

## SALISBURY POLICE DEPARTMENT

<b>Operational Policy 0404</b>	<b>Issued by:</b> J.P. Stokes, Chief of Police	<b>No. of Pages:</b> 18
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### I. PURPOSE

The purpose of this directive is to establish procedure, reporting, training and administrative guidelines for using force to control resistance.

### II. POLICY

It is the policy of the Salisbury Police Department for officers to use only the force that is, under the circumstances, objectively reasonable, necessary, and proportional to the threat or resistance by persons encountered as part of the officer's duty.

### III. DEFINITIONS

1. Active Resistance: resistance exhibited by a person that is greater than passive, but less than an aggressive or assaultive resistance by attempting to flee, conceal self, use body weight to pull away from an officer's control or grasp. Active resistance may exclude verbal statements alone, bracing, or tensing muscles.
2. Aggravated Resistance: when a person acts or attacks in a manner that can reasonably be perceived as likely to cause death or serious physical injury to any person, either officer(s) or other person
3. Aggressive Resistance: actual or attempt assault of an officer with or without a weapon by lunging toward an officer, striking or attempting to strike an officer with hands, fist, or feet, displaying or use of any weapon such as a knife or stick or any implement that can reasonably be perceived as a weapon.
4. Choke Hold: a physical maneuver that restricts a person's ability to breathe for the purpose of incapacitation or control.
5. Force: Any physical or non-physical action used by police to stop, limit or otherwise control a person's ability to move about freely (i.e., a seizure as defined under the 4<sup>th</sup> Amendment to the US Constitution).
6. Lethal Force: any force that can be reasonably calculated to create a substantial risk of death or serious physical injury.
7. Minor Injury: Any injury unlikely to cause irreversible disfigurement, impairment, permanent loss of use, disability or death.
8. Less Than Lethal Force: any action, with or without a weapon, physical or non-physical in nature, which will not reasonably, by its nature alone, cause serious injury or death.

9. Non-Strike: using hands, feet, knees, elbows, fingers and the like to activate specific human nerve endings or pressure points.
10. Objectively Reasonable: the justness of a particular use of force based on the totality of the circumstances known to the officer at the time of the application of force. Justness for any circumstance when force is applied is determined from the guidance provided in the *Graham v. Connor* US Supreme Court case, to include; the seriousness of the crime, the degree of resistance and the level of threat presented, and potential danger to community public safety.
11. Passive Resistance: being unresponsive to an officer's commands by ignoring or disregarding directions. Verbally rejecting or refusing to comply with a command by an officer. Physically going limp, refusing to move, bracing, tensing, holding or grasping an immovable object.
12. Serious Physical Injury: an injury that creates a substantial risk of death, causes significant permanent disfigurement, or results in long term loss or impairment of the function of any body part or organ.
13. Strike: using hands, feet, knees, elbows, fingers and the like to forcibly strike large muscle and/or motor nerves located in the human muscle groups. This is performed by punching, kicking or striking the targeted area without a weapon.
14. Weapons: Any item or extension of the hand (or body) used to apply force. This includes, but is not limited to; all duty issued weapons, baton, firearm, chemical aerosol agent. spray, Conductive Energy Weapon, and object used as an improvised weapon.

#### IV. STATUTORY AUTHORITY

1. Authority for law enforcement officers to apply force is granted under N.C. General Statute § 15A-401
2. Guidance on the application of force is provided in case law within the following cases:
  - a. *Graham v. Connor*
  - b. *Tennessee v. Garner*
  - c. *Scott v. Harris*
  - d. *Estate of Armstrong v. Village of Pinehurst*

#### I. PROCEDURES

##### A. De-escalation

1. It is the policy of the department that the use of de-escalation tactics by officers is encouraged so that an application of force is avoided when reasonably possible.
2. De-escalation tactics and techniques are defined as actions used by officers that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance. De-escalation is a tactic designed to place officers in a position of advantage when dealing with irrational, unpredictable, or suicidal persons.
3. When responding to an incident where a negative action or reaction toward officers or others can be reasonably anticipated, de-escalation strategies will be applied in an effort to reduce the need for application of force, when safe and feasible.
4. De-escalation tactics are employed when based on the totality of the circumstances; use is safe and does not compromise law enforcement or public safety priorities.
5. When safe and feasible, officers shall seek to stabilize the incident to allow more time, options, and resources to become available for incident resolution.

6. When time and circumstances reasonably permit, officers should consider a subject's lack of compliance may be from an inability to comply based on factors including, but not limited to:
  - a. Medical conditions;
  - b. Mental impairment;
  - c. Developmental disability;
  - d. Physical limitation;
  - e. Language barrier;
  - f. Drug interaction; and
  - g. Behavioral crisis.
7. When time and circumstances are reasonably permitted, an officer's awareness of these factors will be balanced against the facts of the incident when deciding which tactical options are the most appropriate to bring the situation to a safe resolution.
8. Mitigating the immediacy of threat gives officers time to utilize tactical repositioning to a safer location which provides cover and concealment, for the purpose of obtaining extra resources, and increases time available to call more officers or specialty units.
9. The number of officers on the scene may increase the available force options and may increase the ability to reduce the overall force used.
10. Examples of de-escalation tactics officers may employ include, but are not limited to:
  - a. Placing barriers between the subject and an officer;
  - b. Containing a threat by limiting areas of escape or exit;
  - c. Moving from a position that places officers in a position of less exposure to threats;
  - d. Decreasing the exposure to potential threat by using:
    - 1)Distance;
    - 2)Cover; and
    - 3)Concealment
  - e. Communication from a safe position intended to gain the subject's compliance, using:
    - 1)Verbal persuasion;
    - 2)Advisements; or
    - 3)Warnings
  - f. Avoiding physical confrontation, unless immediately necessary to protect life
  - g. Calling extra resources to assist:
    - 1)Additional officers;
    - 2)CIT officers;
    - 3)Officers equipped with Less Than Lethal tools; and
    - 4)Officers specially trained in crisis intervention or crisis negotiations

11. Supervisory response to these situations is particularly important to provide incident command and guidance of responding resources.
- B. While performing official duties, officers are authorized under laws described herein to use one or more, or any combination of the following control options to control resistance:
1. Chemical agent aerosol spray
    - a. Chemical agent aerosol spray is a canister issued to Individual officers that contains irritant.
    - b. Only department issued chemical aerosol agents may be used.
    - c. All first responder assigned officers will carry the issued canister on the duty belt or outer vest carrier in an approved retention holster.
    - d. Chemical aerosol agent spray may be used as a means of:
      - 1) physical restraint or control
      - 2) defense of any person
      - 3) responding to Passive, Active, Aggressive, or Aggravated resistance
    - e. Once a person is restrained and under control, the use of chemical spray is no longer justified.
    - f. In cases where chemical spray does not prove effective, officers should utilize other use of force options as necessary for restraint or control.
    - g. Chemical agent aerosol spray will not be used for the following:
      - 1) to elicit information from a person
      - 2) as retaliation for verbal or physical abuse
    - h. Department personnel will use issued chemical agents aerosol sprays under the following guidelines:
      - 1) As practical, maintain a distance of 36 inches (MK-3, MK-4) or 72 inches (MK-9) between officer and suspect(s) when applied;
      - 2) Officers may announce forthcoming deployment to surrounding officers to prevent accidental exposure;
      - 3) Target area is suspect forehead and bridge of the nose;
      - 4) Initial exposure should be administered using 1-2 second bursts. Additional bursts may be applied as needed to control continued resistance.
    - i. After control is achieved and environment safe, officers will:
      - 1) Explain/inform exposed persons of the aerosol/chemical agent spray attributes;
      - 2) Instruct the exposed persons to not rub eyes or face;
      - 3) Ask the exposed person if they are wearing contact lenses, but do not attempt to remove them;
      - 4) Ask the exposed person if they possess any breathing or other lung disorder/disease;
      - 5) Allow the exposed person to flush the affected area with water as soon as practical after the incident,

- 6) Will be informed by the officer involved that medical attention is available if so desired;
  - 7) Inform exposed persons they will be given an opportunity to receive treatment as soon as possible.
  - j. Factors that can reduce aerosol/chemical agents effectiveness and/or to consider prior to selection option for use:
    - 1) Weather;
    - 2) Environment;
    - 3) Potential for cross exposure (innocent bystanders; other officers, minor children and the like);
    - 4) Potential cross exposure of innocent bystanders could cause unnecessary panic and/or result in further injuries; and
    - 5) Accessories/substances covering the face of persons resisting. This includes, but is not limited to, glasses, masks, gels/solvents that prevent chemical irritant particles from entering the skin pores (i.e. Vaseline).
  - k. Officers will test issued chemical agents aerosol canisters according to department training guidelines.
2. Conductive Energy Weapon (CEW)
- a. The current department issued CEW is the Taser.
  - b. The CEW may be used as a means of:
    - 1) physical restraint or control
    - 2) defense of any person
    - 3) responding to Aggressive or Aggravated resistance
  - c. Once a person is restrained and under control, the use of the CEW is no longer justified.
  - d. In cases where the CEW does not prove effective, officers should utilize other use of force options as necessary for restraint or control.
  - e. Animals
    - 1)The CEW is an effective tool for stopping the aggressive behavior of wild or potentially dangerous animals. The CEW is especially effective for vicious and/or dangerous dogs.
    - 2)Officers using a CEW on an animal may need to adjust their aim to ensure contact is made with both probes into the body of the animal.
    - 3)A drive stun is not recommended to effectively stop aggressive behavior of an animal as the officer is required to come into close contact with the animal.
  - f. The CEW will not be used for the following:
    - 1) in a non-arrest situation,
    - 2) when no physical threat or violence appears imminent;
    - 3) to elicit information from a person;

- 4) as retaliation for verbal or physical abuse;
  - 5) once a person is restrained or under control;
  - 6) for display or demonstration purposes except during training or an approved public demonstration or display.
- g. When the CEW is utilized on a person:
- 1) Officers who have been trained in the removal of probes by a certified CEW instructor will be authorized to remove the probes from non-sensitive areas of the body (described as any area other than the head, neck, breast, or groin).
  - 2) Officers will have emergency medical personnel respond and perform a basic patient assessment to ensure the person is medically stable.
  - 3) If the probes are located in a sensitive area (described as the head, neck, breast, or groin), the affected person will be transported to an appropriate medical facility. Appropriate medical staff will then remove the probes.
  - 4) The affected person will be informed by the officer that additional medical attention is available, at the person's expense, if the person desires to receive such attention.
  - 5) The officer will photograph the affected area before and after probe removal.
  - 6) The officer will place the removed probes in a biohazard/sharps container and place them into the property/evidence system. (A spent cartridge may serve as a sharps container).
  - 7) The officer will avoid stretching or breaking the attached coated steel wires.
  - 8) The probes will be maintained within the evidence system for a minimum period of four years from date of deployment.
- h. Department personnel will use the CEW under the following guidelines:
- 1) Only officers who have satisfactorily completed the manufacturer's certification course taught by instructors who have been certified as an instructor by the manufacturer shall be authorized to carry a CEW.
  - 2) The device should be carried on the support side (non-firearm holster side) of the officer's duty belt in an approved retention holster fully armed with the safety on. Non-uniformed officers may carry the CEW in another approved retention holster different from that of a uniformed officer. The device may be carried on the external ballistic vest in accordance with guidelines outlined in Personnel Policy 0513, *Uniforms and Equipment*.
  - 3) A full 5 second cycle spark test of the CEW after removing the probe cartridge shall be performed at the beginning of the officer's shift to insure proper functionality. Any malfunction of the CEW will be immediately reported to the officer's supervisor.
  - 4) Whenever practical a verbal warning should be issued that the CEW will be deployed if cooperation is not obtained.
  - 5) If the subject does not comply, the officer should, when practical, announce forthcoming deployment and then squeeze the trigger. Once probes contact the person, the trigger should be released and the CEW will be allowed to run the 5-second

cycle. If the subject does not comply and still exhibiting Aggressive or Aggravated resistance then additional cycles are authorized. Each cycle must be reasonably justified.

- 6) A minimal number of deployment cycles to affect the arrest should be used. The subject should be secured as soon as practical. Officers shall keep in mind that a subject that has been energized might not be able to respond to commands during or immediately following exposure.
- 7) If the subject is at a range less than 3 feet, or if the probes have already been deployed, the CEW can be used in the Drive Stun Mode. In order to use in the Drive Stun Mode, the officer will place the CEW against the subjects' body and pull and release the trigger.
- 8) At no time should the officer deliberately deploy the CEW to the head, neck, or groin area of the subject unless lethal force is authorized.
- 9) The officer shall not deploy the CEW near flammable liquids or fumes.
- 10) The officer shall not deploy the CEW toward a subject where incapacitation could reasonably cause unintended injury, i.e. elevated platforms, deep water, etc.

i. Procedures after use of the CEW

- 1) The officer will request for the on-duty supervisor to come to the scene if the supervisor is not already present. The officer will be responsible for collecting any expended cartridges. The expended cartridges will be placed into evidence. Photographs will be taken of the penetration sites and any secondary injuries.
- 2) The probes may be removed by the officer as outlined in training. Universal precautions shall be followed to protect the officer from the transfer of body fluids. The suspect should be taken to an emergency care facility for the removal of the dart(s) in cases where it penetrated sensitive tissue areas (such as the groin, eye, female breast, face, or neck), or when the supervisor advises to do so.
- 3) After deployment an officer shall monitor the subject's condition at all times. If the subject loses consciousness or displays any abnormal conditions, the officer shall get medical attention in the fastest manner.
- 4) At no time will the subject be left alone after the deployment of the CEW while in custody of the Salisbury Police Department. If the subject is turned over to another agency, the transporting officer will ensure that the custodian(s) are informed of the recent CEW exposure.

3. Impact Strike Weapon

- a. Impact Strikes involve the use of a weapon, department issued or otherwise, to Strike, manipulate, or otherwise control resistance by striking large human extremities and muscle groups.
- b. The current department issued baton is the ASP
- c. The baton is authorized as a means of:
  - 1) physical restraint or control;

- 2) defense of any person;
- 3) responding to Aggressive or Aggravated Resistance.
- d. All officers will have the department issued baton accessible while on regular duty assignment.
- e. All first responder officers will carry the baton on their person while on duty.
- f. All other officers will be required to have the baton, if issued, accessible at the Police Department or within their assigned vehicle.
- g. Officers should avoid intentionally striking any person in or about the head with the baton, except as deemed necessary in a situation where use of deadly force is justified.
- h. The baton will not be used for the following:
  - 1) when no physical threat exists;
  - 2) to elicit information;
  - 3) of any person who is under control by an officer;
  - 4) as retaliation for physical or verbal abuse.
- 4. Impact munitions are Less Than Lethal projectiles fired from clearly labeled and modified firearms or specialty weapon. Munitions can be made of wood, rubber, plastic, nylon and other like materials. Projectiles can also disperse chemical agents. Only department issued munitions may be used.
  - a. Department personnel will use impact munitions under the following guidelines:
    - 1) According to specifications and training provided by manufacturer(s) of choice;
    - 2) Weapons used to deliver/transport impact munitions will be clearly marked using distinctive colors and styles;
    - 3) Only trained personnel will be authorized to deploy impact munitions. Training must be approved by the Department;
    - 4) Officers deploying impact munitions must have appropriate cover officers (i.e., another officer ready to use Lethal Force if necessary).
  - b. Less Than Lethal impact munitions may only be used in the following circumstances:
    - 1) To disperse disobedient crowds or crowds displaying Aggressive or Aggravated Resistance which reasonably pose unnecessary risk to public safety;
    - 2) Persons who, by actions, behaviors or appearances alone, reasonably pose a threat to safety if approached;
    - 3) Persons attempting or threatening to commit suicide or self-inflicted injury;
    - 4) When time is of the essence (i.e., self-inflicted injuries, suspect mobility, etc.) and any failure to act could result in Serious Physical Injury; and
    - 5) When the only other option to control resistance would be Lethal Force.
  - c. Factors that can reduce impact munitions effectiveness and/or to consider prior to use are:
    - 1) Weather;
    - 2) environment;



- 3)distance; and
- 4)amount of clothing worn by subject.

5. Chemical irritant agent

- a. Chemical irritant agent munitions are authorized as a means of:
  - 1)crowd control and dispersal of groups posing a public safety threat;
  - 2)addressing a barricaded person; or
  - 3)high risk warrant service.
  - 4)Area denial
- b. Officers encountering crowds will evaluate the situation and determine if there is a current or future need requiring crowd control or crowd management.
- c. If demonstrators or protesters are in a place they have a legal right to be and are conducting themselves in a non-violent and lawful manner, an officer cannot make their conduct criminal by ordering them to disperse and arresting them if they refuse to comply.
- d. Prior to police action, the officers will promptly summon a supervisor to the scene. If crowd control is or will be required, the supervisor will summon a command officer of Lieutenant rank or above to the scene unless exigent circumstances exist.
- e. Once on the scene, the senior on scene supervisor or incident commander will direct all police action and authorize the use of weapons, tools, or tactics needed to resolve the situation.
- f. Use of chemical irritant agent and rubber or wood projectile munitions during periods of civil unrest or for crowd control is restricted. A command officer of Lieutenant rank or above must be present and must authorize the deployment of these devices, absent exigent circumstances.
- g. Command officers must direct verbal notice be given prior to deploying these devices into a crowd unless it would present a danger to the officer or others to give such a warning.
- h. In crowd control and dispersal of groups posing a public safety threat, chemical agents are authorized as necessary to effect the arrest of an actively resisting subject; or to prevent the escape of that subject.
- i. In crowd control and dispersal of groups posing a public safety threat, rubber or wood projectile munitions are authorized against crowds or a group of individuals when reasonable and necessary to protect the officer, the subject, or another party from a risk of death or physical harm; or as necessary to effect the arrest of an actively resisting subject; or to prevent the escape of that subject under the following circumstances:
  - 1)there is specific targeting of a subject to be arrested or who represents an imminent risk of death or physical injury to the officer or others, and
  - 2)the officer deploying rubber or wood munitions must be reasonably sure the weapons will not strike other individuals in the crowd who pose no threat of violence.
- j. Chemical irritant agent are authorized for used in barricaded subject incidents under the following circumstances;
  - 1) a barricaded person is defined as a criminal suspect or person in crisis who has taken a position in a physical location, most often a structure or vehicle, that does not allow immediate police access, whether fortified or not, and who is refusing police orders to exit or comply with a lawful order,
  - 2) may be armed or potentially armed or may be Aggressive or Aggravated resistant,
  - 3) has failed to respond to verbal persuasion tactics to comply with lawful orders;
  - 4) only after no positive progress developments have occurred that increase the probability that the suspect or subject will be safely taken into custody, as opposed to the mere passage of time.

- k. Chemical irritant agents are authorized for use in area denial during a high risk warrant service under the following circumstances:
  - 1) there are reasonable grounds to believe that persons in the location to be searched are armed or potentially armed or may be Aggressive or Aggravated resistant and will attempt to access weapons or evidence for destruction if measures are not taken.
- 6. Slow speed tactical pursuit intervention
  - a. Slow speed tactical pursuit intervention include;
    - 1) Pursuit Intervention Technique (PIT)
    - 2) Rolling Roadblock
    - 3) Tire Deflation Device (TDD)
  - b. The following factors should be considered before the application of a slow speed tactical pursuit intervention:
    - 1) fleeing driver's actions exhibiting recklessness or progressively reckless actions during the course of the pursuit;
    - 2) speed of the fleeing vehicle;
    - 3) pursuit towards areas of high population density, traffic congestion or areas such as school zones;
    - 4) the amount of pedestrian traffic;
    - 5) whether or not there will be an opportunity to contact the fleeing vehicle at lower speeds;
    - 6) whether or not the suspect is armed;
    - 7) the availability of assisting units;
    - 8) the likelihood of serious injury or death to others should the suspect escape apprehension;
    - 9) the level of training of the driver of the police vehicle;
    - 10) the presence of other stationary objects that could be struck by the police and/or suspect vehicle;
    - 11) the time of day/night;
    - 12) weather, and
    - 13) any other pertinent factors.
  - c. Pursuit Immobilization Technique (PIT) may be used to control a police pursuit and is a method to reduce risks in bringing pursuits to a conclusion.
    - 1) This technique may only be used by officers who have successfully completed the prescribed training course to use the technique.
    - 2) PIT is not a ramming technique and shall be considered to be a lower use of force method of pursuit control.
    - 3) PIT may only be used when authorized by a supervisor except under exigent circumstances.
  - d. Rolling Roadblock Techniques may be used to control a police pursuit and slow the pursuit speed and is a method to reduce risks in bringing pursuits to a conclusion.
    - 1) Rolling Roadblock Techniques is described as using three police vehicles, the fourth side must be a natural or man-made barrier such as a guard-rail, fence, wall, or tree line. The boxing-in tactic is usually most effective on slow moving vehicles. Boxing-in can be used effectively to slow the speed of a pursuit and force the suspect to stop.
    - 2) This technique may only be used by officers who have successfully completed the prescribed training course to use the technique.
    - 3) Rolling Roadblock Techniques is not a ramming technique and shall be considered to be a lower use of force method of pursuit control.

- 4) Rolling Roadblock Techniques may only be used when authorized by a supervisor except under exigent circumstances.
- e. Tire Deflation Device (TDD) may be used to control a police pursuit and is a method to reduce risks in bringing pursuits to a conclusion.
  - 1) TDD are specially designed to bring a fleeing vehicle to a gradual stop by slowly deflating the tires.
  - 2) TDD may only be deployed by officers who have successfully completed prescribed training course in the use of the device.
  - 3) Deployment of tire deflation devices will be at the officer's or supervisor's discretion taking into consideration the following factors:
    - i. pursued driver has been given adequate law enforcement notice that he is commanded to stop.
    - ii. Location factors, including:
    - iii. sufficient visibility to allow deploying officers to observe and react to oncoming traffic
    - iv. presence of pedestrian or vehicle traffic that might be endangered by tire deflation device deployment at that location.
    - v. presence of barriers providing cover and protection for deploying officers.
  - 4) Coordination factors, including the ability to communicate with pursuing units regarding:
    - i. current pursuit location, direction and speed
    - ii. deployment location and timing
    - iii. dangers posed to officers engaged in either pursuit or deflation device deployment.
  - 5) Hazard factors:
    - i. Situational factors such as heavy traffic, dangerous road conditions, etc may make deployment of tire deflation devices impractical in certain cases: officers must balance the duty to apprehend against the responsibility to safeguard innocent persons from harm.
  - 6) Tire deflation devices will generally not be deployed to stop the following types of vehicles, unless allowing the vehicle to continue would result in unacceptable hazards to innocent persons:
    - i. vehicles transporting hazardous materials
    - ii. two wheeled vehicles (unless use of deadly force is justified).
  - 7) Officers deploying a tire deflation device will be responsible for:
    - i. notifying pursuing units as soon as the device is deployed and the specific deployment location
    - ii. securing the device immediately after use
    - iii. inspecting the device for damage or missing parts
    - iv. performing any necessary maintenance on the device and storing it for future use
    - v. documenting the location, time and details of device deployment in a Use of Force Form in any case where a vehicle or person has come into contact with the device.
  - 8) Except where otherwise noted, the use of a tire deflation device will not be considered deadly force.
7. Vehicle intentional contact or ramming
  - a. Intentional contact or ramming of a fleeing vehicle may be used as a method to bringing pursuits to a conclusion when deadly force is authorized.

- b. Intentional contact or ramming involves the planned striking of a police vehicle with the suspect vehicle to likely to cause the suspect vehicle to crash.
- c. Unplanned striking of a suspect vehicle by a police vehicle is not considered intentional contact or ramming.
- d. May be used at a speed when the contact can be controlled.
- e. This technique may only be used by officers who have successfully completed the prescribed training course to use the technique.
- f. Ramming is not considered a Pursuit Immobilization Technique or Rolling Roadblock Technique method.

#### 8. Police canine

- a. Police canines may be used as a means of:
  - 1)physical restraint and control;
  - 2)apprehending or subduing a person resisting arrest by fleeing or physical actions;
  - 3)defense of any person;
  - 4)crowd control;
  - 5)moving, removing or arresting any person who is obstructing a lawful police action in such a manner that the police action cannot be accomplished.
- b. Police canines used by handlers employed by the SPD will be trained to utilize force in apprehending and retaining control of persons, until the K9 handler deems it safe to recall or remove the police canine.
- c. Officers will be mindful that any use of police canines in which the canine is not under the handler's physical or voice control may potentially be considered a use of deadly force.
- d. Police canines will not be used for the following:
  - 1)to elicit information from a person;
  - 2)as retaliation for physical or verbal abuse.

#### 9. Physical Force

- a. Officers will use only such force as is reasonably necessary to effect lawful objectives.
- b. Physical force options involve the actual touching, grabbing or striking of another person without a weapon. There are two physical control option; Strike and Non-Strike.
  - 1) Non-Strike options include, but are not limited to, grabbing, twisting, holding, applying elbow, wrist and other joint locks and/or isolated pressure to specific nerves found throughout the human body.
  - 2) Non-Strike options do not involve a weapon or dynamic swinging movements found in punches, kicks, or Strikes.
- c. Physical force may be used as a means of:
  - 1) physical restraint or control
  - 2) subduing a person resisting arrest
  - 3) defense of any person

- 4) moving, removing or arresting any person who is obstructing a lawful police action in such a manner that the police action cannot be accomplished.
- 5) responding to Passive, Active, Aggressive, or Aggravated resistance
- d. Once a person is restrained and under control, the use of physical force will be restricted to that force necessary to retain control.
- e. Physical force will not be used for the following:
  - 1) to elicit information from a person;
  - 2) as retaliation for physical or verbal abuse.
- f. Officers shall not use a Choke Hold as a physical force option unless deadly force is reasonably justified.

#### 10. Firearms

- a. As authorized under NCGS §15A-401 and when reasonable alternatives are impractical, officers may use Lethal Force by use of firearms when there is an Objectively Reasonable belief the force is necessary.
- b. When feasible, officers shall give warnings before Lethal Force is applied.
- c. If practical, officers will identify themselves as police officers, give commands to the person, and warn of the intention to fire. Failing to give warnings or commands before a use of firearms will not be considered a violation of this policy unless other facts are in support such conclusion.
- d. Firearms will not be used to subdue a person whose actions are only a threat to themselves.
- e. Officers may use firearms to:
  - 1) Defend the officer or a third party from what the officer reasonably believes to be the imminent use of use of Lethal Force or force that could cause Serious Physical Injury;
  - 2) Affect an arrest, or prevent the escape of a person the officer reasonably believes has;
    - i. Committed or attempted to commit a felony involving the use or threatened use of a deadly weapon;
    - ii. Is attempting to escape by use of a deadly weapon;
    - iii. The person is reasonably likely to endanger human life or inflict Serious Physical Injury to another person unless apprehended without delay.
    - iv. When ordered by a direct command of a police supervisor with knowledge potentially unknown to the officer, typically in the event of a critical incident.
- f. Lawful use of a firearm includes:
  - 1) Killing a dangerous animal or one that requires euthanizing to prevent further suffering when alternative methods are impractical.
  - 2) During training or practice.
- g. Officers shall not use a firearm:

- 1) when there is a likelihood of Serious Physical Injury to another person other than the person to be apprehended;
- 2) to protect property.

#### h. Warning Shots

- 1) Warning shots are discouraged except under extreme and unusual circumstances.
- 2) Officers may only utilize warning shots:
  - i. When the circumstances reasonably justify the use of deadly force as described within this policy;
  - ii. The use of a warning shot has the reasonable expectation of preventing imminent threat of death or Serious Physical Injury of a person;
  - iii. The use of a warning shot has the reasonable expectation of preventing a person the officer reasonably believes is attempting or is escaping custody by use of a deadly weapon, or whose conduct indicates is an imminent threat of Serious Physical Injury to others if not apprehended without delay.
- 3) Officers will carefully consider the potential risk to other persons when firing a warning shot and will:
  - i. Fire in a direction as safe to other persons as possible; and
  - ii. Fire so as to limit the distance the projectile will travel.
- 4) Warning shots may not be used as a means of summoning aid or gaining attention of others
- 5) The use of a warning shot will be closely examined on a case by case basis.

#### i. Discharging a Firearm at or from moving vehicles

- 1) Discharging a firearms at a moving vehicle should be carefully balanced against the threat presented when the vehicle is used a weapon
- 2) Officers shall make every effort to avoid moving into or remaining in the path of a moving vehicle, whether being operated in a deliberate or inadvertent manner toward the officer.
- 3) Officers shall consider the following when determining whether to fire at a moving vehicle:
  - i. Other occupants of the moving vehicle or other persons are endangered by firing into the vehicle due to reduced accuracy.
  - ii. Disabling the driver could result in the vehicle becoming uncontrolled and could endanger other occupants or persons not involved in the criminal activity.
- 4) Discharging firearms from moving vehicles should be carefully weighed when deciding to fire a weapon in these circumstances.
- 5) Officers shall consider the impact on accuracy that could endanger other persons before discharging a firearms from a moving vehicle.

- j. Officer shall not discharge a firearm through a window or door when the intended target location is not known or unintended targets cannot be identified.
- k. Officers shall not use firearms as a club or striking weapon unless Lethal Force is reasonable.

11. Other weapons

- a. The use of any other item or weapon, not issued or authorized by the Salisbury Police Department will be for self-defense purposes only.

C. Responsibilities

1. Medical Treatment

- a. Following the application of force to any person, officers shall, when safe to do so, evaluate the person for injuries and render appropriate medical aid within their training as soon as practical.
- b. When injuries are anticipated, suspected or result from the use of any force option, officers will as soon as practical request emergency medical assistance for all subjects who show signs of injury or complain of injury following a use of force.
- c. Emergency medical services and hospital personnel will be responsible for assessing and providing care as needed. Officers may apply basic first-aid if safe and needed, but only within the scope of the officer's training.
- d. Any person in the custody of a Salisbury Police Officer shall be monitored to prevent a medical emergency arising and shall never be left alone or unmonitored while awaiting transport in a patrol car.

2. Intervention

- a. An officer who reasonably perceives that an action, either verbal or physical, that is occurring or about to occur, by another officer is unlawful or in violation of departmental policy has a duty to intercede to protect any person from the behaviors of another officer. This intervention may be accomplished by correcting the other officer, removing the officer from the immediate vicinity of the action being taken, or any other reasonable measure to prevent the act from occurring or continuing. Failure to intervene will be considered neglect of duty and subject the officer to disciplinary action.

3. Restrained Positioning

- a. Due to the unlikely possibility of positional asphyxiation, handcuffed persons should not be left lying face down unsupervised.
- b. Handcuffed persons should be put into the sitting position or lying on their side position as soon as possible.
- c. Positional asphyxiation is of even greater concern for persons who have consumed drugs or alcohol.

- 4. Officers involved in a use of force shall contact an on-duty supervisor as soon as practical to respond to the scene.
- 5. On-duty officers will verbally report to their on-duty supervisor and off-duty officers will verbally report to any on-duty supervisor, as soon as practical, any reportable use of force.

D. Reporting

1. Duty to report:
  - a. Involvement in or witnessing a reportable use of force incident will not preclude or override an officer's responsibility as a City and Police Department employee to accurately, fully and promptly report work-related activities and observations.
  - b. Officers will verbally report incident details:
    - i. to other employees, representatives of other agencies or members of the public as and when necessary to:
      1. safeguard human life, aid in suspect apprehension, or otherwise further an ongoing investigation;
      2. fully cooperate and assist in reporting on an incident deemed likely to give rise to a claim against the City of Salisbury; and
      3. immediately to any Salisbury Police Department supervisor, on request.
  - c. Officers will complete all procedurally-required written administrative reports, statements, memoranda, etc. on supervisory request and as soon as practical after incident occurrence.
  - d. An employee who deliberately refuses to provide verbal and/or written incident information when ordered to do so:
    - i. will be subject to disciplinary action, up to and including termination of employment, for insubordination;
    - ii. may have City insurance coverage summarily limited or terminated.
2. The on-duty supervisor may assign another employee to complete any required incident report that the involved employee is physically unable to complete in a timely manner.
3. The on-duty supervisor may complete any required administrative report that the involved employee is physically unable to complete in a timely manner.
4. In cases where such reports were completed for an incapacitated employee, that employee will review the reports for accuracy as soon as practical thereafter, and will correct any errors noted by filing a supplement to the original report.
5. If an officer or other involved personnel comes in contact with any of the suspect's bodily fluids the on-duty supervisor shall complete an Exposure Report and forward through the chain of command and to the proper authority.
6. In the event of an accidental discharge of a weapon the officer will complete the appropriate administrative report and forward to their supervisor detailing the event.
7. The Chief of Police or designee may request the NC State Bureau of Investigation to investigate any event that results in Serious Physical Injury or death.
8. The department may conduct additional administrative investigations for any event as needed and/or determined by the Chief of Police.
9. These investigations may be conducted concurrently at the discretion of the Chief of Police.
10. The on-duty supervisor will:
  - a. Respond immediately to the scene as soon as practical;



- i. Determine if additional assistance is needed;
    - ii. Ensure the safety and wellbeing of all persons involved in the incident;
    - iii. Evaluate involved officer(s) physical, mental and emotional state.
    - iv. Determine if officer can or should continue with forthcoming arrest processes.
  - b. The supervisor may appoint additional officers to assist and/or assume remaining arrest process responsibilities as needed;
  - c. Ensure all relevant evidence is collected; including weapons used by officers under identical chain of custody guidelines for other crime scene investigations.
  - d. Take photographs as necessary to document the incident.
  - e. Interview witnesses, EMS, hospital and other persons as needed.
  - f. Review Use of Force Reports submitted by officer(s) and forward to appropriate supervisor.
  - g. Immediately notify the appropriate personnel for any event that:
    - i. Results in Serious Physical Injury/death to the officer and/or suspect;
    - ii. Involves the use of a firearm by the officer(s); and/or
    - iii. Any situation that could gain public or media attention or cause a civil disturbance,
    - iv. Any other situation within the supervisor's discretion.
11. Officers will:
- a. Complete an administrative report for all physical actions that involve the following:
    - i. The actual use of a CEW, Striking Force, Aerosol/Chemical Spray or Agent, Impact Weapon, Physical Force involving strikes, takedown, any Physical Force more than the force needed to control movement or direct a person, the use of other weapons not issued or approved, or;
    - ii. the purposeful and willful displaying of any weapon, while in the immediate presence of other persons, with the intention to use if necessary, or the displayed weapon to control resistance;
    - iii. any action that causes injury to any person or officer while attempting to make an arrest, detention or control resistance, or;
    - iv. if directed by a supervisor.
12. Involved officer(s) must submit the use of force report for review and approval by the on-duty supervisor prior to the end of the officer's shift unless a delay is approved by a supervisor. Supervisors will allow involved officer(s) the opportunity to return to the scene of the incident or review in-car and body camera footage in order to aid in the completion of the report.

#### E. Training

- 1. All sworn personnel will receive annual training regarding subject control concepts, weapons issued, legal, and other use of force concepts. Certified instructors in topic areas will administer training.
- 2. Officers will receive training on each weapon assigned, before issued for use.

3. All training will be documented and may include any of the following:
  - a. A review of all applicable policy;
  - b. Written outlines supplemented by classroom instruction;
  - c. Practical, scenario based, and written skill tests;
  - d. Role play scenarios; and
  - e. Report writing.
4. Only personnel demonstrating proficiency with issued weapons and control skills will be approved to carry and/or use such skills/weapons.
5. Remedial training will be delivered to all personnel who demonstrate an inability to use assigned weapons or control option skills with proficiency.
  - a. Personnel unable to demonstrate, during training or while performing official duties, any weapon or skill proficiently:
    - i. Will not be authorized to perform skill and/or carry issued weapons;
    - ii. Will have their issued weapon temporarily removed until proficiency is demonstrated through testing; and/or
    - iii. May be removed from regular duty assignments as determined by the Chief of Police or designee.