
ADMINISTRATIVE DIRECTIVE – 108.004
USE OF FORCE/RESPONSE TO RESISTANCE INCIDENT RESPONSE

EFFECTIVE DATE: January 25, 1985
AFFECTS: All Personnel

REVISION DATE: June 8, 2020

I. PURPOSE

This directive outlines the actions and procedures to be followed in the investigation and documentation of certain use of force/response to resistance incidents.

II. POLICY

In order to protect the department and its employees, certain types of incidents involving the use of force, death, and bodily injury need to be handled as thoroughly and expeditiously as possible.

The integrity of the police department is never so critiqued as following an incident involving an officer involved shooting or an incident that results in death or serious bodily injury. As such, the department recognizes the need to respond to such incidents in a professional manner and so as to maximize to the extent possible the well-being of all involved persons.

III. DEFINITIONS

A. Lethal Force

Lethal force is force that, by design or under the circumstances in which it is used, is readily capable of causing serious bodily injury or death. The phrase “deadly force” has the same meaning as lethal force.

B. Officer Involved Shootings

1. Any situation where an officer fires a weapon while in performance of their duties;
2. Any situation where an officer is fired upon by another person;
3. Accidental discharge of weapons;
4. The above apply to on or off duty situations and regardless of the jurisdiction.

C. Serious Bodily Injury – As used in this policy, serious bodily injury is defined as injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

D. Vicarious Liability – The responsibility for the actions of someone entrusted with the powers or authority to act on one's behalf.

IV. PROCEDURES:

A. Involved Employee(s)

1. As soon as possible, the employee shall:
 - a. Determine the physical condition of an injured person and render first aid when appropriate;
 - b. Request necessary medical aid;
 - c. Notify Dispatch of the incident and location and request that a supervisor respond.
2. The employee shall remain at the scene, unless injured, until the arrival of an on-duty supervisor. The on-scene supervisor shall have the discretion to instruct the employee to respond to another more appropriate location.
3. The involved employee, upon arriving at the location designated by the on-scene supervisor or investigator, should be taken to a limited access area. The employee shall not discuss the case with anyone, except:
 - a. Supervisory personnel,

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- b. Assigned investigators,
 - c. Employee's personal attorney or representative,
 - d. Clergy, or
 - e. Licensed Mental Health Provider.
4. If a weapon discharge was involved, the employee shall protect his weapon for examination and submit the weapon to the appropriate department investigator or Crime Scene Unit personnel. Every firearm in the employee's possession at the time of the employee's involvement in the shooting will be impounded for the purpose of mechanical and ballistics examination. A replacement from stock will be issued until the employee's weapon is returned. All officers present at the time of the shooting will have their weapons and magazines inspected and, if necessary, have their weapons impounded for ballistic examination.
 5. An employee involved in any incident which results in: 1) the discharge of their firearm at another person, 2) death, 3) possible death, or 4) serious bodily injury to another person, may be requested, as part of the criminal investigation, to submit to an immediate blood and/or urinalysis test by Criminal Investigative Services Division personnel. If the employee refuses the Criminal Investigative Services Division request, Professional Standards personnel shall require the employee to submit to the test(s), as part of the Administrative Investigation.
 6. Photographs of the involved employee shall be taken, if possible, in the standard uniform or attire in which the employee was dressed when the incident occurred.
 7. The employee's immediate supervisor shall, as soon as possible, ensure the Use of Force report is submitted as prescribed in Administrative Directive 112.008.
 8. The employee shall be available at all times for administrative investigation and other administrative interviews and statements regarding the case and shall remain subject to recall to duty at any reasonable time, after reasonable notice.
 9. Any statement (written or oral) requested of the officer shall be subject to a Garrity Warning if it is part of the Administrative Investigation. (Refer to 108.003).
- B. Line-of-Duty Deaths/Injuries
1. Personnel, whose actions or use of force/response to resistance result in the death or serious physical injury of another person, will be removed from line-of-duty assignment pending administrative review of the incident.
 - a. The reassignment shall not be construed as a disciplinary action, but rather an administrative action for permitting an objective investigation into the matter under a more controlled atmosphere.
 - b. The involved employee must be cleared by a licensed medical health professional. If the employee is not psychologically cleared for duty, the Chief will:
 - (1) reassign the employee to an alternative assignment
 - (2) place the employee on temporary light duty or
 - (3) place the employee on administrative leave
 - c. Reinstatement to regular duty of any employee requires the affirmative recommendation of a licensed mental health professional.
- C. Duties of On-duty Watch Commander/Supervisor

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1. Proceed immediately to the scene to ensure:
 - a. The scene is protected,
 - b. Any involved weapon (including the weapon of the officer) is secured for CAPERS investigators or Crime Scene Unit personnel, and
 - (1) The weapon should not be unloaded or handled in any manner.
 - (2) Securing the weapon may take the form of having the involved officer retain the weapon holstered until the CAPERS investigator or Crime Scene Unit personnel is prepared to take possession of it.
 - c. Assistance is provided to the involved employee.
2. Ensure the following individuals have been notified:
 - a. Crime Scene Unit Manager
 - b. Persons Crimes Lieutenant
 - c. CAPERS Sergeant
 - d. Professional Standards Sergeant
 - e. Support Services Division Commander
 - f. Officer's Division Commander
 - g. Assistant Chief of Police
 - h. Chief of Police
 - i. Any necessary or appropriate investigative support personnel
3. Assign officers to remove and restrict unauthorized personnel from the scene.
4. Ensure that involved employees and witnesses are separated and instruct them not to discuss the incident prior to the arrival of detectives.
5. Assign an officer to record the names and badge numbers of all employees at the scene, including all additional employees arriving to assist in securing the scene, investigate the incident, or provide support for involved personnel. A single entry point into the restricted area should be established, if possible, and a log will be made of those employees who enter the restricted areas.
6. Ensure that an inventory including the brand, model, caliber, and serial number of all weapons (including back-ups) of the shooting and non-shooting officer(s) is completed.
7. Stay at the scene until the scene is secured and all physical evidence is collected and all personnel are removed or relieved.
8. Upon the arrival of the officer or supervisor in charge of the investigation, the Patrol supervisors will respond to the needs of the investigating officer or supervisor by continuing to secure the incident scene and keep any unauthorized persons out.
9. In the case of death or serious bodily injuries:
 - a. The employee(s) involved shall be placed on administrative leave with full pay and benefits pending the results of the post incident investigation;
 - b. Arrange as soon as possible for peer support or other counseling.

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- c. The chaplain on call will be notified and will be responsible for contacting the next of kin;
 - 10. Ensure all evidence, **ESPECIALLY WEAPONS**, are left in place, if possible. There may be reasons to remove a weapon or other evidence, such as safety (hostile crowd), or to protect it from destruction/loss (weather). There is no reason to clean or unload a weapon, handle it in such a way that fingerprints are lost, or have multiple officers touch it.
 - 11. Establish a location manned by a Public Information Officer away from the immediate crime scene for the press.
- D. Duties of Employees Not Involved in the Incident
- 1. Employees not involved in the incident will not go to the scene unless dispatched or requested by an on-scene supervisor. Employees who do respond will not leave the scene without notifying the assigned supervisor of their name and badge number. All employees responding to the crime scene should be prepared to compile a detailed supplement.
 - 2. Only personnel necessary to conduct the criminal or administrative investigations, secure the scene, and the involved officer's chain of command should respond to the scene.
 - 3. All officers at the scene of the incident will refrain from making evaluative or judgmental comments about the employee's actions or justifications to or around members of the public or press.
 - 4. All employees and supervisors at the scene, if deemed necessary by the investigative supervisor, will be available for debriefing interviews and prepare supplements prior to the end of their tour of duty.
 - 5. All evidence, **ESPECIALLY WEAPONS**, should be left in place. There may be reasons to remove a weapon or other evidence, such as safety (hostile crowd), or to protect it from destruction/loss (weather). There is no reason to clean or unload a weapon, handle it in such a way that fingerprints are lost, or have multiple officers handle it.
- E. Duties of the Criminal Investigative Services Division
- 1. The Crimes Against Persons Section will conduct a criminal investigation when;
 - a. Any Plano police employee is seriously injured or killed in the performance of police-related duties;
 - b. Any person is injured or killed as a result of a Plano police employee discharging a firearm, acting in the performance of police-related duties or within the scope of employment as a Plano police employee while on or off duty;
 - c. Any person is seriously injured or killed as a result of the use of any physical force used by a Plano police employee while on or off duty;
 - d. Any person is seriously injured or dies while in the custody of Plano police employees;
 - e. Any time an officer intentionally discharges their firearm;
 - f. Any time an employee is fired upon, but is not injured; and
 - g. Under other circumstances as directed by the Chief of Police or Assistant Chief of Police.
 - 2. The investigation will be conducted in accordance with the procedures outlined in the Criminal Investigative Services Division SOP manual.

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The Traffic Unit will conduct a criminal investigation when in the City of Plano any person is seriously injured or killed as a result of a motor vehicle accident involving a Plano police employee.

3. Officers shall have all of the rights of any citizen under investigation, including but not limited to the right to counsel.

F. Duties of Professional Standards

1. Professional Standards shall be responsible for conducting administrative investigation of every incident defined in this policy. Professional Standards may request assistance from whatever source is deemed appropriate in completing the investigation. The investigation shall determine whether the conduct was consistent with Department policy and procedure.
2. The administrative investigation will be subordinate to any criminal investigation in progress. Administrative investigators will have access to all evidence obtained through the criminal investigation, but criminal investigators will not have access to evidence obtained through the administrative investigation.

G. Duties of the Legal Advisor

1. The Legal Advisor shall complete and submit the form provided by the Attorney General's Office detailing all incidents involving a law enforcement officer involved injury or death caused by the discharge of a firearm not later than thirty (30) days after the incident.

H. Required Training

1. All potentially impacted members will receive awareness level training regarding such incidents and follow-up training as needed.
2. All members that may be responsible for managing use of force incidents or other law enforcement actions that result in death or serious bodily injury will receive process training for managing such incidents.

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ATTACHMENT A

POSSIBLE LEGAL PROCESS FOLLOWING SERIOUS INJURY OR DEATH AT THE HAND OF A POLICE EMPLOYEE

