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I. PURPOSE

The purpose of this policy is to provide officers of the Gastonia Police Department with guidelines for the use of non-deadly force.

II. POLICY

The Gastonia Police Department recognizes and respects the integrity and paramount value of human life. Consistent with this primary value is the Department's full commitment to use force only when it is reasonably necessary and after de-escalation techniques have been utilized. In determining whether force is reasonably necessary, consideration must be given to the fact that officers often are forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving about the amount of force necessary in a particular situation.

III. DEFINITIONS


- A. Imminent: An event that is impending and likely to occur at any moment.
- B. Less Lethal Option: Any force employed using specialized equipment that is designed to temporarily incapacitate a person and is not reasonably likely to produce death or serious injury, including, but not limited to Oleoresin Capsicum (OC spray), PepperBall, impact weapons, conducted energy devices, and specialty impact munitions.
- C. Non-Deadly Force: Any physical exertion or device that is used to restrain or control another, which is not reasonably likely to cause death or serious injury.
- D. Reasonably Necessary: Facts and circumstances known to the officer at the time that he or she uses force, including the logical inferences that can be drawn from them, that would cause a reasonable officer to believe that force is appropriate.

IV. PROCEDURES FOR THE USE OF NON-DEADLY FORCE

A. Use of Non-Deadly Force During Arrest

An officer may use non-deadly force upon another person when and to the extent that the officer believes it reasonably necessary and, if feasible, after trained de-escalation techniques have been utilized:

- 1. To prevent the escape from custody or to effect an arrest of a person who the officer reasonably believes has committed an offense unless the officer knows that the arrest is unauthorized; or

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2. To defend him or herself or another person from what the officer 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.

B. Verbal Warning

If feasible, an officer will identify him or herself as a police officer and issue a verbal warning before using force. A verbal warning is not required in a split second situation or if the officer reasonably believes that issuing the warning would place the safety of the officer or another person in jeopardy.

C. Use of Force Continuum


Officers should use only the amount of force that is objectively reasonable and necessary under the circumstances. The Use of Force Continuum is a guideline to assist officers in assessing which level of control may be appropriate when confronted with a certain level of resistance. The Use of Force Continuum does not replace the requirement that force must be objectively reasonable and necessary.

D. Non-violent Passive Protests

The use of OC spray, PepperBall or any other physical force will not be deployed immediately where a person or group of persons are participating in a passive non-violent protest unless there is an imminent threat to the officer or another person's safety.

E. Less Lethal Options

1. Only officers with specialized training are authorized to use less lethal options and specialized equipment consistent with their training.
2. The use of less lethal options is not considered deadly force.
3. Approved less lethal equipment currently includes, but is not limited to:
 - (a) Specialty impact munitions
 - (b) Chemical irritants
 - (c) Conducted Energy Devices

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- (d) Canine
- (e) Other equipment as approved by the Chief of Police that is designed to incapacitate, but not designed to deliver deadly force.

F. Impact Weapons


1. Impact weapons may be used to strike a blow only when an officer is confronted with active resistance that is occurring or is imminent, against him/herself or another person.
2. The use of an impact weapon as a lever is considered a soft hands control.
3. The use of a flashlight, baton, or similar object as a club to strike a blow to the major muscle groups will be considered use of non-deadly force.
4. Specialty Impact Munitions are considered impact weapons and will be used according to training.

G. Officers Will Not Use the Following Tactics Unless Deadly Force is Reasonably Necessary

1. Any hold with or without a device that restricts a person's airway.
2. A flashlight, baton, or similar object used as a club to strike a blow to a person's head/neck is prohibited except where deadly force is reasonably necessary.
3. Any other tactic that is reasonably likely to result in death or serious injury unless deadly force was reasonably necessary.

H. Duty to Intervene


At any time if an officer witnesses another officer use force in a manner in which that observing officer reasonably believes violates the law, policy and/or training of this Department, the observing officer, if he or she possesses a reasonable and safe opportunity to do so, shall intervene verbally and, if necessary, physically to stop the force. Regardless as to whether the observing officer actually intervened, notification shall then be made by the observing officer to a superior law enforcement officer within the agency as soon as possible but no later than 72 hours so that an appropriate investigation can begin. If the head of the law enforcement agency of the observing officer was involved or present during what the observing officer reasonably believes to be unauthorized use of force, the observing officer shall make the report to the highest ranking law enforcement officer of the agency who was not involved in or present during the use of force.

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V. PROCEDURES FOLLOWING THE USE OF NON-DEADLY FORCE

A. Medical Treatment


1. Medical aid must be rendered as quickly as reasonably possible following any law enforcement action in which injuries have been sustained.
2. The emergency medical system (EMS) will be activated when obvious severe injuries have occurred, medical distress is apparent, at the individual’s request, or if the individual is unconscious.
3. Whenever there is an obvious injury, signs of injury, complaint of injury, or medical attention is requested by any individual after any law enforcement action (to include, but not limited to, a use of force incident), officers shall immediately render aid consistent with his/her training and experience and notify the communications center. Appropriate medical aid may consist of, but not be limited to, the following:
 - (a) Frequent observation of the subject to detect any obvious change in his/her physical or mental condition;
 - (b) Flushing chemical agents from the subject's eyes;
 - (c) Applying first aid to the subject's minor injuries;
 - (d) Securing the scene to protect the subject from any further injury;
 - (e) Or for more serious or life threatening incidents;
 - i. Immediate aid by medical professionals (EMS personnel),
 - ii. EMS activated / response requested.
4. If an individual has been subjected to impact by a less-lethal weapon, needed first aid by the officer or by EMS personnel will be provided. If the individual refuses medical treatment the officer must document his/her actions taken on the use of force report.
5. If an individual has been subjected to the use of a TASER, the individual shall be provided with medical treatment as stated in the policy.
6. Additional care and caution should be exercised when encountering individuals who are visibly or known to be pregnant, suffering from pre-existing injuries, elderly,

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children, frail, have a low body mass, are experiencing a medical or mental health crisis, or are otherwise apparently vulnerable or in distress.

B. Documentation

1. Officers who use force on an individual that has any potential of requiring a Supervisor’s Investigative Report will contact their supervisor immediately.
2. The supervisor will determine if a Supervisor’s Investigative Report is required and the supervisor is responsible for investigating the incident and completing the report.
3. In all situations in which a Supervisor’s Investigative Report is to be completed, each officer using force must prepare a Noncompliance Report.
4. The following are examples of situations in which the completion of a Supervisor’s Investigative Report is required:
 - (a) An officer exercising police authority uses force which causes any visible or apparent physical injury, or which results in the subject saying he or she was injured.
 - (b) An officer exercising police authority uses any object, including baton, flashlight, and hand, fist, or foot, to strike a blow to an individual.
 - (c) An officer exercising police authority uses force that in any way causes an individual to suffer a blow to the head.
 - (d) An officer uses OC spray or PepperBall on an individual.
 - (e) An officer uses a less lethal option to effect the arrest of or to control an individual.
 - (f) If Field Services or another specialized unit uses the less lethal option(s) to disperse rioters, mobs, crowds, or barricaded subjects. In this situation, the Captain of that unit will complete a Supervisor’s Investigative Report.
 - (g) A police canine bite.
 - (h) An officer exercises police authority on an individual resulting in the subject losing consciousness.
 - (i) Deployment of distractions devices.

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5. A Supervisor’s Investigative Report or the Non-Compliance Report is **NOT** required in the instances identified below unless the individual indicates s/he has been injured. In these instances, an officer will document the circumstances in the incident report filed through the records management system and/or document the circumstances within the narrative section of the arrest sheet (if an arrest is made). The following are examples of when an officer shall use this type of documentation.
 - (a) Use of a pain compliance technique such as a pressure point, come-along or wrist lock.
 - (b) Use of the department issued leg restraint.
 - (c) An individual is taken to the ground.
 - (d) The subject has a pre-existing or a self-inflicted injury.
6. Any officer involved in a use of force situation is subject to the same reporting procedures as on-duty officers and officers engaged in law enforcement related secondary employment. When an officer is involved in a use of force situation, even if off-duty, s/he will notify an on-duty police supervisor immediately.

C. Witness of Use of Force by an Employee

Any employee, who witnesses a use of force that is required to be reported, will notify a supervisor immediately and complete a supplement report.

D. Notification

The Investigating Supervisor will notify his or her chain of command all the way to the Chief of Police or designee as soon as possible whenever a department employee has inflicted serious injuries, regardless of the time of day.