NC State University Police Department

Policy and Procedure

102 – Use of Force

Approved: February 2, 2026

Replaces Policy 102 Dated: 3/24/25

*All revisions are in **BOLD** print.*

PURPOSE: The purpose of this policy is to provide law enforcement officers with guidelines for the use of less-lethal and deadly force while on duty.

POLICY: It is the policy of this law enforcement agency to value and preserve human life. Officers shall use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the officer and others. Officers shall use force only when no reasonably effective alternative appears to exist and shall use only the level of force which a reasonably prudent officer could use under the same or similar circumstances.

The decision to use force "requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer or others, and whether he [she/they] is actively resisting arrest or attempting to evade arrest by flight." Officers will use only the proportional level of force necessary to mitigate the threat and the least injurious option available that will safely and effectively stop the threat.

In addition, "the 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight…the question is whether the officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting them."[1]

This policy is to be reviewed annually and any questions or concerns should be addressed to the immediate supervisor for clarification.

Excessive and/or unnecessary use of force will not be tolerated. All officers must read and understand this policy so they can perform their duties confidently and wisely and not subject themselves to criminal or civil liability.

DEFINITIONS:

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

Deadly Force: Any use of force that creates a substantial risk of causing death or serious bodily injury.

Less-Lethal Force: Any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.

Objectively Reasonable: The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer could use under the same or similar situations.

Serious Bodily Injury: Injury that involves a substantial risk of death, protracted and obvious disfigurement, or extended loss or impairment of the function of a body part or organ.

Reasonable Belief: The facts or circumstances the officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

De-Escalation: Taking action or communicating verbally or nonverbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

Exigent Circumstances: Those circumstances that would cause a reasonable person to believe that a particular action is immediately 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.

Choke Hold: A physical maneuver or technique that restricts the intake of oxygen or an individual's ability to breathe for the purposes of gaining control of a subject.

Vascular Neck Restraint: Any use of force application intended to gain control of a subject by restricting blood flow to the brain for the purpose of incapacitation.

Warning Shot: Discharge of a firearm for the purpose of compelling compliance from an individual but not intended to cause physical injury.

Use of Force: The use or attempted use of any weapon, tool, or object (including parts of a person's body) by a person which causes, or which is intended to cause, actual physical contact of the same or another object against the body or clothing of another person which is applied to subdue, stop, or otherwise exert control over the person against whom it is applied. Additionally, the use or attempted use of a motor vehicle that physically stops, or which is intended to physically stop, a person or another motor vehicle is considered to be a use of force.

Duty to Intervene: An affirmative obligation for Police Department Employees to stop, within their scope of authority and training, other Police Department Employees from engaging in certain conduct prohibited by law or department policy.

Law Enforcement Employee: For the purposes of this policy, any member of the NC State University Police Department, or any other Law Enforcement agency operating in North Carolina, that is a sworn or non-sworn employee, full or part time, members of task forces with which the agency works, members from other agencies with shared or concurrent jurisdictions, agency volunteers, or representatives from support organizations within the broader criminal justice system is considered a Law Enforcement Employee.

PROCEDURE:

A. Statutory Background

1. The use of force by officers must be in accordance with North Carolina General Statute 15A-401(d) which covers use of force in arrest and use of deadly physical force.

B. General Provisions

1. Use of physical force should be discontinued when resistance ceases or when the incident is under control.
2. Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person. In these situations, only the minimal amount of force necessary to control the situation shall be used.

3. The degree of force employed shall be considered in the context of the number of subjects present, the type of resistance encountered, the number of officers present, and other relevant circumstances. The kind and amount of force reasonable and proportionate for self-defense or offender control will not be the same for all officers. Differences in officer size, age, strength, skill level, medical condition, defensive equipment, and experience may justify different levels of force in overcoming a resistive offender.

4. Rendering Medical Aid Following Police Actions

   Appropriate medical aid will be rendered as quickly as reasonably possible following any law enforcement action in which injuries have been sustained. Officers will adhere to the following procedures to ensure appropriate medical aid is rendered after use of force incidents and injuries during apprehension. Once the scene is safe and as soon as practical, an officer shall provide appropriate medical aid consistent with their training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid, requesting emergency medical services, flushing chemical agents from the eyes, and/or arranging for transportation to an emergency medical facility. Activating the emergency medical services is required when obvious severe injuries have occurred, medical distress is apparent, or the individual is unconscious. Requests for emergency medical services will take place via radio transmission to the Communications Center.

5. Duty to Intervene:

   a. North Carolina G.S. 15A-401(d1) is the statute which covers Duty to Intervene and the Report of Excessive Force for law enforcement officers in this state. Subsection (d1) reads as follows:

      "A law enforcement officer, while in the line of duty, who observes another law enforcement officer use force against another person that the observing officer reasonably believes exceeds the amount of force authorized by subsection (d) of this section and who possesses a reasonable opportunity to intervene, shall, if it is safe to do so, attempt to intervene to prevent the use of excessive force. Additionally, the observing officer shall, within a reasonable period of time not to exceed 72 hours thereafter, report what the officer reasonably believes to be an unauthorized use of force to a superior law enforcement officer within the agency of the observing officer, even if the observing officer did not have a reasonable opportunity to intervene. If the head of the law enforcement agency of the observing officer was involved or present during what the observing officer reasonably believes to be unauthorized use of force, the observing officer shall make the report to the highest ranking law enforcement officer of that officer's agency who was not involved in or present during the use of force."

b. Law Enforcement Employees have a duty to intervene within their scope of authority and training and notify appropriate supervisory authority if they observe another agency employee or public safety associate engage in any unreasonable use of force or if they become aware of any violation of departmental policy, state or federal law, or local ordinance. Department employees shall intervene within their scope of authority and training if they witness or otherwise become aware of these acts. Employees shall take a proactive and preventive approach, to intervene when necessary to prevent or stop another employee from using a level of force that the employee knows, or should reasonably be expected to know, is excessive or unwarranted under the existing circumstances. Employees shall also intervene in any case where the employee observes another employee treating a member of the public in any manner that is inconsistent with law or policy (i.e. conducting unlawful detention or making an unlawful arrest). This duty also extends when the NC State University Police Department employees are called to assist, or are assisting any other law enforcement agency.

c. Law Enforcement Employees are required to report incidents of excessive force within 24 hours of said incident to their supervisor, the Internal Affairs Manager or the Chief of Police.

d. Failure to intervene or make a report in the time required by this policy may result in disciplinary action up to and including dismissal.

e. NC State University Police Department employees also have a duty to immediately report any conduct inconsistent with law or policy observed or learned about, when safe to do so. Notification shall be made to a supervisor, documented, and submitted through the Chain of Command and/or established internal affairs process.

f. All types of interventions, whether physical or verbal, shall be documented and submitted through the Chain of Command and/or established internal affairs process.

g. Failure to report, as required by this policy, may result in disciplinary action up to and including dismissal.

6. All uses of force shall be documented and investigated pursuant to this agency's policies (see General Order 113 – Reporting Use of Force)

C. De-escalation

1. Personnel will only use reasonable force to accomplish lawful objectives and apply de-escalation techniques when possible.

2. Whenever possible, an officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training or appropriate before resorting to force and to reduce the need for force.

3. Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

4. 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:

a. Medical conditions

b. Mental impairment

c. Developmental disability

d. Physical limitation

e. Language barrier

f. Drug interaction

g. Behavioral crisis

An officer's awareness of these factors should then be balanced against the facts of the incident facing the officer to decide which tactical options are the most appropriate to bring the situation to a safe resolution. Mitigating the immediacy of a threat gives officers time to utilize other options and/or call for additional officers or specialty units. The number of officers present may increase the available force options and may increase the ability to reduce the overall force used.

5. Options available may include:

   a. Decreasing the exposure to potential threat by using:

      1) Creating Time and Distance

      2) Taking Cover

      3) Using Concealment

6. Communication from a safe position intended to gain the subject's compliance

7. Avoidance of physical confrontation, unless immediately necessary

8. Use of tactics by officers who have received the following specialty training:

   a. Crisis Intervention Team (CIT) Training (if available)

   b. Crisis Negotiation Training (CNT) (if available)

   c. Officers equipped with less-lethal tools (see section D 2 below)

9. Other tactics and approaches that attempt to achieve law enforcement objectives by gaining compliance of the subject

D. Use of Less-Lethal Force

1. When de-escalation techniques are not effective or appropriate, an officer may consider the use of less-lethal force, consistent with state and federal law, to control a non-compliant or physically resistant individual. An officer is authorized to use agency-approved, less-lethal force techniques and issued equipment:

   a. To protect the officer or others from immediate physical harm,

   b. To restrain or subdue an individual who is physically resisting or evading arrest, or

   c. To bring an unlawful situation safely and effectively under control.

2. Authorized less-lethal weapons are as follows:

   a. Expandable Baton: 26-inch ASP Baton - The use of the expandable baton will be consistent with training received in the BLET chapter "Control Techniques" (CT). Unit.

b. Chemical Weapons (see General Order 100-3 for department approved products, use, and specific training requirements).

c. Conducted Electrical Weapons (see General Order 100-9 for department approved products, use, and specific training requirements).

d. **For all less-lethal weapons, officers must receive training and demonstrate proficiency annually using a documented practical test administered by certified instructors certified in the weapon being trained upon (OC, Baton and ECW). Officers who fail to demonstrate proficiency will receive remedial training to correct deficiencies. Remedial training will be documented and forwarded to the Training Unit.**

E. Use of Deadly Force

1. **In accordance with NCGS 15A-401 (d) (2)**, an officer is authorized to use deadly force when it is objectively reasonable under the totality of the circumstances. Deadly force may only be used when an officer reasonably believes the action is in defense of any human life in imminent danger of death or serious bodily injury.

2. Where feasible, the officer shall identify themself as a law enforcement officer and warn them of their intent to use deadly force.

3. Deadly Force Restrictions

a. **While NCGS 15A-401 (d) (2) (c) states that deadly force is authorized "To prevent the escape of a person from custody imposed upon him as a result of conviction for a felony", that part of the statute is intended for the NC Department of Adult Corrections. As such, NCSU Police Officers are NOT authorized to utilize deadly force on a fleeing felon unless they the fleeing felon is using deadly force against the officer or a third party**.

b. Deadly force should not be used against people whose actions are a threat only to themselves or property.

c. Warning shots are prohibited.

d. Firearms shall not be discharged at a moving vehicle unless

1) A person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or

2) The vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle.

e. Firearms shall not be discharged from a moving vehicle except in exigent circumstances. In these situations, an officer must have an articulable reason for this use of deadly force.

f. Neck Holds Prohibited

Law enforcement officers shall not use chokeholds, strangleholds, Lateral Vascular Neck Restraints, Carotid Restraints, chest compressions, or any other tactics that restrict oxygen or blood flow to the head or neck unless deadly force is considered reasonable.

g. The use of a vehicle as a weapon is authorized in situations where the use of deadly force is applicable.

h. **Discharging a firearm at an animal is justified only under the following situations**

1) The animal poses an imminent threat to an officer and the officer acts in self-defense.

2) The animal poses an imminent threat to a third party, and the officer intervenes to prevent harm to that individual(s).

3) For humanitarian reasons when an animal is so badly injured and dispatching the animal would prevent unnecessary suffering. Prior to dispatching an animal, officers shall make contact with the Staff Duty Officer for approval.

F. Training

1. All officers shall receive annual in-service training on the agency's use of force policy and related legal updates to include definitions of conditional terms contained in this directive.

2. Training shall **also** be provided to:

a. Provide techniques for the use of and reinforce the importance of de-escalation.

b. Simulate actual shooting situations and conditions; and

c. Enhance officers' discretion and judgment in using less-lethal and deadly force in accordance with this policy.

3. All use-of-force training shall be documented.

APPROVED:

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Chief of Police