

Geneva Police Department <b>GENERAL ORDERS</b>		<b>USE OF PHYSICAL FORCE/DEADLY PHYSICAL FORCE &amp; FIREARMS</b>	
<input type="checkbox"/> new: <input checked="" type="checkbox"/> rescinds: Policy & Procedure 20.1; 21.1 <input type="checkbox"/> amends:		<b>cross-reference:</b> NYS Penal Law- Article 35 G.O. 300	
<b>effective date:</b> 10.21.03		<b>Accreditation/Recognition standards:</b> C.A.L.E.A.: 1.3.1; 1.3.2; 1.3.3; 1.3.5; 1.3.6; 1.3.8 NYS L.E.A.P.: 20.1; 20.4; 20.7; 21.1; 21.2	
<b>issue/amend date:</b> 10.21.03 / 3.2.15 / 10.23.19			

<b>I. PURPOSE</b>	The purpose of this Order is to establish policies and procedures for the use of physical force and deadly physical force in general and firearms in particular.
<b>II. DEFINITIONS</b>	<p><b>A. <u>Physical Injury</u>:</b> means impairment of physical condition or substantial pain. New York Penal Law (NYPL), §10.00-9.</p> <p><b>B. <u>Serious Physical Injury</u>:</b> means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ. NYPL, § 10.00-10.</p> <p><b>C. <u>Deadly Physical Force</u>:</b> means physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury. NYPL, § 10.00-11.</p> <p><b>D. <u>Physical Force</u>:</b> means a level of force less than deadly physical force.</p> <p><b>E. <u>Reasonable Belief</u>:</b> 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.</p> <p><b>F. <u>Objectively Reasonable</u></b> – An objective standard used to judge an officer’s actions. Under this standard, a particular application of force must be judged through the perspective of a reasonable officer facing the same set of circumstances, without the benefit of 20/20 hindsight, and be based on the totality of the facts that are known to that officer at the time that the force was used.</p>
<b>III. POLICY</b>	<p><b>A.</b> The Geneva Police Department recognizes and respects the value and integrity of each human life. The Department also recognizes and accepts the profound responsibility that our lawful authority to use physical force and deadly physical force carries with it.</p> <p><b>B.</b> In general terms, force is authorized to be used when reasonably believed to be necessary to effect a lawful arrest or detention, prevent the escape of a person from custody, or in defense of one’s self or another.</p> <p><b>C.</b> All use of physical force and deadly physical force will be consistent with applicable legal principles and this Order.</p> <p style="padding-left: 20px;">1. Under the 4<sup>th</sup> Amendment, a police officer may use only such force as is “objectively reasonable” under the circumstances. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer at the scene.</p> <p><b>D.</b> All use of physical force or deadly physical force will be to protect the officer or another person or to effectuate a valid and lawful public safety or law enforcement purpose.</p>

### III. POLICY (CONT.)

- E. This Order will govern the use of physical force and deadly physical force by whatever means including but not limited to firearms or other weapons. Any weaponless use of force that is readily capable of causing serious physical injury or death must meet the justification standards for deadly physical force. Neck restraints, chokeholds or similar weaponless control techniques are not authorized.
- F. This Order applies to all use of physical force and deadly physical force by all employees of the Geneva Police Department while on duty. It also applies to all off-duty uses of physical force and deadly physical force in which the officer is acting pursuant to his or her authority as a Geneva Police Officer or using any Department-issued/authorized weapon, ammunition, or other equipment.
- G. In using physical force or deadly physical force officers should avoid creating an unreasonable risk to bystanders or persons other than the intended subject of the force. However, nothing in this Order should be construed to restrict or limit an officer's legal right to self-defense or to defend another person.
- H. This Order is for Departmental use only and does not apply in any criminal or civil proceeding. It shall not create and it shall not be construed as creating or implying a higher legal standard of duty, care, or safety in an evidentiary sense with respect to any claims. Nothing in this Order is intended to create nor does create an enforceable legal right or private cause of action.
- I. Personnel will use only the level of force necessary in the performance of their duties within the limits established by Article 35 of the New York State Penal Law, applicable constitutional standards and consistent with the training and policies of the Geneva Police Department. Officers shall employ only the degree of force that is necessary to accomplish their lawful objectives. All officers are responsible to be aware of the legal, policy, and training requirements to guide their actions in using force.
- J. Factors that may be used in determining the reasonableness of force include, but are not limited to:
1. The severity of the crime or circumstance.
  2. The level and immediacy of a threat or resistance posed by the suspect.
  3. The potential for injury to citizens, officers and suspects.
  4. The risk or attempt of the suspect to escape.
  5. Officer/subject considerations such as age, size, relative strength, skill level, injury or exhaustion and the number of officers or subjects.
  6. Other environmental conditions or exigent circumstances.
- K. For purposes of this Order, a "Use of Force" will be deemed to have occurred any time an officer uses physical force or deadly physical force against another person or otherwise subjects another person to any force or contact, including the use of Defensive Spray.
- NOTE: This does not include routine contact such as merely handcuffing a subject or searching a subject pursuant to arrest.
- L. The use of any active countermeasure, including but not limited to pressure point control, impact weapon or defensive spray is considered a use of force and in addition to other reports required by departmental procedures, the officer will complete a **Use of Force Report**. (See Attachment A of this order)
1. Officers shall prepare and submit a **Use of Force Report** when:
    - a. A person is injured or complains of an injury or death results from a use of physical force.

### III. POLICY (CONT.)

- b. The use of force involves acts such as striking, punching, kicking, or the use of pressure point controls.
  - c. The use of force involved the deployment of an impact weapon, CEW, chemical agent or pepper spray.
  - d. The use of force involves the discharge of a firearm, (for other than training, destroying an injured or dangerous animal or recreational purposes) whether or not a person was struck. **(Firearms Incident Report to be filed also-See Attachment B of this order)**
  - e. An officer points a firearm in the direction of another person or otherwise uses the firearm to control a person.
  - f. Any time an officer uses force as defined by § III (I) above.
  - g. The Officer is directed to complete a Use of Force Report by a supervisor.
2. If an Officer is unable to complete the Use of Force Report at the time of the incident, the responsible Supervisor will ensure that the Use of Force Report is completed as soon as feasible.
  3. An officer who uses force will notify the on-duty Supervisor as soon as feasible. The Supervisor will respond and personally observe the subject upon whom force has been used to verify the existence and extent of injuries, or the absence of injury.
  4. In all cases in which force was used and the individual was arrested, photographs of the subject will be taken as necessary to document injuries or the absence of injuries. Photos should be taken with a department issued digital camera.
  5. Upon completing a Use of Force Report, the reporting officer will submit it to an on-duty supervisor for review with the associated case reports.
  6. The reviewing supervisor shall ensure that the Use of Force Report is fully and properly completed. If the Report is acceptable, the reviewing supervisor shall sign the Report and forward it to the duty Lieutenant for review.
    - a. If the Use of Force Report needs correction or amendment, the reviewing supervisor will return it to the reporting officer, if available, with instructions for correction. If the reporting officer is no longer available, the reviewing supervisor will arrange for the Report to be returned to the officer through his/her supervisor(s) with instructions for correction. The officer's supervisor(s) will ensure that the Report is corrected and submitted when the reporting officer is next available.
  7. Once the Use of Force Report has been approved, it will be forwarded to the duty Lieutenant. The Lieutenant shall review the Report and either:
    - a. Return it to the reporting officer's supervisor for correction or amendment, if necessary; or
    - b. Initial and date the Use of Force Report and forward it to the Chief of Police.
  8. The Chief of Police shall review the Use of Force Report and either:
    - a. Return it to the Lieutenant for correction or amendment, if necessary; or
    - b. Initial and date the Report and file the Report following standard Department procedures.

<p><b>III. POLICY (CONT.)</b></p>	<p><b>M. Duty To Intervene:</b></p> <ol style="list-style-type: none"> <li>1. Any officer present and observing another officer using force that he/she reasonably believes to be clearly beyond that which is objectively reasonable under the circumstances shall intercede to prevent the use of unreasonable force, if and when the officer has a realistic opportunity to prevent harm.</li> <li>2. An officer who observes another officer use force that exceeds the degree of force as described in this subdivision 1 of this subsection should promptly report these observations to a supervisor.</li> </ol>
<p><b>IV. USE OF PHYSICAL FORCE</b></p>	<p><b>A. Personnel will use only the force necessary to achieve their lawful objectives as set forth below.</b></p> <ol style="list-style-type: none"> <li>1. <b><u>Self-Defense or Defense of Another Person</u></b> <ol style="list-style-type: none"> <li>a. An officer may use physical force when and to the extent he reasonably believes it to be necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of unlawful physical force.</li> </ol> </li> <li>2. <b><u>To Effect an Arrest or Prevent an Escape</u></b> <ol style="list-style-type: none"> <li>a. An officer, in the course of effecting an arrest, or of preventing or attempting to prevent the escape from custody, of a person whom he reasonably believes to have committed an offense, may use physical force when and to the extent he reasonably believes it to be necessary to effect the arrest, or to prevent the escape from custody, or to defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force.</li> </ol> </li> <li>3. <b><u>Prevention of Suicide</u></b> <ol style="list-style-type: none"> <li>a. An officer acting under a reasonable belief that another person is about to commit suicide or to inflict serious physical injury upon himself may use physical force upon such person only to the extent that he reasonably believes it necessary to prevent such result.</li> </ol> </li> <li>4. <b><u>Protection of Property and Premises</u></b> <ol style="list-style-type: none"> <li>a. An officer may use physical force, other than deadly physical force, upon another person when and to the extent that he reasonably believes it to be necessary to prevent what he reasonably believes to be the commission or attempted commission of a larceny, criminal mischief, or a crime involving damage to premises, or criminal trespass.</li> </ol> </li> </ol>
<p><b>V. USE OF DEADLY PHYSICAL FORCE</b></p>	<p><b>A. <u>Self Defense or Defense of Another Person</u></b></p> <ol style="list-style-type: none"> <li>1. An officer may use deadly physical force only when the use of deadly physical force is necessary to prevent or terminate deadly physical force from being used against the officer or a third person, pursuant to § 35.15 (2)(a) of the New York State Penal Law;</li> </ol> <p><b>Note:</b> Officers faced with an imminent threat of death or serious physical injury in the course of their police duties, are not required to retreat or withdraw to avoid the necessity of using deadly physical force. <i>See</i> NYPL §35.15(2) (a) (ii).</p> <p><b>B. <u>To Effect an Arrest or Prevent Escape</u></b></p> <ol style="list-style-type: none"> <li>1. This provision governs use of deadly physical force for the purpose of effecting or attempting to effect an arrest or of preventing or attempting to prevent an escape from custody. This provision is sometimes referred to as the “fleeing felons” provision.</li> </ol>

**V. USE OF DEADLY PHYSICAL FORCE (cont.)**

2. An officer may use deadly physical force to effect the arrest or prevent the escape from custody only under the following circumstances:
  - a. The officer reasonably believes the subject has committed a felony or has attempted to commit a felony, involving the infliction or threatened infliction of death or serious physical injury; **AND**
  - b. The officer reasonably believes that deadly physical force is necessary to effect the arrest of the subject or to prevent his escape from custody; **AND**
  - c. The officer reasonably believes that deadly physical force is necessary to defend the officer or another person from what the officer reasonably believes to be the use or imminent use of deadly physical force; **AND**
  - d. If feasible, the officer has issued a verbal warning.
3. Pursuant to NYS Penal Law, §35.30 (2): *“The fact that a police officer or peace officer is justified in using deadly physical force [for the purpose of effecting or attempting to effect an arrest or of preventing or attempting to prevent an escape from custody] does not constitute justification for reckless conduct by such police officer or peace officer amounting to an offense against or with respect to innocent persons whom he is not seeking to arrest or retain in custody.”*

**VI. USE OF FIREARMS**

**A. Warning Shots**

1. Warning shots are strictly prohibited.

**B. Moving Vehicles**

1. An officer **will not** discharge a firearm at a moving vehicle unless:
  - a. The officer reasonably believes the moving vehicle is being used as an instrument of deadly physical force against the officer or another person (e.g., the operator of the vehicle is striking or attempting to strike the officer or another person with the vehicle); or
  - b. The officer reasonably believes that an occupant of the vehicle is using or threatening the imminent use of deadly physical force against the officer or another person (e.g., shooting from the vehicle).
2. An officer **will not** discharge a firearm at a fleeing vehicle that does not constitute an imminent danger of death or serious physical injury to the officer or another person, or at any occupant of such a vehicle. An officer will not discharge a firearm at a vehicle solely to prevent the escape of the vehicle or any of its occupants.
3. An officer **will not** discharge a firearm from a moving vehicle unless the officer reasonably believes such action to be necessary to protect himself or another person from death or serious physical injury.
4. In deciding whether to discharge a firearm at or from a moving vehicle officers will take into consideration the risk of such action to other persons.

**C. Drawing and Displaying Firearms**

1. The drawing or display of an officer’s firearm represents an escalation toward the use of deadly physical force, increasing the risk of accidental discharge or weapon loss, and may contribute to fear and panic. Officers are justified in removing firearms from holsters and/or gun mounts if:

**VI. USE OF FIREARMS (cont.)**

- a. An officer believes that circumstances exist which may justify the use of deadly physical force under this Order (e.g. building searches, no-knock search warrants, high-risk vehicle stops, confronting a person that the officer reasonably believes to be armed and dangerous, dealing with an injured or dangerous animal); **and/or**
- b. The officer reasonably believes that the situation poses or may pose an imminent threat of death or serious physical injury to the officer and another person.

**D. Intentional Discharge of Firearm**

- 1. An officer will not intentionally discharge a firearm unless:
  - a. The officer reasonably believes that circumstances exist which justify the use of deadly physical force under this Order;
  - b. The officer reasonably believes that circumstances exist justifying the use of a firearm against an injured or dangerous animal under this Order; or
  - c. The discharge is part of Department-authorized training.
- 2. All intentional discharges of a firearm will be reported on a Firearms Incident Report and investigated as a deadly physical force incident. This does not apply to training activities, legal hunting or target practice purposes or those occasions when the firearm discharge was for the purpose of destroying an injured or dangerous animal.

**E. Accidental Discharge of Firearm**

- 1. Officers will exercise due care to handle and store firearms properly and safely and to prevent an accidental discharge.
- 2. An accidental discharge of a firearm issued by the Department or possessed by an officer as an exempt person, (possessed under legal exemption from the licensing requirement, NY Penal Law § 265.20) whether on-duty or off-duty, will be reported immediately to the duty Supervisor, or in his absence, the senior police officer on duty, by the involved officer.

**Note:** Officers will report off-duty accidental discharges of other firearms in accordance with applicable laws.
- 3. If any person is injured as a result of the accidental discharge, the incident will be investigated as a deadly physical force incident.
- 4. If no one is injured as a result of the accidental discharge, the duty Supervisor will make proper notification to the Lieutenant/Detective Bureau (LT/DB). The Supervisor will ensure that a full investigation is conducted including all appropriate reports and evidence work. The Supervisor will request whatever assistance may be required to accomplish this.
- 2. The case file, including all reports and documentation, will be forwarded to the Chief of Police via the chain-of-command.
- 3. In all cases of an accidental discharge of an issued firearm or firearm possessed as an exempt person, a Firearms Incident Report will be completed and the LT/DB will also conduct an internal investigation.

**VII. GENERAL CONSIDERATIONS**

**A. Notification**

1. Any time physical force or deadly physical force is used the officer(s) involved will notify an on-duty supervisor(s).

**B. Verbal Warnings**

1. If feasible, officers will identify themselves and issue a verbal warning before using physical force or deadly physical force.
2. Verbal warnings need not be issued when the officer reasonably believes that doing so would increase the danger to the officer or another person.

**C. Equipment and Techniques**

1. In using physical force or deadly physical force an officer will generally use Department-issued equipment and Department-approved techniques. However, in cases in which the officer reasonably believes it is necessary to protect himself or another person, the officer may utilize any readily available weapon, instrument, or technique provided the level and nature of such force is legally justifiable.

**D. Medical Aid**

1. After force has been used, officers will immediately evaluate the need for medical attention or treatment for the subject and arrange for such treatment when:
  - a. The subject has a visible injury requiring medical attention;
  - b. The subject complains of injury or discomfort or requests medical attention; or
  - c. Defensive Spray was used.
2. All subjects who have been subjected to a TASER (Conducted Energy Weapon/CEW) **MUST** be evaluated by local EMS when safe to do so.
3. Subjects who have been arrested and require medical attention shall be taken to the hospital for treatment **prior** to being taken to the Public Safety Building (PSB).
4. Subjects who have been injured and are not arrested shall be encouraged to seek treatment at a medical facility. The subject's acceptance or refusal of medical care will be documented and witnessed on the Use of Force report.
4. Subjects who are exposed to Defensive Spray and subsequently arrested will be taken to the PSB and offered decontamination. If the subject is otherwise injured or requires medical treatment this may be done at the hospital. If the subject refuses medical treatment, the refusal shall be documented on the Use of Force Report.
5. Subjects who are exposed to Defensive Spray and not arrested shall be offered decontamination at the scene or at the hospital if necessary. If the subject refuses medical treatment the officer will contact a supervisor to witness said refusal. The refusal shall be documented on the Use of Force Report.

If the subject who has been exposed to Defensive Spray continues to be combative or displays excessive hyperactive behavior or other signs of distress (e.g., difficulty breathing, chest pain, and/or other physical signs of heart attack) after the exposure, officers will transport the subject, or arrange for transportation, to the hospital without delay.

**VIII. USE OF FIREARMS-ANIMALS**

**A. An officer may use his firearm to destroy an animal under the following circumstances:**

1. The officer reasonably believes that the animal is so badly injured that it is appropriate to destroy the animal for humanitarian reasons; or
2. The officer reasonably believes that the animal is presenting a danger or threat of injury to the officer or another person.

<b>VIII. USE OF FIREARMS-ANIMALS (cont.)</b>	<p><b>B.</b> In using firearms to destroy animals officers will adhere to the following procedures:</p> <ol style="list-style-type: none"> <li>1. In the event an officer believes it is or may be appropriate to destroy an animal the officer will first contact an on-duty supervisor and notify him or her unless not feasible. If possible, the supervisor will respond and assume responsibility for the situation.</li> <li>2. Officers shall exercise due care to ensure that no person is endangered or injured by the discharge of the firearm.</li> <li>3. In the case of an injured animal, permission from the owner should be obtained if possible. If the owner is present and declines permission the officer will require the owner to remove the animal.</li> <li>4. Destroying an animal in the presence of children should be avoided.</li> <li>5. Officers will make arrangements to remove the remains as soon as possible.</li> <li>6. The officer destroying the animal will complete an Incident Report documenting the circumstances. The duty Supervisor will review the report for completeness and see that the proper procedures as set forth above in this Order were adhered to.</li> </ol>
<b>IX. DEADLY PHYSICAL FORCE INCIDENTS</b>	<p><b>A.</b> The following procedures will be followed as applicable in all deadly physical force incidents as described below:</p> <ol style="list-style-type: none"> <li>1. Officer-involved shooting incidents regardless of whether any person is injured or killed, including every intentional discharge of a firearm except those done for the purpose of destroying an animal in accordance with this Order, or done for authorized Department training;</li> <li>2. Any accidental discharge of a firearm that results in injury to any person or damage to any property or premises; or</li> <li>3. Any police-involved death or serious physical injury, including cases in which a subject is killed or seriously injured by the police, dies or sustains serious physical injury in police custody, or dies or receives serious physical injury fleeing from the police.</li> </ol> <p><b>B.</b> These procedures will commence as soon as feasible once the situation has been brought under sufficient control to ensure the safety of all persons involved.</p> <p><b>C.</b> These procedures will be followed in all on-duty deadly physical force incidents and all off-duty deadly physical force incidents in which the officer was acting pursuant to his or her authority as a Geneva Police Officer.</p> <p><b>D.</b> In the event that a Geneva Police Officer is involved in a shooting or other deadly physical force incident outside the City of Geneva, these procedures will be followed to the greatest extent feasible in coordination and cooperation with the responsible investigating jurisdiction.</p>
<b>X. INITIAL RESPONSE PROCEDURES</b>	<p><b>A. <u>First Responder Procedures</u></b></p> <ol style="list-style-type: none"> <li>1. Officers will notify the Dispatcher of the situation and request any necessary emergency medical assistance.</li> <li>2. Officers will obtain and broadcast the description of any suspect(s) who are not yet in custody.</li> <li>3. Any uninjured suspect(s) will be taken into custody and removed to the PSB as soon as possible. Injured suspect(s) will be transported to the hospital under the guard of an officer. The officer should be alert to secure any items of potential evidentiary value and to note any statements made by the suspect.</li> </ol>

**X. INITIAL  
RESPONSE  
PROCEDURES  
(cont.)**

**Note:** *The officer(s) who have used deadly physical force should not be assigned to transport or guard the person(s) against whom such force has been used, unless no other officers are available. In such cases, the Supervisor should relieve the involved officer(s) from transport or guard duty as soon as other officers are available.*

4. The LT/DB if available, will respond to the scene as quickly as possible and personally assume command of the situation. If unavailable, the duty Supervisor will assume command, assess the situation and request such other assistance and personnel as are required under the particular circumstances. The Supervisor will ensure that all officers and other persons receive any needed medical assistance.
5. Officers will secure the scene as quickly and effectively as possible consistent with safety needs and the need for medical treatment of any victims.
6. If feasible, officers will photograph the scene before anything is moved.
7. Officers will attempt to identify and secure any witnesses to the incident. As soon as possible, the witnesses will be separated and not allowed to discuss the incident.
8. In the event any officer(s) or other person(s) are injured and are transported for medical treatment, officers will be assigned to accompany them to the hospital. If officers are not immediately available the Supervisor will make arrangements to secure additional officers for this duty as soon as possible.
2. In the event that officers are not immediately available to accompany injured persons to the hospital the Supervisor will ensure that ambulance personnel, EMTs, and other medical personnel are interviewed regarding any statements overheard or other observations of potential evidentiary value.
9. The Supervisor will initiate and coordinate a preliminary investigation of the incident.
10. The Supervisor will brief other Supervisory Officers of the situation.
11. The Supervisor will ensure that all officers with involvement or knowledge of the incident are identified and that the necessary reports are completed.
12. If appropriate under the circumstances the Supervisor will commence to establish a Command Post.

**B. Notification Procedures**

1. As soon as possible the following persons will be notified of a deadly physical force incident:
  - a. Chief of Police;
  - b. LT/DB
  - c. Lieutenant/Services Bureau (LT/SB)
  - d. Lieutenant/Uniform Force (LT/UF)
  - e. Geneva Police Officer's Union President
2. Upon being advised of the circumstances the LT/DB will arrange for the call-in of such Detective Bureau personnel as deemed necessary.
3. Depending upon the circumstances the Ranking Officer may also notify such other persons as deemed appropriate. These may include:
  - a. District Attorney;
  - b. Coroner

**X. INITIAL  
RESPONSE  
PROCEDURES  
(cont.)**

4. Upon being notified of the circumstances of the incident the Chief, or in his absence the Chief's designee, may also notify, or arrange for the notification of, other persons as appropriate, including:
  - a. City Manager;
  - b. Mayor;
  - c. City Attorney

**C. Evidence Procedure**

1. Responding Officers and supervisors will take necessary steps to secure and protect the scene of the incident and all potential items of evidence. The area should be sealed off and civilians and non-essential personnel removed. This should be done as soon as possible.
  - a. Officers should bear in mind that it might be necessary to secure areas beyond the immediate scene. For example, if the incident involved a moving exchange of gunfire, officers should attempt to secure the entire route of the incident.
2. Officers should not touch or move firearms or other weapons involved unless it is necessary to do so for safety reasons or to prevent their removal by unauthorized persons.
3. The Supervisor will ensure that the instrument of deadly physical force (e.g., officer's firearm), all ammunition, all related leather goods, and other uniform or equipment items that may constitute evidence, are secured by an Evidence Technician if available or by the supervisor who will turn the evidence over to a technician as soon as practicable.

**NOTE:** This should be done as soon as feasible at the PSB or the hospital if the officer has been taken for treatment.

- a. Any weapon or other equipment taken from an officer as evidence will be replaced as soon as possible unless otherwise ordered by the Chief.
4. Upon arrival, Detective Bureau personnel will assess the situation and assume responsibility for further processing of the scene.
5. All items of evidence associated with a deadly physical force incident must be held until all legal proceedings are complete, including any subsequent civil litigation.

**D. Procedures for Officers Involved in Deadly Physical Force Incidents**

1. Officer(s) involved in the use of deadly physical force will remain at or near the scene pending the arrival of a supervisor, unless injured, further pursuit of suspects is required, or removal from the scene is necessary for the officer(s)' safety.
2. Involved officer(s) will describe to a supervisor the basic facts and circumstances of the incident as soon as possible. Formal questioning and statements will be deferred until the officer has been given an opportunity to consult with legal counsel and/or Union representatives.
3. Another officer should be assigned to accompany the involved officer for support and to attend to his or her immediate needs.
4. While near the scene the officer should be afforded privacy to the greatest extent possible under the circumstances. The involved officer(s) shall remain near the scene so long as necessary to relate the basic facts and circumstances necessary to guide the preliminary stages of the investigation, the securing of the scene, and the location of witnesses and evidence.
5. The supervisor will ensure that involved officer(s) are provided appropriate assistance in contacting family members or other support persons.

<p><b>X. INITIAL RESPONSE PROCEDURES</b> (cont.)</p>	<p>6. When relieved by a supervisor, return to the PSB and prepare a written report of the incident. The involved officer must be accompanied by a Supervisor or senior officer.</p> <p>7. In the event the involved officer(s) are injured, the following procedures will be followed:</p> <p>a. Injured officers will be transported to the hospital for treatment.</p> <p><b>Note:</b> In the event both injured suspect(s) and injured officer(s) are taken to the same hospital, the Supervisor must be alert to the possibility that family members and friends of both parties may be in close proximity, leading to the possibility of a confrontation. The Supervisor will ensure that sufficient police personnel are present to maintain order and security of all persons.</p> <p>b. The Supervisor will ensure that the injured officer(s) receives any necessary assistance in contacting family members or other support persons and in facilitating arrangements for them to come to the medical facility.</p> <p>c. The Supervisor will ensure that the officer's firearm and any other equipment of possible evidentiary value is secured as soon as feasible.</p> <p>8. In the event an injured officer in a deadly physical force incident is admitted to a hospital, at least one officer will be assigned guard detail during the officer's stay to ensure the safety and security of the injured officer. This guard detail will continue for the duration of the officer's stay in the hospital unless the Chief or the Chief's designee authorizes its discontinuation.</p>
<p><b>XI. TRAUMA COUNSELING</b></p>	<p>A. Confidential trauma counseling will be provided through the EAP Program, in all cases of use of deadly physical force as follows:</p> <ol style="list-style-type: none"> <li>1. On-scene, at the Public Safety Building, and/or at the Medical facility as soon as possible;</li> <li>2. Immediate follow-up;</li> <li>3. Six-month follow-up;</li> <li>4. One-year follow-up;</li> </ol> <p>B. Other counseling will be provided as may be requested by the officer or directed by the Chief of Police.</p> <p>C. The Department will also make trauma debriefing available to the family members of involved officers.</p>
<p><b>XII. FOLLOW-UP INVESTIGATION</b></p>	<p>A. The Detective Bureau will be responsible for follow-up investigation of deadly physical force incidents under the overall direction of the Chief and the LT/DB. This investigation will comply with Departmental policies and procedures.</p> <p>B. The assistance of other law enforcement agencies may be requested by the Chief, or the Chief's designee, in cases where such assistance is deemed necessary or appropriate.</p> <p>C. Involved officer(s) will be given an opportunity to consult with legal counsel and/or Union representatives prior to being subjected to formal interviews and statements.</p> <p>D. The involved officer(s) will be kept apprised of the status of the investigation to the extent that it does not compromise the investigation. In determining what information may be released to the involved officer(s) the District Attorney's Office will be consulted.</p>

<p><b>XII. FOLLOW-UP INVESTIGATION (cont.)</b></p>	<p><b>E.</b> All deadly physical force incidents will be referred to the District Attorney's Office for review and such further action as deemed appropriate by the District Attorney, (e.g., presentation to Grand Jury). This will be a standard procedure. Review by the District Attorney and any presentation to the Grand Jury will not imply misconduct by the involved officer(s).</p> <p><b>F.</b> In the event another agency initiates an investigation of the incident, (e.g., the Federal Bureau of Investigation), commences a civil rights investigation, the following procedures will be followed:</p> <ol style="list-style-type: none"> <li>1. The Chief will determine what information will be made available to the other agency and set up a procedure to forward information to the other agency and to coordinate the investigations. No employee will share information with the other agency unless pursuant to such a procedure or otherwise authorized by the Chief.</li> <li>2. The Chief will designate an officer to serve as a liaison to facilitate communication and coordination with the other agency.</li> </ol>
<p><b>XIII. INTERNAL INVESTIGATION</b></p>	<p><b>A.</b> Pursuant to General Order 300 the LT/DB will conduct an internal investigation of all deadly physical force incidents and accidental discharges of firearms. Receipt of this Order will constitute notice to officers that an internal investigation will be conducted in such circumstances. The procedures set forth in General Order 300 will be followed.</p> <ol style="list-style-type: none"> <li>1. If the LT/DB is either involved in, or witnesses the incident, the Chief of Police will designate a supervisory officer to conduct the internal investigation.</li> </ol> <p><b>B.</b> The Chief of Police will designate an outside law enforcement agency to conduct any criminal investigation into the incident.</p> <p><b>C.</b> The LT/DB shall review the incident to ensure that the Use of Force was necessary, reasonable and justified and shall determine whether the Use of Force was:</p> <ol style="list-style-type: none"> <li>1. Within department policy and applicable laws or</li> <li>2. Out of department policy and/or in violation of applicable laws</li> </ol> <p><b>D.</b> The LT/DB shall report his findings along with any recommendations to the Chief of Police.</p>
<p><b>XIV. ASSIGNMENT TO ADMINISTRATIVE DUTY</b></p>	<p><b>A.</b> When an officer is involved in a shooting, or other use of force incident that results in serious physical injury or death, the Chief of Police or his designee will assign that officer to temporary administrative leave/ duty. <b>The temporary assignment to administrative leave/ duties does not imply any misconduct on the part of the officer. Such assignment is standard procedure.</b></p> <p><b>B.</b> The administrative assignment will not place the Officer in a position where the potential for resistance incidents may occur due to the nature of the assignment.</p> <p><b>C.</b> The work schedule of the administrative duty assignment will be set by the Chief consistent with the best interests of the Department and the officer.</p> <p><b>D.</b> Officers assigned to administrative duty will:</p> <ol style="list-style-type: none"> <li>1. Refrain from routine exercise of police arrest and intervention duties except to the extent that such action is necessary to protect the officer or another person;</li> <li>2. Refrain from any public discussion of the administrative assignment or circumstances related to the incident.</li> <li>3. Retain all rights, privileges, and employee benefits; and</li> <li>4. Retain responsibility for compliance with all laws, Department Rules and Regulations, General Orders, policies and procedures, and directives governing Department personnel that are not specifically exempted by this order.</li> </ol>

<b>XIV. ASSIGNMENT TO ADMINISTRATIVE DUTY (cont.)</b>	<p>E. The administrative duty assignment will continue at least until the completion of the internal investigation and final Grand Jury action if any, unless the administrative assignment is terminated sooner by the Chief of Police. It may be continued longer on a case-by-case basis by the Chief of Police. Any such extension of the administrative duty assignment will not imply any misconduct on the part of the involved officer.</p> <p>F. Officers assigned to administrative leave shall remain available at all times for official department interviews and statements, and shall be recalled to duty at the discretion of the Chief of Police.</p>
<b>XV. PROHIBITED USES OF FORCE</b>	<p>A. Force shall not be used by an officer for the following reasons:</p> <ol style="list-style-type: none"> <li>1. To extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present.</li> <li>2. To coerce a confession from a subject in custody.</li> <li>3. To obtain blood, saliva, urine or other bodily fluids or cells from an individual for the purposes of scientific testing in lieu of a court order where required.</li> <li>4. Against persons who are handcuffed or restrained unless it is used to prevent injury, escape or otherwise overcome active or passive resistance posed by the subject.</li> </ol>
<b>XVI. TRAINING</b>	<p>A. All officers will receive training and demonstrate their understanding on the proper application of service during annual in-service training.</p> <p>B. Training topics will include use of force, conflict prevention, conflict resolution and negotiation and de-escalation techniques and strategies, including, but not limited to, interacting with persons in an agitated condition as well as duty to intervene and prohibited conduct.</p> <p>C. This policy is not intended to be a substitute for proper training in the use of force. Comprehensive training is the key to the real-world application of the concepts discussed within this policy.</p> <div style="text-align: right; margin-top: 200px;"> <p>Approved By:</p>  <p><b>MICHAEL J. PASSALCQUA</b> CHIEF OF POLICE</p> </div>