



# Helen Police Department

## Standard Operating Policies and Procedures

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### I. PURPOSE

The purpose of this policy is to provide officers of the Helen Police Department with guidelines on the use of less lethal and deadly force. It will also establish standard operating procedure for administratively investigating use of force incidents, both deadly and less lethal. The following procedures have been prepared for the internal use of the Police Department only and do not create a higher legal standard of safety or care with respect to third party claims. Any and all violations of this procedure may form a basis for Department actions only. Only violations of the law may form the basis for civil or criminal penalties.

### II. POLICY

The Helen Police Department recognizes and respects the value and special integrity of each human life. Investing police officers with the lawful authority to use force to protect the public welfare requires a careful balancing of interests. 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. Other means of force should be deemed ineffective or inappropriate before the officer resorts to the use of deadly force.

It is the policy of the Helen Police Department that personnel will use reasonable force when force is used to accomplish lawful objectives and bring an incident under control, while protecting the life of the employee, others and property.

It is the policy of the Helen Police Department that, under no circumstances, shall any officer or employee discharge their firearm for the purposes of firing a warning shot. Warning shots are considered an unauthorized use of deadly force because there is no discernable target.

### III. DEFINITIONS

#### A. AUTHORIZED WEAPON

Those weapon(s) with which the officer has demonstrated proficiency and received Agency training on proper and safe usage. In addition, the weapon(s) must be registered and comply with Agency specifications.

#### B. DEADLY FORCE

That degree of force that is likely to cause death, serious injury, or great bodily harm.

#### C. FORCIBLE FELONY

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

#### D. 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, pointing a gun at another, 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.

#### E. LESS LETHAL FORCE

A degree of force that is neither likely nor intended to cause death, serious injury or great bodily harm.

#### F. REASONABLE BELIEF

The facts or circumstances, that the officer knows, or should know, are such as to cause an ordinary and prudent officer to act or think in a similar manner under similar circumstances.

#### G. REASONABLENESS

The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. In analyzing reasonableness of an officer's action, the court has taken hold of the "objective standard" of review to evaluate the circumstances. *Terry v. Ohio*, 392 U.S. 1, at 20-22. In Fourth Amendment contexts, the question is whether the officers' actions are "objectively

reasonable” in light of facts and circumstances confronting them at the time of the incident. *Id.* at 21. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments--in circumstances that are tense, rapidly evolving--about the amount of force that is necessary for a particular situation. *Graham v. Connor*, 490 U.S. 386, 397 (1989)

#### H. SERIOUS INJURY / GREAT BODILY HARM

A bodily injury that creates a substantial risk of death; causes serious or permanent disfigurement, or results in long term loss or impairment of the functioning of any bodily member or organ.

### III. JUSTIFICATION

The reasonableness of a particular use of force must be judged from a perspective of a reasonable officer on the scene, and its calculus must embody the allowance for the fact that police officers are often forced to make split-second decisions – in circumstances that are tense, uncertain, and rapidly evolving -- about the amount of force necessary in a particular situation.

### V. RESISTANCE AND FORCE OPTIONS

The following resistance and force options are provided in order to demonstrate examples and lend guidance in the uses of both deadly and less lethal force. Officers should bear in mind that conflicts with another person are volatile by their nature and at any time levels of resistance and/or force may change depending on the circumstances encountered at the time. All officers will receive annual training in force options which will be logged as part of the officer's permanent record. ***Each use of force incident must be justified on its own merits utilizing the “reasonable officer” standard established in Graham v. Connor, 490 U.S. 386 (1989).***

#### A. RESISTANCE

The following are examples of resistance that may be encountered. Active Resistance - The suspect attempts to perform a physical act of assault on the officer's person. Active resistance may or may not occur in an arrest situation.

1. Aggravated Aggression - The suspect attempts to use deadly force against the officer's person.
2. Compliant - The suspect gives no indication of verbal or physical resistance.

3. Defensive Resistance - The suspect attempts to physically prevent the officer from carrying out his/her lawful duty but does not attempt to harm the officer or others. An example may be a suspect who resists arrest in a nonviolent manner, such as pulling away from the officer or attempting to run.
4. Passive Resistance - Physical activity by the suspect, which prevents the officer from carrying out his/her lawful duties but does not pose an immediate threat to the officer or to others. An example may be that of a protester who sits down or a traffic violator who refuses to exit their vehicle.
5. Psychological - The suspect displays non-verbal cues that indicate an intention to flee or fight.
6. Verbal Non-Compliance - The suspect indicates verbally an unwillingness to comply with the officer's lawful authority. This may include verbal threats.

## B. CONTROL OPTIONS

Officers will use reasonable force to overcome resistance based upon the facts and circumstances presented at the time. The following are examples of levels of control:

### 1. CONTROLLED ESCORT

The majority of arrests made by officers of the Department are handled peacefully and without incident. Occasionally, however, an individual may be encountered who will refuse to be placed into custody, and/or is uncooperative and other alternatives have proven ineffective. Incidents of this nature may require officers to use some combination of strength, leverage, joint locks, pressure points and come-along holds with sufficient force to make the lawful arrest without unnecessarily aggravating the situation. Control should be gained with minimum risk of injury to the officer, the arrestee, and any innocent bystanders.

### 2. CHEMICAL AGENTS

Oleoresin Capsicum (OC Spray, or Pepper Spray) delivered in a nonflammable liquid medium is the chemical agent used by qualified and authorized officers of the Department. "O.C." is designed to temporarily incapacitate a person with a minimum probability of producing injury to the person.

### 3. DEADLY FORCE

This level of force, referred to in Georgia State law as “Deadly Force”, is defined as “that force which creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or great bodily harm”.

O.C.G.A. 17-4-20 addresses the use of lethal force for arrest in that,

*“... peace officers ... may use deadly force to apprehend a suspected felon only when [1] 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; [2] when the officer reasonably believes that the suspect poses an immediate threat of physical violence to the officer or others; [3] or (see note below) when there is probable cause to believe that the suspect has committed a crime involving the infliction or threatened infliction of serious physical harm. Nothing in this Code section shall be construed so as to restrict such...peace officers from the use of such reasonable non deadly force as may be necessary to apprehend and arrest a suspected felon or misdemeanor.”*

To “reasonably believe”, under *Graham v. Conner* 490 U.S. 386 (1989), is decided on the basis of the “reasonable officer”. In common terms it means that if “the officers’ actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them”, and experiencing the same facts and circumstances experienced by another officer, would come to the same general conclusion the officer reached, then it is a reasonable belief.

“Serious Physical Injury” is a bodily injury that creates substantial risk of death; causes serious, permanent disfigurement; or results in long-term loss of function of any bodily member or organ.

**Note:** *To provide clear guidance in this issue (item #3 above), it should be asserted that the officer “reasonably believes” the suspect’s escape would create a continuing danger of serious physical harm to another person.*

When the use of firearms is justified, the policy of the Helen Police Department is that sworn personnel should fire for “center of mass” whenever possible and appropriate. This policy is for the purpose of maximizing the probability the fired projectile will incapacitate the subject and cause him/her to immediately cease his/her hostile activities. In the extreme stress and urgency of a shooting situation, any attempt to

“wound” a subject might produce unfavorable circumstances for the officers and/or innocent bystanders.

#### 4. INTERMEDIATE WEAPON

This control option involves the use of department authorized intermediate weapons (ASP) for controlling an adversary. Intermediate weapon control techniques could necessitate the use of striking techniques. This force contains a higher probability of injury to the person being placed into custody.

It should be noted that the 511 flashlight, or other flashlights issued or authorized by the Department, is issued for the purpose of illumination and not as an intermediate weapon. Training is not provided by the department in the use of the flashlight as an intermediate weapon, and therefore discourages its use for that purpose.

Neck restraints as well as similar control techniques with a potential for serious injury are not allowed.

However, nothing in this policy shall preclude an officer from using any available resources when defending him/herself or another from physical assault or injury likely to cause great bodily harm or death.

#### 5. MECHANICAL COMPLIANCE

Control involves the use of an officer’s personal weapons (hands, fists, elbows, knees, feet, etc.) in controlling an adversary. Officers may use these striking techniques (muscle mass areas) to defend himself/herself or others against unlawful assaults where the use of other control options are not justified or are impractical.

#### 6. OFFICER PRESENCE AND VERBAL PERSUASION

Officer’s presence and announcement of appropriate authority itself may resolve the situation. Verbal commands and directions by the officer may be in the form of advice, persuasion, admonitions, or orders. When properly used, the volume and tone of the officer’s voice can be an effective tool for assuming control of a situation.

#### 7. ELECTRONIC CONTROL WEAPON (ECW) - Taser

This control option involves the use of department authorized ECW for controlling an adversary. This force contains a higher probability of injury to the person being placed into custody and will only be utilized by

an officer who has received the appropriate training and maintains their certification. It will be utilized in accordance with Taser guidelines.

## **V. PROCEDURES**

### **A. Justification for the use of less lethal force**

Officers are authorized to use less lethal force in the performance of their duty. Examples of situations where less lethal force is appropriate include:

1. When necessary to preserve the peace, prevent commission of offenses, or prevent suicide or self-inflicting injury.
2. When the officer is preventing or interrupting a crime or attempted crime against property.
3. When making lawful arrests and searches, overcoming resistance to such arrests and searches, and preventing escapes from custody.
4. When in self-defense, or defense of another against unlawful violence to his/her person.
5. When force is used, personnel will use reasonable force to accomplish lawful objectives.

### **B. Post less lethal force incidents**

1. In any use of force incident that results in, or is alleged to have resulted in an injury, or death of another person, the officer(s) on scene will request medical aid.
2. Any injured suspects should be transported to a medical facility by EMS, if necessary.
3. The shift supervisor will be notified without delay and will make all other required notifications.
4. The officer(s) involved in any use of force incident involving the use of chemical agents, impact weapons, tasers, mechanical control or deadly force will complete a Helen Police Department Use of Force report form before the end of their shift.

### **C. Justification for the Use of Deadly Force**

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

*"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" (O.C.G.A. 17-4-20)*

Officers should keep in mind that facts unknown to an officer, no matter how compelling, cannot be considered in later investigations of whether the use of lawful force, particularly that of deadly force, was justified. The following examples are provided to show when an officer may use deadly force:

1. When the officer reasonably believes it is necessary to defend his/her own life or the life of another, or to prevent serious physical injury to him/herself or another.
2. When necessary to prevent the commission of forcible felonies.

Deadly force shall not be used towards persons who have committed or are committing traffic violations, misdemeanors, non-forcible felonies, or forcible felonies not in progress.

3. To arrest 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 taking of hostages.

#### D. Post Deadly force incidents

When an officer of the Helen Police Department uses Deadly force or any use of force that results in, or is alleged to have resulted in, injury or death, the following notifications will be made immediately.

1. Emergency Medical Services
2. Shift Supervisor
3. Medical Examiner if death occurs
4. Chain of Command

It will be the duty of the shift supervisor to notify the appropriate chain of command of the use of force incident as well as the completion of a Use of Force Report.



## **VI. DISCHARGE OF FIREARM**

### **A. Restrictions**

1. Before using a firearm, officers of the Helen Police Department shall identify themselves as such and state intent to use the firearm when feasible.
2. Officers are prohibited from firing at or from a moving vehicle, unless there are circumstances present which justify the use of deadly force.
3. In all circumstances firearms will not be discharged if it appears likely that an innocent person may be injured.

### **B. Exceptions**

In addition to the previously listed situations, Helen police officers are permitted to fire their police firearms under the following circumstances:

1. For practice or recreational shooting in an area where firing a weapon is both safe and lawful;
2. During departmental sponsored range practice or at competitive sporting event.
3. When necessary to destroy a fatally wounded or sick animal or to destroy an obviously mad or vicious animal that cannot otherwise be controlled.

## **VII. TRAINING AND QUALIFICATION**

### **A. Use of Force**

Officers of the Helen Police Department will attend at the minimum annual training on legal up-dates in the Use of Force and deadly force encounters policies and procedures of this agency.

### **B. Less Lethal Force weapons**

1. The use of verbal commands and/or use of pain compliance techniques shall be considered to be a method of less lethal force. Pain compliance techniques shall include the use of fingers, hands, or other body parts used to gain control as dictated by the given situation.

2. The following less lethal weapons are authorized to be carried by the personnel of the Helen Police Department who have been trained and demonstrate proficiency in the use of such authorized weapons. Officers will receive training from a POST certified weapons instructor and will be required to demonstrate proficiency at least biennially, and these records will be maintained in training files of each officer.
  - a. Asp tactical baton
  - b. Oleoresin Capsicum (O.C.)
  - c. Taser

#### C. Deadly Force weapons

1. The Glock Model 17 or 19 9mm caliber will be the standard authorized duty weapon issued to members of the Helen Police Department. Officers who have received instruction and demonstrated proficiency with a shotgun/patrol rifle may carry a department issued weapon if all of the qualifications are met. Other department-approved firearms may be authorized for use by the Chief of Police for use by certain members or Units of the Department. These weapons or firearms may be approved by the Chief of Police on a case-by-case basis.
2. Prior to any personnel being issued the Glock 17 or 19, or any issued or approved lethal weapon, they must successfully complete the proper training and familiarization courses, including instruction on Department policy and legal/constitutional requirements on use of force, use of deadly force, and firearm safety and proficiency at a minimum of once every year. Instruction shall be conducted through the Training Coordinator by a POST certified firearms instructor and personnel shall demonstrate proficiency with the firearm prior to carrying it. Documentation of the level of proficiency achieved will be kept in the officer's training file.
3. An officer who is unable to demonstrate proficiency with the issued weapon during firearms proficiency shall report to the Training Division for remedial training in basic firearms. Failure to demonstrate proficiency upon receipt of remedial firearms training will result in the officer being removed from the line function and will not be permitted to carry a weapon.
4. An officer who has taken extended leave or suffered an illness or injury that could affect his use of firearms ability will be required to re-qualify before returning to enforcement duties.

## **VIII. USE OF FORCE REPORTS**

- A. A written report shall be prepared in accordance with departmental procedures as required in the following situations:
  - 1. When a firearm is discharged, for other than training or recreational purposes.
  - 2. When an employee takes an action that results in, or is alleged to have resulted in, injury or death of another person.
  - 3. When an employee applies force through the use of lethal or less lethal weapons.
  - 4. When an employee applies weaponless physical force at a level as defined by the agency. For this department, a Use of Force Report is not required for Controlled Escort Options. Use of Force Report is required for Mechanical Compliance Options.
  - 5. All completed use of force reports shall be maintained by the Office of the Chief.
  
- B. A supervisor will be immediately summoned to the scene and assist in any investigative procedures as required by the department in the following situations:
  - 1. At any time, a firearm is discharged outside of the firing range.
  - 2. When the use of force results in serious bodily injury or death.
  - 3. When a subject complains that an injury has been inflicted.
  - 4. When O.C. or intermediate weapon has been used on an individual.

## **IX. DEPARTMENTAL ACTIONS**

- A. Deadly force incidents
  - 1. Responsibilities and Duties of Involved Officer
    - a. When deadly force is used and results in an injury or death, or when an employee discharges a firearm for reasons other than the dispatch of an injured animal, upon first opportunity after the scene is secured, the employee shall immediately:

- 1) When a firearm is involved, holster the weapon, without unloading, or reloading it;
  - 2) Request emergency medical aid;
  - 3) Determine the physical condition of any injured person and render first 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.
- 1) The officer shall protect his/her weapon for examination and submit it to the appropriate investigator. (GBI)
  - 2) The officer shall prepare a detailed report of the incident.
  - 3) The officer shall not discuss the case with anyone except:
    - a. Supervisory and assigned investigative personnel;
    - b. The assigned District Attorney;
    - c. His attorney; and/or
    - d. Mental health professional.

## 2. Responsibility of the Communications Center

Once the communications center is notified, it shall:

- a. Dispatch requested medical aid,
- b. Notify the on-duty patrol shift supervisor,
- c. Notify the captain and the Chief of Police.
- d. Notify the designated investigative unit(s).

### 3. Shift Commander

The Shift Commander shall:

- a. Proceed immediately to the scene,
- b. Secure the scene,
- c. Conduct a preliminary field investigation,
- d. Render command assistance to the assigned investigator(s),
- e. Assist the involved officer(s), and
- f. Submit a detailed written report of the results of the investigation to the Chief of Police or his/her designee.

### 4. Investigative Responsibility

- a. Investigations of deadly force incidents in which injury or death, or when an officer discharges a firearm for reasons other than the dispatch of an injured animal will be directed by the GBI;
- b. All required written reports will be submitted without delay to the Chief of Police in original form;
- c. The Chief of Police is responsible for notifying the governing authority of the incident;
- d. Upon approval of the Chief of Police, any comments given the news media will be limited to the basic facts of the incident without speculation or expression of opinion, by the designated Public Information Officer (PIO). (Refer to SOP A-080 Public Information/Media Relations)

### 5. Treatment of Officer

- a. In every instance in which an employee uses deadly force, where such use results in death or serious bodily injury to another person, or when an officer discharges a firearm for reasons other than the dispatch of an injured animal the officer shall be placed on either administrative leave or in-house administrative duty in accordance with SOP A-105.
- d. The employee 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.

- e. Psychological services may be utilized for the effected employee(s) at the discretion of the Chief of Police or designee.

B. Administrative Review of Reports required in Section VIII of this policy.

1. All reported uses of force will be reviewed by the Shift Commander, Captain, and Chief of Police to determine whether:
  - a. Departmental rules, policy or procedures were violated.
  - b. The relevant policy was clearly understandable and effective to cover the situation.
  - c. All findings of policy violations or training inadequacies shall be reported to the appropriate unit for resolution and/or discipline.
  - d. All use of force incident reports shall be retained as required by state law.
  - e. There will be an annual analysis of use of force incidents, to include whenever an employee discharges a firearm, for other than training, recreational purposes, or dispatching a wounded animal; takes an action that results in, or is alleged to have resulted in, injury or death of another person; applies force through the use of deadly or less lethal weapon; or applies weaponless physical force at a level as defined in S.O.P. P-030, VIII, by the appropriate departmental authority to ascertain training and policy needs.
  - f. The annual review of deadly force incidents shall include a written analysis of the department's use of force reports.