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|  | <b>Gastonia Police Department</b><br>POLICIES AND PROCEDURES | <b>Use of Force Continuum</b>     | <b>Page 1 of 4</b>                                      |
|   |  | <b>Effective Date: 02/16/2009</b> | CALEA # 4.1.1, 4.1.2, 4.1.6, 4.1.7, 4.2.1, 4.2.2, 4.2.4 |
|   |  | <b>Amended- 02-16-2010</b>        |   |
|   |  | <b>Amended- 03-09-2022</b>        |   |
|   |  | <b>POLICY # 800.09.04</b>         |   |

## I. PURPOSE

To establish a Use of Force Continuum for guidance by sworn employees of the Gastonia Police Department.

## II. POLICY

The Use of Force Continuum is a guideline for officers in making critical use of force decisions. The below image illustrates the options that an officer has at each level of resistance. It should be noted that professional presence and verbal interaction are present at every level of resistance. An officer may lawfully use any amount of force listed on the continuum above as long as the amount of force used is reasonably necessary under the circumstances and, if feasible, after de-escalation techniques have been utilized.


## III. DISCUSSION

Both State and Federal law require that all force be reasonable. In *Graham v. Connor*, the United States Supreme Court stated, "the test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application, however, its proper application requires careful attention to the facts and circumstances of each particular case including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others and whether he is actively resisting arrest or attempting to evade arrest by flight." In addition, an officer should take into account his or her abilities.

In deciding which level of control an officer should use, the officer should reasonably believe that a lower level of control is not sufficient and a higher level of control is not reasonably necessary. The Use of Force Continuum is not designed to be a rigid step-by-step progression; therefore, the escalation and de-escalation by the officer or the individual may not be sequential.

| Levels of Resistance | Cooperative                  | Non-Verbal and Verbal Non-Compliance | Passive Resistance                     | Active Resistance | Assaultive | Aggravated Active Aggression |
|----------------------|------------------------------|--------------------------------------|--|-------------------|------------|------------------------------|
| Levels of Control    | Professional Presence        |                                      |  |                   |            |                              |
|                      | Verbal Dialogue and Commands |                                      |  |                   |            |                              |
|                      |                              |                                      | Soft Empty Hand Control                |                   |            |                              |
|                      |                              |                                      | Oleoresin Capsicum Agent & Pepper Ball |                   |            |                              |
|                      |                              |                                      | Hard Empty Hand Control                |                   |            |                              |
|                      |                              |                                      | Impact Weapon                          |                   |            |                              |
|                      |                              |                                      | Conducted Energy Device                |                   |            |                              |
|                      |                              |                                      | K-9 Deployment Off Lead                |                   |            |                              |



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**Aggravated Active Aggression:** Deadly force encounter. For example, actions likely to result in death or serious bodily injury; such as, discharge of a firearm, use of a blunt or bladed weapon, and extreme physical force.

C. Levels of Control:

**Professional Presence:** The displays of visual images of authority as well as a professional manner are present at every level of resistance. This includes all symbols of police authority including the badge, uniform, and marked police vehicle.


**Verbal Dialogue and Commands:** Communication is critical to any potential use of force situation. This level of control includes any verbal requests, directions, or commands from the officer to an individual. Verbal interaction is present at every level of resistance.

**Soft Empty Hand Control:** These techniques are not impact oriented, and include pain compliance pressure points, takedowns, joint locks, come-along hold (including impact weapons used as a lever), and simply grabbing onto an individual.

**Oleoresin Capsicum (OC) Agent:** An OC agent is approved for use in situations where the officer believes that the attempts to control an individual(s) may result in injury to the individual(s) or the officer. OC should be utilized at a range of 3 to 8 feet, and should be accompanied by loud verbal commands.

**Pepper Ball Projectiles:** PepperBall projectiles are plastic spheres filled with powdered 5% Oleoresin Capsicum (OC). The projectiles, when delivered by an air-powered launching device, burst on impact, and release the OC. PepperBall projectiles subdue suspects by inflaming the mucous membrane in their nose, lungs, and respiratory tract. When inhaled, PepperBall Projectile OC leads to coughing, shortness of breath, and involuntary closing of the eyes. Response to inhaling PepperBall Projectile OC Powder varies greatly among individuals. In most cases, the symptoms last for a few (five to twenty-five) minutes. The PepperBall System can deliver projectiles with enough kinetic energy to produce temporary abrasions, bruises, and or welts.

**Hard Empty Hand Control:** These techniques are impact oriented and include knee strikes, elbow strikes, punches, and kicks. Control strikes are used to get an individual under control and include strikes to pressure points such as the common peroneal (side of the leg), radial nerve (top of the forearm), or brachial plexus origin (side of neck). Defensive strikes are used by an officer to protect him or herself from attack and may include strikes to other areas of the body including the abdomen or head.

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**Conducted Energy Device (CED):** The CED (TASER) is used in situations where there is active resistance and the arrestee presents the potential of causing injury to the officer, himself or herself, or another person.

**Impact Weapon:** Non-deadly impact weapon strikes are targeted towards major muscle groups.

**K-9 Deployment Off LEAD:** Taking into consideration the totality of the circumstance, using the information available to the officer(s) at the time of the incident, a three-part test should be used to satisfy and justify a canine deployment.

1. The severity of the crime;
2. Whether the suspect poses an immediate threat to the safety of the law enforcement officers or others; and
3. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

**Deadly Force:** Deadly force is any manner of force that is reasonably likely to cause death or serious injury. This includes, but is not limited to, the use of a firearm, striking the head or neck area with an impact weapon, or chokeholds or strangleholds or any other trained technique that restricts oxygen or blood flow to the head or neck.