

Response to Resistance Review Process

301.1 PURPOSE AND SCOPE

This policy establishes a process for the Fargo Police Department to review the response to resistance by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

301.2 POLICY

The Fargo Police Department will objectively evaluate the response to resistance by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

The on-duty supervisor responding to a response to resistance incident shall be responsible for preparing a written review and evaluation of the incident. The supervisor shall promptly notify the Office of Professional Standards (OPS) of the date and time of the incident, the name(s) of the officer(s) and/or civilian employee(s) involved, and the corresponding case report number.

The supervisor's written review and evaluation of a response to resistance incident shall include a thorough review of the incident, to include assessing and evaluating the actions taken by all of the officers directly involved or otherwise present during the incident, the tactics used by the officers, and the actions taken by the officers immediately following the incident.

The supervisor's written review and evaluation of a response to resistance incident should be completed and forwarded through the appropriate chain-of-command to the Chief of Police with fifteen (15) calendar days of the incident, unless an extension has been authorized by the Chief of Police or the supervisor's division commander.

If an officer utilizes deadly (lethal) force, or less-lethal force which results in the death or serious bodily injury to any person, regardless of the officer's assignment, the department's Office of Professional Standards (OPS) shall be responsible for preparing a written review and evaluation of the incident and submitting it directly to the Chief of Police.

A copy of all response to resistance incident reports, as well as the written review and evaluation associated with the incident, shall be retained by the Office of Professional Standards (OPS).

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever an employee's actions or response to resistance in an official capacity, or while using department equipment, results in death or very serious injury to another, that employee will be placed in a temporary administrative assignment pending an administrative review. The

Fargo Police Department

Policy Manual

Response to Resistance Review Process

Chief of Police may exercise discretion and choose not to place an employee in an administrative assignment in any case.