impact weapons may be utilized in cases where the officers believe the use of these weapons would be reasonable to bring the event under control.

Examples would be where other options have been utilized and failed or where based on the officer's perception at the time, the other options would not be successful in bringing the event to a successful conclusion.

Officers shall not intentionally strike a person in the head with an impact weapon unless deadly force would be justified.

2. Canine use: Use of a police canine will be documented on an incident report to capture any form of use whether there is contact with a subject or not.
3. Choke holds: The use of choke holds intended to restrict airflow/breathing are prohibited, except in situations where the use of deadly force is justified.
4. An incident report shall be completed on all incidents involving the active resistance of any subject.
5. Duty to Intervene: It shall be the duty of every employee present at any scene where physical force is being applied to either stop, or attempt to stop,

another employee when force is being inappropriately applied or is no longer required. All employees shall be protected from retaliatory actions regarding intervention and such actions shall be strictly prohibited.

6. Excessive use of force is prohibited against individuals engaged in non-violent civil rights demonstrations. Additionally, officers are prohibited from physically barring entrance to or exit from a facility or location which is the subject of a non-violent civil rights demonstration, pending no violations of federal, state, or local laws have occurred. It is also the policy of this agency, and its law enforcement officers to enforce all State and local laws against individuals physically barring entrance to or exit from a facility or location, which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

**STANDARD OPERATING PROCEDURE
EFFECTIVE: 01/19/2010**

S.O.P. 11-3 REPORTING REQUIREMENTS FOR USE OF NON-DEADLY FORCE/ INTERNAL PROCEDURES

I. INTRODUCTION

This procedure is intended to apply to the reporting requirements dealing with the use of force to overcoming resistance to arrest or defense against physical assault. This procedure shall supplement procedures for use of deadly force. (See S.O.P. 16-10 Use of Chemical Weapons, Oleoresin Capsicum (OC Spray) and S.O.P 16-16 Use of Conducted Energy Weapons (CEW)

Use of deadly force in which no injury occurs and/or no property damage occurs will still be investigated as in this section.

II. REPORTING REQUIREMENTS

- A. An employee will immediately report a response to resistance to the employee's on-duty supervisor or Patrol Supervisor. Reporting procedures are applicable to on-duty, off-duty, and extra duty related response to resistance actions taken under color of law. The employee, and the employee's supervisor, will follow the procedures outlined in this SOP, and complete a written report using the Response to Resistance Form, located in the Appendices of the department SOP, whenever he or she:
1. Intentionally discharges a firearm, deploys a K-9, swings a baton, discharges a Taser, deploys a chemical agent, impact device, or any other use of other objects or weapons directed at, or upon another person, for any reason, other than for training purposes.
 2. Takes an action that results in or is alleged to have resulted in injury or death of another person.
 3. Applies force using lethal or non-deadly weapons.
 4. Applies weaponless physical force beyond normal handcuffing techniques where any effort is made by the officer that is likely to or alleged to cause any physical harm to the individual.
 5. Deliberately using a vehicle or other object in such a way that could reasonably cause bodily injury. This use of force may include any intentional contact in a vehicle pursuit, the use of the precision immobilization technique (PIT) maneuver, or roadblocks to stop a fleeing suspect's vehicle.
- B. All officer(s) involved, and/or an officer-witness, to a response to resistance incident will:
1. Determine the physical condition of any injured person and render first aid when appropriate. If the subject is not resisting, ensure that the subject is not placed in a position where he or she could asphyxiate due to positional asphyxia while restrained.

2. Any sworn employee, regardless of rank, seniority or position within the department, who witnesses another employee or public safety associate (i.e. employee of another agency), acting in their official capacity, use force that is clearly beyond that which is objectively reasonable force under the circumstances shall, when able, safely and immediately intervene to prevent and/or discontinue use of such force. The employee shall then immediately report the incident to a supervisor.
 3. Any employee, regardless of rank, seniority or position within the department, who observes or becomes aware of another employee's or public safety associate's (i.e. employee of another agency), violation of departmental policy, state/provincial or federal law, or local ordinance, under the circumstances shall, when able, safely and immediately intervene to prevent and/or discontinue such violation. The officer shall then immediately report the incident to a supervisor.
 4. Notify the Fulton County Communications Center of the incident and location.
 5. Request that emergency medical assistance (Fairburn Fire Department) respond to evaluate the subject regardless of any complaint of injury. Continually monitor the subject for signs of distress or excited delirium.
 6. Request a supervisor respond to the scene.
 7. Remain at the scene, unless seriously injured, until the arrival of appropriate supervisory personnel.
 8. Remove himself or herself from the scene if the circumstances are such that the continued presence at the scene might cause a more hazardous situation to develop (i.e. a violent crowd). The supervisor shall have the discretion to instruct that officer to go to another more appropriate location. Officers involved in a response to resistance should not transport the suspect involved in the response to resistance to the jail if staffing allows.
 9. Holster and protect his or her firearm as evidence for examination and submit said weapon to the appropriate investigator, or first responding supervisor, if a firearm was used during the incident. The taking of the firearm should not be accomplished to embarrass the officer in public. The officer should be issued a replacement firearm unless circumstances indicate otherwise. Refrain from discussing the response to resistance incident with anyone except:
 - i. Direct supervisory personnel (i.e. your chain of command)
 - ii. The investigative authority (i.e. GBI)
 - iii. Assigned Internal Affairs investigator
 - iv. District Attorney, Assistant District Attorney, or
 - v. His or her attorney, or the City Attorney.
- C. The responding supervisor's responsibility in a response to resistance incident include, but are not limited to:
1. Proceeding immediately to the scene.
 2. Determine the physical condition of any injured person, and/or officer, render first aid, and summon medical assistance.

3. Secure the scene, preserve short-lived evidence, and have all witnesses remain on scene.
 4. Ensure that pictures, or clear video, are taken of the officer's body, and the suspect's body. Emphasis will be placed on pictures that show injury to the officer, or suspect. Pictures using the feature on the officer's body camera will be sufficient.
 5. Conduct a preliminary field investigation.
 6. Render command assistance to the assigned investigators if any.
 7. Assist the involved employee(s).
 8. If possible, with current staffing, ensure that the officer(s) involved in the response to resistance have no further contact with the suspect.
 9. Determine if the employee should submit to drug testing in accordance with City Policy. If the employee or the suspect is seriously injured, or a death occurs during the Response to Resistance, the employee must be drug tested.
 10. Ensure that all appropriate supervising officers and the Chief of Police are notified of the incident.
- D. The act of removing a weapon (i.e. firearm, baton, K-9, ECD, or any other weapon), and displaying the weapon to a subject is not considered a "response to resistance" for the reporting requirements in this SOP. However, the reason and the nature of the display of any weapon will be documented in a report related to the incident.
- E. All response to resistance reports should be completed by the end of the employee's tour of duty under the following considerations:
1. The Patrol Supervisor, or investigating authority, may grant up to three calendar days to allow the officer to properly document the response to resistance.
 2. The report of the response to resistance will include:
 - i. A supplemental report using the Response to Resistance form.
 - ii. A supplemental report by the supervisor outlining actions taken on scene.
 - iii. Video/audio recorded statements from all witnesses.
 - iv. All pictures and videos taken during the investigation.
- F. Administrative Review:
1. The Review Board consisting of the department's subject matter experts on the type of force used will be responsible for conducting the administrative review of the incident. There will be no other supervisory review before the administrative review is completed. The administrative review will contain an analysis of:
 - i. Whether the action was within departmental rules, policy, and procedure.
 - ii. Whether the relevant policy was understandable and effective to cover the situation.
 - iii. Whether the annual training is adequate; and if remedial training may be necessary.

- iv. Whether any further administrative action is required, including, but not limited to, remedial training, or a policy review.
2. The Review Board will utilize the Response to Resistance workflow form. Upon completion, the packet will be forwarded to the Deputy Chief of Police for secondary review, before final submission to the Chief of Police.
3. Should any action, such as remedial training, or policy review be recommended, the Training Coordinator will develop a plan, after receiving the completed response to resistance administrative review. The remedial training or action plan will be approved by the Chief of Police and will be documented.
4. Should any disciplinary action be recommended by the Review Board in accordance with the department's Disciplinary Guide, the respective Supervisor will complete the recommended documentation after receiving the completed and approved response to resistance administrative review. All recommended disciplinary action must be approved by the Chief of Police.
5. The Chief of Police or his/her designee is responsible for advising the employees involved in a response to resistance incident as to the disposition of the incident's investigation. All response to resistance incidents will be archived and maintained in accordance with state retention records.
6. On an annual basis, the Deputy Chief of Police will provide a documented analysis to the Chief of Police on:
 - i. The department's response to resistance activities, policies and practices. The analysis should identify the date of incidents, types of encounters resulting in a response to resistance, trends or patterns related to race, age and gender of subjects involved, trends or patterns related to the officer's rank and gender, trends or patterns resulting in injury to any person including employees, and impact of findings on policies, practices, equipment, and training.
 - ii. A review of all assaults on law enforcement officers to determine trends or patterns, with recommendations to enhance officer safety, revise policy, or address training issues.

**STANDARD OPERATING PROCEDURE
EFFECTIVE: 05/19/2008**

S.O.P. 11-4 INVESTIGATION OF OFFICER INVOLVED IN DEADLY FORCE INCIDENTS

I. INTRODUCTION

This procedure establishes responsibilities and duties concerning the investigation into the use of deadly force incidents, in which injury occurs. This includes, but is not limited to, the use of firearms. The investigative procedures used, coupled with the subsequent adjudication process, are the most important elements in maintaining the confidence of the public and employees if the actions of an officer are in question.

II. RESPONSIBILITIES AND DUTIES OF INVOLVED OFFICER

- A When deadly force is used and results in an injury, upon first opportunity after the scene is secured, the officer shall immediately:
 - 1. When a firearm is involved, holster the weapon, without unloading, or reloading it;
 - 2. Determine the physical condition of any injured person and render first aid;
 - 3. Request emergency medical aid;
 - 4. Notify the Communications Center of the incident and location; and
 - 5. Detain all witnesses.
- B Unless injured, the officer will remain at the scene until the arrival of the appropriate investigators. However, if the circumstances are such that the continued presence of the officer at the scene might cause a more hazardous situation to develop (e.g., violent crowd), the ranking commanding officer at the scene shall have the authority to instruct the officer to move to another, more appropriate location.
- C The officer shall protect his/her weapon for examination and submit it to the appropriate investigator.
- D The officer shall prepare a detailed report of the incident when appropriate.
- E The officer shall not discuss the case with anyone except:
 - 1. Supervisory and assigned investigative personnel;
 - 2. The assigned District Attorney;
 - 3. His/her attorney; and/or
 - 4. Mental health professional.

III. UNIFORMED PATROL SUPERVISOR

The Uniformed Patrol Supervisor shall:

- A Proceed immediately to the scene;
- B Ensure that the scene is secure;
- C Conduct a preliminary field investigation;
- D Render command assistance to the assigned investigator(s);
- E Assist the involved officer(s); and
- F Provide a detailed briefing to the Chief of Police or his/her designee.

IV. INVESTIGATIVE RESPONSIBILITY

- A Investigations of deadly force incidents in which injury or death occur will be directed by the Criminal Investigation Division;
- B All required written reports will be submitted without delay to the Chief of Police;
- C The Chief of Police is responsible for notifying the City Administrator authority of the incident;
- D Upon approval of the Chief of Police, any comments given to the news media will be limited to the basic facts of the incident without speculation or expression of opinion.

V. TREATMENT OF OFFICER

- A In every instance in which an officer uses any force, where such use results in death or serious bodily injury to another person, the officer will be immediately relieved of normal duty pending an administrative review.
- B The officer shall be available at all times for official interviews and statements regarding the case and shall be subject to recall to normal duty at any time after the preliminary investigation.
- C Assignment to a "relieved of normal duty" status shall be non-disciplinary, with no loss of pay or benefits.
- D Relief from normal duty (the officer may be assigned administrative duties) serves two purposes:
 - 1. To address the personal and emotional needs of an officer involved in the use of deadly force in which injury or death occurs; and
 - 2. To assure the community that all the facts surrounding such incidents are fully and professionally explored and verified.
- E If the preliminary investigation discloses a question about the officer's actions in the incident, then the appropriate guidelines regarding the rights of the accused will be followed.

**STANDARD OPERATING PROCEDURE
EFFECTIVE: 05/19/2008**

S.O.P. 11-5 CRITICAL INCIDENTS / POST CRITICAL INCIDENTS

The following are strategies for dealing with stress inherent in critical incidents involving officers.

I. PURPOSE

- A Provide administrators, supervisors and fellow officers with methods to facilitate understanding and recognition of the psychological dynamics of critical incident trauma.
- B Establish guidelines that have been field tested and found to address both the personal and emotional needs of the officer and to assure the community that all the facts surrounding the incident are being fully explored and verified.
- C Address officer and community concerns.

II. PROCEDURES

- A If not injured, the officer will complete all of the procedures to safeguard evidence at the scene and complete proper reports required to document the facts of the incident.
- B The designated Internal Affairs or Criminal Investigation Officer shall investigate all incidents in which an officer's actions precipitated the incident resulting in critical injury or death.
- C The officer involved shall be placed on either mandatory administrative leave with pay or in-house administrative duty by the Chief of Police immediately following the incident.
- D The Chief of Police will determine the appropriateness, and the duration of extended mandatory administrative leave based upon the findings of the preliminary criminal investigation and the recommendation of the mental health professional regarding the officer's readiness for field assignment.
- E When faced with a catastrophic life event or major change, an officer may experience great difficulty in appropriately dealing with his/her feelings and emotions. Some of the signs of an officer's inability to deal appropriately with a traumatic incident are:
 - 1. Continuation and intensification of post-incident symptoms such as:
 - a) Heightened sense of danger/vulnerability;
 - b) Fear and anxiety about future encounters;
 - c) Anger/rage;

- d) Nightmares;
- e) Flashbacks/intrusive thoughts of the incident;
- f) Sleep difficulties;
- g) Depression;
- h) Guilt;
- i) Emotional numbing;
- j) Isolation and emotional withdrawal;
- k) Stress reactions (e.g., headaches, indigestion, muscle aches, diarrhea/constipation);
- l) Anxiety reactions (e.g., difficulty concentrating, excessive worry, irritability, nervousness); and
- m) Family problems

- 2. Excessive stress and anxiety reactions;
- 3. Continual obsession with the incident;
- 4. Increased absenteeism, burnout/drop in productivity;
- 5. Increase in anger and irritability;
- 6. Under reaction to danger;
- 7. Unnecessary risk taking;
- 8. Increase in family problems; and/or
- 9. Alcohol/drug abuse.

F The following guidelines have been found to alleviate much of the stress associated with the aftermath of a shooting. To enable the officer to feel supported and to reduce the amount of overall trauma, these guidelines have been approved by the International Association of Chiefs of Police (IACP) Police Psychological Services Section:

- 1. At the scene, show concern and understanding and ensure that first aid is administered.
- 2. After obtaining on-scene information, provide a psychological break by getting the officer some distance from the scene. The officer should be with a supportive friend or supervisor and return to the scene only if reasonable.
- 3. With some officers it is important to explain what administrative procedures will occur during the next few hours and over the next day. This will help the officer realize that the handling of the investigation of the incident is standard

operating procedure.

4. If the incident involves the officer's service weapon, it is to be taken (as evidence) and replaced with another weapon as soon as possible, if feasible.
5. Before undergoing a detailed interview, the officer should have some recovery time in a secure setting where he/she is insulated from the press and curious officers.
6. If the officer is not injured, the officer or Agency should contact the family (via phone call or personal visit) and let them know what happened before they hear rumors and receive phone calls from others. If the officer is injured, an Agency member familiar with the family should offer to transport the family to the hospital.
7. For the officer(s) who fired a weapon, there should be a mandatory (to defuse stigma), confidential (trauma) debriefing with a knowledgeable mental health professional prior to returning to duty. The debriefing should take place as soon after the shooting as is practical, ideally within twenty-four (24) hours and no later than forty – eight (48) hours. Fitness to return to duty and/or any need for follow-up sessions should be determined by the mental health professional.
8. Everyone at the scene, including the dispatcher, should have a separate debriefing. During this debriefing it should be noted that anyone at the scene could experience a significant emotional reaction and should consult with the mental health professional within forty – eight (48) hours. Follow-up sessions for other personnel may also be appropriate.
9. The opportunity for family counseling (spouse, children, significant other) may also be made available.
10. An administrator or supervisor should brief the rest of the Agency, or shift, about the incident. This should prevent the officer from being inundated with questions and it should hold rumors in check.
11. Expedite the completion of administrative and criminal investigations and advise the officer of the outcomes.
12. The officer, upon being placed on administrative leave, will automatically be assigned to the appropriate ranking officer for the duration of his/her administrative leave. During this time, the officer shall maintain regular contact with this ranking officer.