

## RESPONSE TO RESISTANCE OR ASSAULTIVE BEHAVIOR

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### USE OF DEADLY FORCE RESPONSE

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

**Policy Statement:** The department's policy that all officer-involved uses of deadly force will be investigated with the utmost thoroughness, professionalism, and impartiality to determine if members' actions conformed to applicable law and this agency's policy on the use of force. Additionally, this agency desires to provide support services to involved officers and their families.

#### Summary of Changes:

#### Definitions:

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

#### Procedure:

##### 1. Policy

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

##### 2. Protocols

- 2.1 Officers involved at the scene of a shooting incident or other officer-involved use of deadly force will take those reasonably possible and appropriate measures to protect their safety and preserve evidence essential to the subsequent investigation.
- 2.2 Until relieved by a responding uninvolved officer, involved officer(s) will ensure the following actions are undertaken in the order deemed appropriate.
- 2.2.1 Ensure the threat to officer safety and the safety of others are over;
- 2.2.2 Inform communications of the incident and provide relative emergency information;
- 2.2.3 Administer first aid, if possible, pending arrival of emergency medical services;
- 2.2.4 Secure and separate suspects;
- 2.2.5 Request a supervisor, additional backup, and any other assistance required;
- 2.2.6 Protect and isolate the scene;
- 2.2.7 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.
- 2.3 The first uninvolved supervisor to arrive will take command of the incident scene and will:
- 2.3.1 Assume the primary responsibility in caring for the involved personnel;
- 2.3.2 Interact with all involved officers in a manner that acknowledges the stress caused by the incident;
- 2.3.3 Ascertain a brief overview of the situation from an officer not involved in the use of deadly force.
- 2.3.3.1 If there are no uninvolved officers, the supervisor should attempt to obtain a brief voluntary overview from an involved officer.

- 2.3.3.2 If necessary, the supervisor may administratively order any officer to immediately provide public safety information to secure the scene and pursue suspects.
- 2.3.4 Ensure the Investigations Division duty officer has been notified.
- 2.3.5 Notify the involved officer's Division/Unit Commander or the staff duty officer if the Commander is unavailable.
- 2.3.6 Ensure the scene is secured and protected.
- 2.3.7 Ensure an incident report has been written by an officer 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.
  - 2.3.7.1 Any officer involved in deadly use of force incident that exposes them to a criminal investigation is not required by law to submit a written report or supplement report that would incriminate the involved officer of an illegal act.
  - 2.3.7.2 The reporting officer will submit the completed incident report for review and approval to the Investigations' Division Supervisor assigned to the case.
  - 2.3.7.3 Officers will submit supplemental reports to the Investigation's Division Supervisor assigned to the case for review and approval.
  - 2.3.7.4 Members will forward all related department documents except administrative or privileged reports to the assigned Investigations Division supervisor for review and approval.
- 2.4 The area commander or supervisor will secure the involved officer(s) firearm and additional magazines by taking custody as expeditiously as possible.
  - 2.4.1 The commander or supervisor will not do this in the public view.
  - 2.4.2 The firearm and magazines will be handled as evidence.
  - 2.4.3 The officer will be issued another firearm as soon as practical. The officer may obtain a replacement weapon from the Property Room.
  - 2.4.4 Officers will not replace the involved officer's weapon with their own. A supervisor may temporarily provide a weapon to the officer if the officer cannot avoid exposure to the media.
- 2.5 The officer will be removed from the scene as soon as practical.
  - 2.5.1 The officer will leave the scene in the front seat of a police unit.
  - 2.5.2 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.
    - 2.5.2.1 Officers assigned as "Critical Incident Support" (PD 21-04) will be available and trained to offer assistance to the officer or family upon request. [CALEA 11.3.4e]
    - 2.5.2.2 Officers assigned as "Critical Incident Support" will conduct periodic roll call training regarding awareness and the potential impact of a deadly force incident. [CALEA 11.3.4f]
- 2.6 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 [CALEA 11.3.4a]**

- 3.1 The Investigations Division will 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 Ensure adequate personnel are available to secure the scene and ensure 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 (PIO).
  - 3.4.1 The PIO will communicate with the Investigation Division and the Pulaski County Prosecuting Attorney to collectively present public information regarding the incident. [CALEA 11.3.4d]
- 3.5 Keep the officer in charge of the Professional Standards Unit abreast of the ongoing investigation.
- 3.6 Ensure the investigation of the use of deadly physical force incident is completed promptly.
- 3.7 Investigations' Division personnel will make reasonable accommodations for the involved officers(s) physical and emotional needs.
- 3.8 Investigations' Division personnel will investigate fairly and impartially, as in any other criminal investigation. The involved officer will be informed of their rights under Miranda and asked to assist investigators in reconstructing the incident.
  - 3.8.1 Investigators will accommodate any request for legal representation.
- 3.9 An officer should notify the family of the person injured by the officer in person. It is recommended a Department Chaplain accompany the officer making the notification.

#### **4. Division Commander Responsibilities**

- 4.1 The Division Commander will ensure 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 the notification. It is recommended 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.

#### **5. Involved Officer Responsibilities**

- 5.1 Any officer directly involved in using deadly physical force resulting in death or serious physical injury or other traumatic incidents 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 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 before resuming active duty to provide psychological reassurance to the member and document 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 no later than 48 hours after the incident.
  - 5.2.1 The purpose of the debriefing is to allow the officer to express feelings and deal with the incident's moral, ethical, or psychological after-effects.
  - 5.2.2 The debriefing will not be related to any departmental investigation of the incident, and doctor-patient privilege will apply.
  - 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 to aid them in dealing with the potential side effects 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-effects 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 events, 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**

- 6.1 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 justifiable when the facts and circumstances revealed by the investigation indicate such. Officers must realize if they are involved in a 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 applying the Miranda Warnings.
- 6.2 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.

- 6.3 If a member of this agency is involved in using 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 its administrative investigation.
- 6.4 The Prosecutor's Office in the county having jurisdiction will make the final determination of justification for the use of deadly physical force. [CALEA 11.3.4c]
- 6.5 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. [CALEA 11.3.4b]
  - 6.5.1 Officers conducting the administrative investigation will be afforded access to all information revealed in the criminal investigation.
  - 6.5.2 Officers conducting the criminal investigation will not be given, nor informed of any information developed during the course of the administrative investigation.
  - 6.5.3 Officers will be afforded all rights set forth in the Statement of Rights for Law Enforcement Officers of the City of North Little Rock.
  - 6.5.4 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.
  - 6.5.5 Any voluntary statements provided by officers will be made available for inclusion in the administrative or other related investigations.
  - 6.5.6 Absent consent from the involved officer or as required by law, no administratively coerced statement(s) will be provided to any criminal investigator.

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