



Davidson Police Department

Policy: 100-09

Title: Response to Resistance and/or Aggression

Original Issue: 02/11/2016

Last Revision: 09/01/2020

By Order Of: Penny L. Dunn, Chief of Police

PURPOSE

The purpose of this policy is to provide specific guidelines regarding the use of less-lethal force, deadly force and weapons by police officers of the Davidson Police Department.

POLICY

The use of force is governed by North Carolina General Statute (NCGS) 15A-401(d), and the United States Supreme Court decisions, *Tennessee v. Garner*, 471 U.S. 1 (1985) and *Graham v. Conner*, 490 U.S. 386 (1989).

The policy of the Davidson Police Department directs officers to use only the force that is, under the circumstances, objectively reasonable, necessary and proportional to the threat and/or resistance of a subject to accomplish their lawful objectives. (CALEA 4.1.1) Officers must perform their duties professionally, with respect for others and in a manner that endeavors to protect and preserve life.

RELEVANT LAW

N.C.G.S. 15A-401(d). Grants law enforcement officers the right to use force in achieving lawful objectives. Nothing in this subdivision constitutes justification for willful, malicious or criminally negligent conduct by any person which injures or endangers any person or property, nor shall it be construed to excuse or justify the use of unreasonable or excessive force.

Tennessee v Garner, 471 U.S. 1 (1985) In *Tennessee v. Garner*, the U.S. Supreme Court determined that the government (or an officer acting on behalf of same) can seize (or, in this case, seize the life) of an individual only when the officer suspects that the individual's actions present an immediate danger to the officer or others in close proximity. Possession of a weapon with no perceived intent to cause injury has been ruled to NOT meet the constitutional standard for use of deadly force.

Graham v Connor, 490 U.S. 386 (1989) In *Graham v. Connor*, the U.S. Supreme Court mandated that the actions of officers involving questions of excessive force should be “judged from the perspective of a reasonable officer coping with a tense, fast-evolving situation.”

DEFINITIONS

Deadly Force. Any force that is reasonably likely to cause serious physical injury or death. Force that is not reasonably likely to cause death or serious injury, but unexpectedly results in death or serious physical injury is not considered deadly force. The discharge of a firearm at a person is always considered deadly force. (CALEA 4.1.2)

Force. To compel by physical means that exceeds restraint using soft hands. The normal use of handcuffs to secure a prisoner does not constitute a use of force.

Imminent. An event that is about to occur at any moment.

Less-Lethal Weapons. Weapons approved by the Davidson Police Department that, when used consistent with training procedures, **are not** reasonably likely to cause death or serious bodily injury, including, but not limited to Oleoresin Capsicum (OC spray), impact weapons, Conducted Energy Weapons, bean bag rounds, rubber pellets and a police canine.

Lethal Weapons. Weapons approved by the Davidson Police Department that, when used consistent with training procedures, **are** reasonably likely to cause death or serious bodily injury, including, but not limited to firearms and edged weapons (knives).

Non-deadly force. Any physical exertion or device that is used to restrain or control another which is not reasonably likely to result in death or serious physical injury.

Primary Weapons. Weapons issued to all patrol officers to include:

- Handcuffs
- Impact weapon (ASP baton)
- Oleoresin Capsicum (pepper spray)
- Conducted Energy Weapon
- Firearms to include sidearm carried on the duty belt and any long gun the officer is approved to carry and is certified on the same.

Reasonable Belief. The belief that would cause an ordinary or prudent person to act or think in a similar way under similar circumstances. (CALEA 4.1.2)

Reasonably necessary. Facts and circumstances, including the inferences drawn therefrom, known to an officer at the time he or she uses the force, that would cause a reasonable officer to believe the level of force used is appropriate.

Note: Force may be used only to accomplish lawful objectives (self-defense or defense of another against unlawful violence, prevent suicide or self-inflicted injury, overcoming resistance to lawful arrest or search, or to prevent the escape from custody) and only to the extent necessary in light of the circumstances confronting the officer.

Secondary Weapons. Weapons not issued, but are approved for carrying to include:

- 2nd handgun (reference DPD PPM 100-10 Firearms & Firearms Range Safety)
- Edged tools (knife)

Edged tools, such as knives, can be inconspicuously worn or carried by personnel and used for emergency, medical, or utility purposes. The blade must be concealable and not exceed four inches in length. Edged tools shall not be used as a weapon unless a deadly force situation is present

Serious Physical Injury. Bodily injury that creates a substantial risk of death, or causes permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or results in prolonged hospitalization. (CALEA 4.1.2)

PROCEDURES

1. Non-Deadly Force

A. Non-deadly force may be used by officers in the performance of their duty under the following conditions:

1. In self-defense, or defense of another against unlawful violence, or to prevent suicide or self-inflicted injury.
2. In overcoming resistance to a lawful arrest or search, or to prevent an escape from custody.

2. Deadly Force (CALEA 4.1.2)

A. Deadly force may be used by officers in the performance of their duty under the following conditions:

1. When it appears to be reasonably necessary to defend him or herself or others from what the officer reasonably believes to be the use, or imminent use, of deadly force; or,
2. To effect an arrest or prevent the escape from custody of a person who, the officer reasonably believes is attempting to escape by means of a deadly weapon; or,
3. To effect an arrest or prevent the escape of a person from custody who, by his or her conduct indicates a propensity for violence or any other means (threatens violence), indicating he or she presents an imminent threat of death or serious physical injury to others unless apprehended without delay.

B. Drawing and Pointing a Firearm

During the course of an arrest or investigation, an officer may draw and point his/her firearm whenever the officer reasonably believes that deadly force may become necessary.

1. The officer's finger will remain off the trigger unless there is a threatening target immediately present. An officer need not wait until the threat becomes imminent before pointing their firearm at the person.
2. **This action is considered a use-of-force**, not deadly force, and a Response to Resistance and/or Aggression report is required.

EXEMPTION: The Response to Resistance and/or Aggression is not required if the firearm is pointed during the execution of a preapproved operational plan.

C. Verbal Warning

An officer will identify him or herself as a police officer and issue a verbal warning before using deadly force, when feasible. A verbal warning is not required in a split-second situation or if the officer reasonably believes that issuing the warning would place the safety of the officer or another person in jeopardy.

D. Euthanasia of Animals/Wildlife

Officers may use force to destroy an animal that represents a threat to public safety, or to euthanize a sick or injured animal after reasonable efforts have been made to obtain assistance and/or permission from the owner when applicable.

3. Duty to Intervene

All Davidson Police Officers have a sworn duty and ethical obligation to protect all people. Employees shall intervene and attempt to prevent any officer from using unwarranted, reckless or excessive force. Any employee who witnesses or has knowledge of unwarranted, reckless or excessive force; or if they become aware of any violation of departmental policy, state or federal law or local ordinance by another employee shall immediately report the incident to a supervisor.

Officers shall also intervene in any case where the officer observes another officer treating a member of the public in any manner that is inconsistent with law or policy, such as conducting an unlawful detention, search or arrest. This duty extends when Davidson Police is called to assist, or is assisting, any other law enforcement agency.

Failure to intervene and/or report, as required by this policy, could result in criminal charges and disciplinary action up to and including termination of employment.

4. Levels of Resistance

A. Passive Resistance

Simple non-compliance to a lawful command that may include physical resistance that does not pose an imminent threat of assault or escalating aggression. Examples of passive resistance include, but are not limited to: Simple flight (e.g. walking away or pulling away), not following commands (e.g. non-threatening excessive repetition, delaying behaviors, going limp or laying down, grabbing or holding onto objects, making a scene without a threat).

B. Active Resistance

The use of personal weapons (e.g. hands, feet, or other body parts) or positioning in order to assault or gain a positional advantage from which an assault is or would be likely. When a subject's non-compliance is assaultive or imminently assaultive. Examples of active resistance include, but are not limited to: Physically offensive behavior (e.g. assault – striking, grabbing, pushing, taking a position of advantage, tripping, holding, etc.), verbal and non-verbal cues of immediate threat, escalating aggression and non-compliance for a serious violent crime.

C. Deadly Resistance

Assaults or articulable threats that are likely to cause serious physical injury or death to the officer or someone else. These actions may include the discharge of a firearm, use of a blunt or bladed weapon and extreme physical force.

5. Force Continuum

An officer is justified in using the degree of force that the officer reasonably believes necessary to obtain lawful objectives, such as arrest and in defense of self and others. All personnel will only use reasonable force to accomplish the lawful objectives and apply de-escalation techniques when possible. (CALEA 4.1.1)

In the officer's decision to use force, careful attention should be given to the facts and circumstances of each case, including the severity of the crime, whether the suspect is actively resisting arrest or attempting to evade arrest by flight. Additionally, an officer should take into account his or her abilities under the given circumstances, the size of the officer and subject, the age of the subject and if the subject has any disability.

When deciding what level of force to use, the officer must reasonably believe that a lower level of force is not sufficient, and a higher level of force is reasonably necessary.

The force continuum is not designed to be a step-by-step progression. Therefore, the escalation and de-escalation by the officer is in response to the actions of the subject and need not be sequential. An officer will employ force only in response to resistance and/or aggression and must stop the using force when resistance and/or aggression stops.

In determining whether force is necessary, it must be taken into consideration that officers may be forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving about the amount of force necessary in a particular situation, as outlined in *Graham v Connor* 490 U. S. 386 (1989).

A. **Levels of Control**

1. **Professional Presence.** The officer assumes control of the situation by his/her professional bearing and visual images of authority. This includes all symbols of police authority including the badge, uniform and marked police vehicle.
2. **Verbal Commands.** If presence alone fails, the officer begins verbal direction, dialogue and concise warning commands, using a tone of voice that reflects professionalism and control. The subject must be allowed an opportunity to comply with verbal commands unless violence or other circumstances are already occurring which would make total reliance on verbal commands inappropriate. There is no need for a Response to Resistance and/or Aggression Report when a situation is controlled at this level.
3. **Soft Hands.** The officer places his/her hands on the suspect and advises the suspect that he/she is under arrest. Soft hand techniques are not impact oriented and include a "come along" grab or other

grabbing techniques. There is no need for a *Response to Resistance and/or Aggression Report* when a situation is controlled at this level. Any resistance to lawful authority beyond this point is unlawful and must be countered by the officer and a *Response to Resistance and/or Aggression Report* must be prepared and submitted. (CALEA 4.2.1 D)

4. **Chemical (Oleoresin Capsicum) Spray.** Oleoresin Capsicum (OC Spray) is approved for use in situations where the officer believes that attempts to control a subject may result in injury to the subject or the officer. OC should be utilized at a range of 3 to 8 feet and should be, if possible, accompanied by loud verbal commands. A *Response to Resistance and/or Aggression Report* must be prepared and submitted when OC spray is deployed.
5. **Conducted Energy Weapon (CEW).** CEW's are less-lethal weapons that use battery energy to affect the sensory and/or motor systems. A CEW shall only be used in response to active resistance. A CEW must be used according to prescribed training and procedures found in DPD PPM 100-13 Conducted Energy Weapon. A *Response to Resistance and/or Aggression Report* must be prepared and submitted when CEW is deployed.
6. **Hard Hands.** These techniques are impact oriented and include knee strikes, elbow strikes, punches and kicks. Control strikes are used to get a subject under control and includes strikes to pressure points such as the common peroneal (side of the leg), radial nerve (top of the forearm) or brachial plexus origin (side of neck). Defensive strikes are used by an officer to protect him or herself from attack and may include strikes to other areas of the body including the abdomen or head. Once the suspect is under control, the pain application must be released. A *Response to Resistance and/or Aggression Report* must be prepared and submitted when hard hand techniques are used by an officer.
7. **Impact weapon.** The impact weapon issued to Davidson Police Officers is the ASP baton. Officers may carry and use the ASP only after being trained. Impact weapons are used only when other control methods are ineffective or inappropriate. Strikes are targeted toward major muscle groups. The common peroneal nerve on the side of the leg is the primary target for impact weapon strikes. A *Response to Resistance and/or Aggression Report* must be prepared and submitted when the Impact Weapon is deployed.
8. **Other force options.** An officer is not restricted to only a firearm when faced with an imminent threat of death or serious physical injury and is authorized to use any means of force available to protect self or others. (CALEA 4.1.2)

6. Use-of-Force Options

A. Firearms

The use of a firearm for the application of deadly force is authorized only as justified by Federal and State law and Department policy. Officers should use a firearm as a last resort when other means have failed or are inapplicable. Reference DPD PPM 100-10 Firearms for guidelines.

An officer will not discharge a firearm under the following circumstances:

1. When based on the totality of the circumstances, the discharge of the firearm would constitute a greater risk to innocent human life than the subject's actions. (e.g. discharging a firearm into a crowd)
2. Where the subject is clearly not identified and it is unknown if there are other persons present.
3. **WARNING SHOTS ARE STRICTLY PROHIBITED** (CALEA 4.1.3)
4. Due to the risks and considering that firearms are not generally effective in bringing a moving vehicle to a rapid halt, officers shall not fire at a moving vehicle unless the officer reasonably believes:
 - a. The use or imminent use of deadly force is being used against the officer or another person or,
 - b. There exists an imminent risk of death or serious bodily injury to others, such as a pedestrian crowded roadway or other pedestrian gathering area, by an on-coming vehicle and no other means are available at that time to avoid or eliminate the danger.

Officers should not intentionally position himself/herself in the path of an oncoming vehicle. When possible, officers should take reasonable steps to get out of harm's way if a vehicle is moving towards them.

B. Conducted Energy Weapon (CEW) (CALEA 4.1.4)

The Davidson Police Department will provide officers with options for controlling combative and uncooperative subjects in a manner that minimizes the risk of injury to both the officer and the suspect. Reference DPD PPM 100-13 Conducted Energy Weapon for CEW guidelines.

C. Oleo-resin Capsicum (OC or "Pepper Spray") (CALEA 4.1.4)

1. OC will only be used by officers who have successfully completed a basic course in its use and in proper decontamination procedures.
2. The use of OC is a reasonably necessary progressive step in the use of force to effect the arrest, to secure an arrestee or to provide for the safety of the officers or others. It is authorized for use when physical restraint of a person is not reasonable to bring the person under control without the risk of injury to the person or the officer.

3. An officer shall announce, when feasible, the imminent deployment of OC to other officers and/or citizens to prevent accidental exposure.
4. The use of OC spray or any other physical force will not be immediately deployed where a person or group of persons are participating in a passive non-violent protest.
5. OC will be administered in a one (1) second burst, aimed at the face of the suspect. A second burst may be needed.
 - a. Allow five to ten seconds before engaging the suspect
 - b. Handcuff the suspect
 - c. Remove them from the exposed area.
6. Decontamination of a suspect sprayed with OC is required when the suspect does not pose a threat to the officer's safety. The following procedures shall be administered:
 - a. Medical personnel shall be called to the scene. (CALEA 4.1.5)
 - b. The Davidson Police Department's prisoner bathroom is equipped with an eye-wash station specifically for this use. Prisoners must be accompanied into the bathroom by an officer when the eyewash station is used.
 - c. The prisoner will be monitored and any labored breathing or indication of loss of consciousness will necessitate the recall of medical personnel to the scene to treat.
 - d. Medical clearance must be obtained prior to transporting to an intake facility.
 - e. Jail personnel at the relevant intake facility shall be notified that OC was deployed on the subject prior to incarceration.
7. Officers will be required to test their issued OC canisters monthly for adequate pressurization and functionality.
8. Officers will not store the OC anywhere inside of a vehicle. Temperatures of 120°F can cause the canister to burst.
9. OC spray may be used to discourage an attack by an animal.

D. Impact Weapons (CALEA 4.1.4)

Impact weapons may be used only when an officer is confronted with active resistance (e.g. striking or kicking the officer) that is occurring or is imminent against him/her or another person.

1. The use by an officer of a flashlight, baton or similar object used as a club to strike a blow to the muscle groups of a person's arms or legs will be considered the use of less-lethal force.
2. A flashlight, baton or similar object used as a club to strike a blow to a person's head or neck is prohibited except where deadly force is reasonably necessary to protect the life of the officer or another person.
3. Prohibited tactics include:
 - a. Any hold, with or without a device, that restricts a person's airway unless deadly force is reasonably necessary to protect the life of the officer or another person. (CALEA 4.1.7)
 - b. Any strike with an impact weapon or object to a person's head or neck unless deadly force is reasonably necessary to protect the life of the officer or another person.
 - c. Any other tactic that is likely to result in death or serious injury unless deadly force is reasonably necessary to protect the life of the officer or another person.
4. Target areas include:
 - a. Center mass of arms.
 - b. Center mass of legs.
 - c. Center mass of body

E. Other Less-Lethal Options (CALEA 4.1.4)

Officers with specialized training and who are authorized to use specialized weapons, may use these weapons pursuant to the standard operating procedures established and approved by the Chief of Police. Other less-lethal options include beanbag rounds, chemical irritants, police canine or any other equipment approved by the Chief of Police that are designed to incapacitate and are defined as less-lethal.

7. Procedures following Lethal and Less-Lethal Force

- A. Medical aid will be summoned when:
1. Deadly force is utilized (discharge of a firearm) and any person is struck or injured.
 2. The CEW is deployed and a person is administered a shock.
 3. OC Spray is deployed, and a person is sprayed directly or indirectly.

4. The suspect requests medical aid, or if in the officer's opinion medical aid is needed. If the officer is in any doubt, medical aid will be immediately requested. (*CALEA 4.1.5*)
- B. After medical aid is summoned, the officer will take any first aid measure that they are trained and certified to administer until relieved by medical personnel. Such actions may include, but are not limited to:
1. Increase observation of the subject to detect any changes in condition.
 2. Application of any first aid the officer is trained and certified to administer.
 3. Secure the scene to protect the subject from any further injury.

8. Documentation of Officer Response to Resistance and/or Aggression

A. Officer Responsibilities

1. An officer who responds to resistance and/or aggression by deploying some type of lethal and/or less-lethal force will contact the on-duty supervisor as soon as practical after the subject has been brought under control.
2. The officer initiating contact with the subject is required to complete the Response to Resistance and/or aggression report. (*CALEA 4.2.1C*)
3. Off-duty officers reporting a response to resistance and/or aggression by deploying some type of lethal and/or less-lethal force will notify CMPD Communications and request the Davidson Police Department on-duty supervisor be notified. The officer will secure the area if appropriate and wait for the arrival of the supervisor.
4. If an officer is not in the Town of Davidson, they will contact, or cause to be contacted, the local police agency or county sheriff's office immediately, as well as the on-duty shift supervisor for the Davidson Police Department as soon as practical.
5. An officer deploying force while in another jurisdiction and under the authority of mutual aid is responsible to contact, or cause to be contacted, the on-duty shift supervisor of the local police agency immediately, as well as the on-duty shift supervisor for the Davidson Police Department. All reporting requirements remain the same, an incident report must be made and the officer must complete a Response to Resistance and/or Aggression Report.
6. Following the use of deadly force, the officer shall make no comments about the incident except to the assigned supervisors, investigators or the officer's personal attorney or representative. Officer(s) involved in a shooting shall not change his/her appearance in any way until the investigating agency has contacted them. The clothing and equipment

shall not be changed or removed from the officer unless the investigating agency or Chief of Police, or designee, approves otherwise.

B. Supervisory Responsibilities

1. The on-duty shift supervisor will respond immediately and assume command of the scene.
2. Ensure that the subject is no longer a threat and appropriate emergency medical care has been requested.
3. Ensure that patrol resources are available to secure the scene and make mutual aid requests, if needed.
4. The on-duty supervisor will make notification to the Chief of Police, or designee, immediately or as soon as possible when any of the following occurs:
 - a. Deadly Force is used (whether or not shots take effect).
 - b. A suspect is injured and must be hospitalized.
 - c. A suspect is injured and needs treatment not able to be administered by first responder emergency personnel.
5. The on-duty supervisor will initiate an investigation that includes:
 - a. Ensuring the security and chain of custody of any and all evidence collected to include in-car recordings, static recorders (store security cameras, individual recording devices such as telephones, digital recorders, etc.) identification of witnesses and any forensic evidence.
 - b. All injuries to suspect(s) and officer(s) shall be photographed and secured as evidence.
 - c. If the incident occurs outside the Town of Davidson, the on-duty supervisor will respond and offer his/her assistance with the investigation.
 - d. Where an accidental discharge occurs (and no one is injured and/or killed), either in the Town of Davidson or outside the jurisdiction, and whether the officer is on-duty or off-duty, the supervisor will respond and determine if there is need for further investigation. If there is no need for further investigation, the supervisor will prepare and forward an inter-office memorandum with details of the facts of the incident to the Chief of Police, or designee, with recommendations for any action to include discipline and/or training.

6. Whenever an officer uses deadly force the State Bureau of Investigation will be requested by the Chief of Police, or designee, or the District Attorney to conduct a criminal investigation. A detailed report should be submitted to the District Attorney's Office by the investigating agency in a timely manner. (CALEA 11.3.4)

C. Examples of Required Reporting on the Response to Resistance and/or Aggression

1. Discharge of a firearm at a person, to include accidental discharges or discharges that do not result in physical injury or death; (CALEA 4.2.1 A)
2. The use of a firearm by pointing a weapon at a person.
3. The use of any lethal or less than lethal weapons, including, but not limited to: (CALEA 4.2.1 C)
 - a. ASP Baton
 - b. OC Spray
 - c. CEW
 - d. Use of weaponless force.
 - e. Use of any part of an officer's body to strike, hit or kick another person.
 - f. When taking any action that results in or is alleged to have resulted in physical injury or death of another person. (CALEA 4.2.1 B)

D. Procedure for Completing the Response to Resistance and/or Aggression Report

1. An incident report must be completed in conjunction with the events that led the officer to use some manner of force.
2. The report shall be submitted prior to the end of the officer's current shift. In the case of an officer who is off-duty, they will be placed in an "on-duty" status and will not be released until the required reporting has been completed.

EXCEPTION #1: When an officer uses force that results in serious injury or death, the officer will be given a 72-hour period to complete a statement for the investigating agency, as the officer's ability to concentrate and recall details of the event may be diminished due to the mental and physical stress of the incident. The on-duty supervisor at the time of the incident will complete, or have completed, an INITIAL report, using all known information.

EXCEPTION #2: When the officer using force is injured and unable to complete the report, **the on-duty supervisor at the time of the incident will complete**, or have completed, an INITIAL report, using all **known** information.

3. The *Response to Resistance and/or Aggression Report* will be completed before the end of the officer's tour of duty (see Exceptions in 3 and 4 above).
4. The narrative of the Incident Report should contain:
 - a. A chronological account of relevant events and actions.
 - b. The circumstances that brought the subject to the officer's attention.
 - c. The behavior of the subject when first observed or when contact is made by the officer.
 - d. What actions/behaviors (resistance and/or aggression) by the subject resulted in the officer responding with force.
 - e. What action was taken by the officer.
 - f. What weapon(s) if any were used.
 - g. Describe any follow-up medical treatment and/or decontamination methods (in the case of OC Spray).
 - h. Describe any injuries sustained by the suspect and how they occurred.
 - i. Describe any injuries sustained by an officer and how they occurred.
 - j. Describe any unusual circumstances that may have contributed to the incident.
 - k. List any witnesses and include: Name, date of birth, home address, work, cellular and home phone numbers.
 - l. List any evidence taken from the scene (e.g. photographs, recordings, etc.).

E. Review and Recommendations Regarding Response to Resistance and/or Aggression Incidents

1. The immediate supervisor of an officer involved in a response to resistance and/or aggression incident shall review the RRA report, the incident report, supplemental reports and all evidence, to include any recordings, to ensure the reports are complete and accurate. The immediate supervisor shall make a recommendation regarding the

appropriateness of the officer's actions including any need for remedial training, policy review or recommendations for disciplinary action.

2. The report shall be forwarded to the Chief of Police, or designee, for final review and recommendation. (CALEA 4.2.2)
3. Violations of policy may result in an internal investigation, as well as a criminal investigation.

F. Administrative Leave (CALEA 4.2.3)

1. An officer directly involved in an incident involving serious injury or death will be placed on administrative leave with pay until the administrative review is complete AND the officer is found to have been in compliance with state law and Department policy.
2. The Chief of Police, or designee, will ensure that the officer(s) involved in a deadly force incident are scheduled for mandatory counseling sessions with a psychologist familiar with law enforcement uses of deadly force. Where appropriate, other officers may be referred on a voluntary basis.
3. The leave status of an officer may change to a disciplinary status if the investigation proves the officer acted with criminal intent or in a willful, wanton and reckless manner with the disregard for the safety of others.
4. An officer on administrative leave is subject to recall to duty for interviews and investigation into the incident.
5. An officer on administrative leave is subject to recall to duty when he/she is declared fit for duty, and the use of force was determined to be justified and within Department policy. It will be up to the discretion of the Chief of Police if the officer, upon return to duty, is temporarily assigned to a light-duty assignment. The officer will be given a minimum 24-hour notice before being released to return to regular duties.

G. Examples of Required Reporting Upon Discharge of a Firearm to Euthanize an Animal or Upon Accidental Discharge NOT in a Use-Of-Force Situation (CALEA 4.2.1 A)

1. To euthanize a sick or wounded animal, an officer must generate a call for service through CMPD Communications and document a Miscellaneous Incident Clearance that details the following:
 - a. Date, time and location of discharge of the firearm.
 - b. Reason for the discharge.

- c. Firearm used and serial number.
 - d. Number of shots discharged.
 - e. Number of shots taking effect.
 - f. Patrol Shift Supervisor notified/giving approval for discharge.
2. Upon discharge of a firearm or CEW device that is NOT in a use of force situation, (e.g. while holstering or un-holstering, loading or unloading), an officer must prepare and submit, through the chain of command, an Inter-Office Communication that details the following:
- a. Name/rank of supervisor notified of the accidental discharge.
 - b. Date, time and location of discharge of the firearm.
 - c. Serial number of firearm or CEW discharged.
 - d. Number of shots discharged.
 - e. Location/recovery of bullets if the discharge is from a firearm.

F. Public Dissemination of Information Post use of Deadly Force (CALEA 11.3.4)

- 1. The criminal investigative authority and the District Attorney's Office shall collectively present public information on any investigation related to the use of deadly force resulting in death or serious bodily injury. Early coordination among the agencies should ensure consistency to effectively address public confidence concerns that could potentially detract from the quality and effectiveness of the investigation.
- 2. Until authorized by the Chief of Police or designee, the name(s) of involved employees will not be released by any member of the Davidson Police Department.
- 3. All Town of Davidson press releases will be shared with the District Attorney's Office.

9. Response to Aggression and/or Resistance Instruction

A. Davidson Police Department Response to Aggression and/or Resistance Policy

- 1. No Department personnel shall be authorized to carry or be issued a weapon, whether lethal or less lethal until:
 - a. The employee has been issued a copy of the Davidson Police Department Response to Aggression and/or Resistance Policy.

- b. Has received instruction in the Davidson Police Department Response to Aggression Policy.
 - c. Demonstrates an acceptable level of knowledge and practical exercise in its use. (CALEA 4.3.4)
2. In-service training for all employees authorized to carry lethal weapons and electronic controlled weapons shall occur at least annually.
 3. In-service training for all employees authorized to carry other less-lethal weapons shall occur at least biennially.
 4. All training in the use of lethal and less-lethal weapons and use-of-force policy and tactics shall be documented in writing and placed in the Department Training File.

B. Awareness Training (CALEA 11.3.4)

1. All department employees that may be potentially impacted by a law enforcement action that results in death or serious bodily injury will receive training for best practices in managing such incidents, including but not limited to, structured delays in interviews of those involved and strategies that will be applied in preserving and collecting items of evidentiary value.
2. All potentially impacted employees of the department will receive awareness level training regarding the impact of use of force incidents and resources available to employees following a use of deadly force incident.

10. Response to Resistance and/or Aggression Analysis

Annually, the Chief of Police, or designee, will conduct an analysis of all Response to Resistance and/or Aggression Reports. The analysis will be conducted in an effort to identify patterns or trends that may indicate training needs, equipment upgrades and/or policy modifications.

11. References

N.C.G.S. 15A-401(d)
CALEA
Tennessee v. Garner, 471 U. S. 1 (1985)
Graham v. Conner, 490 U. S. 386 (1989)
DPD PPM 100-13 (Conducted Energy Weapons)
DPD PPM 100-10 (Firearms)