



## GENERAL ORDER

### RESPONSE TO RESISTANCE

Implementation Date: October 15, 1987

Revokes: None

### GENERAL ORDER - 3

#### 3.1 INTRODUCTION

This Directive is for Department use only and should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this Directive will only form the basis for Department administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial forum.

The value of human life is immeasurable in our society. Police officers have been delegated the responsibility to protect life and property and apprehend criminal offenders. The apprehension of criminal offenders and the protection of property must at all times be subservient to the protection of life. The officer's responsibility for protecting life must include his own.

All officers shall be issued a copy of this Order and be instructed in Department policies regarding the response to resistance, use of deadly force, and qualifying with their firearm, in accordance with General Order 3C, prior to being authorized to carry a firearm.

#### 3.2 DEFINITIONS

See General Order 3D.

#### 3.3 POLICY/PROCEDURE

- A.** Pursuant to F.S. 776.05, a law enforcement officer, or any person that the officer has summoned or directed to assist him/her, need not retreat or desist from efforts to make a lawful arrest because of resistance, or threatened resistance, to the arrest. The officer is justified in the use of any force, which he/she reasonably believes to be necessary to defend himself/herself or another from bodily harm while making the arrest.

**NOTE:** The officer's goal is to achieve compliance and control. Once compliance is gained any response to resistance technique being utilized shall cease or be deescalated to the least amount of force required to maintain control of the subject or the scene. If prone, the detained subject should be moved into the rescue position, assessed for injury, and aid rendered if necessary. Any officer present has a duty to intervene if the officer(s) overcoming resistance does not cease the technique being utilized or deescalate once the subject complies and is no longer a threat. Officers have a duty to report any excessive, unnecessary, or gratuitous application of force to a supervisor.

- B. Whenever an officer determines that it is necessary to overcome resistance to his/her lawful duties, only objectively reasonable force shall be utilized to accomplish the lawful objective.
- C. An officer may use a less than lethal response to the extent necessary to overcome resistance, affect an arrest, prevent escape, or protect themselves or others from physical harm.
- D. Officers must recognize that although they have no requirement to desist in the face of resistance, de-escalation may be reasonable, safe, and tactically sound responses to resistance and should be used when possible.
- E. Officers must further recognize that although they have no requirement to retreat in the face of resistance, disengagement may be reasonable and a tactically sound response to resistance.

### 3.3.1. Lethal Response

- A. An officer may employ a lethal response to protect themselves or others from what he/she reasonably believes to be an immediate threat of death or serious physical injury.
- B. An officer may use a lethal response to affect a capture or prevent an escape when the officer reasonably believes that the suspect poses an imminent threat to cause death or serious physical injury to the officer or others; or to affect the apprehension of a fleeing felon where the officer reasonably believes that the felon has just committed a felony resulting in death or serious physical injury and it is likely that further serious physical injury or death are imminent if not apprehended.
  - 1. A "Fleeing Felon" should not be presumed to pose an immediate threat to life in the absence of action that would lead an officer to reasonably believe otherwise, such as previously demonstrated threat to or wanton disregard for human life. This would include a subject who, at the time of flight has actively used lethal force or who has threatened lethal force and appears willing to carry out the threat of lethal force and cannot otherwise be captured without the use of a lethal response.
- C. When feasible, some warning of the officer's intent to use a lethal response should be given.
- D. No distinction shall be made relative to age of the intended targets of a lethal response. Self-defense and imminent threat shall be the only police guidelines for employing a lethal response.
- E. An officer is not justified in using his firearm to fire a warning shot. The risk to innocent persons outweighs use of warning shots.
- F. Officers should not discharge their firearms when, at the time, it appears almost certain that an innocent person will be injured. The right to self-defense and defense of others by the officer obligates the officer to enter into certain life-threatening situations. This obligation should not extend to a sacrifice of the officer or other person because of a possibility of injuring innocent persons.

- G.** Officers should not discharge a firearm at or from a moving vehicle except as the ultimate measure of self-defense or defense of another. Officers should make every effort to NOT place themselves in a position of danger when attempting to approach or pursue a motor vehicle and should avoid a situation in which the use of a motor vehicle would pose a threat of death or serious physical injury to the officer. The officer must consider: the inability to stop a vehicle's momentum even when the target suspect is hit, the likelihood of damage or injury that might result from causing the vehicle to go out of control, and the difficulty in hitting the target.
- H.** Due to the inherent risk of causing death, serious injury, or permanent brain damage, any maneuver or tactic that prevents the flow of blood to the brain, breathing or obstructs an individual's airway is prohibited except in cases where it is reasonably necessary to prevent death or great bodily harm and lethal force would be authorized. This doesn't preclude any other techniques or actions necessary to save an officer's life.
- I.** Officers may use a lethal response against an animal for self-defense, to prevent substantial harm to another person, and/or another animal, or when the animal is so badly injured that humanity requires its relief from further suffering.
1. A seriously wounded or injured animal may be destroyed only upon supervisor approval and after all means to get immediate aid to the animal have been exhausted. The destruction of vicious and/or wild animals shall be guided by the same rules set forth for self-defense and defense and safety to others.
  2. An incident report or supplement shall be required to document the incident.

### 3.3.2 Response to Resistance Guidelines

An officer's response to resistance is a reactive action by an officer to resistance given by a subject. Since an officer can only respond as necessary to gain compliance from the subject and control of the situation, action/reaction guidelines can assist the officer in evaluating the proper response to employ.

The following response guideline is a framework for making decisions involving the reasonable response to resistance by officers. The guidelines are based on constitutional considerations and case law and describe appropriate decision-making. The guidelines consider the relationship between subject resistance and various situational factors in determining the officer's response options.

The first section is RESISTANCE LEVELS (subject's actions). The second section is RESPONSE LEVELS (officer's reaction). It is important to note that each officer's perception of the danger and the level of resistance perceived will be based upon their past training, experience, and knowledge of physical control techniques.

#### **A. Resistance Levels**

1. Psychological Intimidation- non-verbal cues indicating subject's attitude, appearance, and physical readiness.
2. Verbal Non-Compliance – verbal responses indicating unwillingness or threats.

3. Passive Physical Resistance - A subject's verbal and/or physical refusal to comply with an officer's lawful direction causing the officers to use physical techniques to establish control. Some of the examples of passive resistance include, but are not limited to, the following:
  - The subject refuses to move at the officer's lawful direction
  - The subject braces, tenses or anchors himself or herself to prevent officer's control.
  - The subject refuses to take his or her hands out of their pockets or from behind their back in situations where weapons maybe present.
4. Active Physical Resistance - A subject's use of physically evasive movements directed toward the officer, preventing the officer from establishing control, or attacking movements toward the officer that may cause injury but are not likely to cause death or great bodily harm to the officer or others. Some of the examples of active resistance include, but are not limited to, the following:
  - Pushing the officer
  - Pulling away from the officer
  - Taking a fighting stance
  - The subject balls his/her fist and approaches the officer
  - Subject grabs or strikes any part of the officer's body
5. Deadly Force Resistance – A subject's hostile attacking movements, with or without a weapon, that create a reasonable belief and/or perception by the officer that the subject intends to cause, and has the capability of causing, death or great bodily harm to the officer or others.

#### B. Response Levels

Once an officer determines that they must respond to resistance, the level of response to be used will be based on the totality of the known circumstances. Response decisions may escalate and de-escalate rapidly in relation to the perceived threat. An officer's goal is to achieve subject compliance. Once compliance is gained any response to resistance technique being utilized shall cease or be deescalated to the least amount of force required to maintain control of the subject or scene. If prone, the detained subject should be moved into the rescue position, assessed for injury, and aid rendered if necessary. Any officer present has a duty to intervene if the officer(s) overcoming resistance does not cease the technique being utilized or deescalate once the subject complies and is no longer a threat. Officers have a duty to report any excessive or unnecessary application of force to a supervisor.

1. The following are levels of response:
  - a. Officer Presence - identification of authority.
  - b. Verbal Direction – commands of direction or arrest.

- c. Soft Empty Hand Techniques – Achieving compliance using techniques that have minimal probability of causing injury.
  - d. Soft Intermediate Weapon – Achieving compliance using non-lethal weapons.
  - e. Taser – Electro Muscular Disruption Device used to override the motor and sensory system of the central nervous system.
  - f. Aerosol Subject Restraint - defensive spray containing Oleoresin Capsicum. May be used when soft empty hand control in all likelihood will fail, and hard empty hand control will lead to injury.
  - g. Hard Empty Hand Techniques – Diversion strikes (i.e., kicks, straight punches) used to gain compliance and control where soft empty hand techniques would fail.
  - h. Hard Intermediate Weapon – Achieving compliance by utilizing impact weapon strikes or blocks (ASP Baton).
  - i. Extended Range Impact Weapon – Less Lethal firearm used as a method of controlling violent or potentially violent individuals.
  - j. Lethal Response – force likely to cause death or serious injury.
2. Articulation of Facts in a response to resistance incident in accordance with the guidance provided in *Graham v. Conner*, U.S. 386 (1989) and judged based upon:
- The totality of the circumstances:
    - From the perspective of a reasonable officer
    - On the scene
    - At the moment force was used
    - Without 20/20 hindsight
    - In circumstances that are tense, uncertain and rapidly evolving.

### C. Objective Reasonableness

Objective Reasonableness is the standard for all applications of response to resistance in the United States. An officer's decision to use force shall be based upon that which includes the "Totality of the Circumstances".

Factors to consider include, but are not limited to, the following:

- Severity of the crime at issue
- Immediate threat to the officer and/or others
- Active resistance to arrest

- Evading arrest by flight
- The officer's knowledge of the subject's violent history
- The officer's size and ability in relation to the subject's size and ability
- Environmental considerations
- Availability of timely back-up

### 3.3.3 Investigating the Use of a Lethal Response (Within the City)

The following procedure will be used to investigate every incident where a firearm is discharged by a Coral Springs Police Officer, while on or off duty within the city limits, or while in "Fresh Pursuit" that originates within the city limits but ends out of city limits **except**:

- From a Less Lethal Extended Range Impact Weapon
- During a training, hunting or legitimate sporting event.
- For the destruction of a seriously injured or wild animal.

The officer shall complete an Incident Report or supplement as appropriate, and a Response to Resistance Report, as required in 3.3.6.

#### A. The Involved Officer

1. Whenever an involved officer discharges a firearm, the involved officer shall immediately:
  - a. Determine the physical condition of any injured person
  - b. Render appropriate medical aid as quickly as reasonably possible.
  - c. Notify Dispatch to send EMS.
  - d. Notify his immediate supervisor, who will in turn notify the Shift Lieutenant.
2. The involved officer shall remain at the scene (unless they are injured) until the arrival of the supervisor and the involved officer will immediately provide a public safety statement. After the public safety statement is provided to the involved officer's supervisor, arrangements will be made to have the officer moved to a car, or the command vehicle if available, where they can remain with a co-worker or union representative. If circumstances are such that the continued presence of the involved officer at the scene might cause a more hazardous situation to develop (i.e. violent crowd), the involved officer shall return to the Public Safety Building.
3. The involved officer will protect the weapon that was discharged for examination and submit all weapons in his possession to the appropriate investigator and crime scene technician for submission into property. The involved officer will then be provided with a property receipt for their weapon.

4. The involved officer shall not discuss the case with anyone except with his supervisor, internal or criminal investigative personnel, the involved officer's privately retained attorney and/or a member of the clergy.
5. The involved officer shall be available for internal investigations interviews and statements regarding the case at the completion of the criminal investigation.
6. If placed on Administrative Leave, the involved officer shall remain subject to recall for duty in accordance with GO 26.
7. The involved officer shall complete an Incident Report, supplement report, or provide a verbal statement to the Florida Department of Law Enforcement and enter a Response to Resistance Report into the Department approved software program. These items shall be completed within 72 hours.

See 3.3.6D for specific reporting requirements if death or serious bodily harm occurs.

8. Prior to completing any reports or making any statements, the involved officer may consult an attorney.

**B. The Shift Supervisor**

1. The shift supervisor will respond immediately to the scene of the incident.
2. Notify the Lieutenant.
3. Take charge of and secure the scene until investigators arrive.
4. The Patrol Sergeant on the scene will set up a checkpoint immediately outside the perimeter of the scene. The purpose of the post is to ensure that the crime scene is not disturbed any more than is absolutely necessary. Each person reporting to the scene will respond to the checkpoint but will not enter the scene unless assigned a specific task that requires it. The checkpoint will maintain a log of all personnel who enter the scene. This log will indicate the person's name, address, agency or assignment, time in, time out, and reasons for entering the scene.
5. Conduct a preliminary field investigation, to include obtaining a public safety statement from the involved officer and witness officers. The public safety statement should follow the predetermined questions from the officer involved shooting-on scene questionnaire (CSPD form 252) which is attached to the end of this general order.
6. Assist the involved officer(s) (i.e. make arrangements for loaner firearm).
  - In the event the firearm used was the involved officer's personally owned off-duty firearm, the Department will provide a comparable replacement from Department inventory, until such time that the involved officer's firearm is no longer needed for evidence.
7. If requested, see that the involved officer's private attorney is notified.

**C. The Involved Officer's Immediate Supervisor**

The officer's immediate supervisor, if not present at the scene, shall respond to the scene to:

1. Assist the involved officer as required.
2. Assist the outside agency, if requested.
3. Protect the involved officer's rights and the Department's interests.
4. Ensure Department policies are followed. ~~and~~
5. If the involved officer's immediate supervisor is involved in the incident, the above responsibilities become that of the next highest rank of the Component or Unit that is involved.

**D. The Shift Lieutenant**

Upon being notified by the Shift Supervisor of a discharge of a firearm, the Shift Lieutenant (or Shift Supervisor if no Lieutenant is on-duty) shall immediately, or as soon as possible, notify or cause to be notified the following persons:

1. The Patrol Captain
2. The appropriate Component or Unit Supervisor;
3. The Component Deputy Chief and the Chief of Police;
4. The Florida Department of Law Enforcement / Florida Fusion Center 1-800-342-0820.
5. The Office of Professional Standards; and
6. The Public Information Officer.

**E. The Office of Professional Standards**

1. The Office of Professional Standards shall conduct an administrative investigation of every incident of firearms discharged by a Department member except when such discharge was:
  - a. From a Less Lethal Extended Range Impact Weapon unless such discharge causes death or serious bodily injury.
  - b. During a training, hunting or legitimate sporting event.
  - c. For the destruction of a seriously injured or wild animal.
2. The investigation shall begin immediately, or as soon as possible.
3. The Office of Professional Standards shall be contacted for any shooting when the spent projectile cannot be located, it's whereabouts cannot be determined, or if there is any concern for persons or property related to the projectile except:



- a. A discharge from a Less Lethal Extended Range Impact Weapon firearm unless such discharge causes death or serious bodily injury..
  - b. A discharge occurring during training, hunting, or a legitimate sporting event.
- 4. The Office of Professional Standards shall investigate and ascertain the facts surrounding the shooting and compare them with Department policy.
- 5. While conducting the investigation, the officer(s) involved shall be afforded all rights that apply to administrative hearings.
- 6. A written detailed report of the investigation will be completed.
- 7. The results of the internal investigation will not be used against the officer in any subsequent criminal proceeding, unless required by law.

**F. Criminal Investigations**

- 1. The Florida Department of Law Enforcement will conduct a thorough investigation of every shooting by an involved officer, which results in injury or death to a person. The investigation will be presented to the State Attorney's Office for review and determination.
- 2. Members of the Coral Springs Police Department Crimes Against Persons Unit will be assigned to assist FDLE and will investigate all predicate crimes that led to the use of force.
- 3. The Office of Professional Standards will conduct the investigations when the officer involved shooting does not result in an injury or death (no contact made) or there is the destruction of a vicious animal.
- 4. The investigation by either agency or unit shall include the following:
  - a. Respond to the scene immediately.
  - b. Examine the firearm(s) that may have been fired. The lead investigator will determine which firearms to examine, including secondary firearm(s), and any firearm(s) in police vehicles.
  - c. Seize all unspent ammunition from any officer who discharged their weapon.
  - d. Separate, secure, and interview all on-scene witnesses.
  - e. Ensure Crime Scene Investigation (CSI) Unit member(s) process the scene including cases, which involve the destruction of a vicious animal to respond for photographs only.
  - f. Secure Communications tapes.
  - g. Obtain hospital, autopsy, lab and photographic reports.

- h. Contact the on-duty or on-call Assistant State Attorney and the Police Legal Advisor, as soon as possible.
- i. Cooperate with and assist Internal Investigations.
- j. Before interviewing or requesting written statements from involved officer(s), the investigator shall advise the officer of his/her rights in a criminal investigation.
- k. The Florida Department of Law Enforcement shall prepare a detailed report of the officer involved shooting investigation.
- l. The Coral Springs Police Crimes Against Persons Unit will prepare any reports needed as a result of the predicate offense investigation. In the event of criminal charges against a suspect, Coral Springs Police Criminal Investigations will file the appropriate criminal charges with the Broward County State Attorney.

**G. Public Information Officer**

- 1. The PIO shall be the department point of contact for any release of information regarding a lethal response.
- 2. The PIO will coordinate with FDLE, the State Attorney's Office, or other involved agencies prior to releasing any information regarding a lethal response.
- 3. The final report and results of the FDLE investigation shall not be released so long as the investigation maintains a confidential or exempt status in accordance with Florida's Public Records Act. Notwithstanding the foregoing, the exemption may be waived, and the report may be released upon approval of the Chief of Police, the State Attorney's Office, and the FDLE. The PIO will then coordinate with FDLE and the State Attorney's Office to release the results of the investigation.

**H. This General Order shall serve as a training guide for all Department members for the investigative process.**

- 1. Members potentially impacted shall receive initial awareness training regarding the investigative process.
- 2. Newly promoted sworn supervisors will receive process training while in the Sergeant Succession Program.
- 3. Refresher training will be provided at the discretion of the Training Unit or if there are substantial changes in the procedure.

**3.3.4 Investigating A Lethal Response to Resistance (Outside the City)**

The following procedure will be used to investigate every incident where a firearm is discharged by a Coral Springs Police Officer, while off duty or on duty outside the city limits of Coral Springs, except as a result of a "Fresh Pursuit", **except:**

- From a Less Lethal Extended Range Impact Weapon
- During a training, hunting or legitimate sporting event.

- For the destruction of a seriously injured or wild animal.

The involved officer shall complete an Incident Report or supplement as appropriate and enter a Response to Resistance Report in the Department approved Response to Resistance software program, as required in 3.3.6.

**A. The Involved Officer**

1. All responsibilities outlined in section 3.3.3A shall remain the same.
2. In addition to all responsibilities outlined in section 3.3.3A the following shall also apply:
  - Notify the police agency with jurisdiction as soon as possible after the incident.
  - The involved officer shall be available to the investigative personnel of the Florida Department of Law Enforcement or outside agency in which the incident took place. This is a criminal investigation and the officer shall be afforded all appropriate rights including, but not limited to, access to their attorney.

**Note:** Florida Department of Law Enforcement investigators will respond to the scene. A determination will be made at that time if FDLE or the agency with jurisdiction will be the lead investigating agency.

**B. The Involved Officer's Immediate Supervisor**

The involved officer's immediate supervisor shall:

1. Notify the shift supervisor.
2. Respond to the scene.
3. Assist the involved officer as required.
4. Assist the outside agency, if requested.
5. Protect the involved officer's rights and the Department's interests.
6. Ensure Department policies are followed.
7. If the involved officer's immediate supervisor is involved in the incident, the above responsibilities become that of the next highest rank of the Component or Unit that is involved.

**C. The Shift Supervisor**

Upon being notified of an officer involved shooting, the Shift Supervisor shall notify or cause to be notified the following persons:

1. The involved officer's Captain and Division Deputy Chief;
2. The Chief of Police;

3. The Public Information Officer
4. The Florida Department of Law Enforcement / Florida Fusion Center 1-800-342-0820
5. The Office of Professional Standards
6. Others as requested by the Chief of Police or the respective Component or Unit Supervisor.

**D. The Office of Professional Standards**

1. All responsibilities of the Office of Professional Standards outlined in section 3.3.3E shall apply.
2. In addition to these responsibilities, the OPS investigator(s) will respond to the scene of the incident in order to complete the administrative investigation.

**E. Criminal Investigations Component**

Criminal Investigations and CSI shall respond to the scene. In cases, which involve the destruction of a vicious animal, only CSI will respond for photographs and follow the guidelines set forth in section 3.3.3. In addition, Criminal Investigations personnel will be present during any interviews of the involved officer by the outside agency's criminal investigator(s).

**3.3.5 Investigating Response to Resistance - Non-Lethal**

- A.** Whenever an involved officer's response to resistance (is other than a firearm) that results in injury, complaint of injury, or suspicion of injury; or when the officer uses a non-lethal weapon, the officer shall:
1. Determine the extent of physical injury, if any.
  2. Render appropriate medical aid.
  3. Request Dispatch to send EMS if obvious severe injuries have occurred, medical distress is apparent, the individual is unconscious, or if the officer believes that an evaluation by a paramedic is necessary.
  4. Notify his immediate supervisor and remain at the scene until the supervisor arrives, unless injured or a hazardous situation exists. (i.e., violent crowd).
- B.** The supervisor shall respond to the scene where the resistance occurred and shall-determine what support units, if any, are necessary to accurately record and evaluate the incident.
- C.** If the non-lethal response to resistance results in death or serious physical injury, the same procedure for lethal response shall be followed, excluding procedures specifically directed toward firearms.

**3.3.6 Documenting Response to Resistance**

All response to resistance shall be documented in accordance with the following:

- A.** An Incident Report or supplement shall be written whenever a member, in the performance of their duties utilizes a physical force to overcome resistance as defined in G.O. 3D.
- B.** In addition to an Incident Report or supplement, a Response to Resistance report, which includes a body diagram and photos of all injuries, shall be entered into the Department approved software program whenever a member, in the performance of their duties:
  - 1. Discharges a weapon as a response to resistance (except when discharged at an animal for humane purposes or a vicious/wild animal for public safety).
  - 2. Utilizes a non-lethal weapon to overcome resistance.
  - 3. Utilizes a Less Lethal Extended Range Impact Weapon to overcome resistance.
  - 4. Takes an action that results in, (or is alleged to have resulted in) the injury of another person.
- C.** When preparing the Response to Resistance Report, terminology utilized in that report should be consistent with policy and the Response to Resistance Guidelines. Terminology shall be reviewed during annual Response to Resistance in-service training.
- D.** If the response to resistance results in death or serious physical injury, the response shall be documented by the involved member within 72 hours of the incident in the following manner:
  - 1. The documentation shall consist of a verbal statement to the Florida Department of Law Enforcement or a detailed Incident Report or supplement, as appropriate. The officer may consult with a private attorney for assistance in completing the report.
  - 2. For purposes of documenting the involved officer's actions, any of the above documentation procedures will be considered as being sufficient to meet the reporting requirements of the agency.
  - 3. It will be at the discretion of the involved officer as to which reporting format (verbal statement or written report) will be utilized.
  - 4. In the event of a response to resistance that results in death or seriously bodily harm and is being investigated by the Florida Department of Law Enforcement, the involved officer will not have to complete a full Response to Resistance Report.
    - a. The Response to Resistance Report will only consist of documentation of the case number and person information.
    - b. In the narrative section of the Response to Resistance Report, the officer will write "see the investigative summary completed by the Florida Department of Law Enforcement."
    - c. The Coral Springs Police Department Response to Resistance Report shall be completed within 72 hours of the incident.
- F.** Witness officers to an officer involved shooting, or response to resistance that results in serious bodily injury or death, will provide a sworn verbal statement to the Florida Department

of Law Enforcement's investigators. This statement will be obtained as soon as practical after this incident.

1. Immediately after the shooting or response to resistance that leads to serious bodily injury or death, a witness officer must provide a public safety statement to the supervisor on scene. Once this statement is obtained and prior to their interview with FDLE, the witness officer may request to speak to clergy, a union representative or attorney. This request does not remove the obligation a witness officer has to provide a statement as to what they observed during the response to resistance incident.
  2. The witness officer will then complete a supplement report in which the witness officer will document that a verbal statement was provided to FDLE. The witness officer will have the opportunity, at their request to have a union representative or attorney present during their interview with FDLE.
  3. The Crimes Against Persons Unit will receive a copy of the verbal statement from the FDLE investigators at the time it is given for the predicate offense investigation.
  4. Witness officers will have the opportunity to review their verbal statement and provide an amendment or update their supplemental report if needed.
- G. If the incident occurs outside the city limits of Coral Springs, not a result of a "Fresh Pursuit", and an outside agency conducts a criminal investigation in which the involved member makes a statement or report, that report shall be used to satisfy the Department's report requirements.

### 3.3.7 Administrative Leave

In cases of death or in the case of serious physical injury resulting from the actions or use of a lethal response, the involved officer shall be placed on Administrative Duty or Administrative Leave, without loss of pay or benefits at the discretion of the Chief of Police. Anytime during Administrative Leave, the member may, upon recommendation of the Chief of Police be brought back to work on Administrative Duty pending the results of the criminal and/or internal investigation(s). The assignment to Administrative Leave or Administrative Duty shall not be interpreted to imply or indicate that the member has acted improperly.

When on administrative leave or administrative duty, a member shall not take any police action nor will the member be subject to disciplinary action for not taking police action. When on administrative duty, the member shall wear civilian clothing.

### 3.3.8 Reviewing Response to Resistance

- A. Incident reports, supplements, and body camera footage shall be submitted to the officer's immediate supervisor for report approval.

**Exception:** In cases of lethal response, death, or serious physical injury, incident reports, supplements, and body camera footage shall be submitted to the Crimes Against Persons supervisor.

- B. Response to Resistance Reports shall be reviewed by the member's chain of command through the Department approved Response to Resistance software program.

- C. Once approved by the member's Deputy Chief, the Response to Resistance Report is forwarded through the Department approved software program to the Office of Professional Standards for inclusion in the Response to Resistance Review Board.

### 3.3.9 Response to Resistance Review Board

- A. The Response to Resistance Review Board shall review all Response to Resistance Reports.

**Exception:** Cases that meet the criteria for the Response to Resistance Review Board but are assigned to the Office of Professional Standards for investigation shall not be forwarded to the Response to Resistance Review Board unless authorized by the Chief of Police, or his designee.

#### B. Board Composition

The Response to Resistance Review Board shall be a standing board consisting of ten (10) persons as follows:

1. Administrative Division Deputy Chief (Chairperson).
2. Two members holding the rank of Police Officer.
3. Two members holding the rank of Sergeant.
4. Five (5) alternate members, to be appointed when an assigned board member is unavailable, or a conflict exists preventing an assigned member from serving on the board. One of the alternates shall be the Operations Division Deputy Chief, who shall serve as the Chairperson in the absence of the Administrative Division Deputy Chief. In addition, a Training Unit Officer will be present for reference points only.

Five Board members shall review a specific incident. All Board members reviewing a particular incident shall be from a component, unit or shift other than that of the Department member who will appear before the Board, as appropriate. Each Board member shall be a voting member, with the exception of the member from the Training Unit who is present only as an advisor.

#### C. Appointment of Members

The FOP shall select one of the sworn officer positions on the Board, with the final approval of the Chief of Police. The remaining members of the Board shall be appointed by the Chief of Police every two years. The Chief of Police may change Board members, anytime, at his discretion.

#### D. Board Responsibilities

1. The Response to Resistance Review Board will evaluate, in explicit and fact-finding fashion, each aspect of the response brought before them. The Board shall be authorized to accomplish this responsibility. This evaluation will also include a review of the closed criminal and/or internal investigation report, as appropriate.
2. The Response to Resistance Review Board will develop findings and make recommendations approved by the majority vote in a report to the Chief of Police as to the following:

- Whether the response was consistent with the policies of the Department.
  - Training considerations.
  - Disciplinary considerations.
  - Dissenting members of the Board may forward their written opinions to the Chief of Police.
3. Facts unknown to the involved officer at the time of their actions must not be considered by the board.
  4. Involved officers should not be disciplined solely for choosing not to employ a lethal response in situations where a lethal response is authorized.
- E. The Chief of Police shall make the final decision regarding any action to be taken against any involved officer involved in such a situation. The Chief of Police shall not be bound by the Response to Resistance Review Board recommendation.
- F. Organizational theory suggests that it is difficult to ensure compliance with the policy guidelines aimed at regulating an activity that requires a complex judgment on the part of trained personnel. In these judgment dependent activities, only actions that are grossly negligent should be subject to direct administrative sanctions.
- G. The Chairperson of the Response to Resistance Review Board will conduct a semi-annual and annual analysis of the findings of the board. The Chairperson will review all incidents brought before the board to determine any patterns or trends, which indicate a need for training and/or policy modifications. The analysis will be published on the Department's website.

### 3.3.10 Psychological Services

In all cases where any person has been injured or killed as a result of a firearm discharged by an involved officer, or any person is killed as a result of the use of another response by an involved officer, or an officer is killed or seriously injured in the line of duty the following will occur:

- A. Any involved officer will be REQUIRED to undergo an emotional debriefing with the Department furnished psychologist, which should occur within forty-eight (48) hours of the incident dependent on the psychologist's schedule. The purpose of this debriefing will be to allow the officer to express their feelings and to deal with the moral, ethical, and/or psychological aftereffects of the incident. The debriefing shall not be related to any Department investigation of the incident. The debriefing will be reported to the Department; however, the matters discussed shall be confidential to the extent allowed by law. The debriefing session will remain protected by the privileged Professional Psychological Code of Ethics.
1. It shall be the responsibility of the involved officer's Component or Unit Supervisor to make the necessary arrangements through the Police Human Resources Unit for the emotional debriefing to take place within the 48-hour time restriction, when practicable.



2. It shall be the responsibility of the involved officer's immediate supervisor to ensure the officer attends the emotional debriefing. This may include transporting the involved officer to and from the initial session.
- B. The involved officer's family shall have AVAILABLE to them the services of the Department psychologist, Department Chaplain and/or the Employee Assistance Program. The purpose of this service is to provide the involved officer's family with a source of professional consultation to aid them in dealing with the potential moral and ethical aftereffects of an incident where a subject has been killed by an involved officer. The services shall not be related to any Department investigation of the incident and nothing discussed will be divulged to the Department. The consultation sessions will remain protected by the privileged relationship.
- C. The involved officer may consult any member of the Department's Chaplain Corps or the Employee Assistance Program for private counseling, in addition to, but not in place of the emotional debriefing.

**APPROVED**

  
Clyde H. Parry  
Chief of Police