

DALTON POLICE DEPARTMENT

	<i>Effective Date</i> May 1, 1998	<i>Number</i> GO88-5.1
<i>Subject</i> Use of Force		
<i>Reference</i> CALEA Standards – 4.1.1, 4.1.2, 4.1.3, 4.1.5, 4.2.2, 4.2.3, 22.1.2, 22.1.7		<i>Revised</i> November 26, 2019 December 15, 2020
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I. Policy

It is the policy of the Dalton Police Department that Officers shall use only that degree of force **against another** 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 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 that involves the use or threat of physical force or violence against 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 Reasonable Force

- A. Officers shall use reasonable force when force is used to accomplish lawful objectives.
- B. Officers are authorized to use reasonable force to accomplish the following lawful objectives:
 - 1.A. Preserve the peace

- 2.~~B.~~ Prevent the commission or attempted commission of a crime
 - 3.~~C.~~ Prevent self-inflicted injury
 - 4.~~D.~~ Make a lawful arrest
 - 5.~~E.~~ Make a lawful search
 - 6.~~F.~~ Overcome resistance to such lawful arrests and searches
 - 7.~~G.~~ Prevent escapes from custody
- C. The Department recognizes that in some extreme circumstances the situation may dictate using other implements, devices, or 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 shall be examined, as in any other use of force incident.
- D. 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.

IV. De-escalation

- A. De-escalation tactics and techniques are actions used by Officers, when safe and feasible without compromising law enforcement priorities, that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance.
- B. When safe, feasible, and without compromising law enforcement priorities, Officers shall utilize de-escalation tactics in an attempt to reduce the need to use force.
- C. De-escalation tactics include, but are not limited to:
- 1. Utilizing verbal persuasion
 - 2. Providing clear instructions
 - 3. Using verbal techniques to calm an agitated subject and promote rational decision-making
 - 4. Avoiding language of a taunting or insulting nature that could escalate the situation
 - 5. Considering whether the lack of compliance is a result of a medical condition, mental impairment, developmental disability, language barrier, mental crisis, or drug interaction
 - 6. Making contact with the person's caregiver or family member, if identity and contact information is available

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7. Attempting to slow down the situation so that more time, options, and resources are available to resolve the incident
 8. Stabilizing the scene by limiting access to unsecured areas, limiting mobility, and preventing bystanders from becoming unnecessarily involved
 9. Calling for extra resources, such as less-lethal options or Officers that have received Crisis Intervention Team training
 10. Maximizing tactical advantage by increasing distance to allow for greater reaction time
 11. Placing barriers or utilizing natural barriers between Officers, the subject, and others
- D. Officers should utilize a contact and cover approach to de-escalation tactics in which one Officer focuses on communication with the subject while other Officers are positioned to quickly respond with lethal and / or non-lethal force, if necessary.
- E. The Watch Commander or other Supervisor shall respond to any incident in which prolonged attempts to de-escalate a situation are occurring.
- F. De-escalation tactics shall not be attempted if the safety of Officers or others may be jeopardized.

IV. Parameters for Use of Deadly Force

- A. An ~~Dalton Police~~ Officer is justified in using deadly force:
1. If the Officer reasonably believes that such force is necessary to prevent death or great bodily injury to the Officer or another person
 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~~ where reasonable, appropriate, and not prevented by physical environment, distance, or other situational circumstances.
- C. An Officer may also discharge a 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 Whitfield County Animal Control authorities before using deadly force against an animal.
- D. Officers shall adhere to the following restrictions when their ~~weapon~~ firearm is exhibited:

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1. Officers shall not draw or display their firearms unless there is justification for the use to accomplish a proper **police law enforcement** purpose. An Officer may draw and display his / her firearm to affect an arrest or investigate a situation that he / she reasonably believes may develop into a deadly force situation.
2. Warning shots are prohibited.
3. An Officer shall not discharge his / her 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.

VI. Parameters for Use of Non-Deadly Force

- A. When deadly force is not authorized, Officers 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.
- B. Officers are authorized to use Department-approved non-deadly force techniques as follows:
 1. To prevent themselves or another from physical harm
 2. To restrain or subdue a resistant individual
 3. When necessary to preserve the peace, prevent the commission of crimes, or prevent suicide or self-inflicting injury
 4. When preventing or interrupting a crime or attempted crime against property
 5. When making lawful arrests and searches, overcoming resistance to such lawful arrests and searches, and preventing escapes from custody
 6. To bring an unlawful situation safely and effectively under control
- ~~C.B.~~ The Department does not authorize or conduct training on the use of vascular neck restraints, which rely on the temporary disruption of blood flow to the brain, or similar weaponless control techniques that have a potential for serious injury. Therefore, these techniques **are not authorized** shall not be used unless the Officer is authorized in using deadly force.
- D. Choke holds, or any other use of force technique that relies on the restriction of oxygen intake, have the potential to result in serious injury or death. These techniques shall not be used unless the Officer is authorized in using deadly force.

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- ~~E.G.~~ Officers shall not intentionally use more force than is necessary and reasonable ~~under given~~ the circumstances.
- ~~F.D.~~ Officers shall never use force in response to mere verbal provocation or abusive language directed at the Officer.
- ~~E.~~ ~~Officers are authorized to use Department approved non-deadly force techniques as follows:~~
 - ~~1. To prevent themselves or another from physical harm~~
 - ~~2. To restrain or subdue a resistant individual~~
 - ~~3. When necessary to preserve the peace, prevent the commission of offenses, or prevent suicide or self-inflicting injury~~
 - ~~4. When preventing or interrupting a crime or attempted crime against property~~
 - ~~5. When making lawful arrests and searches, overcoming resistance to such lawful arrests and searches, and preventing escapes from custody~~
 - ~~6. To bring an unlawful situation safely and effectively under control~~

VII. Rendering Medical Aid

- A. Following the use of force against another person who sustains injuries, Officers shall render appropriate medical aid as quickly as reasonably possible, recognizing scene safety, control of the individual, and environmental circumstances that may influence these actions and the timing of the response.
- B. Appropriate medical aid includes, but is not limited to:
 - 1. Increased observation to detect obvious changes in condition
 - 2. Flushing chemical agents from the eyes
 - 3. Applying first aid
 - 4. Requesting an evaluation from EMS personnel
- C. If it is determined that the individual has obvious severe or life-threatening injuries, is in medical distress, or is unconscious, Officers shall immediately request assistance from EMS and the Dalton Fire Department by notifying Whitfield County 911.
- D. While awaiting the arrival of EMS and/or Dalton Fire, Officers shall administer immediate medical aid, consistent with their level of training, for any obvious severe injury or unconsciousness.
- ~~F.~~ ~~After force has been applied, and it is safe to do so, Officers shall:~~

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- ~~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~~

VIII. Duty to Intervene

- A. Employees have a responsibility to take appropriate action in circumstances that involve fellow employees, as well as other public safety associates, whose actions are criminal, unconstitutional, or inappropriate and will harm the reputation of this Department or the law enforcement profession as a whole.
- B. All employees have a duty to intervene and notify a Supervisor if they observe another employee or public safety associate engage in any unreasonable use of force or if they become aware of any violation of Department policy, state or federal law, or local ordinance.
- C. Other public safety associates include, but are not limited to, members of associated task forces, agencies with shared or concurrent jurisdictions, federal or state agencies, and support organizations within the broader criminal justice system.
- D. Appropriate actions to be taken during an intervention and protections afforded to those who intervene are outlined in Section III of policy GO88-2.14, Rules of Conduct.

~~VI. Use of Force~~

- ~~A. Personnel 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 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 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.~~

~~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

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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, the arrestee, or any other person.

B. Situations Requiring Supervisory Review of Use of Force

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 that results in an Officer 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.

C. 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 shall include that information in an incident or supplemental report.

~~D.G.~~ When an incident occurs where a Supervisory Review of Use of Force is required, the Officer shall notify a Supervisor as soon as practical. If available, the Supervisor shall respond to the scene of the incident and document elements of the scene and attempt to locate witnesses to the incident.

~~E.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 shall be conducted as soon as possible with the Officer(s) involved.

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- ~~F.E.~~ The Supervisor shall then complete the Supervisory Review of Use of Force report. The Supervisor shall document the details of the incident and the discussion / interaction with the Officer(s) in the report.
- ~~G.F.~~ The Supervisory Review of Use of Force report, along with all incident and supplemental reports, photographs, and videos, shall then be forwarded to the Division Commander for further review.
- ~~H.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 Department**. The analysis shall be forwarded to the Chief of Police upon completion.

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

- A. Responsibilities and Duties of Involved Officer(s)
 - 1. When deadly force is used ~~and~~ **that** 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. Secure or holster any firearms involved, without unloading or reloading 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 Whitfield County 911 Center of the incident and location
 - e. Identify and secure all witnesses
 - 2. Unless injured, the Officer(s) 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.
 - 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 for 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

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c. His / her attorney and / or mental healthcare professional

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

1. Manage the scene to ensure that 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. An additional outer perimeter may be necessary to secure the scene.
4. Assign sufficient personnel to prevent improper entry 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 this Department and other law enforcement agencies.

C. Supervisor's Responsibilities

1. Ensure 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~~ System until otherwise relieved of Incident Command.
5. Notify the Chief of Police and Command Staff.
6. Ensure that the first responders have completed the above listed duties.
7. Notify the hospital of any incoming injured.
8. Determine the resources necessary for the circumstances, including a prolonged presence at the scene.
9. Assign a scribe to document all personnel present and the mission of each person entering the scene.
10. Assign Officer(s) to accompany injured Officers, suspects, and / or victims to the hospital.

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11. Notify and brief surrounding agencies, if necessary.
12. Brief arriving Investigators and ranking Officers.
13. Ensure all required reports are completed.

D. Investigative Responsibilities

1. Investigative responsibility ~~will~~ shall be assigned to either the Georgia Bureau of Investigation (GBI) or the Dalton Police Department's Criminal Investigation Division (CID) at the discretion of the Chief of Police or his / her designee. If the Chief of Police or his / her designee requests the GBI's assistance, then the GBI 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~~ CID, the lead Investigator shall be responsible for ensuring a thorough investigation occurs, including the collection and securing of all evidence.
2. The Investigator may:
 - a. Discreetly secure all weapons and replace, if appropriate, with another weapon
 - b. Be involved in interviews of Department personnel and witnesses

E. Interview with Officer(s)

1. After the scene is safe, and if possible, a public safety statement shall be given by the involved Officer(s) to either a Supervisor or the lead Investigator. Each Officer involved shall provide a separate statement. The statements may be oral or written and 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, 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 shall be left in place to aid in the investigation. Officers 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.

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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 he / she may request an attorney. If the GBI is investigating, 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 he / she wishes to give his / her statement.
5. Prior to the comprehensive interview, a walk-through of the crime scene 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 GBI, the GBI shall issue media releases and coordinate such releases with the Chief of Police. If CID Investigators conduct the investigation, then, upon approval of the Chief of Police, comments given to the news media shall be limited to the basic facts of the incident without speculation or expression of opinion. Efforts 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 uses deadly force, and where such use results in death or serious bodily injury to another person, the Officer shall be placed on administrative leave with pay, pending investigation.
2. The Officer shall 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
 - 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 a mental healthcare professional approved by the Department. If recommended by the mental

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healthcare professional, the Officer(s) shall attend any recommended counseling, treatment, or therapy sessions.

XI. Distribution of Use of Force Policy

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

XII. Agency Department Review

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

- A. The force, control, and / or restraint was consistent with **Agency Department** policy
- B. There are any issues requiring a re-evaluation of **Agency Department** policy and / or procedures
- C. There are any training needs that have been identified
- D. The equipment provided by the **Agency Department** was adequate
- E. Supervisory / Officer involvement was within policy

This policy supersedes any previous policies issued.

BY ORDER OF

CHIEF OF POLICE

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