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I. PURPOSE

It is the purpose of this policy to establish and prescribe guidelines for the lawful use of force by members of the College Park Police Department. This section shall also establish standard operating procedures for regulating use of force incidents and for the investigation of those incidents. The section will establish standard operating procedures for addressing critical incidents/post critical incidents.

II. DEFINITIONS

A. **Deadly Force** – Any use of force that is likely to cause death or serious bodily harm

B. **Non-Deadly Force** – Any use of force other than that which is considered deadly force.

C. **Reasonable Belief** – The facts or circumstances the officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

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

E. **De-escalation** - Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

F. **Objective Reasonableness** – Would some objectively reasonable officer have used the same amount of force as a particular officer under the circumstances faced by the officer?

III. RULES AND REGULATIONS

A. General

This Agency recognizes and respects the value and integrity of each human life. Investing law enforcement officers with lawful authority to use force to protect the public welfare requires a careful balancing of interests. Officers should only use the amount of force necessary to overcome resistance and accomplish lawful objectives. 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. Law enforcement officers are armed and trained to achieve control of various situations. Other means of force should be exhausted or deemed impractical before resorting to the use of deadly force (see OCGA 17-4-20(b) Use of Deadly Force). Control is achieved through the officer's presence, verbal commands, control and restraint, use of temporary incapacitation, or in situations where any person is endangered, by the use or threat of deadly force. The officer shall respond with the necessary force, and all actions by an officer are governed by the situation.

An officer is supported by the Agency in drawing their firearm pursuant to official duties when circumstances dictate. Nonetheless, these guidelines are intended for internal use only, and any violation of these rules shall result in administrative and/or disciplinary action. They are not intended to create a higher standard of safety or care with respect to third party claims. A violation of the law shall be the basis for civil or criminal penalties.

An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training whenever possible and appropriate before resorting to force and to reduce the need for force

Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

B. Use of Force Options

1. Officer Presence – Oftentimes the presence of an officer will defuse a situation. This is due to the respect that the uniform and its meaning commands. Officer presence will make most people stop whatever activity has caused the police to be called anyway.
2. Verbal Commands – Verbal commands are the officer’s next resort. Loud, clear and specific orders tell the violator what is expected of them and why they should comply.
3. Soft-Hand Techniques – Soft-handed techniques are used to escort the offender and to position them for cuffing and searching. Techniques that would fit into this category are pressure point and joint manipulations.
4. Hard-Hand Techniques – Hard-hand techniques, such as leg sweeps, punches or stunning distractions are used when the offender has offered active resistance and is trying to hurt the officer or escape. These techniques have a much higher potential for injury to the offender and therefore should only be used when active resistance is met.

The use of neck restraints or similar control techniques that limit blood and or oxygen flow to the brain shall not be used by officers unless no other effective force option is available and deadly force would otherwise be authorized in the circumstances in which it would be applied.

5. Chemical Weapons/Electronic Control Device (ECD)- Chemical Weapons include Oleoresin Capsicum (OC) sprays. These come in several varieties such as spray, liquid stream and foam. These incapacitate the subject by causing a severe burning sensation to the eyes, face and respiratory tract. The subject can easily be decontaminated by flushing with water. See SOP 11-7 for further explanations.

ECDs most commonly have the appearance of a police sidearm and are carried on the Officer’s duty belt. ECDs can be deployed by firing “prongs” into the subject that deliver an electrical shock for several seconds causing a disruption in the ability of the subject to resist. The

ECD can also be used by direct contact to the subject with the electrodes on the front of the unit. The current authorized ECD in use by this agency is the AXON TASER X2. See SOP 11-3 for further explanations.

6. Impact Weapons - Impact weapons, such as the ASP baton, PR-24 and straight batons tend to be more injurious to the offender than any empty-handed technique. Even when used correctly, there is potential for lacerations and broken bones. When applied incorrectly, death can result.

7. Deadly Force – Deadly force is defined as any method of control that is readily capable of causing great bodily harm or death. Therefore, it should only be used in the direst of circumstances.

C. Factors affecting Use of Force

Confrontations are seldom classified along such black-and-white lines. Each one has its own personality. This personality comes from Officer/Subject Factors and Special Circumstances.

1. Officer/Subject Factors are those which compare the assets of the officer to those of the offender. Those factors include:

- a) Age
- b) Gender
- c) Size
- d) Fitness
- e) Skill Level
- f) Multiple Officers
- g) Multiple Offenders

When comparing these factors, one could see how a small female officer, facing multiple offenders, would be justified in increasing the level of response to ensure her safety.

2. Special Circumstances may force the officer to elevate the response at a faster-than-normal pace. These circumstances include:

- a) Close proximity to a firearm/weapon
- b) Special Knowledge
- c) Injury or Exhaustion
- d) Ground position
- e) Disability
- f) Imminent Danger

D. Justification for Use of Non-deadly Force

Non-deadly force can be used by an officer in the performance of their duty:

1. When necessary to preserve the peace, prevent commission of offenses, or prevent suicide or self-inflicting injury;
2. When preventing or interrupting a crime or attempted crime against property;
3. When necessary to bring an unlawful situation safely and effectively under control;
4. When making lawful arrests and searches, overcoming resistance to such arrests and searches, and preventing escapes from custody; and
5. When in self defense, or defense of another against unlawful violence to their person.

E. Justification for the Use of Deadly Force

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

"Sheriffs and peace officers who are appointed or employed in conformity with Chapter 8 of Title 35 may use deadly force 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" OCGA 17-4-20.

2. Case law has provided perhaps the clearest depiction of what is really required to justify deadly force. Several cases have held that four elements are required for deadly force:

- a) Ability – The offender must be able to harm the officer or a third party.
- b) Opportunity – The opportunity to injure must be present. The two Parties must be together.
- c) Jeopardy – The victim must have believed that he was in great danger of being killed or grievously injured.
- d) Preclusion – There must have been no other option available to the victim.

3. The following examples are provided to show when an officer may use deadly force:

- a) When the officer reasonably believes it necessary to defend their own life or the life of another, or to prevent grave bodily injury to them self or

another;

- b) When necessary to prevent the commission of forcible felonies;
- c) To affect the arrest of a suspect where the officer has probable cause to believe that the suspect has committed a violent felony involving the infliction or threatened infliction of serious bodily harm or death and that by their escape they pose an imminent danger of serious bodily harm or death to others;
- d) When necessary to destroy a fatally wounded or sick animal, but only after making every reasonable attempt to locate and receive permission from the animal's owner and only if an Animal Control officer is unable to respond in a reasonable amount of time.
- e) When necessary to destroy an obviously mad or vicious animal that cannot otherwise be controlled. Again, Animal Control should be contacted first. Only when Animal Control officers are unable to respond in a reasonable amount of time should an officer destroy an obviously mad or vicious animal.

F. Shoot to Stop the Commission of a Forcible Felony

1. Before using a firearm, officers shall identify themselves and state their intent to shoot, when feasible;
2. Officers shall fire their weapon to stop an assailant from completing a potentially deadly act as described. Officers should shoot at the largest available mass provided by the assailant as a target area for the officer, to stop the threat and to minimize danger to innocent bystanders;
3. Warning shots are prohibited;
4. Facts unknown to an officer, no matter how compelling, cannot be considered in later determining whether the use of lawful force, particularly that of deadly force, was justified.

G. Participant's Follow-up Report

1. Anytime any officer of the Agency employs force, whether or not injury or death results, whether on or off duty, the officer shall prepare and submit an investigative report through the proper channels as soon as possible. This does not include discharging a firearm for training or recreational purposes. This investigative report shall include the officer's evaluation of the situation at the time of the incident, the weapon or instrumentality involved, any injuries or property damage, etc., the name and address of any injured persons or witnesses, and the extent and/or treatment of any injuries (See SOP 11.1 - Critical Incident Investigation and Review).
2. All incidents involving the use of force, non-deadly or deadly, shall be reviewed by the Office of Professional Standards to determine:
 - a) If action was within the Agency rules, policy and procedures;

- b) If relevant policy was understandable and effective to cover the situation;
 - c) If training was adequate;
 - d) If weapons/equipment used were adequate; and
 - e) If discipline issues should be addressed.
3. All findings of policy violation or training inadequacies shall be reported in order for appropriate action to be taken.

H. Training and Qualifications

1. The Use of Non-deadly Force or Weapons

- a) An officer is not permitted to use non-deadly force or a weapon unless qualified in its proficient use as determined by training procedures.
- b) The following non-deadly weapons and methods are authorized: OC Spray, Baton, ECD, and The W.R.A.P.
- c) The use of these less-lethal weapons require a Use of Force Report to be submitted as described above for the use of lethal weapons.

2. Deadly Weapons:

- a) While on-duty, officers shall carry only weapons and ammunition authorized and approved by this Agency.
- b) This Agency shall schedule regular training and qualification sessions for duty weapons and specialized weapons, which will be graded on a pass/fail basis and the results documented via POST Officer Training Profile and copies of sign-in sheets retained locally.
- c) Officers failing to receive a passing score shall be immediately re-assigned to non-enforcement duties. See S.O.P. 10-2 Weapons Qualification.
- d) An officer who has taken an extended leave or suffered an illness or injury that could affect their firearms ability shall be required to qualify before returning to enforcement duties.

3. Use of Force Training - The Agency shall conduct generalized Use of Force training annually. This training shall consist of review of concepts, statements of policies, and legal updates relative to use of force issues. This training shall be documented via the officer's POST Officer Training Profile with copies of sign-in sheets retained locally.

I. Agency Response

- 1. When an officer's use of force causes death or serious injury, the officer shall be placed on either administrative leave or in-house administrative duty in

accordance with S.O.P. 11-5.

2. The Agency will respect the rights of the federal government to conduct an independent investigation to identify any civil rights violations that may have occurred. The Agency will not order or request any of its members who may be suspect to confer with federal investigators without the advice of counsel.

J. Annual Review and Reporting

The Commander of the Office of Professional Standards shall cause an Annual Use of Force report to be generated at the end of the calendar year. This report shall consist of data from incidents and will be used to analyze the situations resulting in application of force and the force applied. This analysis will focus on trends that may be indicative of racial or socio-economic bias and any training short-comings that are evidenced.