



# Policy & Procedure Chapter 46A

## *Response to Resistance Investigation*

Effective Date: 03/30/2017

Revised: 03/06/2020

Accreditation Standards: 1.11, 1.12, 5.1, 17.4

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### 46A.0 Purpose

The purpose of this policy is to provide guidelines for supervising deputies in the appropriate investigation of reported response to resistance and show of force incidents.

### 46A.1 Policy

A. The policy of the Boone County Sheriff's Department is to thoroughly investigate all reported response to resistance and show of force incidents involving deputies.

### 46A.2 Definitions: Along with the definitions in Chapter 46, *Response to Resistance*, the following also apply:

- A. "Critical Incident" means circumstances including, but not limited to, the serious physical injury or death of another from a deputy's actions, or of a deputy at the hands of another, an in-custody death and/or firearms discharges other than for training or lawful recreational purposes.
- B. "Response to Resistance" means a situation where a deputy uses physical force or deadly physical force, other than soft hand control or restraint with handcuffs, including instances where a subject is injured, has a complaint of an injury or requests medical attention as a result of a deputy's response to the subject's actions.
- C. "Show of Force" means a situation where a deputy's intention is to demonstrate his/her official authority in order to gain a subject's compliance by intentionally pointing, aiming, or displaying a firearm, conducted energy weapon, impact

weapon, or chemical irritant directly at that subject(s). A show of force occurs notwithstanding the fact that physical force or deadly physical force is ultimately deployed. This does not include instances of training. Any show of force by a deputy must be objectively reasonable.

#### 46A.3

#### Procedure

- A. When a supervisor is made aware of a response to resistance, show of force, or a critical incident, he/she will be responsible for the investigation(s) as described in the following:
- B. If the incident is determined to be a reportable show of force, the supervisor will complete the following steps:
  - 1. Direct the primary deputy involved to complete the show of force report, to include the actions of all deputy(s) who showed force.
  - 2. Any other deputy(s) involved may be required to submit a memo regarding the show of force.
  - 3. Notify the Patrol Commander or his/her designee of the incident in a timely manner.
  - 4. Review the completed report and any body-worn or other available video.
  - 5. Forward all documents related to incident to the Patrol Commander.
- C. If the Incident is determined to be a reportable response to resistance, the supervisor will complete the following steps:
  - 1. Respond to the scene.
  - 2. Check on the welfare of, and/or injuries to, deputy(s).
  - 3. Check on the welfare of, and/or injuries to subject(s).
  - 4. Contact EMS to respond if appropriate or requested by any involved party.
  - 5. Conduct interviews of the deputies, subject(s) and any witnesses.
  - 6. Contact the Patrol Commander or his/her designee with a summary of the incident as soon as practical.
  - 7. Video/photograph the scene and the interviews.
  - 8. Collect and secure all physical evidence.
  - 9. Ensure all involved deputies submit a memo detailing the incident.
  - 10. Complete the response to resistance report.
  - 11. Forward all documents related to the incident to the Patrol Commander.

- D. Reports shall be comprehensive and provide the necessary specificity to fully document and evaluate the deputy's force or show response, including but not limited to the following where available:
1. Information as to what the deputy knew, observed or believed at the time of the incident.
  2. The nature, type, date and location of the incident, including whether the incident was consensual, a detention, custody or arrest and the relevant supporting information.
  3. Subject information including age, gender, race, ethnicity, size, build, mental status, alcohol or drug involvement, and general demeanor.
  4. Deputy(s) information including age, gender, race, ethnicity, and years of service.
  5. The reason for the initial contact with subject, including suspected unlawful, suspicious or criminal activity.
  6. Deputy readily identifiable in uniform, or regular clothes and department identifiers, marked or unmarked vehicle, and/or verbal announcements.
  7. Number of deputies or other law enforcement officers present.
  8. Number and identity of witnesses and associates of the subject present.
  9. Subject believed to be armed and with what.
  10. Any verbal exchange that transpired between the deputy and the subject.
  11. Any threat made to the deputy or others and any attempt to de-escalate by the deputy where practicable.
  12. The type, intensity and duration of the resistance from the subject.
  13. Force options available and deployed by the deputy along with the reason for the level employed.
  14. Any subject or deputy injury, complaint of injury, medical treatment rendered or refused, and photographs where available.
  15. Video and audio recordings of the incident are reviewed and retained.
- E. Supervisory deputies shall not investigate a response to resistance where s/he is directly involved in the incident.
- F. If the incident is determined to be a Critical Incident, immediate notification to the Command Staff is required.

1. The supervisor will respond to the scene and shall follow the procedures established in Policy and Procedure Chapter 103, *Critical Incident Investigation and Review*, Subsections (H) and (I).
  2. The Sheriff or his/her designee will contact the Kentucky State Police to conduct a complete investigation into the incident. Members of the Boone County Sheriff's Department will preserve the scene and document their actions until K.S.P. arrives at the scene, at which time they will provide all available information to the investigators.
- G. The Patrol Commander will forward the response to resistance report to the review team for compliance with applicable statutes, case law, policies and procedures, and training. The review team will then forward the investigation and report to the Sheriff for his review.
- H. The force review team will be responsible for completing an annual summary of the reported incidents and any required reporting to state or federal authorities.