



# Apex Police Department General Order



<b>Title</b> Use of Force		<b>Order Number</b> 701-21a
<b>Effective Date:</b> February 10, 2021	<b>Amends:</b> 701-21	
<b>CALEA Standard:</b> 1.2.2, 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.2.1, 4.2.2, 4.2.3, 4.3.4, 4.2.4, 4.2.5	<b>Rescinds:</b>	
<b>Reference:</b> NCGS 15A-401(d) GO 503 - Less Lethal Instruments GO 601 - Issued and Authorized Firearms GO 704 – Detainee Custody Responsibilities GO 708 – Roadblocks and Forcible Stopping GO 711 – Notification Matrix GO 1504 – SRT Authorized Weapons and Ammunition IACP National Consensus Policy on Use of Force	<b>Pages:</b> 17	
<b>Forms:</b> F601d – Firearm Discharge Report F701a – Use of Force Report		

## Use of Force

### Purpose

The purpose of this directive is to establish guidelines concerning the authorization, implementation, documentation, and investigation of the use of force by officers of the Apex Police Department.

### Policy

Apex Police Department officers will use only the amount of force reasonably necessary to accomplish lawful objectives to overcome resistance, aggression, gain compliance in effecting an arrest, or in defense of life. (4.1.1) This policy is not intended to limit officers' ability to use necessary force, when and if the proper circumstances exist. Police officers retain the right to defend themselves and/or others, with force that is reasonably necessary

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to effect such defense. In all instances, officers will comply with applicable federal and North Carolina General Statutes. All agency personnel authorized to carry firearms, weapons, and less lethal instruments will be issued copies of and instructed in this policy and related policies before being authorized to carry/use firearms, weapons, and/or less lethal instruments. (4.3.4)

### **Definitions (4.1.2)**

For the purpose of this directive, the following definitions will apply:

*Choke Hold* – A use of force technique that prevents the intake of oxygen for the purpose of gaining control of a subject. (**SOURCE:** CALEA)

*Deadly Force* – Any level of force that is reasonably likely to cause death or serious bodily injury. Deadly force includes, but is not limited to, the use of a firearm or striking a subject with an impact weapon on areas such as the head, neck, clavicle, groin, or multiple strikes to organ areas, or use of any instrument used in a manner that would constitute deadly force.

*Deadly Weapon* – Weapons that, through normal and intended use, are likely to cause death or serious physical injury.

*Electronic Control Device (ECD)* – A group of devices that use a high-voltage, low amp charge of electricity to induce involuntary muscle contractions that cause temporary incapacitation (Source: IACP). ECDs can be used in a “probe/shot” mode or a “drive stun/touch stun” mode.

*Force* – To compel by physical means, physical contact, or action beyond mere restraint, any level of force that is used to overcome resistance or aggression by a non-compliant person. (Use of handcuffs or the rip hobble alone, without resistance, does not constitute the use of force.)

*Imminent* – Impending or likely to occur, to the point of happening.

*Less Lethal Force* – Any use of force other than that which is considered deadly force and involves physical effort to control, restrain, or overcome the resistance of another. Less lethal force options are less likely to result in death or serious bodily injury. These options include but are not limited to:

- Officer’s use of come-along holds or joint locks
- Manual restraint
- Electronic control device
- Pepper aerosol spray
- Impact baton

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- Impact projectiles such as bean bag rounds, sponge sock rounds, or rubberized projectiles

**NOTE:** Less lethal force does not include verbal commands or other nonphysical, de-escalation techniques. (SOURCE: National Consensus Policy on Use of Force)

*Less Lethal Instruments* – Instruments that, through normal and intended use, are not likely to cause death or serious physical injury.

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

*Roadblock* – Any method, restriction, or obstruction used or intended for the purpose of preventing free passage of motor vehicles on a roadway in order to effect the apprehension of an actual or suspected violator.

*Serious Physical Injury* – An injury that creates substantial risk of death, causes serious permanent disfigurement or results in long term loss or impairment of the function of any bodily member or organ.

*Use of Force* – Any degree or level of control beyond the mere placing of handcuffs on an otherwise cooperative person. Examples include, but are not limited to the following:

- An officer exercising law enforcement authority uses any object, hand, fist, or foot to strike a blow or hold to apprehend/restrain a subject
- An officer uses pepper-based spray or an ECD against a person other than during a department sanctioned training session
- An officer uses force, which in any way causes a subject to suffer a blow to the head, sustain a head injury, or uses any degree of force as listed in the Use of Force Continuum
- An officer exercising law enforcement authority, discharges a weapon in the line of duty
- Any action of hard empty hand control techniques, use of intermediate/less-lethal weapon or instrument, or deadly physical force

*Use of Force Documentation Package* – A package of applicable reports and related material that fully describes the actions prior to, during, involving and subsequent to a use of force including, but not limited to the following (if applicable):

- F701 - *Use of Force Report*
- Arrest Report
- Incident/Investigation Reports
- Crash Reports – DMV-349
- Report of Employee Injury
- Photographs of injuries

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- Statements from witnesses
- Other reports as applicable

*Vascular Neck Restriction* – Any use of force application intended to gain control of a subject by restricting blood flow to the brain for the purpose of incapacitation. (**SOURCE:** CALEA)

## Procedure

For the purpose of this directive, the term “Use of Force” encompasses all force used and specifically deadly force, less lethal force, and physical force.

## North Carolina General Statutes (not all inclusive)

### *15A-401 – Use of Force*

#### *(d) Use of Force in Arrest*

*(1) Subject to the provisions of subdivision (2), a law enforcement officer is justified in using force upon another person when and to the extent that he reasonably believes it necessary:*

- a. To prevent the escape from custody or to effect an arrest of a person who he reasonably believes has committed a criminal offense, unless he knows that the arrest is unauthorized; or*
- b. To defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape.*

*(2) A law enforcement officer is justified in using deadly physical force upon another person for a purpose specified in subdivision (1) of this subsection only when it is or appears to be reasonably necessary thereby:*

- a. To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; (4.1.2)*
- b. To effect an arrest or to prevent the escape from custody of a person who he reasonably believes is attempting to escape by means of a deadly weapon, or who by his conduct or any other means indicates that he presents an imminent threat of death or serious physical injury to others unless apprehended without delay; or (4.1.2)*
- c. To prevent the escape of a person from custody imposed upon him as a result of conviction for a felony.*

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*No actions within 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.*

### *(e) Entry on Private Premises or Vehicle; Use of Force*

*(1) A law enforcement officer may enter private premises or a vehicle to effect an arrest when:*

- 1. The officer has in his possession a warrant or order or a copy of the warrant or order for the arrest of a person, provided that an officer may utilize a copy of a warrant or order only if the original warrant or order is in the possession of a member of a law enforcement agency located in the county where the officer is employed and the officer verifies with the agency that the warrant is current and valid; or the officer is authorized to arrest a person without a warrant or order having been issued,*
- b. The officer has reasonable cause to believe the person to be arrested is present, and*
- c. The officer has given, or made reasonable effort to give, notice of his authority and purpose to an occupant thereof, unless there is reasonable cause to believe that the giving of such notice would present a clear danger to human life.*

*(2) The law enforcement officer may use force to enter the premises or vehicle if he reasonably believes that admittance is being denied or unreasonably delayed, or if he is authorized under subsection (e)(1)c to enter without giving notice of his authority and purpose.*

## **Use of Force – De-escalation**

1. Whenever possible and appropriate, in order to reduce the need for using force, officers will utilize de-escalation techniques along with other alternatives consistent with their training.
2. The use of de-escalation techniques should not compromise the safety of the officer or a third party, and should not result in:
  - Escape of the suspect(s)
  - Commission of a crime
  - Destruction of evidence

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3. In a use of force situation, when possible and where safety will not be compromised, officers should allow time for the individual to comply and submit to verbal commands before force is used.
4. When de-escalation techniques are not effective or appropriate, officers will consider using agency approved, less-lethal force techniques to gain control of a non-compliant individual or an individual who is actively resisting arrest.
5. Officers are approved to use less-lethal force techniques and issued equipment:
  - To protect the officer or a third party from harm
  - To restrain or subdue an individual who is actively resisting or evading arrest
  - To bring an unlawful situation safely under control
6. The use of less lethal instruments is outlined in General Order 503 - *Less Lethal Instruments*.

### **Use of Force – Duty to Intervene (1.2.10)**

1. All employees and other persons regularly associated with the department (i.e. Explorer, volunteer, etc.), and specifically police officers, have a duty and obligation to protect the public and other employees, within the scope of their overall duties. The duty to intervene also applies when present at a scene where unreasonable physical force is being applied.
2. Officers (and employees as described above) will either stop, or make a direct attempt to stop, another employee or officer when:
  - The force used is not in compliance with this or other applicable written directives (i.e., North Carolina Justice Academy training, etc.)
  - The force used is no longer required to effect a function of public safety
  - The force used can reasonably be determined to be unnecessary, unreasonable, or inappropriate based upon the circumstances of the situation
3. This duty also extends when the Apex Police Department is called to assist, or is assisting, any other law enforcement agency.
4. Any employees or other persons regularly associated with the department and who witnesses another employee or associated person engage in an unreasonable use of force, will notify the appropriate supervisory authority as soon as possible.

### **Use of Force – Generally**

1. Officers of the Apex Police Department will have a working knowledge of North Carolina General Statutes (NCGS) relating to use of force, specifically 15A-401, Use of Force.

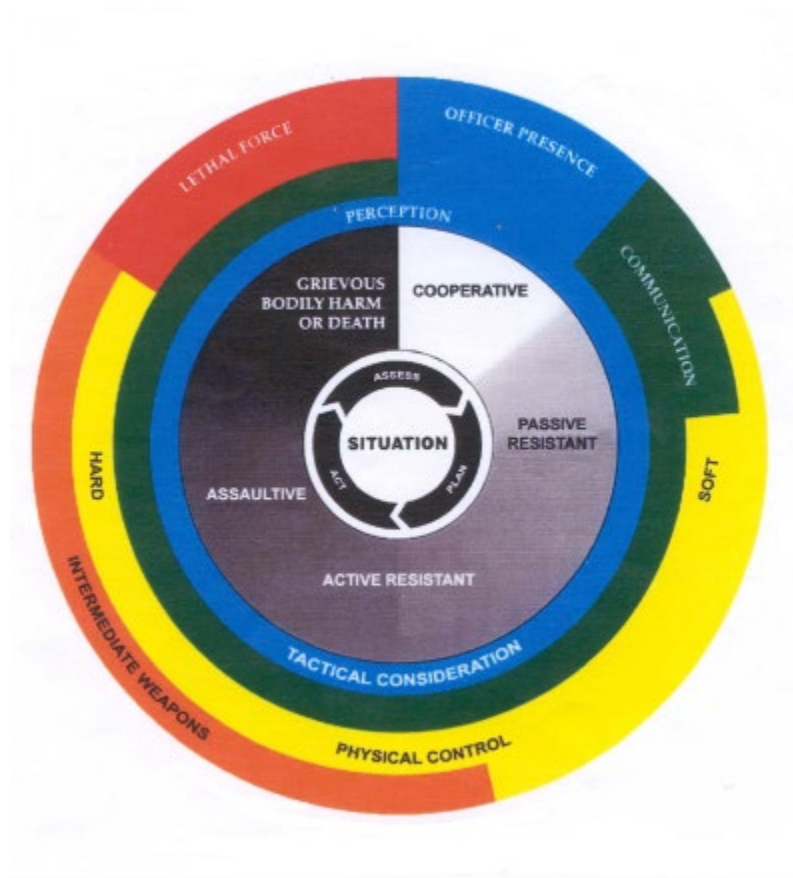
## Use of Force

2. Officers will be in compliance with NCGS 15A-401 and this order in all instances where force is used by an officer.
3. In all instances, officers will seek to employ the minimum amount of force required to successfully overcome physical resistance, prevent escapes and effect arrests.
4. The use of force in response to resistance and/or aggression will be reasonable and based upon the totality of the circumstances in which the force was used.
5. Officers using physical force, or who initiate any action that results in or is alleged to have resulted in the injury or death of another person, will ensure their actions are consistent with current training and policies of the Apex Police Department.
6. Officers will document all uses of force and any action that results in, or is alleged to have resulted in, injury or death of another person consistent with the provisions of this order.
7. Officers involved in use of force while off-duty or engaged in extra-duty assignments, are subject to the same reporting procedures as on-duty officers.
  - Such use of force notifications will be made to the on-duty supervisor.
8. In all use of force situations once the suspect or person involved is under control the use of force must stop, except for the minimal amount required to maintain control of an arrestee.

## Use of Force Continuum

(SOURCE: *Subject Control Arrest Techniques*, Instructor Lesson Plan, North Carolina Justice Academy, January 2010)

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### Use of Force Options

1. Use of force options provided enable individuals to select and use an appropriate level of approved force to a corresponding level of resistance. The primary goal of an officer when confronted by a subject is to gain control of the subject. The use of force decision should be based in the capacity for control versus the potential of death or serious physical injury.
2. Officers will initiate their response to resistance or aggression at the lowest level reasonable; however, officers can enter the continuum at any level that is reasonable based upon the situation.
3. Officers may escalate through the levels of force when necessary to accomplish lawful objectives, but force will be used in a reasonable manner based upon the threat facing the officer.
4. Officers' use of force is a response to the subject's behavior and does not specifically follow a preset order of escalation. Officers must continually assess a subject's behavior to allow for appropriate escalation/de-escalation in the use of force.
5. The use of force options will be as follows:



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- *Presence* – Psychological force established through the officer's arrival on the scene; symbols of authority (badge, uniform, etc.); positioning, stance, and use of a reaction zone aid in the control of confrontations and to facilitate officer safety
- *Verbal Commands* – Verbal Direction/Control - Conversation, advice, commands, or instructions used by the officer to control or de-escalate a confrontation. Verbal communication, when applicable, should accompany officer actions, including the officer's identification and announcement of arrest as outlined in NCGS 15A-401(c)(2)
- *Physical Control* – Use of physical contact to include touching, assisting, grabbing, joint manipulations, kicking, or striking. Such contact includes empty hand techniques and does not include the use of intermediate weapons or instruments
  - *Soft Hands* – Techniques which have a low probability of injury such as an arm bar, joint locks, and pressure point utilization
  - *Hard Hands* – Techniques which have a higher probability of injury, such as punches, kicks, or stuns
- *Intermediate Weapons/Instruments* – Intermediate Weapons/Instruments which, when used according to recognized training methods, reduce the probability of serious bodily injury. Intermediate Weapons/Instruments include:
  - *Aerosol/Chemical Agents* – The use of Oleoresin Capsicum (OC) or other authorized agents to control suspect resistance
    - Aerosol/chemical agents typically target the suspect's facial area and cause moderate discomfort, activate mucus membranes and reduce resistance
  - *Electronic Control Devices (ECDs)* – ECDs deploy electronic currents (low watt, high volts) into a suspect's body. This affects the central nervous system and causes muscles to involuntarily contract, whereby decreasing or eliminating suspect resistance
- *Impact Instruments* – The officer may use impact instruments only when mechanical control methods are ineffective or inappropriate. Strikes should be initially directed toward less lethal areas of the body and be conducted in accordance with training (BLET Subject Control Training, etc.). It is understood that, in a life-threatening situation, officers may use any item at their disposal to protect themselves or others
  - *Low-Level Intermediate Instruments* – Instruments used with slow pressure not requiring dynamic impact or physical exertion (i.e. using a device to effect a joint lock)
  - *High-Level Intermediate Instruments* – Instruments which involve strikes or could cause temporary physical incapacitation when applied
  - *Exact Impact/Extended Range Impact* – Exact Impact/Extended Range Impact devices are less lethal projectiles such as beanbags, rubber, or foam projectiles and similar devices

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- The officer may use Extended Range Impact Projectiles only after lethal cover is in place
  - These projectiles are designed to provide a level of force stronger than an impact instrument, but less than deadly force
  - *Deadly Force* – Action(s) which would likely result in death or serious bodily injury, including the use of firearms and other lethal weapons
    - The officer may respond to deadly force being used against him/her or a third party by applying deadly force using a firearm or any other deadly weapon in accordance with NCGS 15A-401 (d) (2) as stated in section VII
6. Courts have determined that a review of use of force by a police officer may include the following issues:
- The seriousness of the underlying offense
  - If the suspect posed a physical threat and to what degree the threat existed
  - If the suspect actively resisted arrest or attempted to evade arrest by flight
  - The evaluation tool used by the court is, “Did the officer act as other reasonable officers would have acted in a similar situation?” (Graham vs. Connor [490 U.S. 386, 1989])

## Deadly Force

1. Officers of the Apex Police Department may use deadly force only in accordance with NCGS 15A-401(d)(2)(a) and (b). (4.1.2)
2. Limitations
  - A law enforcement officer is justified in using deadly physical force upon another person for a purpose specified in the statute. NCGS 15A-401(d)(2)(c), states:
    - “To prevent the escape of a person from custody imposed upon him as a result of conviction for a felony.”
  - While this is in fact the law of the State, this provision was designed mainly for Department of Corrections Personnel
    - It is not the policy of the Apex Police Department to shoot a fleeing felon simply because he/she has been convicted of a felony (4.1.2)
    - However, if the felon is also engaging in conduct such as described in subsections 2(a) and/or 2(b) of 15A-401(d), then the officer is justified in using whatever force is necessary, up to and including, deadly physical force
3. Officers may be required to defend themselves against an attack with whatever means are available to them, subject to the following restrictions:
  - Strangle or choke holds, as well as vascular neck restrictions are prohibited unless the circumstances would justify deadly force and there is no other alternative to protect the officer or another person (4.1.6) (4.1.7)

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- Inanimate objects used to strike the person in a vital part of the body (i.e. head) are prohibited unless the circumstances would justify deadly force and there is no other alternative to protect the officer or another person

### **Roadblocks, Ramming and Forcible Stopping**

1. Use of roadblocks, ramming, and forcible stopping may constitute a use of force. These techniques will only be used in compliance with NCGS, General Order 708 – *Roadblocks and Forcible Stopping*, and other applicable written directives.

### **Use of Firearm**

1. An officer may use a firearm as outlined in NCGS 15A-401(d) (2), this directive, and other applicable General Orders and written directives. (1.2.2)
2. Anytime an officer is faced with the possibility of firing a weapon, he/she should remain aware of the direction the firearm will be discharged, have the target in sight and identified, be conscious of other persons in the area, and the dangers of discharging a firearm while running or moving.
3. An officer may draw his/her weapon when he/she has reasonable grounds to suspect that the use of deadly physical force may be necessary.
  - The officer need not be under immediate attack, but need only be reasonably apprehensive that a deadly force situation could occur.
  - The officer may have his/her weapon “at the ready” in such circumstances as answering a silent alarm, conducting a building search, confronting a subject who the officer has reasonable grounds to believe may be armed, or who may otherwise cause the officer to reasonably fear for his/her life.
  - The display of a weapon will only be done by an officer in the performance of his/her duties when reasonably necessary.
  - **NOTE:** The mere display of a weapon is not considered a use of force for the purpose of this order.
4. Except for general maintenance, storage, or authorized training, officers should not draw, point, or exhibit their firearm unless circumstances create a reasonable cause to believe that it may be necessary to lawfully use the weapon in conformance with state law and departmental policy.
5. Warning shots are prohibited. (4.1.3)
6. Officers will not discharge a firearm at or from a moving vehicle except when reasonably necessary to prevent serious bodily injury or death to an innocent person or officer, and

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it reasonably appears that no innocent bystander will be seriously injured or killed by such action.

- Officers using deadly physical force directed at a moving vehicle must consider and believe that the use of deadly force will serve to eliminate the threat of death or serious injury to the innocent public as opposed to creating that threat.

### **Use of Less Lethal Instruments and Munitions (4.1.4)**

1. An officer may use less lethal instruments and munitions as outlined in NCGS 15A-401(d) (1), this directive, and other applicable General Orders and written directives. (1.2.2)
2. General Order 503 – *Less Lethal Instruments* and General Order 1504 – *SRT Authorized Weapons and Ammunition* provides further guidance on use of other weapons, devices, and munitions.
3. Any use of less lethal instruments or munitions constitutes a use of force.

### **Use of Police Canine**

1. Police canines may engage with a person for the apprehension of fleeing suspects, building searches, officer protection, etc.
2. The direct contact of a person with the canine as part of an official police action constitutes a use of force.
3. In the event another agency canine is involved in a use of force in the Town of Apex or while assisting the Apex Police Department pursuant to a Mutual Aid Agreement or law, the on-duty supervisor will request a copy of the assisting agency's incident report and Use of Force Report or other documentation as required by the assisting agency.
  - All related documents will be included in the case file for the incident.
4. Use of a police canine is governed by General Order 1701 – *Canine (K-9) Unit Program*.

### **Use of Force While Off-Duty**

1. Officers who are off-duty and not working in any official capacity should refrain from taking forcible police action except in circumstances that seriously threaten life or public disorder.
  - In any other circumstances, the most appropriate action is to request the assistance of an on-duty officer at the first opportunity.

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2. When appropriate and before taking any action, the officer should:
  - Identify himself/herself as a police officer
  - Carefully consider the risk to himself/herself and others which may be caused by a sudden confrontation with armed criminals or suspects

### **Medical Aid (4.1.5)**

1. In all cases where force is used, appropriate medical attention, consistent with any injury sustained or alleged by any individual, will be immediately provided.
2. Medical attention consists of:
  - Immediate minor first aid
  - Response by the Apex Fire Department and Emergency Medical Services (EMS)
3. Appropriate medical attention will be provided as soon as possible, after control of the incident has been established.

### **Actions and Reporting Use of Force**

1. In any situation in which an officer uses force against another person, or when a person is injured in any manner whether or not the injury is caused by the officer, the officer will, as soon as the subject is in custody and the incident calmed:
  - Determine the medical condition of the person, render aid, and call EMS if necessary (4.1.5)
    - If the officer believes the subject needs medical attention; the subject complains of pain, injury, or requests medical attention; or if the officer is in doubt as to the necessity of medical treatment for a subject, the officer will contact the Communications Center, who will dispatch appropriate medical personnel
    - This includes cases where the source of injury or pain is related to the extended wearing of handcuffs, use of pepper-based spray, or ECD
    - Pursuant to General Order 503 – *Less Lethal Instruments*, if the subject is struck with an ECD probe, EMS will be notified to respond
    - Any refusal to accept medical treatment will be documented by the medical provider and the officer
  - Notify the Communications Center of the location and incident
  - Notify the on-duty supervisor or, if not available, the Watch Commander or Division Commander
2. In the event that the officer involved is the on-duty supervisor or the on-duty supervisor was involved in the use of force, the Watch Commander or Patrol Division Commander will be notified to investigate the use of force.
3. Additionally, any officers using force will:

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- Ensure that the subject has been properly restrained or no longer poses an immediate threat to the safety and security of officers or the public
- Position restrained subjects in an upright or seated position; restrained subjects should not remain in a prone position
- Remain at the scene, unless injured or the safety of the officer and/or public requires otherwise, until the arrival of the on-duty supervisor and/or Watch Commander
- Protect any weapon or instrument used, and all evidence, until it can be examined

### 4. The on-duty supervisor will:

- Respond to the scene where force was used, as outlined in this order
- Ensure appropriate medical attention is obtained for the officer and the subject, if injured
- Make the required notifications pursuant to General Order 711 – *Notification Matrix*
- Examine the instrument used, ensuring chain of custody and evidentiary value
- Conduct an investigation to determine the appropriateness and legality of the use of force. The investigation should include the following when possible:
  - Protecting the scene
  - If appropriate, contacting the Wake County City County Bureau of Identification (CCBI) for scene processing
  - Interviewing any involved officers
  - Interviewing any witnesses
  - Interviewing the subject upon whom force was used
  - Taking written statements, where appropriate
  - Taking photographs of any injury, real, claimed or otherwise, whether visible or not
  - Reviewing any Mobile Video Recording (MVR), Body Worn Camera (BWC) video, or any other camera/video footage that may have captured the circumstances or any part of the circumstances leading up to or following the use of force
  - Other steps that, in the opinion of the Watch Commander, are necessary or prudent to conduct a thorough investigation
- Prepare a summary of the investigation to include a determination if the use of force was in compliance with applicable NCGS and written directives of the Apex Police Department
- Prepare the Use of Force Documentation Package and submit it, through the chain of command, to the Division Commander for review and appropriate action
- Process any complaint regarding use of force in accordance with General Order 302 – *Personnel Complaint Investigations*

### 5. All uses of force will be documented in the following manner: (4.2.1 (a)(b)(c)(d))

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- An incident report will be completed with a detailed narrative about the incident
  - Form F701a - *Use of Force Report* will be completed with a detailed narrative about the use of force
    - A separate Form F701a- *Use of Force Report* will be completed by each officer involved
  - The on-duty supervisor will complete the supervisor portion of the form
  - If the use of force involved discharging a firearm, Form F601d – *Firearms Discharge Report* will be completed
6. All paperwork will be completed and forwarded through the chain of command to the appropriate Division Commander, before the officer and supervisor completes his/her tour of duty.
  7. The Division Commander will review the paperwork, complete the review and forward a complete Use of Force Documentation Package to the Chief of Police, through the chain of command. (4.2.2)
  8. In the event the involved officer is unable to complete paperwork, the supervisor will complete the forms for the officer.
  9. Whenever a doubt exists as to whether or not the level of restraint used constitutes use of force, the on-duty supervisor will be notified and will determine whether the actions of the officer(s) constitutes a use of force.
  10. If the use of force involved discharging of a firearm at a suspect with or without striking them, the provisions of General Order 601 – *Issued and Authorized Firearms* will be followed. (4.2.1 (a)(b))
  11. In the event of a death of a person because of an officer's actions, or a person in custody of the Apex Police Department, the North Carolina State Bureau of Investigation (SBI) will conduct a parallel, but independent, investigation.
    - The provisions of General Order 704 – *Detainee Custody Responsibilities* will be followed.

## **Relief from Duty (4.2.3)**

1. Any employee whose action(s) or use of force in an official capacity results in the death or serious physical injury of another person, will be removed from a line-duty assignment and placed on administrative leave or assigned to an administrative duty assignment as designated by the Chief of Police, pending the outcome of the administrative review and investigation.

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- Administrative leave/duty will be for a period of time as deemed appropriate by the Chief of Police or his/her designee, and will be without loss of pay or benefits.
- This action is taken in order to protect the interests of the individuals involved and the department while an investigation is being conducted, and does not imply or indicate the officer acted improperly.
- While on administrative leave/duty, the officer will remain available at all times, should he/she be needed for official interviews and statements regarding the incident and will be subject to recall to full duty at any time.

## Critical Incident Debriefing

1. In all cases where a person has been seriously injured or killed by the use of force of an officer, the involved officer will undergo a mandatory examination by a licensed psychologist or psychiatrist chosen by the department, as well as, any other course of treatment recommended.
  - In addition, an officer seriously injured because of a deadly force encounter will undergo any necessary medical, physical, and/or psychological examinations, at the Town's expense, in accordance with Town of Apex policies.
  - Through the Employee Assistance Program, the North Carolina Law Enforcement Assistance Program, or other appropriate programs, benefits will also be offered to the officer and his/her family.

## Training

1. Pursuant to General Order 502 – *Training Programs*, training will be provided annually on this General Order and related statutes, laws, rules and regulations.

## Reporting

1. The Apex Police Department will participate in the Federal Bureau of Investigation's (FBI) National Use of Force Data Collection program.
2. The program collects data on the following types of use of force events:
  - When a fatality occurs to a person in connection to a use of force incident involving a law enforcement officer
  - When there is serious bodily injury (as defined in 18 United States Code 2246 (4)) to a person in connection with a use of force incident involving a law enforcement officer
  - In the absence of either death or serious bodily injury, when a firearm is discharged by a law enforcement officer at or in the direction of a person
  - (SOURCE: US Department of Justice, FBI National Use of Force Data Collection Program)



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3. Subsequent to any use of force that meets the program criteria, the Deputy Chief of Police, or his/her designee, will provide the requested information to the FBI in a format that meets the program criteria.
  - A record of the submission will be attached to the Use of Force Documentation package.

### **Analysis (4.2.4)**

1. Annually, the Deputy Chief of Police will use the Use of Force Documentation packages and any documentation of any incident where an employee has taken an action that resulted in, or is alleged to have resulted in, injury or death of another person to conduct a documented analysis of all such incidents to identify, at a minimum, the following:
  - Date and time of incidents
  - Types of encounters resulting in use of force
  - Trends or patterns related to race, age, and gender of subjects involved
  - Trends or patterns resulting in injury to any person including employees
  - Impact of findings on policies, practices, equipment, and training
  - Review of all assaults on law enforcement officers to determine trends or patterns, with recommendations to enhance officer safety, revise policy, or address training issues (4.2.5)
  - Submissions to FBI National Use of Force Data Collection Program
2. The review will be completed and submitted to the Chief of Police through the chain of command no later than January 31<sup>st</sup> of the year following the period subject to the analysis.
  - This date may be extended with the approval of the Chief of Police.

Text in "Green" denotes a significant change in policy

**BY ORDER OF:**

  
\_\_\_\_\_  
Anthony L. Godwin  
Chief of Police