

GREENVILLE POLICE DEPARTMENT POLICY AND PROCEDURES		
Chapter 4	Use of Force	
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4.1 Use of Force

4.1.1 RESPONSE TO RESISTANCE and AGGRESSION (RRA)

CALEA Standard: 4.1.1 (Use of Reasonable Force), 4.1.2 (Use of Deadly Force), 4.1.3 (Warning Shots), 4.1.4 (Use of Authorized Less Lethal Weapons), 4.1.5 (Rendering Medical Aid Following Police Actions), 1.2.10 (Duty to Intervene), 4.1.5 (Police Service Canines) 4.1.6 (Vascular Neck Restrictions), 4.1.7 (Choke Holds)

It is the policy of the Greenville Police Department to provide clear procedures to sworn officers regarding the use of force in the performance of their duties. The safety of innocent persons and officers is of paramount importance. A Greenville Police Department Officer's use of force is generally guided by these directives and North Carolina state laws including G.S. 15A-401(d) and G.S. 15A-401(d2).

The main responsibility of Greenville Police Department officers is to protect the life and property of civilians. In compliance with applicable law, officers shall use only the amount of force objectively reasonable to accomplish lawful objectives and to control a situation, effect an arrest, overcome resistance to arrest, or defend themselves or others from harm. There is a compelling public interest that officers authorized to exercise the use of force do so in an objectively reasonable manner and in a way that does not violate the civil rights guaranteed by our Constitution and applicable law. Officers who use excessive or unjustified force degrade the confidence of the community that they serve, undermine the legitimacy of a police officer's authority, and hinder the department's ability to provide effective law enforcement services to the community. Officers who use excessive or unauthorized force shall be subject to discipline, possible criminal prosecution, and/or civil liability. The use of force is only authorized when it is objectively reasonable and for a lawful purpose. Accordingly, the Department will thoroughly review and/ or investigate all uses of force by officers to assure compliance with all legal requirements and this policy.

For the purposes of this directive, the following definitions apply:

Active Resistance: This means that the subject is making physically evasive movements to defeat the officer's attempt to arrest or gain control including, but not limited to, bracing, antagonizing, pushing, striking, kicking, or verbally signaling along with physical actions of the intent to avoid or prevent from being taken into custody or retained in custody.

Deadly Force: Any physical force that can reasonably be expected to cause death or serious physical injury. Officers must understand that deadly physical force is an extreme measure and should only be used in accordance with the law and as stated in this policy and other policies governing the use of force. Deadly force should not be used against persons whose actions are a threat solely to themselves or property unless and individual poses an imminent danger of death or serious physical injury to the officer or others in close proximity.

De-escalation: A decrease in the severity of force used in an incident in direct response to a decrease in the level of resistance. De-Escalation is also a tactic designed to place officers in a position of advantage when dealing with irrational, unpredictable, or suicidal persons. De-escalation helps officers stay focused and calm

during crisis situation to bring chaotic moments to as peaceful a resolution as the suspect will afford without risking the safety of the officer or suspect.

Excessive Force: Excessive force is any force that is not objectively reasonable under the circumstances. Excessive use of any type of force is never called for or appropriate and will not be tolerated.

Electronic Control Weapon: An incapacitating weapon used for subduing a person by administering an electric shock for the purpose of disrupting superficial voluntary muscle functions. This is an intermediate-range weapon and is classified as non-deadly.

Exigent Circumstances: Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.

Force: Any physical strike or instrumental contact with a person; any intentional attempted physical strike or instrumental contact that does not take effect; or any significant physical contact that restricts the movement of a person. The term includes the discharge of a firearm or pointing a firearm at or in the direction of a human being, use of chemical spray, use of impact weapons, use of electronic control weapons (ECW), chokeholds or hard hands, taking of a subject to the ground, or the deployment of a canine. The term does not include escorting or handcuffing a person with minimal or no resistance. Use of force is lawful if it is objectively reasonable under the circumstances to effect an arrest, prevent escape or protect the officer or other person.

Hard Hand Control: Impact oriented techniques that include knee strikes, elbow strikes, punches, and kicks. Control strikes are used to subdue a subject 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 officers to protect themselves from attack and may include strikes to other areas of the body, including the abdomen or head. Techniques in this category include pressure point controls, stunning or striking actions delivered to a subject's body with the hand, fist, forearm, legs, or feet. These techniques target the major muscle groups and are delivered to create muscle cramping, thereby inhibiting muscle action and allowing the officer to subdue the subject. In extreme cases of self-defense, the officer may need to strike more fragile areas of the body where the potential for injury is greater. The use of neck restraints, chokeholds, or other similar weaponless control techniques, however, are prohibited unless the use of deadly force is authorized.

Imminent/Immediate Threat: Immediate/Imminent threat can be described as danger from an individual who demonstrates apparent (perceived) intent to engage in conduct that causes a risk of injury to the officer or another and who also has the ability to carry out this intent. A subject may pose an imminent or impending threat even if he or she is not pointing a weapon at the officer but has, for example, a weapon within reach, is running for cover carrying a weapon, or running to a place where the officer has reason to believe a weapon is available.

Lawful Arrest: A lawful arrest is one that is supported by probable cause and conducted in accordance with prevailing interpretations of the law.

Level of Resistance: The amount of force used by a subject to resist compliance with the lawful order or action of an officer.

Non-deadly: Any force used by an officer that would not reasonably be expected to cause death.

Objectively Reasonable Force: The degree of force used in effecting an arrest, investigatory stop, or other seizure is evaluated by using an objective, reasonable police officer standard. The reasonableness of each particular use of force will be judged from the perspective of a reasonable officer on the scene, based on the facts and circumstances known to and confronting the officer at the time. (See, *Graham v. Connor*, 490 US 388 (1989).) In determining the appropriate level of force to be used, officers shall evaluate each situation in light of the unique facts and circumstances of each case. Those factors include, but are not limited to, the seriousness

of the crime or suspected offense; the level of threat or resistance presented by the subject; the risk or apparent attempt by the subject to escape; and whether the subject was posing an imminent threat to officers or others.

Non-Verbal and Verbal Non-Compliance: When a subject expresses his/her intentions not to comply with an officer's directive through verbal and non-verbal means. An officer may encounter statements ranging from pleading to physical threats. Such statements may also include physical gestures, stances, and subconscious mannerisms.

Oleoresin Capsicum (OC) Spray: An inflammatory agent that irritates the mucus membranes and eyes to cause tears and pain. It is an intermediate range weapon that is classified as being non-deadly.

Passive Resistance: When a subject does not cooperate with an officer's commands but does not take action to prevent being taken into custody. For example, a protestor who lies down in front of a doorway and must be carried away upon arrest.

Physical Force: Physical force may be deadly or non-deadly force. Physical force may take many forms, including the use of hands, less-lethal weapons, or even deadly force. Striking of any kind, as well as forms of restraint in which injury occurs, shall be considered the use of physical force. The pointing of any firearm directly at any person or the use of OC spray shall be deemed the use of physical force. For the purposes of this policy, physical force is any degree of physical action beyond unresisted handcuffing.

Reasonable Belief: Facts or circumstances that would cause a reasonable, similarly-trained police officer to act or think in a similar manner, under similar circumstances.

Response to Resistance/Aggression (RRA): An authorized use of force response to any resistance and/or aggression that is restricted to that which is both reasonable and necessary under certain circumstances which are outlined below in the *General Policy*.

Serious Bodily (Physical) Injury: A bodily injury that creates a substantial risk of death or causes serious, permanent disfigurement, or results in long-term loss or impairment of the functioning of any bodily member or organ.

Soft Hand Control: The use of physical strength and skill in defensive tactics to control arrestees who are reluctant to be taken into custody and offer some degree of physical resistance. Such techniques are not impact oriented and include pain compliance pressure points, takedowns, joint locks, and simply grabbing a subject. Touching or escort holds may be appropriate for use against levels of passive physical resistance.

Verbal Commands: The use of advice, persuasion, warnings, and or clear directions prior to resorting to actual physical force. In an arrest situation, officers shall, when feasible, give the arrestee simple directions with which the arrestee is encouraged to comply. Verbal commands are the most desirable method of dealing with an arrest situation.

General Policy

Police officers will only respond to resistance and acts of aggression in a manner objectively reasonable under the circumstances to accomplish lawful objectives, including, but not limited to: controlling a situation, effecting an arrest, overcoming resistance to an arrest, gaining control of a subject or protecting themselves or others from bodily harm. In considering the force to be used, the officer will consider the severity of the crime at issue, whether the individual(s) poses an immediate threat to the officer or others including the individual, and whether the individual is actively resisting arrest or attempting to evade arrest.

When it becomes necessary to use force, only the amount of force objectively reasonable to overcome resistance or control the situation shall be used. No police officer may use excessive or unreasonable force toward any person, whether that person is a suspect or not. Officers shall use:

- Advisements, warnings, verbal persuasion, and verbal instructions when possible before resorting to force.

- Force shall be de-escalated immediately as resistance decreases.
- When feasible based on the circumstances, officers will use disengagements; area containment; surveillance; waiting on a subject; summoning reinforcements; and/or calling in specialized units, in order to reduce the need for force and thereby increase officer, suspect and civilian safety.
- Officers shall allow individuals time to submit to arrest before force is used, wherever possible.

The authorized use of physical force ends when resistance ceases and/or the officer has accomplished the purpose necessitating the use of force. Justification for the use of force is limited to the facts known or perceived by the officer at the time such force is used, including levels of resistance, suspect's behavioral cues, the number of officers and/or offenders present, and the availability of other options.

Force shall not be used in a punitive manner and police officers will discontinue its use when the reason that justified its use no longer exists. At any point during apprehension of an individual, and/or when deadly or less-lethal force is used and injuries are obvious, the individual is in distress, or unconscious, emergency medical personnel should be immediately activated. If the individual claims injury, whether or not that injury is apparent to the officer or officers involved, the involved officer will immediately request an EMS response to the scene. Unless unusual circumstances exist or whenever possible the involved officer will render first-aid to the individual until the arrival of EMS unit.

In situations where the subject is mentally ill, or shows behavior that may indicate a mental illness, EMS may be called for transport. If there are no commitment papers and/or the person has not demonstrated intent to harm themselves then officers are not authorized to physically force a subject to be transported by EMS, even if a doctor has ordered EMS to transport.

Whenever possible, officers shall consider whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including, but not limited to:

- Medical conditions
- Mental impairment
- Developmental disability
- Physical limitation
- Language barrier
- Drug interaction

An officer's awareness of these factors should then be balanced against the facts of the incident facing the officer in order to decide which tactical options are the most appropriate to bring the situation to a safe resolution.

When feasible, using appropriate tactics gives officers time to utilize other options and/or call for assistance from additional officers or specialty units. The number of officers on scene may increase the available force options and may increase the ability to reduce the overall force used.

Options available may include:

- Placing physical barriers between an uncooperative subject and an officer
- Decreasing the exposure to potential threat by using:
 - Distance
 - Cover
 - Concealment
- Communication from a safe position intended to gain the subject's compliance
- Avoidance of physical confrontation, unless immediately necessary
- Department specialty units:
 - Crisis Intervention Team (CIT) Officers
 - Crisis Negotiation Team (CNT) Officers
 - Officers equipped with less-lethal tools
- Any other tactics and approaches that attempt to achieve law enforcement objectives by gaining the compliance of the subject.

Greenville Police Department Animal Protective Services are not certified as law enforcement officers. However, Animal Protective Services Officers may be authorized to carry less-lethal weapons including OC spray and impact weapons to provide protection in the performance of their duties against aggressive animals. They may use the OC spray as the first option in a defensive manner against a human, however, if OC spray does not work, then a baton strike in a defensive posture may be used to prevent serious bodily injury from an assault. If any non-sworn employee feels threatened or otherwise believes some type of force may be necessary, they should request a police officer to respond. Animal Protective Services using a less-lethal weapon as a defensive weapon against a human shall complete a Response to Resistance and Aggression (RRA) Report.

Duty to Intervene

The duty to intervene requires any employee of the Greenville Police Department to act if they observe another employee who has become involved in any unprofessional verbal confrontation with a citizen, if they become aware of any violation of departmental policy, local ordinance or state or federal law, or to stop any unnecessary or excessive force they observe from another employee. Intervention may require immediate action by the employee, or subsequent reporting to supervisory personnel within (72) seventy-two hours. Employees should consider the timing and feasibility of the type of intervention.

Likewise, sworn employees possess an affirmative duty to intervene to protect the constitutional rights of citizens from infringement by other law enforcement officers in the use of force context. Depending on the facts as presented to the officer, the officer may have a constitutional duty to intervene. An officer may unlawfully violate a person's constitutional rights if the officer: (1) knows that a fellow officer is violating an individual's constitutional rights; (2) has a reasonable opportunity to prevent the harm; and (3) chooses not to act. Therefore, the duty to intervene requires a GPD officer to act if he or she observes another GPD officer or an officer of any other law enforcement agency engage in any unnecessary or excessive force, which is not objectively reasonable or necessary under the circumstances. GPD officers are expected to intervene immediately to prevent the use of such excessive or unnecessary force. GPD officers are also expected to intervene and notify appropriate supervisory authority within (72) seventy-two hours if they observe or become aware of another agency employee's involvement in any violation of departmental policy, state/provincial or federal law, or local ordinance. This directive applies to all GPD officers, notwithstanding the rank or position of the officer(s) involved. Furthermore, officers shall report these observations to a supervisor(s) within (72) seventy-two hours. Supervisors are to prepare a written report of the observation to be filed with the Office of Internal Affairs for further investigation. In case the observation was of personnel from another agency or department, the supervisory authority shall prepare a report that is forwarded to the Chief of Police for his/her review and discretionary procedural management.

No Retaliation. Employees, regardless of rank, are prohibited from any form of retaliation, including but not limited to, intimidation, coercion, or adverse action against another city employee who makes or attempts to make an intervention in good faith, and/or reports the employee, to prevent misconduct from occurring.

Discipline. Employees, regardless of rank or position, who fail to intervene when necessary to do so, will be subject to disciplinary action up to and including dismissal.

De-escalation and Crisis Intervention

When time and circumstances reasonably permit, officers shall use appropriate tactics in order to reduce the need for force. Whenever practical officers should use tactics that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance.

Authorization to Use Non-deadly Force

Officers are authorized to use Department approved, non-deadly force techniques and authorized weapons to:

- a. To prevent the escape from custody or to effect an arrest of a person who he reasonably believes has committed a criminal offense unless he knows that the arrest is unauthorized; or
- b. To defend himself or herself, or a third person, from what he reasonably believes to be the use or imminent use of physical force while effecting or attempting to make an arrest or while preventing or attempting to prevent an escape.

Non-deadly Force Restrictions

The following tactics of non-deadly force may be permitted in circumstances only when deadly force is authorized by this policy:

- a. The intentional use of a chokehold or other method of restraint applied to the neck area of another person is prohibited, unless the use of deadly force is authorized. This includes, but is not limited to: (1) carotid artery hold; (2) lateral vascular neck restraint; and (3) neck restraint or hold with a knee or other object;
- b. Any chokeholds or neck restraints, with or without a device, that restricts a person's airway;
- c. Any strike with an impact weapon or object to a person's head or neck.

Non-deadly force options include:

- Verbal Commands / Direction
- Soft empty hand control techniques
- Hard empty hand control techniques
- OC-Spray
- TASER
- Expandable Baton
- Police Canine
- Specialty Impact Weapon
- Specialized weapons assigned to ERT

Reference to Chapter 33 for training requirements

Verbal Warning/Commands

In dealing with individuals, each employee must attempt to inspire respect and generate the cooperation and approval of the public. Employees will be courteous and civil in their relationships with the public. When tactically feasible, an officer will identify him/herself as a police officer and issue verbal commands and warnings prior to the use of force. When feasible, an officer will allow the subject an opportunity to comply with the officer's verbal commands. A verbal warning is not required in circumstances where the officer has to make a split-second decision, or if the officer reasonably believes that issuing the warning would place the safety of the officer or others in jeopardy.

Empty Hand Control Techniques

Empty hand control involves actual physical bodily contact with a person and forcibly subduing that individual until resistance is overcome. Empty hand control excludes the use of weapons or objects that could be used as weapons. In no instance, will employees use force in excess of that which is objectively reasonable and necessary to lawfully and properly neutralize an unlawful assault or overcome resistance by a person being taken into custody.

Oleoresin Capsicum (OC) Spray

OC-Spray is an aerosol spray designed to distract and/or divert attention of a resisting subject(s) so that they may be taken into custody. Contact spray to the nose or mouth, in an attempt to recover any contraband, is strictly prohibited.

The Greenville Police Department only issues and authorizes the use of non-flammable OC spray. Prior to carrying OC-Spray, officers must be certified in its use.

If OC spray has been used against an individual, the individual will be provided appropriate post-exposure materials and assistance as soon as the scene is secured and officer safety and the safety of bystanders is no longer a concern. If the individual continues to complain following post-exposure assistance, the officer will immediately request an EMS response to the scene.

The mere presence of a crowd or failure of the group to disperse upon immediate command of a police officer shall not justify the deployment of OC spray into a gathering of people. Justified use of OC spray in crowd control situations are listed below:

- The crowd is agitated or growing agitated and actively voices intent to not disperse and their actions lead the officer to believe that allowing the crowd to remain would result in property damage or injury to themselves or others
- The crowd is actively engaged in fighting or agitating language that is about to erupt into fighting or a riotous situation
- The crowd is actively engaged in damaging property or attempting to injure others.

TASER

The TASER is a conducted energy weapon (CEW) that can be used to control or subdue individuals who are an immediate threat or actively resisting. Officers must be trained in the use of the TASER before being authorized to carry a TASER and must attend annual recertification training after the initial training. Officers who are trained and equipped with a TASER may use the TASER in lieu of, or in conjunction with, non-flammable OC-Spray, such as issued to Greenville Police. Prior to using the TASER, the officer should reasonably ensure that there are no flammables present. If an individual has been sprayed with OC-Spray by a law enforcement officer, other than a Greenville officer or an East Carolina University Police officer prior to our arrival, the TASER device shall not be deployed.

Whenever practical (if subject is not reasonably perceived as an immediate threat or flight risk), officers should brandish or display the TASER, LASER dot, display arc warning, and/or provide a warning prior to deploying a CEW.

Officers may use CEWs in response to:

- Active resistance when another compliance technique has failed or the officer has reason to believe that attempting another compliance technique will fail and/or result in a greater risk of injury to themselves, the subject, or a third person.
- Assaultive behavior (active aggression) when deadly force does not appear to be objectively reasonable.
- To prevent the commission of a suicide or self-inflicted serious physical injury.
- To deter vicious or aggressive animals that threaten the safety of the officer or others.
- Officers should use the minimum number of CEW cycles or seconds of delivered discharge practicable to take a subject into custody or mitigate their active resistance and/or assaultive behavior.

CEW Holstering Location

Officers shall keep CEWs in a non-dominant side holster draw to reduce the chances of accidentally drawing and/or firing a firearm. This includes CEWs that are holstered on agency approved vests.

Verbal Command Prior to CEW Use

Unless doing so would place any person at risk, officers shall issue a verbal warning to the subject that the CEW will be used prior to its use. Where feasible, the officer will defer CEW application for a reasonable time to allow the subject to become compliant after the warning.

In an attempt to minimize the number of CEW discharges needed for subject compliance, officers should, while deploying the CEW, reasonably direct (order) the suspect as the incident dictates.

CEWs May Be used:

- reasonably against a person who is actively resisting or exhibiting active aggression, or to prevent a person from harming self or others;
- when force is legally justified to prevent the reasonably foreseeable threat or actual attempted assault, battery, and/or injury to officers, another person, and/or the subject; or
- In cases where officer/subject factors reasonably indicate that the officers, offender, and/or other person(s) are likely to be endangered by the use of passive and/or active force by the subject.
- It is understood that CEW deployments against humans may be very dynamic in nature and the probes may impact unintended areas. Deviation from intended or recommended target areas does not mean that the use of the CEW was any less judicious or unreasonable.

- To display the CEW's "warning arc," "warning arc display," or "painting the subject with the CEW's LASER" in attempting to gain compliance of the subject where resistance, assault, and/or violence is reasonably anticipated.
- During Department authorized training programs and/or force-option demonstrations.
- At any time to safely test operational effectiveness within a controlled environment.

Officers Shall USE CEWs as Authorized Force

- only when such force is objectively reasonable to protect the officer, the subject, or another party from physical harm, and other less intrusive means would be ineffective.
- to control a violent suspect when attempts to subdue the suspect by other tactics have been, or likely will be, ineffective and there is a reasonable expectation that it will be unsafe for officers to approach the suspect within contact range.

After One Standard CEW Cycle (5 seconds)

The officer shall reevaluate the situation to determine if subsequent cycles are reasonable. Officers shall be trained in the risks of prolonged or repeated CEW exposure, including that exposure to the CEW for longer than 15 seconds, whether due to multiple applications, repeated 5-second cycles, or continuous exposures, may increase risk to the suspect. Officers shall independently justify each cycle used against a subject in their RRA.

Drive-Stun Mode

The use of a CEW in "drive-stun" mode will not reliably or foreseeably incapacitate the subject. Officers will not use CEWs in drive-stun mode if they reasonably believe that discomfort will not cause the subject to be compliant with the officers, e.g., CEW use in drive-stun mode on a drug induced, highly pain-resistant subject. Foreseeable injuries from drive-stun CEW applications will in part be based upon the number of sets of electrodes on the front of the CEW. The more electrodes the greater the foreseeable injuries.

Drive-Stun Guidance

Officers should avoid using CEW drive-stun except for:

- A brief application to attempt pain-compliance or distraction.
- A "break-contact" or distraction tactic when tied up with subject
- A 3 or 4-point contact to attempt to achieve NMI.

CEW Shall Not Be Used:

- Where such deployment may cause serious injury or death from situational hazards, including falling, drowning, losing control of a moving vehicle, or igniting a potentially explosive or flammable material or substance, except where deadly force would be permitted.
- In drive-stun mode as a prod or escort device.
- To rouse unconscious, impaired, or intoxicated individuals.

CEWs shall not be used on handcuffed subjects unless doing so is objectively reasonable to prevent them from causing serious physical injury to themselves or others, and if less intrusive measures would foreseeably be unsafe or ineffective.

Preferred Probe Targeting

It is recognized that the dynamics of the situation may not allow the officer to be able to direct the probes to a preferred target area in every instance.

Back – the subject's back is the preferred target. When targeting a subject from the back, the preferred target area is below a horizontal line drawn even with the shoulders across the neck and below.

Front – when targeting a subject from the front, the preferred target area is a horizontal line approximately 2 inches lower than the sternum and below. An ideal probe deployment from the front will "split the

hemispheres” having one probe strike a subject above the belt line and the other probe striking the subject in the thigh or leg thereby activating the hip flexor.

Sensitive Body Parts

- CEWs may not be applied to a subject’s head, neck, or genitalia, except where lethal force would be permitted, or where the officer has reasonable cause to believe there is an imminent risk of serious physical injury.
- An officer should attempt to avoid CEW deployment to a suspect’s head, neck, chest, genitals, female breast, and stomach of a pregnant woman.

Elevated CEW Application Risk Factors

The following factors, where reasonably apparent to involved officers, require elevated justification of CEW application. Under the following conditions the risks of foreseeable direct or secondary injuries may be foreseeably elevated, thus officers’ justification(s) for CEW application may also be elevated. These elevated risk factors can only be given consideration when such factors are reasonably perceived by the officers and the circumstances are such that the officers have sufficient time to consider such factors:

- Presence of flammable liquids/fumes or explosive environments;
- Elevated positions;
- Person operating, or in control of, moving vehicle or other machinery;
- Pregnant female;
- Person in, or in close proximity to, a swimming pool or other body of water;
- Intentional CEW application to sensitive areas;
- Frail or infirm individual;
- Non-standard repeated or continuous CEW applications.

Notification of Imminent CEW Use - Notifying Other On-Scene Officers

The CEW deploying officers should reasonably notify on-scene, assisting officers that they intend to deploy a CEW.

- Prior to deploying a CEW, the deploying officers should consider announcing, if reasonably safe and feasible, “TASER! TASER! TASER!”
- The announcement should be made only if it would not reasonably further endanger any officers, other persons, or the suspect.

NMI and CEW Probe Deployment Distances

Officers should avoid using a CEW at maximum deployment distance for the wires in the cartridge being deployed. The CEW in probe deployment mode has a normal maximum effective range of

- Twenty-one (21) feet with a twenty-five (25) foot cartridge. Twenty-five-foot cartridges are the only cartridges authorized for duty carry by the Greenville Police Department.

Subject incapacitation is directly influenced by probe spread; generally increasing in effectiveness up to spreads between 9 and 12 inches. There are notable differences between front and back CEW probe exposures, with some frontal exposures not leading to full incapacitation of the upper extremities regardless of probe spread.

Ranges under three (3) feet will likely not provide adequate separation of the probes to allow the CEW to function to provide any incapacitating effect to the subject. However, discharging the CEW at a subject at a range closer than three (3) feet has not been found to present an escalated danger to the subject from the probe penetrations to non-sensitive areas.

- Point blank probe deployments have been demonstrated to not create any unreasonable additional risk of injury to the subject.

- Because experience has shown that in the dynamics of the situation officers often launch probes from too close a distance, it is important for officers to understand that the above measurements are from the front of the CEW cartridge to the body of the subject.

Multiple Simultaneous CEW Deployments/Completed Circuits

Each individual trigger pull and 5-second discharge of a CEW must be objectively reasonable. Generally, only one completed CEW circuit may be intentionally used on a subject at a time and thereafter CEW deployment should not be used unless:

- Neuromuscular incapacitation (NMI) is not achieved (often due to ineffective probe spread);
- The first CEW fails to achieve NMI of the subject and a second deployment is independently justified;
- The subject is reasonably perceived to continue to be an immediate threat of serious injury;
- The potential use of deadly force may reasonably be avoided by the use of simultaneous, multiple completed circuits; or
- Other exigent circumstances justify the use of simultaneous multiple completed circuits.

Before intentionally deploying a second CEW, or completing a second independent circuit by a second cartridge, officers should consider the practicality and safety of attempting to control the subject with a lesser quantum of force as totality of circumstances permit.

Additionally, during high-risk events more than one CEW, or more than one completed circuit, can be utilized simultaneously, e.g., multiple officers are confronted by a subject armed with a knife and the need to expeditiously and reliably incapacitate the person is high (e.g., to avoid the necessity of shooting the person with a firearm).

CEW Use on Detainees

A CEW may be used against combative, assaultive, foreseeably violent, detainees, in the same manner as provided for CEW use against any person under this policy.

Other CEW Factors to Consider

CEW is Not a Substitute for Deadly Force. A CEW should generally not be used as a substitute for deadly force and should not be used in those situations. In deadly force situations, officers' decision(s) to deploy the CEW should be backed up with the immediate availability of deadly force.

Post CEW Medical Attention

If needed, reasonable and appropriate medical personnel shall be summoned to the scene to assess the subject who a CEW was utilized upon.

- If the exam or other circumstances dictate the subject needs further medical treatment, the subject shall be transported by reasonable means to a suitable medical facility. Whenever possible the subject will be transported by rescue personnel.

Medical assistance will be called to the scene when these subjects have been exposed to CEW applications:

- Subjects who have been exposed to CEW prolonged [continuous or accumulated] application (more than 15 seconds);
- Members of one of the vulnerable populations (visibly pregnant women, elderly persons, young children, or visibly frail persons); or
- Subjects who had a CEW used against them in circumstances presenting a heightened risk of harm, such as subjects under the influence of drugs and/or exhibiting symptoms associated with excited delirium; or
- Subjects who were kept in prone restraint after CEW use.

Subjects exposed to CEW discharge shall be reasonably monitored while in police custody.

CEW Probe Removal

As soon as practicable after CEW deployment, the CEW probes shall be removed from the subject. The probes shall be treated as a biohazard.

Non-Sensitive Areas

Removal of probes in non-sensitive areas may be done by officers according to probe-removal training guidelines, which include the wearing of bio-protective gloves. Officers, or other trained personnel, will provide first aid following removal of the probes if needed.

In the following cases, officers should wait (if reasonable) for EMS to remove the probes:

- Sensitive Areas: Medical personnel shall remove probes located in sensitive areas.
- The officer encounters problems when attempting to remove the probe.
- Some probes may work themselves free from skin or clothing. If a subject, who has a probe embedded in their body requests that the probe be removed by medical personnel, then the officers shall arrange for medical personnel to remove the probes if it is reasonable to do so.

Inspect Probes for Breakage/Damage

Officers should inspect the probes after removal to see that the entire probe and probe barb has been removed. In the event that a probe, or probe barb, has broken off and is still embedded in a subject's skin, the subject shall be provided appropriate medical attention to facilitate the removal of the object.

Reporting CEW Use to Supervisor

Officers shall report all CEW discharges (except for training discharges), to their supervisor as soon as practical.

Supervisor Response to CEW Use

- Supervisor shall be advised of any CEW use.
- Supervisor should respond to the scene of the CEW use.
- Supervisor shall review with the officers the circumstances under which the CEW was used.
- Supervisor shall review and follow-up on the officer's CEW use report.
- Supervisor shall follow-up on forwarding the officer's CEW RRA report as appropriate.

Photographs

When lawful and appropriate to do so, overall and close-up (including a clear measurement scale, preferred millimeters and centimeters) photographs should be taken of probe impact or discharge contact sites and any other related injuries as soon as it is reasonable to do so.

In some instances, photographs may not be taken, such as in some cases of juveniles or when the probes impacted genitals, a female's breasts, etc. It is important to preserve evidence of the CEW use, however, it is also important to not violate any medical, HIPPA, or privacy statutes or other legal restrictions.

Probes - Biohazard

Probes that have been deployed and that strike the subject will be treated as biohazard sharps. If there is no evidentiary issue in the probes, they may be placed point down into the expended cartridge bores and secured (e.g., with latex glove(s), tape, etc.).

Where CEW probe deployment is not a reasonably foreseeable issue, and where there is no indication of serious injury, probes and expended cartridges need not be routinely maintained as evidence. They shall be properly disposed of as directed by training.

If the incident is high-profile, or if serious injury is alleged, then the probes, wires, and the expended cartridge(s) shall be maintained as evidence, appropriately secured, tagged, and identified as bio-hazard(s). The probes and wires shall be maintained without damaging or destroying possible evidentiary value.

If officers determine that the AFIDs need to be collected and maintained as evidence, then officers will attempt to locate the AFIDs dispersed at the time of the cartridge discharge. If collected, these AFIDs will be placed into evidence with any expended cartridge(s).

Subject Transport Considerations

- Avoid Face-Down Transport: Officers should avoid transporting a subject, who has been controlled by the use of a CEW (or any subject), face down.
- Avoid Transporting on Probes: If probes are still embedded in the subject, avoid transporting the subject in a position that would foreseeably further embed the probes in the subject, or cause disturbance and additional pain or discomfort from the presence of the probes.

Detention Notification of CEW Application

Detention personnel shall be informed that the subject was exposed to a CEW.

Use of CEW on Animals

Using a CEW against animals may reduce the need for greater, more injurious force against such animals. The use of a CEW on an animal should be based on the intent to provide a safer, more humane, and less traumatic conclusion to the incident.

A CEW may be deployed on an animal when:

- The animal is threatening or attacking a person (including officers), another animal, or property.
- The animal has threatened or attacked a person (including officers), another animal, or has caused a continuing public nuisance and the animal needs to be captured for reasons of public peace or safety, preservation of property, or other legitimate purpose; and the animal poses an active threat to officers in their efforts to perform their duty.

Center mass of the animal should be targeted. Care should be taken to avoid the head and other sensitive areas on the animal. It is understood that deployments against animals may be very dynamic in nature and the probes may impact unintended areas.

Procedures for probe removal should take place as outlined herein. Personnel will take reasonable measures to consider that the animal's welfare is provided for, in the event that probes impact a sensitive area, or it appears the animal's health is in jeopardy. It is generally understood that as long as personnel acted appropriately, the animal's owner will be responsible for any medical attention needed for the animal.

Unintentional Cartridge Discharge

In the event of an unintentional CEW cartridge discharge, the officers shall promptly notify their next level of command. The superior officer shall reasonably investigate the incident and prepare a written report documenting the incident. Alternatively, the supervisor shall have the officers prepare a written report and then the supervising officer shall make appropriate notifications and/or take other appropriate actions.

Expandable Baton

The expandable baton is a formidable, as well as versatile weapon. It may be used to apprehend, restrain, defend, or counterattack. A trained officer who is proficient in the use of the baton is better able to protect himself/herself and is less likely to resort to the use of his firearm. The primary purpose of the baton is to stun and temporarily disable rather than cause lasting injury. It is effective in open areas, for crowd control, for "come-along" techniques, and as a visual deterrent. Except in deadly force situations, the expandable baton should never be used to strike a

person about the head or neck. The mechanical application of the baton, or any other weapon or tool, to physically open or enter the mouth of an individual is prohibited.

Prior to carrying the expandable baton, all enforcement personnel must be certified in its use and attend recertification annually thereafter.

Police Canine

The police canine is also considered a form of intermediate force. Canine officers may deploy their canine in accordance with Greenville Police Department's Policy and Procedures Manual Chapter 41.

Specialty Impact Weapon

Impact weapons are utilized by sworn personnel as a non-deadly force option. Impact weapons allow personnel to safely subdue individuals who are responding with resistance. Use of the impact weapon should target impact zones based on the weapons system and training guidelines.

Prior to carrying an impact weapon, officers are required to complete the corresponding training conducted by a certified less-lethal instructor. All operators must be re-certified annually.

Department issued weapons are the only impact weapons authorized for use. Any impact weapon utilizing red-dot sites should be inspected no less than once a quarter by a certified instructor. The only rounds authorized for use are those issued by agency instructors or firearms personnel.

Use of Deadly Force in Defense of Human Life

An officer is justified in using deadly physical force only when he or she reasonably believes such force is necessary to:

- 1) To defend himself/herself or a third person from what he/she reasonably believes to be the use or imminent use of deadly physical force.
- 2) To effect an arrest or to prevent the escape from custody of a person who he/she reasonably believes is attempting to escape using a deadly weapon, or who by his or her conduct or any other means indicates that he/she presents an imminent threat of death or serious physical injury to others unless apprehended without delay.

See, *Tennessee v. Garner*, 471 U.S.1, 85 (1985.): The United States Supreme Court ruled that the use of deadly force to prevent the escape of a suspected felon violates the Fourth Amendment prohibition against unreasonable seizure if used against an apparently unarmed, non-violent suspect (the case involved a burglary suspect). The Supreme Court further stated that deadly force may be used against an offender who has attempted or committed an offense involving the infliction or threatened infliction of great bodily harm. Deadly force may not be used against an unarmed, non-violent, property crime offender. The United States Supreme Court decision went on to state that when an officer is justified in the use of deadly force he will, if feasible, first give a verbal warning. (Example: "Police Officer, Halt")

Shooting At or From Moving Vehicles

Officers are prohibited from discharging their firearms at or from a moving vehicle, motorcycle, or bicycle (collectively, "moving vehicle") unless officers reasonably believe deadly force is necessary to defend the officer or a third person from the use, or imminent use, of deadly force. For purposes of this policy, officers will not discharge their firearms at moving vehicles except under exigent circumstances; such discharges will be rigorously scrutinized. When confronted with an oncoming, moving vehicle, officers should attempt to move out of its path, when possible, and should generally avoid placing themselves in situations where the use of deadly force is more likely.

Risk to Innocent Bystanders

When officers are about to discharge their firearm, they should be aware of their field of fire, including the backdrop, so as to avoid creating an unnecessary, substantial risk of harm to innocent persons. Officers are prohibited from discharging their firearms when, based on the totality of the circumstances, discharging a firearm would constitute a greater risk to innocent human life than the subject's actions. (i.e., discharging a firearm into a crowd, or shooting

into a building or through a wall, where the subject is not clearly identified and it is unknown if there are other occupants present.)

Pointing Weapons

Officers are prohibited from drawing and pointing their firearms at or in the direction of a person, absent an objectively reasonable determination that the situation may escalate to the point where deadly force would be authorized under this policy. When it is determined that the use of deadly force is not necessary, officers shall, as soon as practicable, secure or holster their firearms. It is the rule of this Department that drawing a firearm and pointing it at a target is considered a use of force and must be documented as such.

Warning Shots

The discharge of a firearm for the purpose of a “warning shot” is prohibited without exception.

Animals

The killing of an animal is justified under the following circumstances:

- Self-defense
- To prevent imminent death or serious injury to the police officer, other people, or animal
- When the animal is so sick or badly injured that humanity requires its relief from further suffering and an Animal Protective Services Officer is not immediately available, and with the approval of a supervisor

4.2 Use of Force Reporting and Review

4.2.1 REPORTING REQUIREMENTS FOR RESPONSE TO RESISTANCE/AGGRESSION

CALEA Standard: 4.2.1 (Reporting Uses of Force), 4.2.2 (Written Use of Force Reports and Administrative Review)
CALEA Standard 41.3.10 (In-Car and/or Body-Worn Audio/Video Review)

The authority to use force carries with it the need for accountability in order to safeguard the rights of the public and preserve the integrity of the Greenville Police Department (“Department”), as well as the jurisdiction that provides this authority. To protect citizens and employees, the Greenville Police Department is committed to documenting and investigating all use of force incidents. As such, it is this Department’s policy that officers report ALL use of force incidents, as designated herein, in a timely, complete, and accurate manner, as prescribed by this policy.

Reports must be submitted in writing (hard-copy) to an officer’s supervisor within three (3) working days of an incident unless authorized by supervisory personnel at Lieutenant or higher. Supervisory personnel approving extensions for the report must notify the Office of Internal Affairs immediately via e-mail of the granted extension.

In the event any of the instances cited above occur while the employee is off-duty, the employee shall immediately notify the supervisor on-duty. The on-duty supervisor will gather pertinent facts and make the necessary notifications.

Documentation should be completed as follows:

1. Officers shall, as soon as possible, notify their shift supervisor of any Level 1 Reportable use of force. In all cases, the notification shall be made by the end of the officer’s shift.
2. Officers will immediately notify their shift supervisor following any Level 2 or 3 reportable use of force.
3. Officers shall complete a *Response to Resistance and Aggression form* and case report immediately following all reportable uses of force.
 - a. Officers should begin the documentation process by writing a perceptual statement of the event.
 - b. All use of force reports shall specify the actions of the suspect that necessitated the use of force, the reasons why the officer(s) used force, as well as any suspect or officer complaints of injury, medical treatment received or refusal of medical treatment.
 - c. If *in-car camera* or *body-worn camera* audio or video of the incident is available, it may be used to review the incident prior to completion of the RRA form and case report.

4. The completed *Response to Resistance and Aggression form* shall be submitted to the shift supervisor within 3 working days from the use of force incident.
5. The following additional procedures shall apply:
 - a. Any officer who witnesses a reportable use of force shall advise a shift supervisor, or appropriate commanding officer, and shall submit a supplemental report.
 - b. If an officer uses force on more than one subject during the same event, the officer shall complete one *Response to Resistance and Aggression form*.
 - c. If an officer is unable to complete the report due to injury, the officer's immediate supervisor will complete it to the extent possible, by the end of that tour of duty.
6. The arresting officer shall notify transporting officers if force was used on the arrestee or if the arrestee has an injury or complains of pain.
7. Shift supervisors shall investigate and report any reportable use of force as directed by policy

Any officer(s) who engages in or witnesses a reportable use of force but fails to notify a shift supervisor and/or fails to complete any report required by this policy, shall be subject to disciplinary action.

Documentation Levels

Level 1

1. A firearm is intentionally pointed at a person;
2. A weaponless defense technique is applied to a vulnerable area, excluding strikes (e.g., hair grab, pressure to mastoid or jaw line; and shoulder muscle grab); or
3. A weaponless defense technique control hold is applied:
 - a. Escort (elbow);
 - b. Twist lock;
 - c. Arm-bar; or
 - d. Bent-wrist.
 - e. Leg sweeps; and
 - f. Takedowns.

NOTE: Un-resisted handcuffing is not considered a reportable use of force.

Level 2

1. Chemical agent is applied to a person.
2. The use of a CEW involving any of the following circumstances:
 - a. When one or more probes impacts or penetrates the subject's clothing or skin;
 - b. When the drive stun arc touches the subject's clothing or skin; or
 - c. A CEW is fired at a person, but misses.
3. Any impact weapon, including specialty impact munitions, or any other instrument is used in an attempt to strike another person but no contact is made.
4. The impact weapon is used for a non-striking purpose (e.g., prying limbs, moving, or controlling a person).
5. A weaponless defense technique, other than control holds, excluding strikes to the head. Examples include:
 - a. Hand/palm/elbow strikes; and
 - b. Kicks.
6. An on-duty firearm discharge at an animal, other than to dispatch an injured animal.
7. Any strike to the head (except for an intentional strike with an impact weapon).
8. A police canine bites the clothing or the skin of a subject, or otherwise injures a subject.
9. Any use of force which results in, or alleged to have resulted in, injuries to the subject requiring emergency medical treatment (beyond first-aid) or hospital admittance.

Note: For the purposes of this order, an evaluation by a medical professional to assess a complaint of injury is not emergency medical treatment.

Level 3

1. Any use of force resulting in death.

2. Any critical firearm discharge regardless of injury.
3. Any force which creates a substantial risk of causing death;
4. Any force which causes serious bodily injuries as identified in this policy.
5. Any intentional impact weapon strike to the head.

Response to Resistance and Aggression Supervisory Review

Any officer, who uses force, is a witness to a use of force incident, or who authorizes conduct leading to the use of force incident, shall not be allowed to conduct a review/investigation.

1. For any Level 1 *Response to Resistance and Aggression* form submitted:
 - a. Document and review the officers *Response to Resistance and Aggression* report form;
 - b. Obtain, review, and sign the completed *Response to Resistance and Aggression* report form from each involved officer within 3 working days from the use of force incident; unless approved by the on-duty watch commander or command staff personnel.
 - c. Evaluate the basis for the use of force and determine whether the officer's actions were within Department policies; and
 - d. Forward a copy of the signed completed *Response to Resistance and Aggression* report form and corresponding supervisory checklist to his/her commanding officer within 3 working days from the use of force incident.
 - e. The commanding officer shall review the Use of Force Report and the supervisor's findings and:
 - i. If necessary, return the report to the shift supervisor to correct any identified deficiencies; or
 - ii. Approve the report and forward to the Officer of Internal Affairs as soon as practical.
 - f. The RRA committee will review all Level 1 *Response to Resistance and Aggression* reports as described in policy.
2. Upon being notified of a Level 2 or 3 use of force, the on-duty supervisor shall immediately respond to the scene and conduct a preliminary investigation:
 - a. Visibly inspect the individual(s) for any injury; interview the individual for complaint(s) of pain; ensure that they receive needed medical attention
 - b. Photograph or video all claimed or visible injuries of the individual, as well as any area the officer reports striking the subject. Photographs of the individual shall be taken even when there are no signs of injury.
 - c. If the officer is injured, the supervisor will photograph or document by video any visible injuries.
 - d. Document, as necessary, the scene of the incident;
 - e. Collect or cause to be collected all evidence of use of force;
 - f. Identify and interview witnesses other than officers as appropriate;
 - g. Obtain, review, and sign the completed *Response to Resistance and Aggression* report form from each officer within 3 working days from the use of force incident; unless approved by the on-duty watch commander or command staff personnel.
 - h. Review, summarize and sign his or her investigation and findings in the supervisor's report and forward the report to his/her commanding officer.
 - i. The commanding officer shall review the *Response to Resistance and Aggression* form and the supervisor's findings and:
 - i. If necessary, return the report to the shift supervisor to correct any identified deficiencies; or
 - ii. Approve the report and forward it to the Office of Internal Affairs within 3 working days otherwise approved
3. Any supervisor notified of a Level 3 officer-involved shooting, shall:
 - a. notify the Office of Internal Affairs who will activate the Firearms Discharge Team.
 - b. Immediately respond to and secure the scene;
 - c. Ensure that officers and citizens receive appropriate medical attention;
 - d. Notify the on-duty Watch Commander that an officer has been involved in a Level 3 use of force incident

- e. Document, record, video the scene of the incident, as necessary
- f. Secure, or cause to be secured, all evidence for appropriate processing by the investigative units;
- g. Identify witness, both officer and civilian requiring them to be separated until they have been interviewed
- h. Secure the weapon of the officer (s) as soon as possible

Reports from the Firearms Discharge Team and the Response to Resistance and Aggression Report shall serve as the required written reports.

RRA Review Committee

Purpose

The RRA Review Committee was developed to review reports relating to "Use of Force" (excluding deadly force) and to provide recommendations to Command Staff regarding the appropriateness of the force application and to outline any necessary changes in policy or specific training to those involved. The goal of the committee is to analyze the application of force to determine reasonableness, identify training concerns and improve adherence to policy. The committee will be comprised of supervisory personnel and subject matter experts to assure the application of force is analyzed appropriately. Tactics will be evaluated and training both individually and department wide may be recommended. The committee will evaluate adherence to current policy and may recommend changes to current policy.

Procedure

The RRA Review Committee will meet a minimum of once a month to review reports and related video evidence surrounding an RRA event. The committee will evaluate the techniques used by officers during the event and draw a conclusion based on the information presented. Allegations of excessive force where a RRA has been completed, shall be reviewed by the committee to determine if the force was reasonable and within policy before an IA is initiated. The committee will not conduct an investigation or interview persons involved; however, they may refer such a case back to the supervisor who signed off on the report requesting additional information.

Members of the committee will discuss the case among themselves to develop a final "Committee Response". The response by the committee shall fall primarily into the following categories:

- Within Policy
- Not Within Policy,
- Undetermined - based on available information,
- Policy Review Necessary - include recommended policy changes, or Training
- Recommended - include specific recommendations.

Should a member of the committee not agree with the final determination, that individual (s) shall submit a separate recommendation that includes relevant information that supports their position.

Findings

The findings of the RRA Review Committee are not to be considered binding in any way as to the position a separate internal affairs investigation, command staff review, or final decision by the Chief of Police, which may include additional information not included in a RRA report.

Make-up of the Committee

There will be three (3) committees, each one being facilitated by a Major and three (3) committee members. This will limit the meeting responsibility to four (4) times per committee, per year. A designated command staff member will serve as subject matter expert to all committees and will facilitate the meetings to assure consistency. Two (2) members of the RRA Review Committee will also serve on the department's Firearms Discharge Team. Committee members will commit to a three (3) year term on the RRA Review Committee.

4.2.2 FIREARMS DISCHARGE TEAM

CALEA Standard: 11.3.4 (Police Action Death Investigations)

The Firearms Discharge Team assists the Office of Internal Affairs with the investigation of every officer- involved shooting. In order to remain above reproach and as a matter of policy, the Department recognizes the need for an external investigation usually conducted by the State Bureau of Investigation. However, the need for an internal investigation is still necessary. Employees involved in a shooting are required to comply with all aspects of both the external and internal investigation.

Selection/Replacement Process

The Firearms Discharge Team shall be comprised of eight full-time team members. Team members are required to commit to a two-year assignment to the team.

Selection of team members will be made based on nominations from the Patrol Bureau, the Criminal Investigations Bureau, and the Administrative Services Bureau. Each Bureau will present, in writing, a list of their nominations. The final selection of team members will be made by the Chief of Police based on recommendations from the team. Probationary police officers are not eligible for this team.

Training

Members of the Firearms Discharge Team will be assigned to assist and receive field training from a senior member of the Team prior to being assigned as a lead investigator on any officer-involved shooting. (This does not include more minor investigations that involve the shooting of an animal or officer shooting investigations where no person was struck.)

No member of the Team will lead an Investigation until they have attended an firearms discharge training course.

Activation

In the event of a firearms discharge involving an employee, the Watch Commander on-duty will be responsible for the notification of the Office of Internal Affairs. The members of the Firearms Discharge Team will be notified by the Office of Internal Affairs and advised where to assemble.

Criminal Investigation

A criminal investigation and the internal investigation may be conducted simultaneously, but independently of each other.

Forensics

The Forensics Services Unit will be responsible for processing the scene and providing copies of all reports and photographs to the Firearms Discharge Team and the officer(s) assigned to conduct any criminal investigation.

Team Responsibilities

The Firearms Discharge Team acts under the authority of the Chief of Police and, as such, compliance shall be provided with any part of the investigation by all members of the Greenville Police Department. Firearms Discharge Team members involved in the investigation will be assigned to the Office of Internal Affairs until the investigation is complete.

The Firearms Discharge Team will interview persons having information on the incident outside the presence of any member of the criminal investigation team. While information developed by the criminal investigation team may be provided to the Firearms Discharge Team, any compelled statements or evidence developed by requiring police officer cooperation with the Officer Involved Shooting Team may not be disclosed to the criminal investigation team.

The investigation of a shooting, or discharge of an employee's firearm, will focus on determining the following points:

- Whether the shooting was within policy, in violation of policy, or accidental
- Whether or not the incident was avoidable
- Any possible training considerations raised

- The quality of supervision
- Development or recognition of possible employee behavior patterns to aid in determining current or possible future City liability

A written report will be presented to the Chief of Police by the Firearms Discharge Team at the conclusion of their investigation. The report shall include relevant facts and circumstances surrounding the incident and a conclusion as to whether or not the discharge violates an agency directive. While making no specific disciplinary or personnel recommendations, the report will address the points outlined previously. The accompanying documents (lab reports, witness statements, etc.) will also be attached to the completed investigation for examination by the Chief of Police.

4.2.3 TEMPORARY REMOVAL FROM LINE DUTIES

CALEA Standard: 4.2.3 (Operational Assignment), 11.3.4 (Police Action Death Investigations)

Any Greenville Police Department employee, acting in an official capacity, whose actions or response to resistance or aggression results in a death or serious physical injury shall be removed immediately from any line duty assignment pending a required administrative review. Reviews may be completed by one or more of the following, but shall not be limited to, entities: The Office of Internal Affairs, The State Bureau of Investigation, The District Attorney's Office. The City of Greenville Employee Assistance Program (EAP) and/or other counseling services will be offered to any employee(s) involved in such a situation. Temporary removal from line duties may also result from other types of critical incidents or traumatic situations, such as serious motor vehicle crashes, at the discretion of the Chief of Police.

4.2.4 ANNUAL ANALYSIS OF RESPONSE TO RESISTANCE AND AGGRESSION INCIDENTS

CALEA Standard: 4.2.4 (Analyze Reports from Use of Force), 11.4.1 (Administrative Reporting Program)

The agency will conduct an annual analysis of all response to resistance and aggression incidents and corresponding policies and practices. The analysis shall identify:

- Date and time of incidents;
- Types of encounters resulting in the response to resistance and aggression;
- Trends or patterns related to race, age and gender of subjects involved;
- Trends or patterns resulting in injury to any person, including employees; and
- Impact of findings on policies, practices, equipment, and training.

The Office of Internal Affairs will prepare the analysis for review by the Chief of Police.

4.2.5 ASSAULT ON SWORN OFFICER ANALYSIS

CALEA Standard: 4.2.5 (Assault on Sworn Officer review), 11.4.1 (Administrative Reporting Program)

During the 1st quarter of each calendar year, the Office of Internal Affairs will conduct a review of all assaults on agency law enforcement officers for the previous calendar year. The review will include a determination of any trends or patterns, as well as recommendations to enhance officer safety, revise policy, or address training issues. The review will be submitted to the Deputy Chief of Police for dissemination to Command Staff and staffing affected by recommended changes.

4.3 Weapons and Training

4.3.1 AUTHORIZED DUTY WEAPONS

CALEA Standard: 4.3.1 (Authorization: Weapons and Ammunition)

Greenville Police Department employees are only authorized to carry and use weapons, lethal and non-lethal, issued by the Department unless otherwise approved by the Chief of Police or designee (Attachment D). Officers may carry

a non-issued pocket knife. This pocket knife shall be used primarily as a utility cutting tool to assist officers in their daily duties.

Department Issued Handgun

Greenville Police Officers are required to carry their department issued handgun while on-duty. Exceptions, such as special covert situations that may require an undercover officer to be unarmed, may be authorized by the Chief of Police or his designee. Officers on-duty carrying department issued handguns or other approved and concealed handguns, shall carry their badge and their police issued credentials.

Uniformed officers are required to carry their department issued handgun with attached tactical accessory light and appropriate issued holster, the only exception to this policy, are those uniformed officers that are assigned to administrative positions that primarily work non-patrol assignments. Tactical accessory lights are to be used for approved tactical operations only. The only acceptable grip is the original manufacturer's stock grip. The ranking Firearms Instructor may approve other grips, such as oversized stock grip for police officers with large hands, to correct a shooting problem. Bone, pearl, decorator, or target grips are not authorized.

Sworn Officers who wear plain clothes while on-duty may request to carry a personally owned duty weapon, once approved by the lead firearms instructor and upon qualifying on the primary firearms qualification course. Personally-owned duty weapons must be double-action or safe-action and no less than a 9mm caliber. Revolvers are not an approved option. Officers must request permission to carry a different weapon with the understanding that the cost of the weapon and the holster are the responsibility of the individual officer. Duty holsters for all personally owned weapons must be a commercially available holster. Plain Clothes Officers who report to work in uniform must carry the department issued firearm with attached tactical accessory light and issued holster.

Police officers shall be armed with an approved firearm at all times when operating a police vehicle.

Pistol Optic Program

The Greenville Police Department has implemented a Pistol Optic Program in which electronic optics will be mounted on duty handguns to improve accuracy and performance. The Department has approved the following the optics to be used while on duty:

- Holosun 509T
- Holosun 508T

These optics, along with the approved accessories needed for mounting and sight system redundancy, will be installed and maintained by Department approved instructors and armorers. Before carrying and qualifying with a pistol optic equipped duty handgun, the officer must complete an 8-hour transition course taught by Department instructors. Once completed and outfitted with the proper holster and accessories needed, the officer will be allowed to carry the optic equipped duty handgun while on duty.

For personal owned handguns, in order to carry an optic equipped handgun on duty, the officer must meet the following criteria:

- The optic must be of the following Make and Model:
 - Holosun (all models)
 - Trijicon RMR
 - Leupold Deltapoint
 - (other makes and models can be approved by Department firearms instructors)
- Suppressor height iron sights
- The officer must complete the 8-hour transition course before qualifying
- The handgun must meet the requirements set forth in Chapter 4.3 of GPD Policy and Procedures

Department Issued Shotgun

The Department only issues shotguns as a less lethal shotgun and ERT breaching equipment. The Remington 870P 12 ga shotgun is used in conjunction with Less Lethal 12 ga impact munitions. The department does not have or issue

lethal rounds for this weapon system. Training on this weapon is conducted during annual less lethal training course where officers are certified in the use of the shotgun specifically for less lethal purposes.

If carried in the passenger compartment of the police vehicle, the shotgun shall be secured in the shotgun lock. If the vehicle is not equipped with a shotgun lock, the shotgun shall be secured in the trunk of the vehicle.

The only ammunition approved for duty will be that specified and issued by the Department. When carried in the police vehicle, the shotgun will be loaded in the "cruiser safe" position with ammunition loaded in the magazine tube, no rounds in the chamber, and the safety on. All loading and unloading will be performed outside of buildings and cars. At the termination of any situation that required loading a round into the shotgun chamber, the police officer will:

- Point the weapon in a safe direction (away from buildings and people)
- Ensure the safety is on
- Remove the round from the chamber and return it to the magazine tube
- Ensure the shotgun is loaded in the "cruiser safe" position (safety on – no round in the chamber)

At the end of the tour of duty or anytime the shotgun must be unloaded completely, the police officer will:

- Point the weapon in a safe direction (away from buildings and people)
- Ensure the safety is on
- Partially open slide and make sure the chamber is empty
- Remove shells from the magazine tube by use of the shell catch

Rounds should never be cycled through the chamber to unload the shotgun.

At the end of the tour of duty the police officer shall remove the shotgun from the patrol vehicle and the shotgun shall be stored in a secured location.

Department Issued Carbines

Carbines carried by Greenville Police Officers will be issued by the Department to select police officers. Any officer that does not have a department-issued carbine may use a personal carbine/rifle for duty purposes. The following restrictions must be met:

- The officer must have successfully completed the department provided 24-hour carbine class
- All personal weapons must be assembled by the manufacturer and cannot be pieced together by the officer or a third party
- All weapons will require initial and annual inspection to be completed by an armorer within the police department
- It is the responsibility of the officer to maintain the weapon as prescribed by the department armorer
- All weapons must be on the approved manufacturer list. The approved list will be updated at least annually by the Deputy Chief and distributed to all carbine instructors.
- Officers must provide their own sling and magazines

All weapons must meet the below manufacturer requirements and specifications:

- Iron sights
- Holographic sights are optional
- No magnification
- No suppressors
- Semi-automatic only
- .223 caliber/5.56x45mm
- Must have at least a 16-inch barrel, unless a tax stamp has been issued for that particular weapon
- No AR-Pistols
- Must have a white light that is capable of projecting light at a minimum of 100 yards

All equipment that is placed on any carbine will have to be approved by the Chief of Police or his designee (Lead Carbine Instructor). Once any equipment is added, officers may be required to re-qualify in order to continue carrying the firearm.

When carried in the police vehicle, carbines shall be stored by securing the weapon in the trunk of the police vehicle in the carrying case or in the vehicle's carbine locking rack (if so equipped). During storage, the carbine shall be placed on safe with the bolt closed, magazine inserted, and chamber emptied. Two fully-loaded magazines will be stored with the weapon in the case.

The Department will provide the mandatory training to any officer who will be to being issued a carbine or is requesting to carry a personal weapon. The carbine is not intended to replace the police officer's duty weapon, but should be considered a supplementary weapon for use as particular situations dictate, e.g., building searches, searches for dangerous suspects, K-9 tracks, perimeter security, high risk traffic stops, active shooter situations, or other occurrences as approved by the Chief of Police or his designee. The only ammunition approved for Departmental and personal carbines will be that issued by the Department. Upon deployment, the officer shall ensure the carbine is loaded with a round in the chamber. Administrative loading and unloading shall be done outside of buildings and vehicles. At the termination of any situation that required loading a round into the chamber, the police officer will:

- Ensure safety is on
- Point the weapon in a safe direction (away from buildings and people)
- Release the magazine
- Remove the round from the chamber and return it to the magazine
- Ensure the chamber is empty, release the bolt, and close the dust cover
- Re-insert the magazine
- Properly secure in vehicle

At the end of the tour of duty the police officer shall remove the carbine from the patrol vehicle and it shall be stored in a secured location.

Authorized Reserve Officer Handguns

The Greenville Police Department Reserve Officer Program requires Reserve Officers to carry the department- issued handgun.

Other Issued Weapons

The Emergency Response Team will be responsible for the maintenance and use of chemical munitions and other specialized equipment at the direction of the Chief. The Emergency Response Team Leader will be responsible for ordering chemical munitions and disposing of outdated munitions. The decision to use chemical munitions will be made by Command personnel. All other special purpose weapons authorized for use shall be identified and issued under the direction of the Chief of Police.

Less-Lethal Weapons

The Greenville Police Department has authorized the use of the expandable baton, OC spray, and the TASER as non-lethal weapons that a police officer may carry while on-duty. Police officers are only authorized to carry Department issued OC Spray, expandable batons, and TASERS. Police officers are prohibited from carrying or using blackjacks, saps, weighted gloves, bludgeons, metal knuckles, switchblade knives, and "Nunchaku".

Ammunition

Police officers will carry only Department issued ammunition in their duty weapons. While on-duty, uniformed officers shall carry the minimum number of rounds of ammunition needed to fully load their issued handgun and two extra magazines.

Police officers assigned to non-uniform positions or officers working off-duty or extra-duty jobs are required to carry, at a minimum, their fully loaded department issued or approved handgun. All police officers are responsible for the condition of their duty ammunition and must replace duty ammunition annually.

Maintenance and Inspection of Weapons

Operating Condition

Police officers shall keep all Department issued firearms clean and in good operating condition at all times. They shall regularly inspect all firearms carried on-duty for residue, corrosion, or other signs of deterioration.

Cleaning

Police officers will clean all department issued firearms as soon as possible after they have been discharged, unless otherwise approved by a unit/shift commander.

Inspection

Prior to initial issue, re-issue and during weapons qualification all department firearms will be inspected by a certified armorer and documented on the departmental inspection checklist.

In the event a department-issued weapon is determined to be damaged, or otherwise not in proper working condition, corrective measures will be taken immediately. If a department armorer can repair the weapon, such repairs will be made and the weapon returned to the officer. If it is not possible to make the repairs quickly, the officer will be issued an alternate weapon until repairs can be made. The officer will be required to qualify with the alternate weapon prior to returning to duty.

Unit supervisors will conduct inspections of duty weapons to verify compliance with the provisions of this directive. Personnel are prohibited from unholstering any firearm or other weapon for inspection by anyone, except upon demand of a superior or inspecting police officer, or in the performance of their official duties.

Security

Police officers are personally responsible for the security of firearms maintained in their custody and control. All weapons will be removed from the assigned patrol vehicle when the vehicle is left for maintenance or repair of any type.

Primary and Secondary Weapons

A personally owned firearm may be carried by sworn officers in plain clothes as approved by the Chief of Police or designee. Additionally, a secondary firearm may be carried as a backup weapon. Secondary weapons must be at least .32 caliber. No Derringers or similar weapons are permitted.

The firearms instructor will ensure at the time of qualification that all firearms:

- Comply with the provisions of this policy
- Are of a quality which make them appropriate as primary and secondary firearms, and
- Are apparently in a safe condition to use.

All weapons and ammunition must be registered with the Training Section on the appropriate State of North Carolina qualification form and be approved by lead firearms' instructor. No secondary weapon may be carried unless the police officer has qualified with the weapon as required by the Criminal Justice Training and Standards Commission. Officers may qualify with, and receive approval for, no more than three total weapons. Ammunition for personally owned weapons shall be provided by the police officer, must be jacketed hollow point ammunition and must not be a "reload". Each individual police officer is responsible for the maintenance and repair of his or her personal weapon(s) and ammunition.

Secondary weapons will be carried in a concealed and safe manner at all times. Secondary weapons, carried as a backup, will be used only when the primary weapon (duty weapon) is inaccessible. To avoid any possible mistake, ammunition for secondary weapons will not be carried in issued duty ammunition pouches, magazines, or magazine holders. The Chief of Police may prohibit the carrying of secondary weapons in any circumstances deemed appropriate.

Concealed Handguns While Off-Duty

Annually on nighttime course

Select officers on each shift and Emergency Response Team qualify as follows:

- Shotgun Annually during Less Lethal Training

Only personnel demonstrating proficiency with the duty weapon, by meeting the requirements of the Department's mandated qualification course, will be allowed to carry that weapon. Any police officer that fails to meet Departmental standards of qualification will have his or her police powers suspended immediately by written notification from the Chief of Police or his designee. Documentation will be added to the officers file as part of his or her annual evaluation.

The police officer will not return to normal duty and will remain assigned to the range until a written status change is made. The officer will be provided remedial training by a Certified Firearms Instructor which will include a review of basic shooting skills and shooting drill in order to identify and correct deficiencies. At the completion of remedial training, the officer will be required to successfully complete the qualification with the weapon to document satisfactory performance before returning to normal duty.

If the officer fails the attempt to requalify, a fitness for duty test will be conducted at the direction of the Chief of Police. A second remedial training and re-qualification attempt will be completed subsequent to the fitness for duty test. If the officer fails at this stage, notification will be made to the Chief of Police where it will be handled as a 'work performance' issue, subject to termination of law enforcement duties

Officers who score below 80% with their service handgun during mandatory qualification classes will be required to attend two (2) additional range training days each year until their score improves at a subsequent mandatory qualification course. An exception to this rule would be where an unusual circumstance occurs during a qualification course that is attributed to a score requiring mandated training. Under limited instances an officer may be waived or removed from the mandatory training list once an officer attains a score of 90% or better on the next qualification course, has prior scores of 90% or better, and at the discretion of the lead firearms instructor or his/her designee. All Police Officers are permitted and encouraged to practice with their issued weapons on their off-duty time to maintain proficiency and improve qualification scores. This could include the practice of drawing the weapon from the holster at home with an empty weapon or actual range firing practice with their duty weapon at a facility approved for gunfire. For voluntary practice, the Police Department does not provide off-duty practice ammunition and officers will not be compensated for time spent at a firing range during scheduled time off. Officers need not obtain permission to practice with their duty weapon, but must keep in mind that all safety rules recognized during departmental training should also be applied during off-duty practice.

Training and Proficiency Monitoring and Documentation

These general requirements are to be followed, unless otherwise specified by the Chief of Police. The firearms instructor shall:

- Provide training, technical assistance, weapon inspections, range qualification schedules, and other services relating to the shooting qualification program, which are consistent with the position description of the Training Coordinator and the goals of the shooting program;
- Complete a Weapons Qualification Record whenever a police officer qualifies on a course of fire as designated in this directive;
- Maintain complete control and supervision of all personnel while on the range;
- Notify the appropriate Bureau Commander of any police officer experiencing difficulty in qualifying;
- Consult with the appropriate supervisor to determine the training measures needed to develop the shooting ability of the police officer in question to Departmental standards;
- Restrict access to any weapons that a police officer fails to qualify with under Departmental standards;
- Notify the Chief of Police through the chain of command of any police officer who fails to qualify;
- Maintain completed Weapons Qualification Record in each police officer's training file.

The Training Coordinator shall prepare a report, due annually in January, which contains the following:

- A review of the Training Coordinator's log to determine which police officers need additional training and to initiate appropriate training measures.
- A review of the Weapons Qualification Program, including the use of less-lethal weapons. The review will recommend changes as necessary to ensure the program achieves training and qualification standards consistent with current legal requirements.

Less-Lethal Weapons Proficiency

All agency personnel authorized to carry weapons shall receive in-service training biennially and shall demonstrate proficiency with less-lethal weapons. Demonstrated proficiency with less-lethal weapons shall consist of at least the same minimum requirements existing at the employee's entry level. Employees who fail to demonstrate proficiency shall not be returned to duty with that weapon until such time as proficiency is demonstrated and documented.

In-Service Training – Response to Resistance and Aggression

All agency personnel authorized to carry and use weapons shall receive annual in-service training on the Department's Response to Resistance and Aggression policies. In addition to annual in-service training, RRA training shall include legal and legislative updates, shift briefings and training memorandums.

The formal annual RRA training shall include at a minimum:

- Definitions of all conditional terms associated with deadly force and response to resistance aggression
- Familiarization of officers with legal justifications for and obligations of using the various types of force;
- Discussion of appropriate use of the different types of force and the force continuum;
- Importance of thorough documentation of any response to resistance and aggression; and
- Familiarization of officers with rights, duties, and obligations of using force as a private citizen
- The progression of force to include verbal, physical, non-lethal, and lethal.

4.3.4 Weapon Policy Distribution, Training and Documentation

CALEA Standard: 4.3.4 (Prerequisites to Carrying Lethal/Less Lethal Weapons)

All personnel authorized to carry lethal and less-lethal weapons shall be provided copies or digital access to the response to resistance policy. Personnel shall be instructed in the Department's policies and procedures regarding the use of any type of force, both lethal and less-lethal, before they are authorized to carry a weapon. The issuance of the RRA policy and the corresponding instruction of all portions of these policies shall be documented.

4.3.5 Firearms Range

CALEA Standard: 4.3.5 (Firearms Range)

The Greenville Police Department utilizes various range locations for training purposes. Ranges are used by the agency for firearm qualifications, practice and training. Law enforcement personnel or authorized participants of the training are the only individuals allowed on the range during any of these events.

A firearms instructor or range master must be present at all times during official use of the range. Records will be maintained by the lead firearms instructor/training coordinator documenting the date, activity and designated instructor. Firearms instructors are certified by the State of North Carolina Criminal Justice Training and Standards Commission. Instructors are required to maintain CPR certification.

Range rules may vary depending on the managing entity. However, documented safety procedures and range rules will be reviewed with all participants prior to any training event. Standard safety procedures utilized by departmental firearms instructors include:

- All handguns are to remain in the holster unless the shooter on the firing line, has been cleared by an instructor to commence fire, or is specifically requested by an instructor to unholster
- No horseplay will be tolerated at any time while on the range
- Firearms will be pointed down range at all times while on the firing line

- Remain aware of surroundings and muzzle direction during reloading procedures
- Qualification activities include the use of a “hot range concept” which requires the shooter to ensure his/her weapon stays loaded at all times
- Duty weapons must be loaded with duty ammunition prior to leaving the range facility if operating a departmental vehicle

Firearms approved for use at the range include handguns, rifles, shotguns, sub-machine guns and any other specialty weapon approved by the lead firearms instructor. A variety of targets may be utilized to include: paper, steel and three-dimensional targets. Any equipment used on the range is subject to approval by the firearms instructor of record.

Equipment needed for training activities is designated by each lesson-plan. Personal safety equipment use is required for all range activities and includes: hearing protection, eye protection and close-toed shoes. Ballistic vests may be required for specific drills at the direction of the instructor.

Temporary storage of ammunition and weapons may be necessary at range facilities. Storage options are required to be secured, immovable containers that are under constant monitoring or video surveillance.

Greenville Police Department Authorized Lethal and Non-Lethal Weapons Systems Inventory**Weapon – Specifications**

Handgun – Glock Model 17 9mm Handgun
Handgun – Glock Model 19 9mm Handgun
Handgun – S&W .357 cal. Revolver – Used for Simunitions
Handgun – S&W .38 cal. Revolver- Used for Simunitions
Handgun – Beretta 92 9mm – Used for Simunitions
Handgun- Glock 17t – Used for Simunitions

Shotgun – Remington Model 870 12-gauge pump shotgun
Shotgun – H&K Super 90 12-gauge shotgun

Rifle – Remington 700 308 cal.
Rifle – Bushmaster .223 cal.
Rifle – H&K MP-5 9mm
Rifle – Rock River Arms. 5.56
Rifle– Smith & Wesson M&P TS 15
Rifle - Sig Sauer 516 – AR15 platform carbine

Taser – X-26P
Taser – X2

OC Spray – Fox Lab 2 oz. & 16 oz. can
OC Spray – Def Tech Mark 9 12 oz. can

Baton – ASP Expandable Baton
Baton – Monadnock Expandable Baton

K-9's – 4 Belgian Malinois and 2 Sheppard

Gas Gun – L8 37 mm
Gas Gun – 37 mm single shot- 1 Fed Labs & 1 Def Tech
Gas Gun – 37 mm single shot
Gas Gun – 40 mm single shot
Gas Gun – 40 mm Penn Arms multi-launcher

Gas: Indoor Options

Hand:

CTS 5430 (CS) / 5440 (OC) Launchable Flameless expulsion
CTS 6340 O OCV Aerosol Grenade
CTS 6343 OC/CS Aerosol Grenade

12ga:

CTS 2430 (CS)/2440 (OC) Powder Barricade Penetrating

37mm:

CTS 3330 (CS)/3340 (OC) Liquid Barricade Penetrating
CTS 3431 (CS)/3441(OC) Powder Barricade Penetrating

Gas: Outdoor Options

Hand:

CTS 5210 White Smoke

CTS5231 Triple Phaser CS smoke
CTS 8210 White/Green Smoke
ALS G978 Tactical Pocket White Smoke 978R=Red
ALS G272 continuous discharge CS smoke
ALS G273 Tri-Action CS Smoke
CTS 5230 B Baffled Riot CS Smoke
CTS 5230JL Jet-Lite CS smoke
CTS 6211 White Smoke Triple Phaser

Gas:

37MM
ALS 7797 white Smoke
CTS 3230 Riot CS Smoke Projectile

Distraction Device - Bore Thunder 12-gauge Round
Distraction Device – CTS 7290M – Mini-Bang* – Steel Body
Distraction Device – CTS 4090-50 – 40MM Aerial Flash-Bang, 50 Meter Warning Signal

Impact Munitions

12ga:

Hydro-Kinetic ALS 1200
Hornets nest ALS 1204
HV=USN/DOD version
Pen prevent ALS 1212
Triton 1212T
CTS2550 Single Rubber Baton
CTS 2552 Sting Ball Rubber Pellet
CTS 2581 Super Sock
Pepperball launcher and munition

37mm:

Pen Prevent ALS3704

40mm:

R.E.A.C.T. ALS4006D
CTS 4557 Foam baton

Less Lethal – Hornets Nest Stun Grenade
Less Lethal – 37 mm/ 40 mm SIM (Specialty Impact Munition)
Less Lethal – 1204 Hornets Nest 12 gauges Round
Less Lethal – 12-gauge SIM (Specialty Impact Munition)

Ammunition:

Speer 9mm 147gr G2
Federal Premium Controlled Flight 12 gauge 2 ¾ 9 pellet 00b
Federal Premium 12 gauge 2 ¾ 1-ounce Maximum Hydra-Shok Hollow Point Reduced Recoil slug
Federal 168 gr. .308 Gold Medal Match BTHP
Speer .223 55gr. GDHP
Hornady 168 gr .308 AMAX TAP
Hornady 75 gr. .223/5.56x45mm TAP SBR