

COVINGTON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE

Subject: POLICE RESPONSE TO AGGRESSION / RESISTANCE

Date of Issue: 01-01-1999

Number of Pages: 3

Policy No. P040

Review Date: 06-01-2007

Distribution: Departmental

Revision Date: 01-13-2016

I. Purpose

To establish guidelines for the response to aggression/resistance by police personnel.

II. Statement of Policy

It shall be the policy of the Covington Police Department that police employees shall use that force that is objectively reasonable based upon the totality of the circumstances to effectively bring an incident under control, while protecting the life of the employee or others. *Graham v. Connor*, 490 U.S. 386 (1989).

III. Definitions

DEADLY FORCE – that action or force which is likely to cause death or serious physical injury.

REASONABLE BELIEF – the facts or circumstances the employee knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

SERIOUS PHYSICAL INJURY – a bodily 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.

IV. Procedures

- A. Police personnel shall not strike or use physical force on any person to the extent that injuries are inflicted except when necessary in self defense, in the defense of another, to overcome actual physical resistance to arrest, to prevent escape, or to affect any lawful seizure. In any event, police personnel may use that force that which is objectively reasonable based upon the totality of the circumstances.
- B. The “reasonableness” of a particular use of force must be judged from the perspective of a reasonable officer on the scene at the moment force was used, rather than with the 20/20 vision of hindsight.
- C. Deadly force may be used only when an employee reasonably believes that a 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 physical injury; when the employee reasonably believes that the suspect poses an immediate threat of physical violence to the employee or others; or to effect the arrest of a suspect whom the employee has probable cause to believe has committed a crime involving the infliction or threatened infliction of serious physical injury if the employee reasonably believes that the suspect's escape would create a continuing danger of serious physical injury to any person..

- D. The use of deadly force against a "fleeing felon" is not justified, unless it is in defense of human life as described above.
- E. Warning shots are not authorized for use by employees of this department.
- F. Firearms will not be used from or at moving vehicles, unless the situation warrants the use of deadly force.
- G. This policy also applies to any use of nonlethal force by weapons such as the baton or flashlight and weaponless physical force.
- H. All personnel will be issued copies of and instructed in this policy by a certified instructor before being authorized to carry a firearm, TASER, ASP Baton, or Oleoresin Capsicum Spray. Employees will receive in-service training at least bi-annually on resistance management.
- I. All training in the area of force shall be taught only by certified instructors and training proficiency will be documented.
- J. Any employee, through the use of deadly or non-deadly force, shall seek medical attention for injured parties as soon as reasonably possible.

V. Notification and Police Response to Aggression/Resistance Report Required

- A. Any police employee who takes an action or use of force that causes a death or injury to another or that is alleged to have caused a death or injury to another shall immediately notify his or her supervisor and shall submit a "Police Response to Aggression/Resistance Report" to his/her supervisor describing the circumstances of the incident before the end of the shift.
- B. Any employee who applies force through the use of non-lethal weapons or physical force shall immediately notify his/her supervisor and submit a "Police Response to Aggression/Resistance Report" within twenty-four (24) hours of the incident.
- C. All Police Response to Aggression/Resistance Reports are to be read and signed by the Watch Commander or other supervisor. Should a complaint arise against an employee regarding the police response to aggression/resistance, the Watch Commander will review the report with the complainant and with the employee to determine if disciplinary action should be taken. Should it be necessary to gather more information, the watch commander may request an investigation by the Internal Affairs Officer. A written report of the incident, the complaint and a record of the Watch Commander's review are to be delivered to the Assistant Chief of Police as soon as the investigation is completed. All Police Response to Aggression/Resistance Reports will be maintained by the Captain in the Patrol Division or his designee.

- D. Whenever an employee takes an action that results in the death of another person, an investigation of the incident shall be made by the Captain of Investigations. The captain will submit written reports to the Chief of Police and the employee's Watch Commander no later than two days after the incident. The report will include the status of the investigation.
- E. The Chief of Police may, at his discretion, request that the Georgia Bureau of Investigation or other outside agency conduct the investigation or conduct a parallel investigation to ensure that the impartiality of the investigation is maintained.
- F. All Police Response to Aggression/Resistance reports shall be reviewed annually by the Patrol Division Captain or his designee and the Accreditation Manager. The Patrol Division Captain or his designee will analyze information about all incidents and will then make a report to the Chief of Police outlining information found. This information will assist the Training Unit in making decisions for future training needs in the area of police response to aggression/resistance.

VI. Non-Disciplinary Relief from Duty

- A. Whenever an employee's actions or police response to aggression/resistance results in a death or serious physical injury, he/she will be removed from line of duty assignment pending a review by the Internal Affairs Officer. The employee will be notified in writing.
- B. Removal from line of duty will be non-disciplinary with no loss of pay or benefits.
- C. Relief from duty serves two purposes:
 - 1. To address the personal and emotional needs of the employee involved in the fatal police response to aggression/resistance.
 - 2. To assure the community that the incident is being fully and professionally investigated.
- D. Employees so relieved shall remain on a "relieved of duty" status until ordered to return to work by the Chief of Police.

This SOP supersedes any SOP previously issued.

BY ORDER OF THE CHIEF OF POLICE:

Stacey L. Cotton

Stacey L. Cotton
Chief of Police