

POPLARVILLE POLICE DEPARTMENT

GENERAL ORDER 300-22

“Response to Resistance”

CHIEF OF POLICE: DANIEL L COLLIER

EFFECTIVE DATE:

LAST REVISED DATE:

Purpose:

To establish guidelines for the law enforcement response to resistance.

I. DISCLAIMER

This directive is for departmental use only and does not apply in a criminal or civil proceeding. This Order should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will form the basis only for departmental administrative sanction. Violations of law will form the basis for civil and criminal sanctions in recognized judicial settings.

II. DEFINITIONS

A. AUTHORIZED WEAPON: Those weapons with which the officer has qualified and received departmental training on proper and safe usage, and that are registered with the Training Officer and comply with departmental specifications. Authorization for back up weapons is covered by other General Orders.

B. DEADLY FORCE: That degree of force that is likely to cause death or serious physical harm.

C. FORCE: Unwanted touching directed toward another. This may involve the direct laying on of hands or the putting of an object into motion that touches the individual.

D. FORCIBLE FELONY: Any felony which requires the use of physical force, or violence, against any person.

- E. NON-DEADLY FORCE:** A quality or quantity of force which is neither likely nor intended to cause serious physical harm or death, and includes all less-lethal weapons or products.
- F. REASONABLE BELIEF/PROBABLE CAUSE:** What a reasonable person, in the same or similar circumstances, would believe based upon his knowledge of the facts surrounding the incident, as they existed at the time of the incident. This is more than mere suspicion.
- G. SERIOUS PHYSICAL HARM:** Great bodily injury which is likely to cause permanent impairment, disfigurement, or death.
- H. IMMINENT DANGER:** Does not mean "immediate" or "instantaneous," but that an action is pending. Thus, a suspect may pose an imminent danger even if he is not at that very moment pointing a weapon at an officer. For example, imminent danger may exist if officers have probable cause to believe any of the following:
1. The suspect possesses a weapon, or is attempting to gain access to a weapon, under circumstances indicating an intention to use it against an officer or others;
 2. The suspect is armed and running to gain the tactical advantage of cover;
 3. A suspect with the capability of inflicting death or serious physical harm (or otherwise incapacitating Officers), without a deadly weapon, is demonstrating an intention to do so;
 4. The suspect is attempting to escape from the vicinity of a violent confrontation in which he inflicted, or attempted the infliction, of death or serious physical harm, and continues to possess the capability, and exhibit the intention, of inflicting additional death or serious physical harm.

NOTE: The examples above are intended only to explain the term "imminent danger," which is one factor that must be present prior to the use of deadly force. Any decision to use deadly force must be predicated on the direction provided in Section III. C. of this Order.

III. POLICY

- A.** Police officers are delegated the responsibility to protect life and property and apprehend criminal offenders. The officer's responsibility for protecting life must include his own.
- B.** Police personnel shall use only that degree of force, which is reasonable and necessary, to perform lawful objectives.

- C. Deadly force is to be used 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; when the officer reasonably believes that the suspect poses an immediate threat of physical violence to the officer or others; or when there is probable cause to believe that the suspect has committed a crime involving the infliction, or threatened infliction, of serious physical harm.
- D. Nothing in this General Order shall be construed so as to restrict an officer from the use of such reasonable non-deadly force as may be necessary to apprehend a suspected felon or misdemeanor.
- E. The use of deadly force against a suspected felon is **not** justified unless it meets the specific criteria as described above in Section III. C. and/or as outlined in Mississippi Code and as stated in Section IV. of this Order.
- F. An officer is never authorized to use deadly force to apprehend a misdemeanor offender.
- G. Warning shots are prohibited.
- H. Before using a weapon, officers shall identify themselves as a police officer and state their lawful intent, when possible and reasonable.
- I. Shoot to stop: Officers will discharge their firearm to stop and incapacitate an assailant from completing a potentially deadly act as described by this Order.
- J. Facts unknown to an officer, no matter how compelling, cannot be considered in later determining whether the use of lawful force, particularly deadly force, was justified.
- K. No firearm will be discharged until the officer has evaluated the situation and determined that the shot may be made without unnecessarily endangering a non-involved third party.
- L. Firing from or at a moving vehicle or its occupants will only be deemed acceptable when the officer involved can demonstrate an articulable exigent circumstance which makes this action necessary for the protection of human life from an imminent threat of serious bodily harm or loss of life. Discharging a firearm from a moving vehicle is discouraged in any event.
- M. Only officers demonstrating proficiency in the use of authorized weapons, as provided by General Orders and Weapons Authorization, will be permitted to carry

such weapons.

- N. Anytime deadly or non-deadly force is used upon a suspect, the suspect will be checked for evidence of physical injury. In the event of injury, appropriate medical assistance shall be requested and/or administered as soon as possible and reasonable.
- O. Officers may destroy a fatally wounded or sick animal, but only after making every reasonable attempt to locate and receive permission from the animal's owner. Officers may, when necessary, destroy an obviously rabid or vicious animal that cannot otherwise be controlled. When practical, officers should request assistance from an appropriate agency such as the humane society, animal control, game wardens or any other person/agency normally responsible for the well being or disposal of injured animals.
- P. All police personnel will be issued copies of this Order and receive instruction concerning this Order prior to being authorized to carry a weapon.
- Q. This Order also applies to any use of force by less-lethal weapons.

IV. AUTHORIZED USE OF FORCE

Officers are expected to achieve control, and to the extent possible, exhaust other reasonable means before resorting to the use of deadly force. Control is achieved through the officer's presence, verbal commands, control and restraint, or temporary incapacitation. In situations where any person is endangered by the use or threat of deadly force, the officer may respond with like force. All actions by an officer are predicated by the situation.

The Poplarville Police Department use-of-force policies prohibit the use of chokeholds—a physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation, except in those situations where the use of deadly force is allowed by law.

V. JUSTIFICATION FOR USE OF NON-DEADLY FORCE

Non-deadly force may be used by an officer in the performance of his/her duty:

- A. When necessary to preserve the peace, prevent the commission of offenses, or prevent suicide or self-inflicting injury.
- B. When preventing or interrupting a crime or attempted crime against property.
- C. When making lawful arrests and searches, overcoming resistance to such arrests

D. When in self-defense, or defense of another, against unlawful violence to his person.

POPLARVILLE POLICE DEPARTMENT

GENERAL ORDER 300-23

“Use of Force Reporting”

CHIEF OF POLICE: DANIEL L COLLIER

EFFECTIVE DATE:

LAST REVISED DATE:

Purpose:

To establish procedures for reporting and investigating uses of force by departmental personnel.

Policy:

To ensure the equitable treatment of citizens and employees, all uses of force shall be reported and investigated.

I. REPORTING USES OF FORCE

A. A written report will be required of an employee whenever that employee:

1. Applies weaponless physical force by the use of the hands, less-lethal weapons, or use of control techniques or other level of force to overcome resistance to the extent it is likely to lead to injury, claim of injury, or allegations of excessive force. This does not require reporting the pointing of weapons or use of weaponless, hand-to-hand control techniques that have little or no chance of producing injuries when gaining control over, or subduing non-compliant or resisting persons. These techniques include, but are not limited to; physical touching, gripping or holding, frisking, handcuffing, or other custodial procedures not requiring physical force. However, arrest techniques which involve pain compliance measures, pressure point application, come-alongs, handcuffing techniques where force or leverage by use of a handcuff was applied, foot chases where physical force was applied at the beginning and/or end of the chase, or any use of such force that does produce an injury, will be recorded on such a Report.
2. Uses deadly force against a person, or takes an action that results in, or is alleged to have resulted in, death or serious physical injury of a person. The

report is to be filled out by the Lead Investigator, during an interview with the involved employee (s).

3. Discharges his firearm, other than for recreational or training purposes, when a Use of Deadly Force Report is required.

B. A supervisor will be immediately summoned to the scene in the following situations:

1. When a firearm is discharged outside the firing range, other than while hunting or in legitimate sporting events;
2. When use of force results in, or is alleged to have resulted in, death or serious injury;
3. When a citizen complains that an injury has been inflicted by a City of Poplarville Police employee.

C. Reporting Requirements:

1. The on-duty shift supervisor shall be immediately informed of each incident involving the use of force by employees of this Department. If, in the opinion of the on-duty supervisor, the incident requires immediate investigation, he shall contact the designated Investigator and advise him of the situation. The investigator shall determine whether there is a need for him to respond to the scene. In any case where an on-duty employee discharges a firearm, an Investigator will be contacted immediately by the on-duty shift supervisor. If the Investigator is unavailable, the Shift Supervisor shall insure the Chief is notified.
2. Each case involving the use of physical or defensive force shall be reported on the Incident Report in detail.
 - a. The Incident Report shall be completed by the employee and delivered to a supervisor prior to the end of his shift, unless he is unable to do so due to physical circumstances surrounding the incident.
 - b. Each employee present or assisting in an arrest or incident requiring force shall submit an Incident report supplement describing in detail his actions and observations during the incident.
3. Any immediately recognized damage to property that occurs due to a use of force will be noted in the Supplemental Report. If property owned by a third or uninvolved party is damaged due to a use of force incident, the Shift Supervisor shall investigate and prepare a memorandum for the Chief of Police containing an explanation of the event and such an accounting of damaged property as can reasonably be determined.

D. Review of Reports

1. Reports will be forwarded for examination and review through the employee's supervisor and Chief of Police.
2. Each person noted in D.1. above, will sign the form indicating their review.
3. Once the report has been reviewed by all appropriate personnel, a copy of the report will be forwarded to the Patrol Captain, to assist in determining whether additional training is necessary.

II. INVESTIGATION OF EMPLOYEE INVOLVED DEADLY FORCE INCIDENTS

A. This procedure establishes responsibilities and duties concerning the investigation into incidents involving the use of deadly force, whether or not injury occurs, including, but not limited to the use of firearms, and includes all incidents involving police department personnel whether on duty or off duty. The investigative procedures used, coupled with the subsequent adjudication process, are the most important elements in maintaining the confidence of the public and employees if the actions of the involved employee are in question.

B. Responsibilities and Duties of an Involved Employee:

1. When deadly force is used and results in an injury, upon first opportunity, the employee shall immediately:
 - a. When a firearm is involved, holster the weapon without unloading or reloading it, or altering the condition of the weapon, other than de-cocking if necessary;
 - b. Determine the physical condition of any injured person and render first aid when appropriate;
 - c. Request emergency medical aid;
 - d. Notify the 911 Dispatcher of the incident and location, and;
 - e. Detain all witnesses and secure the scene.
2. The employee will remain at the scene until the arrival of appropriate investigators, unless he has been injured, or his continued presence would further endanger his safety. If the circumstances are such that the continued presence of the employee at the scene might cause a hazardous situation to develop (i.e., violent crowd), the ranking officer at the scene has the discretion to instruct the employee to move to another, more appropriate location.
3. The employee will protect his weapon for examination and submit it to the first supervisor on the scene. The supervisor will turn the weapon over to the Lead Investigator upon his arrival.
4. The employee shall not discuss the case with anyone except:

- a. Supervisory and assigned investigative personnel;
- b. The District Attorney;
- c. His attorney;
- d. Clergy
- e. Others as approved by the Chief of Police.

5. The employee shall cooperate with the Investigator in the completion of a detailed report of the incident.
6. An employee may discuss the nature of the event with his/her spouse or significant other without discussing the intricacies of the case.

C. Responsibilities of the 911 Dispatcher: Once the dispatcher is notified of the incident, he/she shall:

1. Dispatch requested medical aid;
2. Notify the on-duty shift supervisor;
3. Notify the Chief of Police. The Chief of Police or his designee is responsible for notifying the Mayor of the incident.

D. Responsibilities of the Shift Supervisor: Once notified of the incident, the Shift Supervisor will:

1. Ensure the Dispatcher has made the required notifications;
2. Proceed immediately to the scene;
3. Ensure the security of the scene;
4. Take command of the scene until relieved by the Investigator or higher authority.

E. Responsibilities of the Lead Investigator:

1. Proceed immediately to the scene;
2. Secure the scene;
3. Conduct the field investigation;
4. Submit a detailed written report of the results of his investigation to the Chief of Police.

F. Investigative Responsibility:

1. Investigations of deadly force incidents and less-lethal extended range impact devices in which injury or death occurs will be conducted by the Investigator at the direction of the Chief of Police.
2. Other employees may be assigned to assist the Investigator in the investigation, at the discretion of the Chief of Police.
3. All incidents involving the use of deadly force shall be reviewed by the Investigator to determine:

- a. If the action was legally justified;
 - b. If the action was within departmental rules, policies and procedures;
 - c. If the relevant policy was understandable and effective to cover the situation;
 - d. If additional training is necessary.
4. The Investigator's report shall be submitted, without delay, to the Chief of Police in original form. All findings of policy violation or training inadequacies shall be reported for the appropriate action.
 5. Except upon approval of the Chief of Police, any comments given the news media will be limited to the basic facts of the incident without speculation or expression of opinion. Any comments given the news media will be governed by General Order, "Public Information."

III. DEPARTMENTAL RESPONSE

- A. In every instance in which an employee's actions or use of force in an official capacity with the police department results in death or serious physical harm (i.e., great bodily injury which is likely to cause permanent impairment, disfigurement, or death: Also see General Order, "Response to Resistance") to another person, the employee will be immediately relieved of normal duty and placed on either administrative leave or administrative duty as determined by the Chief of Police pending an administrative review.
- B. Removal from line of duty will be non-disciplinary with no loss of pay or benefits for a minimum of one (1) day, or for any additional amount of time as determined by the Chief of Police.
- C. The Chief of Police will determine the appropriateness and the duration of extended administrative leave.
- D. Relief from duty is to serve two (2) purposes:
 1. To address the personal and emotional needs of the employee involved in the incident;
 2. To assure the community that the incident is being fully and professionally investigated.
- E. The employee shall be available at all times for official interviews and to provide statements regarding the case, and shall be subject to recall to normal duty at any time after the preliminary investigation.
- F. For the employee (s) directly involved in the deadly force incident, where a death