

## USE OF FORCE

---

### USE OF DEADLY FORCE RESPONSE

---

**Purpose:** The purpose of this directive is to establish guidelines concerning the initial response to and investigation of officer involved shootings and any other use of deadly physical force by a member of this Department resulting in death or serious physical injury.

**Policy Statement:** It is the policy of the North Little Rock Police Department that all officer-involved uses of deadly force will be investigated with the utmost thoroughness, professionalism, and impartiality to determine if members' actions conform to applicable law as well as this agency's policy on use of force. Additionally, it is this agency's desire to provide support services to involved officers and their families.

**Summary of Changes:** New format.

#### **Definitions:**

**Involved Officer:** is defined as any officer involved in an incident in which deadly physical force is used. Any officer present at the scene of an incident involving the use of deadly physical force, but does not participate in the actual use of deadly physical force is not considered an involved officer for the purposes of this policy.

#### **Procedure:**

##### **1 Policy**

It is the policy of the North Little Rock Police Department to conduct thorough investigations in all instances of police involved use of deadly physical force as well as provide support services to affected members. Types of incidents covered under this policy include, but are not limited to:

- 1.1 Anytime an officer discharges a weapon at any person for the purpose of employing deadly physical force. Death or injury resulting from said use of force is not a prerequisite to the application of this policy. This agency's response to an officer involved shooting will be the same even if the shots fired do not strike any persons.
- 1.2 Any use of deadly physical force that results in serious physical injury or death, including, but not limited to:
  - 1.2.1 The use of any physical force normally not associated with deadly physical force (use of empty hands, chemical deterrents, less lethal weapons, etc.) that results in serious physical injury or death.

##### **2 Protocol**

Officers involved at the scene of a shooting incident or other officer-involved use of deadly force will take those measures that are reasonably possible and appropriate to protect their safety and to preserve evidence essential to the subsequent investigation.

- 2.1 Until relieved by a responding uninvolved officer, involved officer(s) will ensure the following actions are undertaken in the order deemed appropriate.
  - 2.1.1 Ensure that the threats to officer safety and the safety of others are over;
  - 2.1.2 Inform communications of the incident and provide relative emergency information;
  - 2.1.3 Administer first aid, if possible, pending arrival of emergency medical services;
  - 2.1.4 Secure and separate suspects;
  - 2.1.5 Request a supervisor, additional backup, and any other assistance required;
  - 2.1.6 Protect and isolate the scene;
  - 2.1.7 Holster any involved firearms or secure them in place as evidence provided the incident is over and the officer has no additional safety concerns. Do not open, reload, remove shell casings, or in any manner tamper with involved firearms.
- 2.2 The first uninvolved supervisor to arrive will take command of the incident scene and will:
  - 2.2.1 Assume the primary responsibility in caring for the involved personnel;
  - 2.2.2 Interact with all involved officers in a manner that acknowledges the stress caused by the incident;
  - 2.2.3 Ascertain a brief overview of the situation from an officer that was not involved in the use of deadly force.
    - 2.2.3.1 In the event that there are no uninvolved officers, the supervisor should attempt to obtain a brief voluntary overview from an involved officer.
    - 2.2.3.2 If necessary, the supervisor may administratively order any officer to immediately provide public safety information necessary to secure scene and pursue suspects.

- 2.2.4 Ensure that the Investigations Division duty officer has been notified.
- 2.2.5 Notify the involved officer(s) division/unit commander, or the staff duty officer if the commander is unavailable.
- 2.2.6 Ensure the scene is secured and protected.
- 2.2.7 Ensure that an incident report has been written by an officer that was not involved in the deadly use of force incident. Officers involved in the incident or present during the incident will write supplement reports to the incident. [CALEA 1.3.6a,b,c]
  - 2.2.7.1 Any officer involved in a deadly use of force incident that exposes him/her to a criminal investigation as it pertains to this policy is not required by law to submit a written report or supplement report if said report would incriminate an involved officer of an illegal act. Any reports submitted by an involved officer will be done voluntarily.
  - 2.2.7.2 The completed incident report will be submitted for review and approval to the Investigations' supervisor assigned to the case.
  - 2.2.7.3 Supplement reports completed by involved officers will be submitted to the Investigations' supervisor assigned to the case for review and approval.
  - 2.2.7.4 All related Department documents except administrative and/or privileged reports will be forwarded to the assigned Investigations' supervisor for review and approval.
- 2.3 The area commander or supervisor will secure the involved officer(s) firearm and additional magazines by taking custody as expeditiously as possible.
  - 2.3.1 This will not be done in the public view.
  - 2.3.2 The firearm and magazines will be handled as evidence.
  - 2.3.3 The officer will be issued another firearm as soon as practical. A replacement weapon may be obtained from the property room.
  - 2.3.4 Officers will not replace the involved officer's weapon with their own. A supervisor may temporarily provide a weapon to the involved officer if said officer is unable to avoid media exposure.
- 2.4 The officer will be removed from the scene as soon as practical.
  - 2.4.1 The officer will leave the scene in the front seat of a police unit.
  - 2.4.2 The officer should not be left alone. Another officer or a person of the officer's choosing should stay with the officer until the officer is home with a family member or friend.
- 2.5 In the event the area commander is involved in the shooting, the responsibilities of the area commander will be assumed by the first ranking officer arriving at the scene.

### **3 Investigations Division Responsibilities**

- 3.1 Notify the Pulaski County Prosecuting Attorney or the City Attorney if the Prosecuting Attorney or the Chief Deputy Prosecuting Attorney cannot be contacted.
- 3.2 Assign investigators, as appropriate, to investigate the incident.
- 3.3 Insure that adequate personnel are available to secure the scene and insure that all unnecessary personnel, including police officers and city officials not involved in the investigation or protection of the scene, are kept away from the scene.
- 3.4 Notify the public information officer.
- 3.5 Keep the officer in charge of the Professional Standards Unit abreast of the ongoing investigation.
- 3.6 Insure the investigation of the use of deadly physical force incident is completed in a timely manner.
- 3.7 Investigations Division personnel will make reasonable accommodations for the involved officers(s) physical and emotional needs.
- 3.8 Investigations Division personnel will conduct the investigation in a fair and impartial manner, as in any other criminal investigation. The involved officer will be informed of rights under Miranda and asked to assist investigators reconstruction the incident.
  - 3.8.1 Any request for legal representation will be accommodated.
- 3.9 An officer should notify the family of the person injured by the officer in person. It is recommended that a Department chaplain accompany the officer making the notification.

### **4 Division Commander Responsibilities**

- 4.1 Insure that the Chief of Police was notified.
- 4.2 Notify the Mayor if the Chief of Police is unavailable.
- 4.3 Notify the officer in charge of the Professional Standards Unit.
- 4.4 Notify the officer's family in person should the officer be killed or wounded, or assign another supervisor to do so, should the commander be unable to make notification. It is recommended that a Department chaplain accompany the supervisor making the notification.

4.5 The officer(s) involved in the shooting will be placed on immediate administrative leave with pay by the division commander, pending administrative review. [CALEA 1.3.8]

## **5 Involved Officer Responsibilities**

5.1 Any officer directly involved in the use of deadly physical force resulting in death or serious physical injury or other traumatic incident will be placed on administrative leave for a minimum of (two) 2 calendar days.

5.1.1 This leave will be without loss of pay or benefits pending the results of the investigation.

5.1.2 Assignment to administrative leave does not imply nor indicate that the officer acted improperly.

5.1.3 While on administrative leave, the officer will remain available during normal business hours for official Departmental interviews and statements regarding the incident and will be subject to recall to duty at any time.

5.1.4 The Chief of Police will determine when the officer can return to full duty.

5.1.5 The officer will qualify with the assigned or replacement weapon prior to resuming active duty to provide psychological reassurance to the member as well as to document that the officer maintains an acceptable degree of proficiency.

5.2 In all cases where serious physical injury or death results from a firearms discharge, use of deadly physical force or any other traumatic incident, the involved officer will be required to undergo a debriefing with a psychologist as soon as possible, but not later than 48 hours after the incident.

5.2.1 The purpose of the debriefing is to allow the officer to express his or her feelings and to deal with the moral, ethical and/or psychological after-effects of the incident.

5.2.2 The debriefing will not be related to any Departmental investigation of the incident, and nothing discussed in the debriefing will be reported to the Department. The debriefing will be protected by the privileged doctor-patient relationship.

5.2.3 The psychologist will, however, be required to furnish a recommendation to the Chief of Police regarding the involved officer's ability to resume active duty or remain on administrative leave to undergo additional counseling.

5.2.4 Psychological support will be made available to the involved officer's family in order to aid them in dealing with the potential side affects of the traumatic incident.

5.2.5 The psychologist will determine if counseling in addition to the initial debriefing is warranted. No officer will resume active duty absent the recommendation of the psychologist.

5.3 In all cases where serious physical injury or death results from a firearms discharge, or any other traumatic incident, the involved officer and his/her family should be provided with the services of a Department chaplain.

5.3.1 The purpose is to provide the officer and family with a source of professional consultation to aid them in dealing with the potential moral and ethical after-affects of a traumatic incident.

5.3.2 The chaplain services will not be related to any Department investigation and will be protected by the privileged relationship.

5.4 Following the deadly use of physical force or other traumatic event, The Chief of Police or his designee will, as soon as practical, schedule a private meeting with the involved officer(s) to help defuse any anxieties. These meetings are not intended to evaluate the member's overall response to the incident, but rather to assist the member in coping with the administrative and legal processes involved.

## **6 Investigations Process**

It is incumbent upon the Department to conduct a thorough and impartial investigation of any officer involved use of deadly force, just as in any other criminal investigation. Any use of deadly physical force can only be ruled justifiable when the facts and circumstances revealed by the investigation indicate such. Officers must realize that if they are involved in a use of deadly force incident that causes injury or death to another person, they are subject to the same investigative procedures as would apply to any other criminal investigation, including the application of the Miranda warnings.

6.1 If a member of this agency uses deadly physical force within the jurisdictional limits of the City of North Little Rock, this agency will be responsible for the criminal and administrative investigations.

6.2 If a member of this agency is involved in the use of deadly force outside the City of North Little Rock, the law enforcement agency having jurisdiction in that area will conduct the criminal investigation. The North Little Rock Police Department will conduct their own administrative investigation.

6.3 The Prosecutor's Office in the county having jurisdiction will make the final determination of justification for the use of deadly physical force.

- 6.4 During the criminal investigation, an administrative investigation or administrative review of the incident will be conducted under the procedures established for administrative investigations, including notification of the officer's administrative rights.
- 6.4.1 Officers conducting the administrative investigation will be afforded access to all information revealed in the criminal investigation.
- 6.4.2 Officers conducting the criminal investigation will not be given, nor informed of any information developed during the course of the administrative investigation.
- 6.4.3 Officers will be afforded all rights set forth in the Statement of Rights for Law Enforcement Officers of the City of North little Rock. [CALEA 1.3.7]
- 6.4.4 If requested, any involved officer will be afforded the opportunity to consult with a representative of his/her choosing or an attorney, prior to speaking with criminal investigators.
- 6.4.5 Any voluntary statements provided by officers will be made available for inclusion in the administrative or other related investigations.
- 6.4.6 Absent consent from the involved officer or as required by law, no administratively coerced statement(s) will be provided to any criminal investigator.

---

Mike Davis  
Chief of Police