

**COVINGTON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE**

Subject: POLICE RESPONSE TO AGGRESSION / RESISTANCE

Date of Issue: 01-01-1999

Number of Pages: 6

Policy No. P040

Review Date: 06-01-2007

Distribution: Departmental

Revision Date: 12-01-2021

I. Purpose

To establish guidelines for use of force and response to aggression/resistance by police personnel.

II. Statement of Policy

It shall be the policy of the Covington Police Department that officers shall use that force that is objectively reasonable based upon the totality of the circumstances to effectively bring an incident under control, while protecting the life of the officer or others. The emphasis and value placed on the preservation of human life in our society requires that officers exercise reasonable care and judgment in fulfilling the police objective. It is recognized that officers must be properly armed for the protection of society and themselves as long as the public is victimized, and officers are confronted with deadly force in the performance of their duties. In all cases, the use of force will be examined from the officer's perspective at the time the force was used, without the benefit of 20/20 hindsight. The use of such force will conform to both State and Federal laws. O.C.G.A. 17-4-20 (b), (Graham v. Connor, 490 U.S. 386 1989)

III. Definitions

Active Resistance: A subject who is uncooperative and takes some level of physical action to resist or prevent an officer from placing the subject into custody, is actively resisting and poses a threat to the officer and others.

Authorized Ammunition: Ammunition that is approved by the department for on-duty use.

Authorized Weapon: One, which meets departmental regulations in regard to type, caliber, qualifications and approved by the Training Department. This includes issued weapon and authorized secondary weapons.

Chokehold: Chokehold means applying any direct pressure to the throat, windpipe, or airway of another with the intent to reduce or prevent the intake of air. "Chokehold" does not include any hold involving contact with the neck that is not intended to reduce the intake of air.

Deadly Force: That force that causes or brings the substantial risk of death or serious bodily harm.

De-escalation: Force can often be avoided through the use of de-escalation techniques and other non-dynamic law enforcement tools when reasonable.

Officers will use de-escalation and other techniques to reduce the immediacy of threats to other peoples' safety and stabilize incidents. Officers will seek, when reasonable, to slow things down but it is recognized not every situation can be de-escalated. An officer's behavior can escalate a situation, but the officer(s) should not attempt to intentionally escalate situations unnecessarily.

Forcible Felony: Any felony, which involves the use or threat of physical force or violence against any person.

Intervene: To come between officer(s), verbally or physically, to prevent or alter a result or course of events.

Objective Reasonableness: Would an officer with the similar training, knowledge, and experience have done the same thing given similar circumstances.

Physical Injury: Damage to a person's body including, but not limited to, fractures, bruises, lacerations, internal injuries, or dislocations: and shall include, but not limited to, physical pain, or impairment of physical function.

Positional Asphyxia: Occurs when the subject's position prevents the person from breathing adequately.

Reasonable Belief: The situation where the officer considers the facts and circumstances to be true and correct, and the officer acts within their experience and training. This is more than mere suspicion.

Reasonable Force: Force reasonably applied given the totality of the circumstances to achieve a legitimate law enforcement objective. (Graham v. Conner-Objective Reasonableness Standard)

Serious Physical Injury: Any injury, that when inflicted will cause or result in great bodily injury or death, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental facility.

IV. Procedures

- A. Police personnel shall not strike or use physical force on any person to the extent that injures are inflicted except, when necessary, in self-defense, in the defense of another, to overcome actual physical resistance to arrest, to prevent escape, or to affect any lawful seizure. In any event, police personnel may use that force which is objectively reasonable based upon the totality of the circumstances. When it is objectively reasonable that a subject is in law enforcement's full control, any use of force must terminate.
- B. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene at the moment force was used, rather than with the 20/20 vision of hindsight.
- C. Deadly force may be used only when an employee reasonably believes that a 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 physical injury; when the employee reasonably believes that the suspect poses an immediate threat of physical violence to the employee or others; or to effect the arrest of a suspect whom the employee has probable cause to believe has committed a crime involving the infliction or threatened infliction of serious physical

injury if the employee reasonably believes that the suspect's escape would create a continuing danger of serious physical injury to any person.

V. **Application of Force**

- A. Deadly force may be used by an officer in the performance of their duties, in accordance with O.C.G.A. 17-4-20 (b), which states:
1. "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" and
 2. "When the officer reasonably believes that the suspect poses an immediate threat of physical violence to the officer or others" or
 3. "When there is probable cause to believe that the suspect has committed a crime involving the infliction or threatened infliction of serious bodily harm."
 4. "Nothing in this code section shall be construed so as to restrict sheriffs or peace officers from the use of such reasonable non-deadly force as may be necessary to apprehend and arrest a suspected felon or misdemeanorant."
- B. An officer may use deadly force to destroy a fatally injured or sick animal if Animal Control is unable to respond in a timely manner. However, the officer should make every reasonable attempt to locate and receive permission from a domestic animal's owner and ensure that no person or property will be injured or damaged when they fire their weapon.
- C. An officer may use deadly force to protect themselves and others from an obviously mad or vicious animal(s) that cannot otherwise be controlled.
- D. It is understood that law enforcement officers consistently face tense uncertain circumstances that are rapidly evolving. Officers will apply the amount of force that is reasonable and necessary by taking the following factors into consideration:
1. What is the seriousness of the offense?
 2. Does the subject pose a threat to the officers or others?
 3. Is the subject actively resisting?
 4. What is the potential of the subject to harm others if he/she is not stopped?
- E. Any objective fact that is known by the officer at the time the force was used will be taken into consideration as to determine if the use of force was justified. Those factors included but are not limited to:
1. Size of subject vs size of officer.
 2. Gender
 3. Skill level of subject vs skill level of the officer.
 4. The subject's ability to escalate force.

5. Violent history of the subject.
6. Mental history of the subject.
7. Drug and alcohol use of the subject.
8. Time of day.

VI. Unauthorized Use of Force

- A. Warning shots are prohibited under all circumstances. An officer will not fire into the air or ground in an attempt to halt a fleeing felon.
- B. Officers are not authorized to use deadly force to prevent the escape of unarmed and/or non-violent felons, misdemeanants, or other criminals even though escape might result in the crime going unpunished.
- C. Due to the inherent risks of such actions, shots will not be fired from or at a moving vehicle, unless the occupants of the vehicle are using deadly force against the officer or another person and there are no other alternative means of protecting life.
- D. The use of neck restraints/chokeholds are not permitted unless deadly force is authorized.
- E. The employees of this department have an affirmative duty to intervene if they witness a use of force that is clearly unreasonable. The officer, if he/she observes another officer or public safety associate exceeding the use of force, permitted by law, shall intervene to prevent the use of unreasonable force and if necessary, separate the person being arrested from the arresting officer. Non-sworn personnel are not required to intervene in use of force situations where they are not properly trained to do so. The Intervening officer or employee shall promptly report these observation(s) and his/her actions to the supervisor.

VII. Handling of Injured

- A. Officers whose actions have resulted in or alleged to have resulted in injury or death of another person, are required, after securing the person, to promptly provide medical aid if necessary and ensure their body worn camera is recording to document the injuries or alleged injuries.
- B. Communications will be notified to request additional resources if needed such as Fire/EMS when obvious severe injuries have occurred, medical distress is apparent, or any individual is unconscious. If needed, the officer(s) will transport the subject to the nearest medical facility for treatment based on the existing circumstances, when reasonable.
- C. Officers have an affirmative duty to care for persons in their custody. Officers and supervisors are responsible for providing or obtaining appropriate medical attention to any person in their custody who is injured or complains of injury. This pertains whether injuries preceded custody, occurred during apprehension, or were sustained during custody, even if the arrested persons are believed to be feigning an injury, officers should still take the complaint serious and ensure medical attention is given.

1. Additionally, officers have an affirmative duty to provide or obtain medical attention for members of the public who are injured because of police involved actions. Officers restraining a subject should be cognizant of, and avoid, positional asphyxia. This department prohibits prolonged face-down prone restraint. The officer should properly restrain the subject and place the subject in an upright position (sitting or standing) or side laying position.

VIII. Notification and Police Response to Aggression/Resistance Report Required

- A. Any police employee who takes an action or use of force that causes a death or injury to another or that is alleged to have caused a death or injury to another shall immediately notify his or her supervisor and shall submit a "Police Response to Aggression/Resistance Report" to his/her supervisor describing the circumstances of the incident before the end of the shift.
- B. Any police employee who applies force through the use of non-lethal weapons or physical force shall immediately notify his/her supervisor and submit a "Police Response to Aggression/Resistance Report" within twenty-four (24) hours of the incident.
- C. All Police Response to Aggression/Resistance Reports are to be read and signed by the Watch Commander or other supervisor. Should a complaint arise against an employee regarding the police response to aggression/resistance, the Watch Commander will review the report with the complainant and with the employee to determine if disciplinary action should be taken. Should it be necessary to gather more information, the watch commander may request an investigation by the Internal Affairs Officer. A written report of the incident, the complaint and a record of the Watch Commander's review are to be delivered to the Assistant Chief of Police as soon as the investigation is completed. All Police Response to Aggression/Resistance Reports will be maintained by the Captain in the Patrol Division or his designee.
- D. Whenever an employee takes an action that results in the death of another person, an investigation of the incident shall be made by the Captain of Investigations. The investigation will be administrative in nature. The captain will submit written reports to the Chief of Police and the employee's Watch Commander no later than two days after the incident. The report will include the status of the investigation.
- E. The Chief of Police may, at his discretion, request that the Georgia Bureau of Investigation or other outside agency conduct the investigation to ensure that the impartiality of the investigation is maintained.
- F. After the GBI investigation is completed, the District Attorney will receive copies of the GBI report. Once the District Attorney's Office finalizes its review or a criminal prosecution, the report could also be released pursuant to the Georgia Open Records Act.
- G. The information presented within this policy will serve as awareness training for all employees. The policy is set up to serve as a checklist for agency personnel responsible for managing these types of incidents. Personnel responsible for managing such incidents will receive on the job training from his/her direct

supervisor on the process of how to handle incidents where someone is seriously injured or killed. Video training may also be provided.

- H. All Police Response to Aggression/Resistance reports shall be reviewed annually by the Patrol Division Captain or his designee and the Accreditation Manager. The Patrol Division Captain or his designee will analyze information about all incidents and will then make a report to the Chief of Police outlining information found. This information will assist the Training Unit in making decisions for future training needs in the area of police response to aggression/resistance.

IX. Non-Disciplinary Relief from Duty

- A. Whenever an employee's actions or police response to aggression/resistance results in a death or serious physical injury, he/she will be removed from line of duty assignment pending a review by the Internal Affairs Officer. The employee will be notified in writing that he/she will be assigned administrative duties until the conclusion of the investigation.
- B. Reassignment from line of duty will be non-disciplinary with no loss of pay or benefits.
- C. Relief from duty serves two purposes:
 - 1. To address the personal and emotional needs of the employee involved in the fatal police response to aggression/resistance.
 - 2. To assure the community that the incident is being fully and professionally investigated.
- D. Employees so relieved shall remain on a reassignment status until ordered to return to work by the Chief of Police.

This SOP supersedes any SOP previously issued.

BY ORDER OF THE CHIEF OF POLICE:

Stacey L. Cotton
Stacey L. Cotton
Chief of Police