

DALTON POLICE DEPARTMENT

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I. Policy

It is the policy of the Dalton Police Department that Officers shall use only that degree of force when, and to the extent that, there is reasonable belief that such force is necessary to defend the Officer or a third party against the other's imminent use of unlawful force.

II. Definitions

- A. *Deadly force* - Any degree of force ~~which~~ that, by the manner of its application, has the reasonable potential to cause death or serious bodily harm.
- B. *Non-Deadly Force* - Force, other than deadly force, that is not excessive and is reasonable and necessary to effect an arrest and / or to ensure the safety of Officers and others.
- C. *Forcible felony* - Any felony ~~which~~ that involves the use or threat of physical force or violence against any another person.
- D. *Reasonable belief* - The facts and circumstances which would cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
- E. *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 part of the body.

III. Justification for Use of Force

- A. Preserve the peace
- B. Prevent the commission or attempted commission of a crime
- C. Prevent self-inflicted injury
- D. Make a lawful arrest
- E. Make a lawful search

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- F. Overcome resistance to such lawful arrests and searches
- G. Prevent escapes from custody

IV. **Parameters for Use of Deadly Force**

- A. A Dalton Police Officer is justified in using deadly force:
 - 1. If the Officer reasonably believes that such force is necessary to prevent death ~~and~~ or great bodily injury to the Officer or another person, or
 - 2. To prevent the commission of a forcible felony when such felony is intended or likely to cause death or great bodily harm.
- B. Before using a firearm, law enforcement Officers shall identify themselves and state their intent to shoot, when feasible.
- C. An ~~Dalton Police~~ Officer may also discharge a ~~weapon~~ firearm under the following circumstances:
 - 1. During range practice or competitive sporting events
 - 2. To destroy an animal that represents a danger to public safety or as a humanitarian measure where the animal is seriously injured. Time permitting, Officers should make every attempt to locate the rightful owner and / or request Animal Control authorities before using deadly force against an animal.
- D. ~~Dalton Police~~ Officers shall adhere to the following restrictions when their weapon is exhibited:
 - 1. Officers shall not draw or display their firearms unless there is justification for ~~it's~~ the use to accomplish a proper police purpose. An Officer may draw and display his / her firearm to affect an arrest or investigate a situation that ~~they~~ he / she reasonably believes may develop into a deadly force situation.
 - 2. Warning shots are prohibited.
 - 3. ~~Dalton Police~~ An Officers shall not ~~fire~~ discharge their his / her ~~weapon~~ firearm at or from a moving vehicle unless the Officer reasonably believes that such force is necessary to prevent death or great bodily injury to the Officer or another person.
 - 4. Firearms shall not be discharged when it appears likely that an innocent person may be injured.

V. **Parameters for Use of Non-Deadly Force**

- A. When deadly force is not authorized, Officers ~~should~~ shall assess the incident in order to determine which non-deadly technique or weapon will best de-escalate the incident and bring it under control in a safe manner.

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- B. Neck restraints, or similar weaponless control techniques that have a potential for serious injury, are not authorized.
- C. Officers ~~will~~ shall not intentionally use more force than is necessary and reasonable under the circumstances.
- D. Officers ~~will~~ shall never use force in response to mere verbal provocation or abusive language directed at the Officer.
- E. ~~Dalton Police~~ Officers are authorized to use Department-approved non-deadly force techniques as follows:
 - 1. To prevent themselves or another from physical harm;~~or~~
 - 2. To restrain or subdue a resistant individual;~~or~~
 - 3. When necessary to preserve the peace, prevent the commission of offenses, or prevent suicide or self-inflicting injury;~~or~~
 - 4. When preventing or interrupting a crime or attempted crime against property;~~or~~
 - 5. When making lawful arrests and searches, overcoming resistance to such lawful arrests and searches, and preventing escapes from custody;~~or~~
 - 6. To bring an unlawful situation safely and effectively under control
- F. After force has been applied, and it is safe to do so, Officers shall:
 - 1. Determine the extent of the injuries to the subject(s), if any
 - 2. Administer first aid, if needed
 - 3. Observe the subject(s) for any obvious changes to their condition that may indicate a need for medical care
 - 4. Request emergency medical assistance, if needed

VI. **Use of Force**

- A. Personnel ~~will~~ shall use reasonable force when force is used to accomplish lawful objectives.
- B. The Agency recognizes that in some extreme circumstances the situation may dictate using other implements, devices, or ~~techniques such objects~~ as weapons. The use of such implements, devices, or objects, the degree of exigency present in the situation, and the totality of the circumstances ~~will~~ shall be examined, as in any other use of force incident.
- C. All Officers involved in a situation in which force is used shall document their actions and observations during the incident in an incident or supplemental report.

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VII. Use of Force Reporting Requirements

A. Injuries in Arrest Situations

1. The use of any force or accidental injury to a prisoner or other person involved in an arrest situation, which results in **an** injury requiring medical treatment by rescue or hospital personnel, shall be reported immediately to the Officer's Supervisor.
2. The immediate Supervisor shall review the circumstances and report **his / her** findings to the Division Commander.
3. The Division Commander shall review the findings and make recommendations to the Chief of Police.
4. Whenever there are injuries or the possibility of injuries, photographs shall be taken of any possible injury areas on the Officer, **and** the arrestee, **or any other person**.

B. Situations Requiring **Supervisory Review of Use of Force Review**

1. Any time force is used where the possibility of injury or death exists
2. Any time force is used through the use of a lethal or non-lethal weapon
3. Any time physical force is required to:
 - a. Restrain or gain custody of a subject
 - b. Prevent the escape of a suspect
 - c. Escort an uncooperative, handcuffed or un-handcuffed, suspect
4. Any situation **which that** results in **the an** Officer's being assaulted and force is needed to resist the assault.
5. Any situation where an Officer points his / her firearm at a person. This does not include instances where the firearm is drawn and not pointed directly at a person.
6. Any time an Officer discharges a firearm other than in training or for recreational purposes.

In situations where an Officer draws his / her firearm and holds the firearm in one of many tactical positions (i.e. low ready, SUL, etc.), the Officer **should shall** include the information in an incident **or supplemental** report, ~~if not already included in the Supervisory Use of Force Review.~~

- C. When an incident occurs where a **Supervisory Review of Use of Force Review** is required, the Officer **will shall** notify a Supervisor **as soon as practical**. If available,

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the Supervisor ~~will~~ shall respond to the scene of the incident and ~~should~~ document elements of the scene and attempt to locate witnesses ~~of~~ to the incident.

- D. As soon as practical, the Supervisor shall ~~meet with~~ and interview the Officer(s) involved in the incident.

If the Supervisor was not able to arrive at the scene of the incident, the initial walk through of the incident ~~will~~ shall be conducted as soon as possible with the ~~employee~~ Officer(s) involved.

- E. The Supervisor shall then ~~meet with the employee(s) involved in the Incident and~~ complete the Supervisory ~~Review of Use of Force~~ ~~Review~~ report. The Supervisor ~~will~~ shall document the details of the incident and the discussion / interaction with the ~~employee~~ Officer(s) in the report.

- F. The Supervisory ~~Review of Use of Force~~ ~~Review~~ report, along with all incident and supplemental reports, photographs, and videos, shall then be forwarded to the Division Commander for further review ~~within 72 hours~~.

- ~~D.G.~~ The Support Services Division Commander or designee shall be responsible for conducting an annual analysis of all use of force incidents, policies, and practices within the Agency. The analysis ~~will~~ shall be forwarded to the Chief of Police upon completion.

VIII. Use of Force (Serious Bodily Injury or Death)

- A. Responsibilities and Duties of Involved Officer(s)

1. When deadly force is used and results in an injury, or when a weapon is discharged in a deadly force encounter, upon first opportunity after the scene is secured, the Officer(s) shall immediately:

- a. ~~When a firearm is involved,~~ Secure or holster any firearms involved ~~the weapon,~~ without unloading or reloading ~~it~~ them
- b. Determine the physical condition of any injured person and render first aid
- c. Request emergency medical aid and a Supervisor
- d. Notify the ~~Communications Center~~ Whitfield County 911 Center of the incident and location; ~~and~~
- e. ~~Detain~~ Identify and secure all witnesses

2. Unless injured, the Officer(s) ~~will~~ shall remain at the scene until the arrival of the appropriate Investigators. However, if the circumstances are such that the continued presence of the Officer(s) 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(s) to move to another, more appropriate, location.

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3. The Officer(s) shall protect his / her weapon for examination and submit it to the appropriate Investigator.
4. The Officer(s) shall provide a public safety statement of the incident when requested.
5. The Officer(s) shall not discuss the case with anyone except:
 - a. Supervisory and assigned investigative personnel
 - b. The assigned District Attorney
 - c. His / her attorney and / or mental healthcare professional

B. Responsibilities and Duties of First Responding Officer(s) on Scene

1. **Neutralize** **Manage the** scene **to** ensure that **the scene it** has reached a level of control such that there is no longer a threat of harm to citizens, Officers, or suspects.
2. Provide for the immediate medical attention of all persons injured.
3. 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. **adding** An additional outer perimeter **may be necessary to secure the scene.**
4. Assign sufficient personnel to prevent improper entry **of beyond** the perimeter.
5. Remove the involved Officer(s) from the center of the scene to a discreet area, such as a police vehicle (do not place the Officer in the backseat).
6. Secure and segregate all witnesses to the event, including involved Officers of **Dalton-Police this** Department and other law enforcement agencies.

C. Supervisor's Responsibilities

1. Ensure **the that** Officer(s) and others, if injured, are receiving medical attention.
2. Check on the well-being of involved Officer(s), and summon any necessary support programs, **such as Department Chaplains.**
3. Allow / assist **the** Officer in calling family member(s); ensure notifications are made to the Officer's family.
4. Immediately assume the role of Incident Commander and utilize the Incident Command concept until otherwise relieved of Incident Command. Notify **the** Chief of Police and Command Staff.

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5. Ensure that the first responders have completed the above listed duties.
6. Notify the hospital of any incoming injured.
7. Determine the resources necessary for the circumstances, including a prolonged presence at the scene.
8. Assign a scribe to document all personnel present and the mission of each person entering the scene.
9. Assign Officer(s) to accompany injured Officers, suspects, and / or victims to the hospital.
10. Notify and brief surrounding agencies, if necessary.
11. Brief arriving Investigators and ranking Officers.
12. Ensure all required reports are completed.

D. Investigative Responsibilities

1. Investigative responsibility will be assigned to either the Georgia Bureau of Investigation (G.B.I.) or the Dalton Police Department's Investigation Division (C.I.D.) at the discretion of the Chief of Police or his / her designee. If the Chief of Police or his / her designee requests the G.B.I.'s assistance, then the G.B.I. ~~will~~ shall assume control of the entire investigation and will collect all evidence, conduct all interviews, and coordinate media releases related to the facts of the investigation. If the investigation is assigned to the Department's Criminal Investigations Division, the lead Investigator ~~will~~ shall be responsible for ensuring a thorough investigation occurs, including the collection and securing of all evidence.
2. The Investigator may:
 - ~~1~~.a. Discreetly secure all weapons and replace, if appropriate, with another weapon
 - ~~2~~.b. Be involved in interviews of Departmental personnel and witnesses

E. Interview with Officer(s)

1. After the scene is safe, and if possible, a public safety statement ~~should~~ shall be given by the involved Officer(s) to either a Supervisor or the lead Investigator. Each Officer involved ~~should~~ shall provide a separate statement. The statements may be oral or written and ~~may~~ shall be provided at the scene if exigent circumstances exist. The public safety statement should include:
 - a. Circumstances surrounding the incident
 - b. Any information on outstanding suspects, vehicle descriptions,

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weapons used, etc.

c. Witnesses to the incident

2. If not already done so, the Officer(s) involved should then be escorted from the scene to a safe location as determined by a Supervisor or Investigators. Officers' vehicles and any other equipment deposited or dropped at the scene during the encounter ~~will~~ shall be left in place to aid in the investigation. Officers ~~will~~ shall, however, retain all necessary equipment for their safety.
3. Officers involved in a use of deadly force situation shall be escorted to a Department-approved medical facility and required to submit to a drug screen.
- ~~3.4.~~ A comprehensive or cognitive interview with the involved Officer(s) should be conducted no sooner than 24 to 48 hours after the incident, unless there are extenuating circumstances and authorized by the Chief of Police. During a criminal investigation, the Officer(s)'s participation is voluntary and ~~they he / she~~ may request an attorney ~~if they wish~~. If the G.B.I. is investigating, ~~they may offer~~ the Officer(s) may be offered an interview immediately. The Officer(s) may participate immediately or request the interview after the 24 to 48 hour period, if ~~they he / she~~ wishes to give ~~their~~ his / her statement.
- ~~4.5.~~ Prior to the comprehensive interview, a walk-through of the crime scene ~~should~~ may take place under similar lighting conditions to those that existed at the time of the incident, if possible, to preserve the environmental context. Video of the event may be used in lieu of or in addition to a walk-through. During the walk-through, conversations with Investigators should be avoided to prevent possible contamination of the involved Officer(s)'s memory record.

F. Media Contact

If the investigation is conducted by the Georgia Bureau of Investigations, ~~they~~ GBI shall ~~will~~ issue media releases and ~~will~~ coordinate such releases with the Chief of Police. If ~~the Dalton Police Department~~ CID Investigators conducts the investigation, then, upon approval of the Chief of Police, comments given to the news media ~~will~~ shall be limited to the basic facts of the incident without speculation or expression of opinion. Efforts ~~will~~ shall be made to protect the identity of the Officer(s) involved pending the investigative results and notification of family members.

G. Treatment of Officer

1. In every instance in which an Officer(~~s~~) uses deadly force, and where such use results in death or serious bodily injury to another person, the Officer(~~s~~) ~~will~~ shall be placed on administrative leave with pay, pending investigation.

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2. The Officer(s) shall ~~be~~ remain 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.
3. Assignment to administrative leave with pay shall be non-disciplinary with no loss of pay or benefits.
4. Administrative leave with pay serves two purposes:
 - a. To address the personal and emotional needs of Officers involved in the use of deadly force in which injury or death occurs; ~~and~~
 - b. To assure the community that all the facts surrounding such incidents are fully and professionally explored and verified.
5. The Officer(s) shall undergo an evaluation by ~~the Department designated~~ a mental healthcare professional ~~approved by the Department~~. If recommended by the mental healthcare professional, the ~~employee will~~ Officer(s) shall attend any recommended counseling, ~~or other~~ treatment, or therapy.

IX. **Distribution of Use of Force Policy**

All sworn personnel shall be issued a copy of, and be instructed ~~in~~ on, this policy before being authorized to carry a firearm.

X. **Agency Review**

The Chief of Police shall designate an Agency member to conduct a critical incident review of all intentional firearm discharges, in-custody deaths or serious injuries, or ~~when an injury~~ injuries that results in hospitalization. This review shall result in a written report, ~~and~~ specifically address the following issues, and make a specific determination whether:

- A. The force, control, and / or restraint was consistent with ~~the~~ Agency's policy
- B. There are any issues requiring a re-evaluation of Agency policy and / or procedures
- C. There are any training needs identified
- D. The equipment provided by the Agency was adequate; ~~and~~
- E. Supervisory / Officer(s) involvement was within policy

This policy supersedes any previous policies issued.

BY ORDER OF

CHIEF OF POLICE

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