

# Greer Police Department

## General Order 520.1A Use of Control Techniques

This order consists of the following numbered sections:

- I. POLICY
- II. PROGRESSIVE USE OF CONTROL TECHNIQUES
- III. USE OF DEADLY CONTROL TECHNIQUES IN DEFENSE OF HUMAN LIFE
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By Order of: *Matt Hamby*  
Chief of Police

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## I. POLICY

It is the policy of the Greer Police Department to use only control techniques which are necessary to attain lawful objectives. Employees of the Greer Police Department will use only objectively reasonable control techniques.

- A. The value of human life is immeasurable in our society. Law enforcement officers have been delegated the responsibility to protect life and property and apprehend criminal offenders. The apprehension of criminal offenders and the protection of property must at all times be subservient to the protection of life. The officer's responsibility for protecting life includes his/her own.
- B. This order is for Greer Police Department use only and does not apply in any criminal or civil proceeding. This order should not be considered as establishment of a higher standard of conduct for employees in case of third party claims. Violations of this policy will only form the basis for Police Department administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.
- C. All uses of control techniques in arrest and seizure of a free citizen are judged by 4<sup>th</sup> Amendment's objective reasonableness standard. (Graham v. Conner. 490 U.S. 386 (1989)). This objective reasonableness analysis considers:
  - 1. The severity of the suspected offense
  - 2. Did suspect pose an immediate threat to the officers or others
  - 3. Is the suspect actively resisting or attempting to evade arrest by flight
- D. When the use of a control technique is necessary, the degree of control that is employed should be in direct relationship to the amount of resistance employed by the person or the imminent threat the person poses to the employee or others.
- E. Employees must weigh the circumstances of each individual case and employ only that amount of control which is reasonable and necessary to accomplish lawful objectives and will apply de-escalation techniques when possible. No employee will use unreasonable or excessive control toward any person. Further, employees that witness the application of use of control techniques exceeding that which is reasonable are required to intervene when safe to do so and within the scope of their authority and training and then report the incident to the appropriate supervisor within twenty-four hours. Refer to General Order 340.1.5 for further explanation relative to this requirement required in South Carolina Code 23.23.85 Duty to Intervene Act 218.
- F. The use of control technique may be in the form of advice, warnings, persuasion, verbal encounters, physical contact, less lethal weapons, or the use of deadly control techniques.

## II. PROGRESSIVE USE OF CONTROL TECHNIQUES

- A. Definitions
  - 1. Control- Conduct on the part of a police employee that is designed to assist the employee in controlling a situation or the actions or behavior of a person or persons.
  - 2. Progressive Control Techniques- The escalation of control used by an employee in order to control a situation or the actions of persons, from minimum to maximum: i.e., verbal control, intermediate control, deadly.
  - 3. Deadly Control-Any control technique which creates a substantially likelihood of causing serious bodily harm or death.

4. Supervisor- Supervisor shall mean any officer holding the rank of Corporal or higher and officers serving in the capacity of acting shift supervisor.
5. Less Lethal Weapons- Any weapon other than a firearm which is used to control persons or defend an employee from harm. Examples of less lethal weapons are the ASP expandable baton, pepper mace, Conducted Electrical Weapon, bean bag rounds, Pepper Ball Projectiles and flashlights.
6. De-escalation- Tactics, techniques, actions, verbal, or non-verbal communication exercised by officers during a potential use of control encounter to reduce the imminence of a physical threat to officers or others. These tactics should be used when time, distance, communication, available resources and circumstances permit.
7. Imminent: Has a broader meaning than immediate or instantaneous, the concept of imminent should be understood to be elastic, involving an ongoing period of time depending on the circumstances rather than a moment in time under the definition of immediate.
8. Immediate: means that the officer is faced with an instantaneous or presently occurring threat of serious bodily harm or death.
9. Chokehold: means applying any direct pressure to the throat, windpipe, or airway of another with the intent to reduce or prevent the intake of air. Chokehold does not include any holding involving contact with the neck that is not intended to reduce the intake of air.

B. Levels of Resistance

Suspects will demonstrate various levels of noncompliance and/or resistance to police commands.

1. Psychological Intimidation. Nonverbal cues indicating the subject's attitude, appearance, and physical readiness. Examples: Karate stance, hand gestures, or the 1,000 yard stare.
2. Verbal Noncompliance. Verbal responses indicating unwillingness or threats from the subject. Example: Telling the officer "I'm not going with you" or "I'm going to kill you."
3. Passive Resistance. Physical actions that do not prevent the officer's attempt to control. Example: Passive demonstrator sitting on the ground.
4. Active Resistance: A subject actively resists when they take affirmative action to defeat an officer's ability to take them into custody.
5. Defensive Resistance. Physical actions that attempt to prevent an officer's control, but never attempts to harm the officer. Example: Suspect pulls away from the officer, wrestles with the officer, or runs away.
6. Active Aggression. Behavior that creates an imminent risk of physical injury to a subject, officer, or third party, but would not lead a reasonable officer to perceive a risk of death or serious bodily injury. Examples include but are not limited to an attack on an officer consisting of strikes, wrestling, undirected strikes with injury potential, kicks, shoves, or punches. Examples may also include words or behavior such as pre-assault cues that clearly indicate that such an attack or actions are imminent.
7. Deadly Assaults. Deadly assault encounter with the subject. Example: Suspect trying to stab the officer with a knife or shoot the officer with a firearm.

C. Officer Control Options

1. Officer Presence. Identification of authority
2. Verbal Dialogue
  - a) In dealing with people, each employee must attempt to inspire respect and generate cooperation and approval from the public. Employees will be courteous and civil in their relationships with the public.
  - b) The manner in which an employee speaks can be an effective means of exerting verbal control in order to control a situation.
  - c) Verbal control may be in the form of warnings, advice and persuasion. Volume and tone control may in and of itself be progressive in nature, depending upon the circumstances.
  - d) By using reasonable and necessary verbal control as well as de-escalation tactics, employees may not have to resort to the use of other forms of control. The goal of the de-escalation technique is to slow down or stabilize the situation so that additional time and resources can be used to resolve the matter with a minimal amount of control, when possible.
  - e) If reasonable, an officer will identify him or herself as a police officer and issue a verbal warning before using any control methods. A verbal warning, dialogue of commands are not required in a split-second situation of if the officer reasonably believes that it would place the safety of the officer or another person in jeopardy.
3. Empty Hand Control
  - a) Empty Hand Control involves actual bodily contact with a person, forcibly subduing that individual until resistance is overcome. Empty Hand Control does not include the use of weapons or objects which could be used as weapons such as batons, flashlights, etc.
    - 1) Soft Empty Hand Control techniques are designed for low levels of resistance, have a minimal chance of injury and include touch pressure and joint locks.
    - 2) Hard Empty Hand Control techniques are designed for high levels of resistance have a probability of injury and include hand and leg strikes. Neck restraints, including vascular neck restrictions, or choke holds will not be used as a control technique with the exception of incident where the use of deadly control is justified.
  - b) In no instance will employees use empty hand control techniques in excess of that which is reasonable and necessary to lawfully and properly neutralize an unlawful assault or overcome resistance by a person being taken into custody.
4. Intermediate Weapon Control Techniques
  - a) Intermediate control techniques involves the use of Departmentally issued less lethal weapons against a person and subduing that individual with the assistance of these weapons until resistance is overcome.
  - b) Where necessary, an officer may take action or use any implement to defend the officer's life or safety, or the life or safety of another, with implements or devices not normally intended to be weapons or issued as police equipment.

- c) The use of intermediate control weapons are to be used in compliance with the terms of Section VIII herein.

5. Deadly Control Techniques

Deadly control techniques may be invoked as outlined in Sections I and III of this General Order.

**III. USE OF DEADLY CONTROL TECHNIQUES IN DEFENSE OF HUMAN LIFE**

Deadly control techniques may be used by officers only as a last resort when they reasonably believe that the action is in defense of human life, including the officer's own life, or in the defense of any person in imminent danger of serious physical injury. All uses of deadly control techniques must be objectively reasonable based upon the totality of circumstances surrounding its use.

A. Objective Reasonableness is satisfied where:

- 1. Suspect poses immediate threat of serious bodily harm or death to the officer or some other person who is present. OR;
- 2. Officer has probable cause to believe that the suspect has committed a violent felony involving the infliction or threatened infliction of serious bodily harm or death and by his or her escape poses a danger of serious bodily harm or death to others.
- 3. Warning prior to the use of deadly control techniques should be given whenever possible.

B. Reasonable belief is defined as when the person concerned, acting as a reasonable person believes that the prescribed facts exist.

C. Serious bodily harm (18 U.S.C. 1365 (h) (3)): the term serious bodily injury means bodily injury which involves:

- a) A substantial risk of death;
- b) Extreme physical pain;
- c) Protracted and obvious disfigurement; or
- d) Protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

**IV. USE OF DEADLY CONTROL TECHNIQUES TO APPREHEND A FLEEING FELON**

The use of deadly control techniques when apprehending a fleeing felon must meet the same conditions as stated in Section III. Officer has probable cause to believe that the suspect has committed a violent felony involving the infliction of serious bodily harm or death and by his or her escape poses an imminent threat of serious bodily harm or death to others. Warning prior to the use of deadly control techniques should be given whenever possible.

**V. POLICY TRAINING**

All officers shall be issued a copy of this General Order, receive instruction on its contents prior to being authorized to carry a firearm or less than lethal weapon, and receive annual in-service training. The department training officer will maintain records documenting policy curriculum and receipt of the policy and training.

## VI. RESTRICTIONS ON THE USE OF FIREARMS/DEADLY FORCE

### A. Restrictions

1. *Warning*-When officers are about to invoke deadly force, they will, when possible or practical, issue a verbal warning to the suspect. In this warning, officers will identify themselves as police officers and instruct the suspect to stop whatever action the suspect is doing to cause the officer to consider the use of deadly control techniques.
2. *Shoot to Stop*- Officers will fire their weapons not to kill, but rather to stop and incapacitate an assailant from completing a potentially deadly act as described in this order. For maximum stopping effectiveness and minimal danger to innocent bystanders, officers should shoot at center body mass.
3. Officers should not discharge a firearm at or from a moving motor vehicle except when it is necessary for the defense of the life of the officer or another person or the officer has reasonable cause to believe that the suspect poses a significant threat of death or serious bodily injury to the officer or others.
4. *Risk to Innocent Bystanders*- When officers are about to discharge their firearms, they will be cognizant of their field of fire and will not unnecessarily create a substantial risk of harm to innocent persons.
5. *Warning Shots*- Officers may not discharge their firearm for the purpose of a warning shot.
6. Officers may not use or carry any firearm or dangerous ordnance while under the influence of alcohol or drugs.
7. To Destroy Animals
  - a) The killing of an animal is justified as a last resort for (1) self-defense, (2) prevention of substantial harm to the officer or others, (3) humane purposes, to relieve the animal from further suffering due to severe injury.
  - b) A seriously wounded, sick or injured animal may be destroyed only upon the direction of the Patrol Commander or LOD. In the case of a domestic animal, all attempts to obtain the services of a Veterinarian must be exhausted prior to destroying the animal. During business hours, Animal Control should be contacted to transport domestic animals to Blue Ridge Animal Hospital. After business hours; when Animal Control is not available; or when the animal cannot be moved due to severity of injuries, the Veterinarian should be requested to respond to the scene. If the owner of the animal can be located, they must be advised of the incident as soon as possible. In the case of a non-domesticated animal, Wildlife Officers should be contacted to respond to the scene to destroy the animal. If circumstances do not allow for the response of either a Veterinarian or Wildlife Officers, the area around the animal must be made as secure as possible and all necessary steps taken to insure the safety of persons in the vicinity, prior to the discharge of a firearm.
  - c) An officer using a firearm to destroy an animal will, before going off-duty, prepare an incident report detailing the circumstances. A Use of Control Techniques Form will accompany the Incident Report so that each discharge of a firearm in the line of duty may be recorded.

B. Safe Handling of Firearms

Officers of the Greer Police Department are expected to use good judgment while carrying, handling, storing or using a firearm, while on or off duty. Gun locks are available at the police department.

C. Review, Inspection and Approval of Weapons

1. No firearm, whether Department-owned or personally owned, shall be carried until it has been inspected and approved by the Department Armorer. Only firearms listed in this General Order will be approved for on-duty or off-duty use.
2. Officers will not perform maintenance upon or make modifications to any firearm approved for use. Disassembly is restricted to field stripping for cleaning purposes.
3. Supervisors shall conduct frequent inspections to ensure that firearms are clean and in good operating condition. All firearms carried by Department employees, both Department and personally owned, will be inspected annually by the Department Armorer. Any weapon found to be unsafe or defective during supervisory or Armorer inspections will be immediately removed from service until restored to proper operating condition.

**VII. OFF-DUTY / SECONDARY WEAPONS**

- A. Officers may carry an approved sidearm from .22 caliber to .45 caliber while off-duty provided they are acting in conformity with applicable directives of the Police Department, state and federal laws and city ordinances. Off-duty officers engaged in secondary employment in uniform shall carry their issued, on-duty weapon.
- B. Off-duty officers who elect to carry a sidearm shall also have their police badge and credentials on their person. Off-duty weapons shall be carried in a concealed and safe manner and shall not be unnecessarily displayed to the public.
- C. Off duty officers or officers in undercover/street clothing who are carrying a concealed weapon will, whenever prudent, identify themselves as a police officer prior to drawing their weapon. If the officer is challenged by another law enforcement officer, they will immediately follow all directions of the law enforcement officer and will identify themselves as a police officer.
- D. Officers may carry one secondary weapon while on duty or on off duty employment in uniform. The following weapons are authorized as secondary weapons:
  1. All 9mm, 40 and 45 caliber semi-automatic pistols.
  2. .380 auto
  3. .38 Or .357 caliber double-action revolver.
- E. Secondary and off duty weapons and ammunition must be registered with the Department Training Officer and the officer must have successfully passed a qualification course as established by the South Carolina Criminal Justice Academy and/or the Chief of Police. Ammunition for off-duty weapons must be factory loaded, high quality hollow point. Acceptable ammunition for secondary weapons is as follows:
  - Factory loaded .45 caliber 230 grain jacketed hollow point
  - Factory loaded 9mm caliber 124 grain +P hollow point
  - Factory loaded 9mm caliber 124 grain hollow point
  - Factory loaded .38 caliber 125 grain +P hollow point

- Factory loaded .357 caliber 125 grain hollow point
- Factory loaded .40 caliber 125 grain hollow point.
- Factory loaded .380 caliber 90 grain jacketed hollow point.
- Department issued duty ammo.

Acceptable manufacturers are Federal, Remington, CCI/Speer, Winchester, and Hornady

- F. Officers assigned to Administration, Criminal Investigations, or undercover/plain Clothes assignments may carry their secondary weapon as a primary duty weapon with the approval of the Chief of Police. These officers must have their departmentally issued weapon available during on duty times should they need to report for special assignments.

## VIII. LESS LETHAL WEAPONS

- A. The ASP expandable baton, pepper mace, Pepper Ball Projectiles, Conducted Electrical Weapon (X26P Taser and Taser 7), bean bag rounds are less lethal weapons which are available to officers of this Department to be used only when the officer is trained in the proper use of the less lethal weapon and when a police officer is confronted with an exigency that creates an immediate safety risk that is reasonably likely to be cured by using the less lethal weapon.
1. The ASP expandable baton may be used by officers trained, at minimum, biennially in its application by a certified weapons instructor.
  2. Pepper mace issued by the Department may be used by officers trained, at minimum biennially in its application by a certified weapons instructor.
    - a) Pepper mace should not be used, except in exigent circumstances, in a building with closed ventilation systems such as hospitals and schools.
    - b) Pepper mace should not be used on persons with known disabilities except in exigent circumstances.
    - c) As pepper mace could cause severe eye injury if sprayed directly into the eye at close range, pepper spray should not be sprayed toward the face and eyes of a subject at a distance of three feet or less, unless deadly control techniques are objectively reasonable.
  3. Conducted Electrical Weapon (CEW) such as the X26P Taser and Taser 7 are deployed as an additional police tool and are not intended to replace firearms or self-defense techniques. The terms herein apply to the use of Taser by way of probes or "drive stun."
    - a) CEW's shall be used and used only by officers who have been trained in their application by a certified instructor and have successfully completed the Department's CEW Training Program annually.
    - b) CEWs will only be used against persons in response to a situation in which the officer perceives an immediate danger that could be mitigated by using the Taser. This may, but does not necessarily include, situations where a suspect is actively resisting arrest and the officer is confronted with an immediate safety risk to himself or others; exhibiting active aggression towards the officer or others or; is harming or attempting to harm the officer or others. A warning should be given to the person and other officers on the scene prior to activating the CEW unless to do so would place any other person at risk.
    - c) Due to risk of injury from a fall, the CEW should not be used in the probe mode on fleeing suspects. The drive stun mode may be used on fleeing suspects who are fleeing

a lawful arrest. Reasons for use of a CEW on a fleeing suspect must be articulated in the Use of Control Technique Form. Before using the Taser, the officer shall consider if the suspect is mentally ill, particularly if the suspect is unarmed or has not committed a crime. For example, an officer who encounters an unarmed and minimally threatening individual who is mentally unstable should de-escalate the situation and adjust the application of force downward. See also General Order 120.3.

- d) Generally, the CEW should not be used when the officer is aware that a female subject is pregnant, on elderly persons, young children and/or visibly frail persons or on a subject that the officer is aware has a disability such as a heart condition, unless exigent circumstances exist.
- e) The preferred target zone is the center mass of the subject's back; however, it is not always possible to get behind the subject. When back targeting is not possible, frontal targeting should be lower center mass, intentional deployments to the chest shall be avoided where possible. Officers shall make all reasonable efforts to avoid striking persons in the head, neck, or genitals.
- f) CEWs should not be used on handcuffed persons unless they are actively resisting or exhibiting active aggression and/or to prevent individuals from harming others.
- g) CEWs should not be used against suspects in physical control of a vehicle in motion to include automobiles, trucks, motorcycles, ATVs, bicycles and Mopeds unless exigent circumstances exist.
- h) CEWs may be used on dogs who are exhibiting active aggressive behavior toward people or other animals.
- i) No more than one officer should activate a CEW against a person at a time. Officers should make all efforts to warn other officers that a deployment is about to occur.
- j) When activating a CEW, officers should use it for one standard cycle and stop to evaluate the situation (a standard cycle is five seconds). If subsequent cycles are necessary, only the minimum number of cycles necessary to place the subject in custody is to be used. Multiple CEW applications are not justified solely on the grounds that a suspect fails to comply with a command, absent other indications that the subject is an immediate threat or about to flee. Any decision to apply multiple CEW applications must take into consideration whether a suspect is capable of complying with officer' commands. Following CEW activation, officers should use a restraint technique that does not impair respiration.
- k) CEWs should not be used in the known presence of combustible vapors and liquids or other flammable substances such as, but not limited to, alcohol based Oleoresin Capsicum Spray carriers, and natural gas or gasoline fumes.
- l) Upon encountering a situation which may require the use of a CEW, the responding officer shall request the response of a backup unit and a Supervisor. Whenever possible, the CEW will not be used prior to the arrival of the backup and Supervisor.
- m) CEWs will be inspected for operational readiness at the beginning of each shift. CEWs not functioning will be turned into a certified CEW Instructor for inspection and/or repair. CEWs are sensitive electronic devices which should be encased in its protective holster when not in use. The CEW holster is to be worn on the opposite side of the duty belt from the firearm.

- n) Each discharge, including accidental, of a CEW shall be investigated by the Shift Supervisor and a Use of Control form will be forwarded through the Chain of Command to the Chief. Occasions in which the CEW was pointed but not discharged will be documented in a Use of Control Form.

Officers should consider the location and environment of the subject, i.e. is the subject at the top of a stairwell such that when incapacitated by the CEW they fall down the stairs causing a collateral injury. Officers shall avoid using a CEW in cases where the subject is elevated i.e. roof, fire escape, tree, bridge, stairwell, etc. such that the secondary impact may cause serious injury.

- 4. Bean bag rounds may be used by officers trained, at minimum annually in their application by a certified weapons instructor.
- 5. Pepper Ball Projectiles are plastic sphere that are filled with PAVA (Capsaicin II) powder. A high-pressure air launcher delivers the projectiles with enough force to burst the projectiles on impact releasing the PAVA powder.
  - a) Only qualified, Department personnel trained at minimum, biennially, shall be allowed to deploy and use the Pepper Ball Projectiles.
  - b) Each deployment of a Pepper Ball Projectile shall be documented on the Pepper Ball Projectile Evaluation Form as well as a Use of Control Techniques Form which will be forwarded through the Chain of Command to the Chief.
  - c) A potential exists for the projectiles to inflict injury when they strike the face, eyes, neck and groin. Therefore, personnel deploying Pepper Ball Projectiles shall avoid intentionally striking those body areas unless the use of deadly control is objectively reasonable. The projectiles are delivered with enough kinetic energy to produce temporary abrasions, bruises and /or welts and cause a psychological impression of being shot.
  - d) Response to inhaling the PAVA powder in a Pepper Ball Projectile varies among individuals. When inhaled, the PAVA powder within the Projectile produces an irritation of the suspect's nose and lungs and leads to coughing, shortness of breath, and in some instances, vomiting. Some individuals experience eye irritation as well. In most cases the symptoms last between five and ten minutes.
- 6. The flashlight is not an offensive weapon. It is to be used only as a defensive weapon with applications and, at minimum, biennial training, similar to a baton.

#### B. Prohibited Weapons

- 1. Brass knuckles, slappers, sap gloves, billies and blackjacks are prohibited less lethal weapons and will not be carried or used by Greer officers.
- 2. Any other weapon not specified which could be considered a less lethal weapon is prohibited.

### **IX AUTHORIZED FIREARMS AND AMMUNITION**

Only weapons and ammunition meeting department-authorized specifications as determined by the Chief of Police shall be used in the performance of duty. The current issued ammunition approved by the Chief of Police for routine duty is Hornady Critical Duty 9mm Luger +P 135 grain FlexLock.

A. The on duty weapon is currently the Glock, Model 17 and Model 19 9mm semi-automatic pistol with dark finish. All officers must first successfully qualify in accordance with the provisions of General Order 520.3.

B. Officers will use only the ammunition issued, or in the case of the secondary weapon, approved by the Department. Any alterations to ammunition are strictly prohibited.

C. Care and Maintenance

All weapons and ammunition will be issued by the Training Officer who shall establish and maintain a record on all weapons approved for official use. All maintenance requests and problems encountered with Department-owned weapons should be directed to the Training Officer in writing, giving as much detail as possible about the problem or request. All such requests shall be made part of the record for the weapon.

D. Each officer is responsible to keep any firearm carried in the line of duty clean and in good working order.

1. Should a Department-issued weapon become lost, stolen, damaged, or in any way rendered inoperable, it shall be reported through the chain of command to the Chief of Police immediately and in writing.

2. All servicing of Department-issued weapons will be provided for by the Training Officer by either the Department Armorer or through authorized service centers and a record of such servicing shall be maintained by the Training Officer.

#### **IX. DISCHARGING FIREARMS REPORT AND INVESTIGATION**

A. Officers shall report, in writing, any deliberate, unintentional or accidental discharge of firearms, including less lethal bean bag rounds. Training or recreational shooting are exempt unless injury results from the discharge.

1. The officer will report the incident orally to the on-duty supervisor as soon as it is practical after the incident in which the weapon was fired.

2. Due to the stress involved there may exist some critical incident amnesia at the time of the incident. No written reports will be completed by the involved officer for the first 24 hours following the incident. The written reports to be completed include a Use of Control Techniques Form and an Incident Report. Names of Officers involved in firearm discharge will only be released to media through the Chief's Office.

3. If the officer involved is injured or otherwise unable to complete the reports, the officer's supervisor will complete the reports.

4. The reports will be submitted via the chain of command to the Chief of Police and will include a detailed account of the circumstances surrounding the incident.

B. The Police Department will conduct a complete internal investigation of any deliberate, unintentional or accidental discharge of a firearm, including a less lethal bean bag round, by an officer, on or off-duty, unless the discharge was the result of training or the destruction of a sick or injured animal. When deemed appropriate, a criminal investigation will also be conducted.

1. Officer-Involved Shooting, or other Use of Control, Causing Injury or Death

- a) All officer-involved shootings or any other use of control technique deployed causing injury or death will be subject to both an internal and criminal investigation.
- b) The shift supervisor will immediately notify the appropriate Bureau Captain, Patrol Division Commander and Criminal Investigation Division Commander to respond to the scene.
- c) The Patrol Division Commander or, in his absence, a supervisor designated by the Chief of Police will be in charge of the initial investigation and shooting scene until such time as the scene and investigation is turned over to the CID Commander.
- d) Once the scene is turned over to the Criminal Investigation Division, responsibility for the scene will rest with the Criminal Investigation Division.
- e) The Criminal Investigation Division Commander will notify the State Law Enforcement Division (SLED) of the incident and request investigation by that agency. The Support Services Captain or a supervisor designated by the Chief of Police will initiate and conduct a thorough and complete internal investigation of the incident. This investigation will be independent of any criminal investigation and will be conducted to determine if the conduct of the officer involved in the shooting or control technique incident conformed to the rules, regulations and General Orders of the Police Department concerning the use of firearms and deadly control techniques. Due to the seriousness of the potential consequences of discharging a firearm or deploying other control techniques, a complete and thorough investigation is imperative. It will not, however, inhibit any criminal investigation, which might be under way. SLED will consult with the appropriate County Solicitor's office to determine if criminal charges are warranted. The Greer Police PIO will coordinate with the SLED PIO for any public release of information.
- f) All Department personnel having any knowledge of the shooting incident will cooperate fully with the internal investigation. This is not a criminal investigation and the results will not be used in any criminal prosecution. Failure to answer questions or cooperate with this investigation will result in disciplinary action.

2. Officer-Involved Shootings Resulting in No Injury

The Bureau Captains, Patrol and CID Commanders will respond as in paragraph one (1) on the previous page. After reviewing the facts and circumstances surrounding the shooting incident, the Chief of Police will be briefed. If a determination is made that a criminal investigation is not called for, the Support Services Captain will proceed with an internal investigation as previously described. If, however, it is determined that a criminal investigation is called for, the CID Commander will also proceed as in paragraph one (1).

3. Post-Investigation Responsibilities

- a) The Criminal Investigation Division will consult with the appropriate Solicitor's Office to determine responsibility in pursuing the prosecution of suspects involved in the shooting incident.
- b) If Department personnel are to be charged with a crime as a result of the shooting incident, the Criminal Investigation Division Commander, under the direction of the Chief of Police, will cooperate fully with SLED and the appropriate Solicitor's Office pursuing such prosecution.

- c) Copies of all investigative reports, sketches, photographs, etc., from the investigation of the officer-involved shooting will be forwarded to the Chief of Police as soon as possible.
- d) After the criminal investigation is complete, the Chief of Police or his designee will meet with the City Attorney, City Administrator and the appropriate county solicitor. The solicitor's office will determine if the matter is to be referred to the Grand Jury for its consideration. All cases involving deadly force wherein the use of a firearm resulted in the death or injury of another shall be submitted to the appropriate Solicitor's Office for review and possible Grand Jury presentation.

## **X. SPECIAL WEAPONS**

Only officers demonstrating a proficiency in the use of Department specialized firearms, in addition to authorized sidearms, are permitted to carry or use such firearms. Demonstrated proficiency will include minimum scores on a prescribed qualification course(s), attaining and demonstrating knowledge of the laws concerning the use of firearms, and being familiar with the recognized safe handling procedures for the use of these weapons. The proficiency course will be determined by the range officer, the Chief of Police and the South Carolina Criminal Justice Academy as outlined in General Order 520.3.

### **A. Shotguns**

1. The routine carrying of shotguns as a lethal weapon is prohibited. Shotguns, specifically designated and visibly marked as such, may be used for the delivery of less lethal bean bag rounds by officers trained in their use by certified weapons instructors, in accordance with the Department Use of Force continuum. Shotguns that are authorized for use as lethal weapons must be 12 gauge and the standard ammunition will be .00 buckshot, both approved and provided by the Department.
2. Shotguns designated for the delivery of bean bag rounds will be clearly distinguishable as such by visible markings on the stock and may be carried by the patrol sergeants on routine patrol, mounted on racks in the trunks of patrol vehicles or double racks inside the vehicle designed to hold the shotgun and patrol rifle. Shotguns designated for the delivery of bean bags may only be carried by officers currently certified in the use of the bean bag rounds.
3. Shotguns not assigned will be maintained in good working order in the Department weapons storage facility by the Training Officer.
4. Only trained personnel will be permitted to carry and/or operate either lethal or less lethal designated shotguns. Shotgun familiarization and qualification training in lethal and/or less lethal usage will be conducted at least annually. Course content and qualification requirements will be established by the range officer, Chief of Police and the requirements of the South Carolina Criminal Justice Academy.
5. Shotguns assigned for the delivery of lethal ammunition will only be removed from the storage facility in the following circumstances:
  - a) Inspection and cleaning by the Department Armorer.
  - b) Temporary assignment to new recruits attending SCCJA Basic Training. The shotguns will be turned into the Department Training Officer immediately upon return from the Academy.
  - c) With authorization of a member of the Command Staff for use in raids or emergency situations.

d) These restrictions do not apply to the Emergency Response Team.

B. Sniper Rifle

The Emergency Response Team sniper rifle is a .308 Tooley Custom Rifle. Their use is restricted to ERT certified snipers in deadly force situations. The responsibility for cleanliness and maintenance lies with the assigned officers. Approved ammunition is Hornady .308 Win 168 grain ELD Match Tap Precision and Federal Cartridge Win Tactical Bonded Tip 168 grain Duty Ammunition.

C. BCM .223 short barrel rifle & Daniel Defense .223 short barrel rifle

Deployed within the ERT only to members trained in its use. Approved ammunition is the Hornady .223 62 grain TAP Barrier. The responsibility for cleanliness and maintenance lies with the assigned officers.

D. MP5

The MP5 is a 9mm submachine gun. Its use is restricted to ERT officers trained in its use. The responsibility for cleanliness and maintenance lies with the assigned officers. Approved ammunition is Hornady Critical Duty 9mm Luger +P 135 grain FlexLock.

E. Patrol Rifles

The Greer Police Department issues semi-automatic rifles to specifically selected patrol officers for unconventional situations where the police may face heavily armed and/or ballistically protected criminal suspects or armed mentally unstable subjects. These rifles are a tool to allow the potential resolution of these incidents by allowing a tactical advantage not available with more conventional police firearms. Patrol rifles are only to be deployed under guidelines established by this order.

1. Definitions

- a) SEMI-AUTOMATIC RIFLES The Greer Police Department issued rifles are the Bushmaster and FN semi-automatic rifle in .223 caliber with 16 inch barrel and 30 round capacity box magazine.
- b) PATROL RIFLE OPERATOR (PRO) Specially selected and trained officers currently issued one of the above rifles. Operators are selected based on guidelines established by the Chief of Police through the Training Officer.

2. Deployment of Patrol Rifles

- a) The patrol rifle is issued to individual officers specially trained in their use. The rifles are issued with 90 rounds of Hornady .223 REM 62 grain TAP Barrier department approved and issued ammunition.
- b) Patrol Rifles shall be deployed only in situations that the officer may reasonably believe that the tactical advantage afforded by the rifle would be necessary. They are not to be used for routine calls where the deployment of a shoulder arm might not otherwise be appropriate, or for calls where the information dispatched is not matched by a clear threat to public safety in actuality. This order does not seek to articulate the only situations where rifle deployment is appropriate. Officer/supervisor judgment is the first indicator of appropriate deployment.
- c) The patrol rifle may be deployed in situations:

1. Where the officer believes a suspect he/she may encounter is wearing protective body armor or
  2. Is believed to be armed with or has immediate access to high powered or shoulder fired weapons or
  3. Is believed to be armed and situated in a distant or fortified location which affords the suspect a tactically superior position or
  4. In situations where there are multiple armed suspects and
  5. Other situations where approval for deployment of patrol rifles is authorized by the Patrol or CID Lieutenant.
3. Storage and Carry of Rifles
- a) Officers are responsible for the safe and secure storage of their issued rifles at all times.
  - b) While on duty, the rifles are to be stored in the Department issued mounted rifle rack in the Officer's assigned vehicle. In the event the Officer's assigned vehicle is not in service, the rifle will be stored in the trunk of the replacement vehicle. Rifles will not be stored in any vehicle when the Officer is off duty. The rifle must be stored in a secure area in the Officer's residence. Rifles are not to be taken on training assignments or other out of jurisdiction on duty missions without the preapproval of the Division Commander.
4. Physical readiness of the rifle.
- a) The rifle shall be stored with magazine inserted in rifle, chamber empty, and safety engaged,
  - b) Rifle magazines will be fully loaded to capacity of 30 rounds for duty use.
  - c) The rifle should be inspected frequently and properly maintained by the Officer. All rifles will receive an inspection by the Department's Armorer annually.
5. Qualification
- a) PRO's shall qualify with the rifle semi-annually in accordance with standards established by the Department's Certified Patrol Rifle Instructors.
  - b) Failure to fire a passing score on the first attempt will result in a second attempt approximately one month later. Failure to fire a passing score at that time will result in the officer being suspended from the rifle program for a period of not less than three months.

## **XI. USE OF CONTROL TECHNIQUES REPORT**

- A. Officers will complete a Use of Control Techniques Form anytime a suspect uses defensive resistance to avoid control or the officer(s) utilize physical, i.e. hard empty hand control or higher, to include less-lethal techniques, on the Progressive Use of Control Techniques, whether or not injury results from such use and without regard for whether the use of control was intentional, unintentional or accidental.
- B. All departmental personnel involved in an incident in which they used control against another person will complete a separate Use of Control Techniques Report.

- C. Any use of a firearm or a CEW (other than training) to control a person's behavior shall be documented on a Use of Control Technique Report. Drawing of a firearm or CEW to clear a building or other area does not require a Use of Control Technique Report unless and until a suspect is located and controlled by the pointing or use of a firearm or CEW.
- D. The shift supervisor will respond to all use of control techniques incidents and report his/her findings, as well as documenting the presence of any visible injuries and complaints of non-visible injuries, in the Supervisory Comment section of the Use of Control Techniques Form. The Supervisor will take pictures of the area of the body on which the use of control technique(s) were used. The pictures will be taken regardless of any visible injuries and submit them to evidence.com along with other related case information. This report will be completed prior to the end of the tour duty. The report will be forwarded through the Chain of Command for review.
- E. The Use of Control Techniques Forms will be reviewed annually by the Chief of Police or his designee, in an effort to identify patterns or trends which may indicate a need for policy adjustment or training. Information included in this review will included:
  - a) Date and time of incidents
  - b) Types of encounters resulting in use of force
  - c) Trends or patterns related to race, age, and gender of involved subjects
  - d) Trends or patterns resulting in injury to any person including employees
  - e) Assaults against Greer Police Officers
  - f) Impact of findings on policies, practices, equipment, and training
- F. Uses of control that result in death or serious bodily injury will be reported to the National Use of Force database.
- G. Any other physical force or use of control as may be defined by this agency.

This information will be included in conjunction with the report as also required in general orders 620.1 and 120.2.

## **XII. ADMINISTRATIVE REVIEW OF SHOOTING INCIDENTS**

- A. The Chief of Police will assign the Support Services Captain, or other designee, to conduct an internal investigation of all shooting incidents involving Greer Police personnel. Upon the completion of the internal investigation the facts, circumstances, and findings surrounding the shooting will be presented to the Chief of Police for review. The Chief of Police will use this investigation to determine if the shooting incident was in compliance with departmental policy governing deadly force and firearms. The Chief of Police will designate the appropriate disciplinary steps, if applicable, following his review. SC 23-23-85
- B. Shooting incidents involving Greer Police personnel will be referred to the State Law Enforcement Division for criminal investigation. SLED will consult with the appropriate Solicitor's office to determine if criminal charges are warranted. SC 23-23-85
- C. The Greer Police Department will provide training for personnel assigned to the initial management of shooting incidents involving Greer Police personnel as well as awareness training for other personnel impacted by such incidents. SC 23-23-85

## **XIII. RELIEF FROM DUTY**

- A. When death or serious physical injury has resulted from the use of control techniques in an official capacity by a firearm or other means by an officer or other police employee, that officer or employee will, as soon as practical, be released from line duty by the supervisor pending a

full investigation into the incident by the Police Department.

1. This is administrative leave that may be with or without pay as deemed appropriate. Please refer to City of Greer Policies and Procedures Manual under Disciplinary Action.
  2. This leave will continue until terminated by the Chief of Police following an administrative review of the incident.
- B. As soon as possible the officer(s) or employee(s) will attend at least one professional counseling session to address the personal and emotional needs arising from such an incident. The Chief of Police will ensure that assistance is arranged through the city's Employee Assistance Program at no personal expense to the officer or employee. Additional counseling may be required based on the recommendations of the counselor and as deemed necessary for the good of the officer or employee. In addition to one on one counseling, all officers and employees involved in the incident will attend a group peer counseling session facilitated by the South Carolina Law Enforcement Assistance Program (SCLEAP). SCLEAP peer counseling will follow any critical incident.
- C. Such relief from duty will not be considered a suspension or disciplinary action taken against an employee, but rather an administrative course of action for the purpose of relieving the person from further performance of duties while participating in stress counseling and permitting the Department time to conduct an objective investigation into the matter.
- D. The period of time spent on administrative leave will be determined by the Chief of Police, based on the counselor's recommendations.

#### **XIV. RENDERING AID AFTER USE OF A CONTROL TECHNIQUE**

It is the duty of each officer to render, or arrange for, the immediate, appropriate and necessary medical aid for any person upon whom control has been used. Such aid shall be rendered without delay and will be documented in the incident report and Use of Control Techniques Form. The officer utilizing the control technique shall notify his immediate supervisor that the use of control resulted in injury or a complaint of injury. All persons on whom control greater than an empty hand technique has been used, or any person who is complaining of any injury, regardless of the level of control used, will be evaluated by First Responders prior to the Booking Process.

- A. A person sprayed with pepper mace will, as soon as possible, be provided cool, flowing water with which to flush the eyes and face. The use of pepper mace does not result in permanent injury to eyes or mucus membranes. However, in certain persons with pre-existing medical respiratory problems, difficulty in breathing can result. If a person exhibits or complains of difficulty breathing, emergency medical assistance will be sought on the scene or as soon as possible. All persons sprayed with pepper spray will be evaluated by First Responders prior to the Booking Process.
- B. The CEWs will cause a person to lose the ability to stand or to break a fall. This could result in injury from striking an object as they drop to the ground. The officer administering the CEW or another officer at the scene, should, whenever possible, observe the conditions of the person's fall and note whether or not they strike any object. Persons who strike their head on any object should receive medical attention at the scene, unless exigent circumstances prohibit EMS contact at the scene. In these cases, the subject should be transported to the Emergency Room for evaluation prior to transportation to Detention. Any person complaining of an injury to any other part of their body due to the administration of a CEW cycle will be seen by First Responders or EMS at the scene or as soon as possible. All persons to whom a cycle from a CEW has been administered, whether they complain of injury or not, must be evaluated by First Responders or EMS personnel prior to the Booking process.
- C. The removal of the CEW barbs can be accomplished only by personnel trained in their

- removal, or by medical personnel. If the barbs are imbedded in the face, neck or groin, the barbs must be removed by medical personnel only. Blood borne pathogen precautions must be taken during the removal of the barbs.
- D. The administration of a bean bag round, regardless of where on the person's body the bean bag round strikes, requires medical evaluation as soon as possible. A person will not be transported to the Detention Facility until such time as this medical evaluation has been accomplished. First Responders and/or EMS may be called to the scene for an evaluation, or the person should be transported to the emergency room as soon as possible after the arrest has been made.