THE POLICIES AND PROCEDURES INCLUDED IN THIS MANUAL ARE NOT A CONTRACT OF EMPLOYMENT AND SHOULD NOT BE RELIED ON AS SUCH. THESE POLICIES AND PROCEDURES ARE SUBJECT TO AND MAY BE CHANGED AT ANY TIME BY THE DEPARTMENT OF PUBLIC SAFETY, MEDICAL UNIVERSITY OF SOUTH CAROLINA.

A. Policy

It is the policy of this Department to always employ the reasonable amount of force necessary to accomplish lawful objectives. (CALEA 1.3.1)

The use of excessive force, in any degree, in any situation regardless of the provocation or action of the offender, shall result in disciplinary action and may result in criminal prosecution of the officer involved.

Deadly force may be used only when the officer reasonably believes that the action is in the defense of the life of a citizen or officer; or in defense of any person in imminent danger of serious physical violence/injury; or to effect the arrest of a subject when all other reasonable means of apprehension have been exhausted, or do not exist, and there is imminent danger that the subject to be apprehended may cause death or serious bodily harm if he/she escapes, or if his/her apprehension is delayed, which outweighs the risks involved in the use of deadly force. (CALEA 1.3.2)

B. Definitions (CALEA 1.3.2)

1. **Deadly Force/Lethal Force**: Any use of force that is likely to cause death or serious bodily harm.

2. **Non-deadly Force/Non-lethal Force/Less-lethal**: Any use of force other than that which is considered deadly force.

3. **Oleoresin Capsicum ("OC" Spray/“OC” Foam)**: A less-lethal weapon that is
a pepper gas which shoots a pattern of tear gas like droplets that causes profuse watering of the eyes and nose. "OC" Spray does not render a subject powerless, rather it creates a sense of discomfort and disorientation that may cause the person to cease violent acts. “OC” Foam shoots a pattern of foam and will be used in patient care areas.

4. **Straight Baton:** A less-lethal impact weapon, designed to be used with specific techniques to subdue or control violent subjects.

5. **Convex Riot Shield:** A less-lethal control and restraint device, designed to pin aggressive prisoners/patients against a wall to prevent injury to the prisoner/patient or the officer.

6. **Reasonable Belief:** The facts or circumstances the officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

7. **Probable Cause:** Those facts and circumstances personally known by the arresting officer, which would reasonably lead him to believe that:
   a. a crime had been committed or is being committed, and;
   b. the person to be arrested probably committed or is committing the crime.

8. **Imminent:** An act of violence that is likely to happen without delay.

9. **Serious Physical Injury:** A bodily injury that creates a substantial risk of death, causes serious, permanent disfigurement results in long-term loss or impairment of the functioning of any bodily member or organ.

10. **Physical Force:** Any force applied to the body, not involving a weapon, in order to gain compliance with lawful orders or effect arrest.

11. **Reasonable Means:** All levels of force, or any action that could be used by the officer to appropriately resolve the situation.

12. **Levels of Resistance:**
   a. **Psychological Intimidation:** Non-verbal cues indicating subjects’ attitude; appearance, and physical readiness;
   b. **Verbal Non-Compliance:** Verbal responses indicating unwillingness or threats;

POLICY AND PROCEDURE # 56 Use of Force
c. **Passive Resistance:** Physical actions that do not prevent officer’s attempt to control;

d. **Defensive Resistance:** Physical actions which attempt to prevent officer’s control, but never attempts to harm the officer;

e. **Active Aggression:** Aggressively Assaultive Acts whose purpose is to inflict injury upon the officer; and

f. **Deadly Force Assault:** Deadly force encounter.

13. **Levels of Control:**

a. **Officer Presence:** Identification of Authority;

b. **Verbal Direction:** Commands of direction or arrest;

c. **Empty Hand Control:**

1. **Soft Empty Hand Control:** Techniques that have minimal chance of injury;

2. **Hard Empty Hand Control:** Techniques that have a higher probability of injury;

d. **Intermediate Weapons:**

1. Control and restraint device, OC Spray, Impact weapon strikes;

e. **Lethal Force:** Deadly force actions.
14. **Force Continuum:**

<table>
<thead>
<tr>
<th>Use of Force Continuum*</th>
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<tbody>
<tr>
<td><strong>Subject</strong></td>
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<tr>
<td><strong>Levels of Resistance</strong></td>
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<tr>
<td><strong>Deadly Force Assault</strong></td>
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<tr>
<td>(Deadly Force Acts)</td>
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<tr>
<td><strong>Active Aggression</strong></td>
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<tr>
<td>(Aggressively Assaultive Acts whose purpose is to inflict injury upon the officer)</td>
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<tr>
<td>(Impact Weapon Strikes)</td>
</tr>
<tr>
<td><strong>Defensive Resistance</strong></td>
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<tr>
<td>(Pulling/Pushing away, Blocking)</td>
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<tr>
<td>(Hand and Leg Strikes, Kicks, etc)</td>
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<tr>
<td><strong>Passive Resistance</strong></td>
</tr>
<tr>
<td>(Low Level Physical non-Compliance)</td>
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<tr>
<td>(Joint locks, Pressure Points, Come-Alongs, ect.)</td>
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<tr>
<td><strong>Verbal Non-compliance</strong></td>
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<tr>
<td>(Verbal Response indication an Unwillingness or Threat)</td>
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<tr>
<td>(Verbal Commands)</td>
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<tr>
<td><strong>Psychological Intimidation</strong></td>
</tr>
<tr>
<td>(Non-Verbal Cues of Attitude, Appearance, &amp; Physical Readiness)</td>
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<td>(Identification of Authority)</td>
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* Subject may enter the continuum at any level. The officer may enter at any level that represents a reasonable response to the perceived threat posed by the subject. The officer should constantly evaluate the level of control/force and implement the minimal control/force necessary to effect control/arrest of the subject.
15. **Force Continuum Variables**: Variables that may affect an officer’s decision in escalation or de-escalation the level of control
   
a. Officer/subject size and gender;

b. Environmental conditions/totality of circumstances; and

c. Reaction time.

16. **Reaction Time**: The time it takes an officer to perceive a threat, and then react to it physically.

C. **Procedures**:

1. The use of force should escalate through five (5) stages, 1. officer’s presence, 2. verbal, 3. empty hand control (soft and hard), 4. intermediate weapons (Convex Riot Shield/OC-spray-foam/Straight Baton), and 5. lethal (deadly) force. However, facts and circumstances immediately known to the officer may allow him to go directly to any of the five (5) stages. (CALEA 1.3.4)

In all cases of the use of force, whether deadly or non-deadly force, appropriate medical treatment, consistent with any injury sustained by any individual, will be immediately provided in the form of immediate minor first aid, request for EMS or other more serious responses. This aid will be rendered as soon as possible after control of the incident has been established. (CALEA 1.3.5)

   a. **Officer’s Presence**:

   In most instances, the mere presence of a police officer will deter inappropriate and/or criminal behavior. When it becomes obvious to the officer that his / her presence is not effecting the desired behavior, he / she will go to the next level - **Verbal**.

   b. **Verbal**:

   Officers responding to an incident where there are no signs of physical violence will communicate verbally with subject to attempt to have him/her comply with his/her directions. When it becomes obvious to the officer that the subject does not intend to comply, the officer is authorized to use the next appropriate level of force.

   c. **Empty Hand**: (CALEA 1.3.4)

   1) **Soft Empty Hand** are techniques that have a minimal probability of injury to the subject -i.e., wrist locks, police arm-bar, pressure points, etc.

**POLICY AND PROCEDURE # 56 Use of Force**
2) **Hard Empty Hand** are techniques that have a higher probability of injury to the subject and should be used with caution - i.e., hand strikes, leg strikes/kicks, etc.

3) **The use of neck restraints or similar weaponless control techniques** are not authorized for use by officers of this Department.

d. **Intermediate Weapons:** *(CALEA 1.3.4)*

1) **Convex Riot Shield** *(CALEA 1.3.4)*

a) The Convex Riot Shield is a less-lethal control and restraint device, the use of which does not preclude the use of a higher level of force if necessary for officer safety. In the force continuum, the use of the Convex Riot Shield is considered an intermediate weapon.

b) The Convex Riot Shield will be authorized to:

1. defend yourself or others in the event of a physical attack;
2. effect an arrest/control when violent, aggressive behavior is encountered;
3. defend yourself against animal attack; and
4. may be used both inside and outside Medical University facilities.

c) The Convex Riot Shield is **not** authorized for:

1. use against any subject/patient who has not been displaying aggressive behavior;
2. use on handcuffed subjects/patients, with the exception of being used as a barrier to prevent infectious disease contamination; and
3. unauthorized use may result in disciplinary action including termination.

d) The below listed procedures will be followed when using the Convex Riot Shield:

1. Secure the immediate area and evacuate all non-team members;
2. The team will consist of three (03) members:
   a. #1 - Shield Handler - the function of this member is shield
retention and control. This member will use the shield to pin the subject/patient against a wall or other similar surface. After control has been established, this member will secure and protect the subject’s head;

b. #2 - the function of this member is to obtain immediate control of the subject/patient’s left arm. After control has been established this member will apply the necessary restraints (handcuffs); and

c. #3 - the function of this member is to obtain immediate control of the subject/patient’s right arm. After control has been established this member will apply the necessary restraints (leg irons).

3. The Convex Riot Shield is a weapon. Use the Convex Riot Shield with caution and in accordance with training.

The use of the Convex Riot Shield will be regarded as a use of less-lethal force. The use of the Convex Riot Shield is authorized when lesser levels of force are not appropriate. The Convex Riot Shield will be used as per the below listed instructions:

a. The Convex Riot Shield will be used by uniformed officers after completion of department certified training.

b. The Convex Riot Shield will be used only when the officer has determined a lesser degree of force has proved futile in overcoming resistance by an arrestee / patient or in protection from an assault by any subject.

c. When the Convex Riot Shield is used to restrain a subject, the officer will not use the shield in any manner that will result in choking the subject.

d. Unless the officer is in a deadly force situation, he/she will not deliver strikes to head, heart, spine, groin or kidneys. (CALEA 1.3.2)

e. The Convex riot Shield will not be used to strike handcuffed individuals, nor to threaten or intimidate persons.

f. All Convex Riot Shield trained officers will be re-trained annually.
g. If it is necessary for an officer to use the Convex riot Shield in subduing a subject, an Incident Report and a Use of Force Report will be submitted by that officer to the Director through channels, outlining the details up to and justifying its use.

e) Training

1. All officers will receive 01 hours initial training, with annual in-service training. Training will be conducted by a Department approved Instructor.

2. Officer will be trained using manufactures training recommendations and procedure.

2) **OC-SPRAY/FOAM (CALEA 1.3.4)**

a) OC-spray/foam is a less lethal weapon. The use of which does not preclude the use of a higher level of force if necessary for officer safety. In the use of force continuum, OC-spray/foam is an intermediate weapon. The use of OC-spray/foam would in most cases eliminate the need to use the police baton. Commissioned Public Safety Officers and State Security Officers may carry OC-spray for duty use. OC-foam will be carried in the Trauma Center.

b) OC-spray will be authorized to:

1. Defend yourself or others in the event of physical attack;

2. Effect an arrest when violent, aggressive behavior is encountered; and

3. Defend yourself against animal attack.

4. **OC-SPRAY IS NOT AUTHORIZED FOR USE INSIDE PATIENT CARE FACILITIES, UNLESS YOU ARE IN A DEADLY FORCE SITUATION.**

c) OC-foam is authorized for:

1. Use inside patient care facilities;

d) OC-spray/foam is not authorized for:
1. Use on handcuffed subjects; and

2. Unauthorized use may result in disciplinary action including termination.

e) The below listed procedures will be followed when using OC-spray/foam:

1. Use only the amount necessary to demobilize the subject. Effective range for OC-spray is up to 12 feet, recommended range is 6 to 8 feet. Effective range for OC-foam is up to 6 feet, recommended range is 4 to 6 feet. Aim spray for the eyes, hold the trigger down for one (1) second. If the subject does not stop resisting immediately you repeat the spraying.

a. Nomenclature of the can usually consists of canister holding chemical compound and propellant, hollow tube cylinder, valve device to regulate flow in one direction, actuator-trigger device and a nozzle outlet of tube.

b. Grip is accomplished by firmly grasping the canister and placing either your index finger or thumb on the actuator.

c. When spraying use either a horizontal spray: side to side, vertical spray: up and down, fact direct: apply straight on without movement unless target moves or a zig-zag pattern: (Z) pattern.

d. All of these should be deployed using a 1 second burst. After the initial burst is delivered the officer should move and evaluate the situation. **At no time should OC spray be deployed at a suspect(s) eyes any closer than (3) feet.**

e. The target zone for OC spray is the eyes.

2. A Use of Force Report and an Incident Report will be submitted each time OC-spray/foam is used.

3. Once a canister has been used five (5) times, (5) one second spraying, it will be turned into the Weapons Officer and a new one will be issued.

4. There is a five year shelf life on canisters. Canisters not issued will be shaken once per month to keep activated. Canisters issued, should be shaken at the beginning of each shift. *(CALEA 1.3.9.c)*

POLICY AND PROCEDURE # 56 Use of Force
If the canister, for whatever reason, is determined to be damaged, expired or non-functional, the officer will immediately turn the canister into the weapons officer and receive a new one. (CALEA 1.3.9.d)

5. Officers using OC-spray/foam will shout “OC-spray” at the time of use, to alert other officers.

6. Officers using OC-spray/foam will advise the subject as to what was used on him and handcuff the subject.

7. The subject will not be hog tied or forced to lay face down after the use of OC-spray/foam. Subject will be seated up-right or standing to reduce the possibility of positional asphyxia.

e) Decontamination Procedure: (CALEA 1.3.5)

1. After spraying a subject with OC-spray/foam, wait five seconds then verbalize specific and distinct commands. Tell the subject exactly what you want him/her to do.

2. Subjects will be closely monitored and reassured that they are safe and will be cared for if they cooperate. Tell the subject to breathe normally and relax as much as possible.

3. If possible, move the subject to an uncontaminated area, flush eyes and face with cool water.

4. Transport to MUSC Trauma Center Decontamination Room. While transporting in the vehicle, open windows to allow fresh air to blow in subjects face.

5. Use the decontamination shower and non-oil base soap to wash OC-spray/foam from face and eyes. Standard dish washing detergent is the best decontamination agent.

6. If subject is injured, transport to the Trauma Center for evaluation. Be sure to tell attending medical personnel not to use eye drops, Use clear water only.

7. The officer must pat the subjects face and eyes dry with towel; do not rub dry.

8. It will be the responsibility of the arresting officer to properly decontaminate subject prior to transporting to jail. There is no
requirement for decontamination of clothing.

9. Under normal circumstances, all symptoms of OC-spray/foam would disappear within 20 to 45 minutes. Should symptoms exceed 45 minutes, transport to Trauma Center for treatment. Always get the subject medical attention if you feel he/she needs it or he/she requests it.

f) Training

1. All officers carrying OC-spray/foam will receive 04 hours of initial training, with biennially in-service training. Training will be conducted by a certified OC-Spray Instructor.

2. Instructors will be trained by certified OC-spray instructor.

3. Officers will be trained using manufacturer training recommendations and procedures.

4. Uniformed officers will carry OC-spray. OC-foam will be carried on Post 60.

3) The Straight Baton. (CALEA 1.3.4)

a. Use of the Straight Baton will be accomplished with caution and in accordance with training.

The use of the Straight Baton will be regarded as a use of less lethal force. The use of the Straight Baton is authorized when all lesser levels of force are not appropriate. The Straight Baton will be used as per the below listed instructions:

1) The Straight Baton will be the only baton authorized for use at the Medical University.

2) The Straight Baton will be used only when the officer has determined a lesser degree of force has proved futile in overcoming resistance by an arrestee or in protection from an assault by any subject.

3) When the Straight Baton is used to restrain a subject, the officer will not use the baton in any manner that will result in choking the subject.

4) Unless the officer is in a deadly force situation, she will not deliver...
strikes to head, heart, spine, groin or kidneys. (CALEA 1.3.2)

5) The Straight Baton will not be used to strike handcuffed individuals, nor to threaten or intimidate persons.

6) The Straight Baton will not be used to knock on doors, windows or any other object.

7) All Straight Baton certified officers will receive 8 hours of initial training, with annual in-service training. Training will be conducted by a certified Instructor. If the Straight Baton, for whatever reason, is determined to be damaged, or non-functional, the officer will immediately turn the Straight Baton into the weapons officer and receive a new one. (CALEA 1.3.9.d)

8) If it is necessary for an officer to use the Straight Baton in subduing a subject, an Incident Report and a Use of Force Report will be submitted by that officer to the Director, outlining the details up to and justifying its use.

9) The flashlight is not to be used as a primary weapon. In the absence of a Straight Baton and in an emergency situation the light may be used as a defensive weapon. When so used, the light will be used in the same manner as the Straight Baton. All restrictions on the use of the Straight Baton will apply to the use of the light issued by the department.

D. Situations Where Deadly Force is Authorized:
(CALEA 1.3.2)

1. Firearms and Deadly Force are authorized in the following situations:

   a. An officer may use deadly force in the defense of a citizen or an officer to prevent serious bodily harm or death.

   b. An officer may use deadly force against persons seeking to escape, or avoid custody, who have committed felony crimes involving the use or threatened use of deadly force against another person, and are, therefore considered a risk to the safety of the general public if not apprehended without delay.

      1) Provided that in either case:

      a) the officer has either witnessed, or knows with a reasonable certainty, that the subject to be apprehended has committed the felony crime involving the use of deadly force against another person; and
b) other reasonable means of apprehension either do not exist, or have been exhausted; and

c) the risk of further death or injury to others if the violent felon is not apprehended exceeds the risks inherent in the use of firearms, and reasonable shooting background and line of sight exists to avoid injury or death to others.

d) Elements of Force

1. **Ability**: The subject must have the ability or capability to cause great bodily harm or death.

2. **Opportunity**: The subject must be within range or in a position to cause great bodily harm or death.

3. **Jeopardy**: The subject is making some type of overt threatening move which could cause great bodily harm or death.

E. **Situations in which the use of Deadly Force is Prohibited: (CALEA 1.3.2)**

Deadly Force shall not be used in any of the following instances, manners or for any of the following purposes, whether on-duty or off-duty:

1. Misdemeanors or civil infractions (unless commission of misdemeanor would pose "self-defense" situation).

2. The firing of "warning shots" or shots to "attract attention" is prohibited. (CALEA 1.3.3)

3. Shots shall not be fired from a moving vehicle. Shots shall not be fired at a moving vehicle unless no other option exists and a life is in jeopardy.

4. Shots shall not be fired towards, into, or at a crowd or gathering, unless no other option exists and a life is in jeopardy.

5. A firearm shall not be used as a club, hammer, pry bar, tool, or for any purpose other than that for which it was designated and intended.

6. Officers shall not engage in any "horseplay", "quick draw", or any other similar activity. No officer will pull, brandish, or display his firearm, unless under circumstances which would justify its use.

7. When the officer believes the person to be a juvenile, unless the actions of the juvenile represents a direct threat to the life of the officer or another person.
8. To stop a fleeing person, for suspicious conduct.

9. At a suspect who is holding an innocent person hostage, when firing would endanger the hostage or other innocent person.

F. Reporting uses of force. (CALEA 1.3.6)

1. The Use of Force Report will be completed and saved in the Use of Force Directory, using a one up serial number. A hard copy will be submitted to the Patrol Commander via the chain of command whenever an officer:
   a. discharges a firearm, for any reason other than training or recreational purposes; (CALEA 1.3.6.a)
   b. takes an action that results in (or is alleged to have resulted in) injury or death of another person; (CALEA 1.3.6.b)
   c. applies force through the use of lethal or less-lethal weapons; (CALEA 1.3.6.c)
   d. Use of Force report is not required for patient restraints unless the patient was injured; (CALEA 1.3.6.d)
   e. if the officer is in doubt a report will be completed; or
   f. if during the performance of his/her duties (other than inspection, training, or maintenance) the officer deems it necessary to remove his/her firearm from his/her holster or the shotgun from its rack, he/she must submit a Use of Force and Incident report via the chain of command to the Director of Public Safety.
   g. The Patrol Commander will conduct a review of each “Use of Force” report and forward his findings and recommendations to the Director. (CALEA 1.3.7)
   h. The Patrol Commander will conduct an annual analysis of all "Use of Force Reports". This review will be conducted to identify any patterns or trends that could indicate training needs and/or policy modification (see Policy and Procedure #39 (Administrative Reporting Program and Forms Accountability). (CALEA 1.3.13 and CALEA 11.4.1.a thru .e)

2. Any employee, whose actions or use of force results in a death or serious physical injury, will be removed from a line of duty assignment and assigned to administrative duties, pending administrative review. (CALEA 1.3.8)

3. All reports of use of force will be the subject of an administrative review to determine, among other matters, whether further investigation is necessary (internal affairs) by the Director of Public Safety or his designee.

POLICY AND PROCEDURE # 56 Use of Force
4. In addition to the Use of Force Report, a PSD-17 (Incident Report) will be completed on every use of force incident with the exception of patient restraints, within a medical facility, where no weapons were used.

G. Discharge of Firearms Investigation

1. The Department of Public Safety Shooting Review Board shall investigate all incidents in which an officer discharges a firearms, hand gun, AR-15 or shotgun, either on or off duty, except in the following instances:
   a. the discharge of firearms on the department authorized range and all other forms of target practice;
   b. sporting events, to include hunting and organized shooting matches; or
   c. the test firing of firearms, so long as such test firing does not violate any city or state statute, or endanger life or property.

2. The Department of Public Safety Shooting Review Board shall consist of the Patrol Commander, Department Firearms Instructor(s), Department Assigned Investigator, and a Department assigned administrative representative.

3. The Department of Public Safety Shooting Review Board shall submit, in writing, their findings along with their recommendations to the Director for further actions.

H. Shooting of or at a Person

Incidents involving the shooting of a person or shooting at a person by a Public Safety Officer will be investigated by the Department of Public Safety Shooting Review Board. If the Chief determines further assistance is necessary, the Internal Affairs Officer, Department Investigators, and/or agents of the State Law Enforcement Division (SLED) may be used. The investigation will be initiated immediately and completed as soon as possible. A thorough and objective investigation of the facts pertinent to the incident will be conducted.

1. The first officer responding to the scene will be responsible for the following duties:
   a. command of the scene and protection of the scene and evidence until arrival of the on-duty supervisor or investigating officers; and
   b. immediately roping off the involved areas, if possible, and removing all unauthorized persons, including police officers not required at the scene.
   c. have EMS respond if necessary.
2. The Supervisor will determine when the officer involved is no longer needed at the scene.

3. All persons (including officers) who are witnesses to a shooting incident will remain at the scene until the arrival of the investigating officers, so that arrangements for necessary statements can be made.

I. Protection of a Weapon after Discharge

1. The officer involved will protect his/her weapon for any future examination and will surrender the weapon to any senior officer upon request.

2. When an officer is injured and has discharged his/her firearm, the firearm will be secured by the investigating officers, who will make the firearm available for examination. The personal firearm of an officer will be returned after such examination.

3. When more than one officer has discharged a firearm in an incident, a ballistics examination of all firearms discharged will be conducted.

4. Copies of the training records and weapons records of the firearms involved in an incident will automatically become part of the investigative record as CONFIDENTIAL data and attached to the Discharge of Firearms Report.

5. In all other incidents involving the discharge of a firearm, except those in Procedure #56, Section G-1, a, b and c, the officer will be required to submit a "Use of Force Report" and an Incident Report. The report will be submitted as soon as possible after the incident. The report will be completed in the sequence prepared and contain all pertinent information.

J. Officer involved shooting in the Performance of Police Duty.

When an officer of this department on or off-duty kills or wounds a person, a thorough and objective investigation of the facts and circumstances will be initiated immediately by the State Law Enforcement Division.

1. Procedure to be followed after officer involved shooting:

   a. The officer responsible for the shooting shall be relieved of patrol duty and assigned administrative duties within the office of the Public Safety Department without his/her firearm and he/she shall suffer no reduction or loss of pay or benefits pending the results of the investigation. (CALEA 1.3.8)

      1) The officer shall be available at all times for official interviews and statements regarding the case and shall be subject to recall to duty at any time. He/She shall notify the Chief prior to leaving the local tri-county area.

      2) The officer shall not discuss the case with anyone except the prosecuting attorney.
and investigating officers. This does not prohibit the officer from discussing the case with his/her attorney(s).

3) The policy outlined herein is not intended to imply or indicate that the officer has acted improperly.

K. Procedure to be Followed After Prosecutor/Grand Jury Verdict:

When a decision has been made by the prosecutor or the Grand Jury relative to the shooting, the Chief will:

1. suspend the officer, without pay, if the prosecutor files criminal charges; or

2. reinstate the officer to active duty if the prosecutor determines the homicide to be justifiable or the Grand Jury returns a "no bill", except in those situations where pending department charges require the officer to be under suspension.