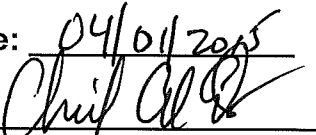


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Chief of Police

POLICY 6-200 THE USE OF DEADLY FORCE

Recognizing our legal and moral obligation to use force wisely and judiciously, it is the policy of this department that deadly force will never be resorted to unless an officer reasonably believes that a lesser degree of force would be insufficient to defend the life of another, one's self, or in limited situations, to apprehend a dangerous felon, or control an animal.

DEADLY FORCE DEFINED

As used in this policy, deadly force refers to the intentional use of a firearm or other instrument, the use of which would result in a high probability of death.

DEADLY FORCE AUTHORIZED

The use of deadly force is only authorized when, under any of the following circumstances, an officer reasonably believes a lesser degree of force would be insufficient:

1. in the defense of another person who the officer has reasonable cause to believe is in imminent danger of death or great bodily harm
2. in defense of oneself, when there is reasonable cause to believe one is in imminent danger of death or great bodily harm.
3. to effect the arrest or prevent the escape of a suspect who the officer has reasonable cause to believe had committed or attempted to commit, a felony involving threatened use of deadly force, when a high probability exists that the suspect, if not immediately apprehended, may cause death or great bodily harm.
4. To protect one's self or another from an animal which an officer reasonably believes may cause great bodily harm if not immediately controlled, or to end the suffering of an

animal gravely injured or diseased after considering public view, safety, and other reasonable dispositions.

VERBAL WARNING

Before using deadly force, officers shall, if reasonably possible, identify themselves and order the suspect to desist from unlawful activity.

DEADLY FORCE IS NEVER AUTHORIZED

1. Warning shots will not be fired.
2. From a moving vehicle, unless an officer has reasonable cause to believe that one's self or another is in imminent danger of death or great bodily harm.
3. At a moving vehicle unless an officer has reasonable cause to believe that one's self or another in is imminent danger of death or great bodily harm or Deadly Force Authorized, paragraph 3, regarding certain felons applies.
4. Officers shall not use deadly force when its use unreasonably risks the lives of innocent bystanders.

USE OF FORCE TECHNIQUES/INSTRUMENTS

1. The intentional punching, striking or grabbing the throat (trachea) or blocking or restricting the carotid neck arteries creates a substantial likelihood of death or great bodily harm and is therefore considered deadly force and shall be used only in accordance with this policy.
2. Members of the department are permitted to carry folding knives with a blade no longer than 4 inches for utility purposes while on duty.

AUTHORIZED USE OF FIREARMS

Authorized firearms (on or off duty) may be used for target practice or competition at a firing range, or other safe area.

INVESTIGATION OF THE USE OF DEADLY FORCE

It is important to recognize that employees, in the course of carrying out their responsibilities, may be confronted by violence and may be required to use deadly force to protect their life or the life of another person. Employees who are compelled to exercise deadly force may experience severe emotional trauma.

The investigative inquiry is to be conducted in a thorough, accurate and factual manner and must also take into consideration the psychological, physiological and legal ramifications that such incidents have upon the officer, their family and the community.

Use of Force Not Resulting in Death or Injury

When an officer is responsible for the accidental or intentional use of deadly force which does not result in death or injury.

1. Officers shall inform their supervisor and the Chief of Police of the incident as soon as possible.
2. The supervisor notified shall make an investigation of the incident pursuant to department policy.

Use of Force Resulting in Death or Injury

When an officer is responsible for the accidental or intentional use of deadly force which results in death or injury.

1. Duties of Involved Officers
 - a. Officers shall inform a supervisor and the Chief of Police of the incident as soon as possible.
 - b. Control the scene until relieved.
 - c. Identify witnesses for subsequent interviews, involved officers shall not participate in the interviews of witnesses.
 - d. Reporting requirements for principal officers will be covered by contact with the Chief of Police.
2. Duties of On-Scene Supervisor

- a. Assume responsibility for the security and preservation of the scene.
 - b. Contact officers involved to identify the crime scene and identify potential witnesses.
 - c. The on-scene supervisor shall immediately notify the dispatcher to broadcast a message if no officers have been injured.
 - d. In the event an officer is injured, immediately notify the Chief of Police.
 - e. Establish a scene command post and give location to the Lincoln County Public Safety Communications (9-1-1 center).
 - f. Temporarily move the involved officer a short distance away from but accessible to the scene. A non-involved fellow officer shall be assigned to accompany the involved officer, unless the involved officer prefers to be alone. If the involved officer elects to speak about the incident with the non-involved officer, those conversations are not privileged and may become part of the investigation.
 - g. Provide an opportunity for the involved principal personnel to contact Union officials or legal counsel as soon as practical. Provide phones and numbers as needed.
 - h. Assist at the scene as needed.
 - i. Complete a report unless otherwise directed by the Chief of Police.
3. Duties of the Officer-In-Charge (OIC)
- a. Notify the Sergeant and Chief of Police.
 - b. Contact Lincoln County Public Safety Communications (9-1-1 center) and direct them to inform officers of the status of the incident (e.g., injuries to officers and citizens, important information).

This should be done in a discreet manner, MDC, phone, etc.

- c. In the event of an injury or death of an employee, notify immediate family per the Line of Duty, Life Threatening Injury or Death of an Employee policy.
 - d. All media releases shall be cleared through the office of the Chief of Police.
4. Duties of the Investigation Team
- a. Ensure that services regarding involved personnel have been provided.
 - b. Direct the investigation of the incident.
 - c. Limit the Investigation Team's investigative interview(s) of the principal officer(s) until directed to proceed with the interview(s) by Internal Affairs.
 - d. If appropriate, the Investigation Team Commander or their appointee shall provide information to all commissioned personnel regarding the pertinent facts of the incident within 24 hours.
 - e. The Chief of Police will contact the District Attorney or a Deputy District Attorney at the earliest practical opportunity to inform him/her of the incident and investigation.
5. Duties of the Investigation Team
- a. Investigate incident
 - b. Retrieve and take custody of the weapon used by the officer(s). The supervisor shall determine whether the circumstances of the incident require that the officer's duty weapon be taken for laboratory analysis. When the duty weapon is taken, the Investigation Team shall take custody of the officer's weapon in a discrete manner and may replace it with another weapon, or advise the officer that it will be returned or replaced at a later time as appropriate. (When processing an officer's personal weapon as evidence, consideration shall be given to marking the weapon with the

necessary information as inconspicuously as possible).

- c. If necessary, have the officer(s) returned to the scene to respond to the needs of the investigation.
- d. Interview principal officer(s)
 - i. Contact with the involved officer(s) will be coordinated by the Chief of Police.
 - ii. The involved officer(s) will be given the opportunity to provide voluntary statements. The Chief of Police will communicate with the officer(s)' Union Representative or legal counsel on this issue. No officer will be disciplined for declining to make a voluntary statement.
 - iii. If the officer(s) elect to provide voluntary statements, the Chief of Police will assign personnel to conduct the interviews.
 - iv. If the officer(s) decline to provide voluntary statements, the Chief of Police, will determine whether the officer(s) will be ordered to provide statements. If the officer(s) are ordered to provide statements, the following procedure will be adhered to:
 - Sergeant will order the officer(s) to provide a statement, and the order will be documented in writing.
 - A separate case number will be drawn for the compelled interview.
 - The Chief of Police, will assign detectives that have not been involved in the initial investigation to be the primary interviewers.
 - The Detectives conducting the compelled interviews will report directly to Sergeant and the original reports will be maintained by the Sergeant. Content

of the compelled interview (and reports documenting the compelled interview) will only be used for internal investigation/review of the incident, and will not be released to the District Attorney's Office (or other prosecuting entity), the Investigation Team, or to any member of the public. Compelled statements will only be subject to release when no possibility for criminal prosecution (of the subject of the compelled interview) remains.

- v. Deviations from this procedure may only occur with the approval of the Chief of Police (or designee).
6. Duties of the Sergeant or his designee
- a. Ensure adequate supervision at all scenes.
 - b. Ensure that involved personnel have had appropriate opportunities to contact family members, Union officials, and/or attorneys.
 - c. Place the officer(s) on a minimum of one-day paid administrative leave. This may include additional paid administrative leave time or a temporary special assignment.
 - d. Ensure that within 72 hours of the incident, the involved officer(s) are contacted by a department approved traumatic stress professional.
 - e. Ensure that regular command briefings are given to the Chief of Police.
 - f. If applicable, ensure that Policy 5-300 Significant Exposure to Blood Borne Pathogens is followed.
7. Chief of Police
- a. Shall have oversight of the criminal investigation.
 - b. Coordinate media releases.

District Attorney Review

All reports involving the use of deadly force by department personnel which cause injury or death shall be submitted to the District Attorney for review.

TPD Policy Compliance Review

All instances of the use of deadly force shall be reviewed for compliance with TPD policy.

1. Internal Affairs Unit (IA)
 - a. Sergeant has the primary responsibility for conducting the internal investigation to ensure compliance with the TPD Use of Deadly Force policy
 - b. IA will report the findings of the internal investigation directly to the Chief of Police.
2. Chief of Police
 - a. Shall oversee all internal investigation resulting from the accidental or intentional use of deadly force which results in death or injury.
 - b. Shall review administrative command decisions which result in the deployment of deadly force.