THE RALEIGH POLICE DEPARTMENT

1108-01

USE OF FORCE AND WEAPONS

PURPOSE

To provide guidelines governing the use of force and issued weapons of the Department.

VALUES REFLECTED

This directive reflects our values of *Service, Courage, Fairness, Integrity, and Compassion*. By acting in concert with these instructions, we will demonstrate that we are accountable for our actions and that we have the highest possible regard for safeguarding life; including the lives of those persons we come into contact with, of innocent people, and of ourselves.

UNITS AFFECTED

All Divisions/Sworn Personnel

REFERENCES/FORMS

N.C. General Statute 15A-401(d) "Use of Force in Arrest"
DOI 1108-03 "Prisoners and Restraints"
DOI 1105-03 "Officer Involved Shootings and In-Custody Deaths"
Attachment A: Field Euthanization on Undomesticated Animals Report
DOI 1108-07 "De-Escalation"

GENERAL POLICIES

Force should be used only when all other means of resolving a situation have been exhausted or are clearly inapplicable. Officers should take all reasonable steps to avoid having to use physical force. Force will be used only to the degree reasonably necessary to control the situation. The extent of force in terms of degree and level will vary according to the situation. The nature of the offense, the physical make-up of the parties involved, actions of third parties who may be present, potential for injury to officers, residents or suspects, the risk of escape, the availability of alternatives and other exigent circumstances are factors to be considered.

Officers are required to make split second decisions in quickly evolving circumstances. Officers must continuously evaluate the need for force and be prepared to respond to changing circumstances which could include the need to escalate the force used, de-escalate the force used or to disengage from the use of force. It must be stressed that the use of force is not left to the unfettered discretion of the involved officer. This is not a subjective determination. The use of force must be objectively reasonable. The officer must only use that force which a reasonably prudent officer would use under the same or similar circumstances.

Agency personnel must demonstrate proficiency in the use of agency authorized weapons prior to approval to carry such weapons. Only authorized weapons will be carried by personnel.

DE-ESCALATION

De-escalation is defined as taking action(s) or communicating verbally or non-verbally before or during a potential force encounter. De-escalation techniques are utilized 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 is a process that may include but is not limited to the use of such techniques as presence, tactical repositioning, establishing a channel of communication, improving an unsafe environment, stress reduction, and persuasion using verbal and non-verbal communication skills.

Officers shall abide by de-escalation as outlined in DOI 1108-07 De-Escalation.

"OBJECTIVELY REASONABLE" STANDARD

The term "Objectively Reasonable" means that, in determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to the community.

Nothing in this policy shall be construed as approving the unwarranted, reckless or excessive use of force.

PASSIVE RESISTANCE

Passive Resistance is a defensive act that can be physical or nonphysical in nature and usually includes a subject's refusal to appropriately respond to the officer. For example, a subject who offers no physical or mechanical resistance upon contact, but who refuses to respond or follow an officer's lawful demands. Passive resistance may include, but is not limited to, chaining oneself to an object or refusing, upon verbal direction, to stand up or move. Passive resistance can include physically evasive movements to defeat an officer's attempt at control, including bracing, tensing, or the simple act of fleeing (excluding any other factors).

ACTIVE RESISTANCE

Active resistance is an offensive act which is defined as the use of personal weapons (i.e., hands, feet, or other body parts) or other weapons in order to assault or gain a positional advantage from which an assault is or would be likely.

DUTY TO INTERVENE

Officers have an ethical and legal duty to protect and preserve the constitutional rights of all individuals. If an officer observes a clear violation of an individual's constitutional rights, and has the ability to intervene, that officer is required to do so, regardless of the rank or agency of the individual committing the violation.

The duty to intervene includes, but is not limited to, the duty of every officer of this agency to attempt to prevent any other officer from using unwarranted, reckless, or excessive force. Additionally, any officer who witnesses or has knowledge of unwarranted, reckless, or excessive force by another officer shall immediately report the incident to a supervisor or the Internal Affairs Unit.

NON-DEADLY FORCE

Justification for Using Non-Deadly Force

Non-deadly force may be used by law enforcement officers in the performance of duty under the following conditions:

- In self-defense, or defense of another against unlawful violence, or to prevent suicide or self-inflicted injury; or
- In overcoming resistance to a lawful arrest or search, or to prevent an escape from custody

DEADLY FORCE

"Deadly force" means force likely to cause serious physical injury or death. "Serious physical injury" means bodily injury that causes serious permanent disfigurement, or which causes permanent or protracted loss, or impairment of the function of any bodily member or organ.

Officers shall only use deadly force as a last resort, when all attempts to de-escalate the situation or use lower levels of force have failed or are clearly inapplicable.

The premeditated use of non-lethal items may be considered a use of deadly force if death or serious physical injury occurs. For example, the deliberate ramming of another vehicle by a police vehicle could be considered a use of deadly force.

Justification for Using Deadly Force

Although N.C.G.S. 15A-401(d)(2)(c) permits the use of deadly force to prevent the escape of a person from custody imposed upon him as a result of a conviction for a felony, it is the policy of our Department that this authority is primarily intended to be exercised by NC Department of Corrections personnel, and that Raleigh police officers will use deadly force only as permitted under the following circumstances:

- In self-defense or defense of a third person from what the officer reasonably believes to be the use or imminent use of deadly physical force.

- To arrest or prevent the escape of a person whom the officer reasonably believes is attempting to escape by the use of a deadly weapon and,

- To arrest or prevent the escape of a person who, by their conduct or any other means, indicates that they present an imminent threat of death or serious physical injury to others unless apprehended without delay.

The use of deadly force against an animal is justified for self-defense or defense of a third person.

Deadly force should not be used to prevent an individual from self-harm where the individual does not pose an imminent threat of death or serious bodily injury to officers or other third parties.

If feasible, an officer will issue a verbal warning before resorting to deadly force. If there is time and opportunity to provide a verbal warning, the officer should identify him/herself and inform the suspect that he/she is preparing to use deadly force. A verbal warning may not be possible in split second decisions or when the officer believes that giving a verbal warning would place the officer or others in jeopardy.

USE OF FORCE CONTINUUM

Officers will assess the totality of the circumstances to determine the level of force that is reasonable in each case. Officers may consider the following use of force continuum as a guide when deciding when to use force and how much force to use. A continuum of force is a tool to assist an officer in understanding force options. With all encounters, officers should make reasonable efforts to de-escalate situations whenever it is feasible to do so. Officers shall attempt to avoid having to use force to the extent possible. When force is required, officers should use the lowest level of force that is appropriate and likely to be effective given the totality of the circumstances. During a force encounter officers must constantly evaluate the threat posed by the individual and level of force being used by the officer. This may mean decreasing or increasing the level of force during an encounter as necessary. The levels of force, progressing from lower to higher, are defined as follows:

- Physical Presence**:** In general, officers should strive for numerical superiority and mere presence to control low threat situations.

- Verbal Commands**:** Verbal commands must be given in a concise manner likely to be understood by the subject. The subject must be allowed an opportunity to comply with verbal commands unless violence or other circumstances are already occurring which would make total reliance on verbal commands inappropriate.

- Restraining Techniques**:** The use of restraining techniques consists of come-along holds or other grabbing techniques that do not involve striking the subject being controlled and where the risk of injury is minimal. A chokehold or Lateral Vascular Neck Restraint is a significant use of force and could be considered a use of deadly force; therefore, for the purposes of the force continuum, it is not considered a restraining technique. Chokeholds, strangleholds, Lateral Vascular Neck Restraints, Carotid Restraints or any other tactics that restrict oxygen or blood flow to the head or neck are prohibited.

  Anytime an arrestee or subject who is being restrained indicates that they cannot breathe, the officer or officers who are restraining the individual shall immediately take all

reasonable steps to reposition the subject into a recovery position and check on their condition, if it is reasonably safe to do so. Subjects may indicate difficulty breathing verbally, with gestures, or as evident by their physical condition.

- Show of Force: A show of force occurs when an officer points a firearm or a conducted energy weapon at a subject in an effort to encourage compliance. (Maintaining a firearm or conducted energy weapon in the "low ready" position does not constitute a show of force for documentation purposes). A show of force is usually accompanied by verbal commands in a joint effort to obtain compliance. While a show of force involves only the display, not discharge, of a weapon, there must be articulable facts that necessitate the display, (e.g., the likelihood that a suspect is armed and dangerous). A show of force may be used when it can be articulated that restraining techniques are not appropriate.

- Pepper Spray**:** The use of pepper spray consists of the use of departmentally approved, handheld, individually issued chemical aerosols that are not likely to cause injury (Refer to **Pepper Spray Guidelines** below). Pepper spray is a non-lethal weapon that shoots a pattern of microscopic droplets that inflame the respiratory tract, eyes, mucus membranes, and produce a burning sensation to contaminated skin. Pepper spray does not render a subject powerless. Rather, it creates a temporary sense of discomfort and disorientation that may cause the person to cease violent acts.

- Striking Techniques**:** Striking techniques involve the use of the police baton, riot baton, or parts of the body, such as the hands, feet, knees and elbows. Striking techniques may be used both offensively and defensively. Striking techniques involve physical force where some risk of injury is likely. Officers are to make efforts to avoid striking the vital areas of the body (i.e. temples, eyes, and throat). (Refer to **Police Baton Guidelines** below).

- Less Lethal Weapons: The use of specialty impact munitions or conducted energy weapons by authorized and trained personnel is acceptable when force is necessary to incapacitate or control an individual. Authorization must be obtained from the Chief of Police or the Chief's designee prior to utilizing specialty impact munitions for the purpose of crowd control or in riot/civil unrest situations.

  Specialty impact munitions, specifically a foam projectile and PepperBall, may be used when it is not safe for an officer to leave cover and get close to a suspect. Specialty impact munitions, specifically a foam projectile, may be used when there is active resistance to legal custody, to prevent imminent injury to an officer or third person, or to stop serious self-injury from occurring. Active resistance is defined as the use of personal weapons (i.e. hands, feet, or other body parts) or other weapons in order to assault or gain a positional advantage from which an assault is or would be likely.

  Examples of when specialty impact weapons may be utilized include, but are not limited to, the following:

  - Subduing mentally ill persons who pose an imminent threat of harm to themselves or others.
  - Persons under the influence of drugs or alcohol who pose an imminent threat of harm to themselves or others.
  - Crowd control encounters where there is an imminent threat to officer safety.

  Conducted energy weapons may be used when it is necessary to incapacitate or gain compliance from a person who is actively resisting, exhibiting active aggression, or to prevent individuals from harming others or seriously injuring themselves. (Refer to **Conducted Energy Weapon Guidelines** below)

- Deadly force: That level of force that can cause death or serious physical injury.

PEPPER SPRAY GUIDELINES

Pepper Spray is authorized when:

- There is non-compliance to a lawful command and the suspect has begun to make aggressive actions toward or against the officer or a third person; or

- When the suspect continues their refusal to comply with the officer's lawful efforts to effect an arrest and the continued physical resistance presents an increased threat.

A one-second burst that accurately encompasses the face area produces the most effective results. Additional bursts may be necessary if it becomes apparent from the suspect's continued aggression that the facial area has not been effectively targeted by the initial spray. To prevent pressure injury, do not spray pepper spray directly at the eyes at distances less than thirty-six (36) inches. When using a MK9 pepper spray do not spray directly at the eyes at a distance less than six (6) feet.

Whenever possible and to the extent it is feasible to do so, officers should be aware of their surroundings and take reasonable steps to avoid using pepper spray on subjects who are in enclosed areas containing non-involved persons who could become contaminated.

The issuance and carrying of pepper spray is mandatory for all uniformed officers, detectives and humane officers working in the field. It must be used according to prescribed training and procedures.

Pepper Spray should NOT be used:

- Unless less forceful means of control have failed or are clearly inapplicable.

- As punishment.

- In defense of verbal threats alone.

- On handcuffed persons unless they are aggressively resisting, violent and likely to harm themselves or others.

- On protestors or involuntary mental commitments when the only non-compliance displayed is passive and there is no immediate threat to officer(s) or others.

- On pregnant women, elderly persons, young children, or visibly frail persons except when necessary to prevent an imminent threat of physical injury to themselves or others.

- For crowd dispersal unless authorized by the Chief of Police or the Chief's designee.

- When a subject is in physical control of a vehicle in motion or if the officer can determine the vehicle is in gear; officers must consider the cross-contamination effects if used on passengers in a vehicle.

- In a location where an officer would be unlikely to prevent an elevated fall or prevent a sprayed subject from unintentionally going into traffic.

Post Exposure Cleansing

A subject sprayed with pepper spray will be transported to the nearest fire station for post exposure cleansing. In a crowd control situation, those exposed to pepper spray should be provided post exposure cleansing if feasible. This cleansing consists of rinsing with large quantities of cold water as soon as possible. A non-oil-based soap will help remove the resin from the skin. The affected area should be patted dry with a cloth towel. DO NOT RUB dry since rubbing will worsen the discomfort. A wet towel or ice packs may be used to reduce inflammation.

If the subject is wearing contact lenses, have EMS or EMT-trained fire personnel remove the contact lenses. To prevent accidental injury due to stress, do not allow the exposed subject to remove the contacts.

Further medical assistance must be summoned if the subject displays excessive symptoms, such as respiratory distress, bleeding from the nose, or excessive redness. Medical attention must also be sought if normal symptoms of exposure persist more than forty-five (45) minutes after exposure.

A supervisor shall respond to the location of the exposure and a Use of Force Report filed whenever pepper spray is used. The owner of an animal sprayed with pepper spray should be notified if the owner is known.

Chemical Agents

With the exception of handheld, individually issued chemical aerosols (Pepper Spray), the use of chemical agents may present hazards to property and/or unprotected persons. The use of chemical agents is only to be performed by members of the Department who have been instructed in the various types and delivery of chemical agents. Authorization must be obtained from the Chief of Police or the Chief's designee prior to utilizing chemical agents.

PEPPERBALL SYSTEM GUIDELINES

The PepperBall system is a non-lethal launchable system that uses both direct impact of a small projectile (similar to a paintball) and a chemical irritant (similar to OC) to incapacitate a subject. The PepperBall system can also be used to saturate an area around a subject with the chemical irritant or for crowd control when authorized.

Definitions:

- **PepperBall Launcher** – The PepperBall launcher resembles a firearm and is designed to shoot PepperBall projectiles accurately and at a distance utilizing compressed air.

- **PepperBall Projectiles** – Plastic spheres filled with 5% Oleoresin Capsicum (OC) used in the PepperBall Launcher. Upon impact, the projectile ruptures, releasing the irritant.

- **Air Bottle** – (SCUBA) bottle of compressed air used to charge the PepperBall system.

- **Area Saturation**- the delivery of PepperBall projectiles containing chemical irritant in a manner that strikes an inanimate surface (i.e., ground, wall) and breaks the projectile to create a cloud in the immediate space/area or that covers a larger space/area.

PepperBall Deployment Authorization

Only officers who have successfully completed the required training on the use of the PepperBall system are authorized to carry and deploy the system. Officers shall participate in annual refresher training to maintain proficiency in the use of the PepperBall system.

The PepperBall system is authorized when it is not safe for an officer to leave cover and get close to a suspect and the officer is confronted with an immediate safety risk that is reasonably likely to be prevented by the use of the PepperBall. The decision to use the PepperBall system depends on the subject's actions, the threat of imminent harm facing the officers or others, and the totality of the circumstances surrounding the incident. As with any use of force, de-escalation techniques should be utilized prior to deployment unless deemed unsafe or impractical.

Area Saturation – PepperBall System

When using the PepperBall system for area saturation, the primary target area should be the ground, but officers may consider a wall, building, or other fixed object if the ground is not a viable option or has proven ineffective. In area saturation deployment, officers must ensure that the rounds do not make direct contact hits with any involved persons.

Authorization must be obtained from the Chief of Police or the Chief's designee prior to utilizing area saturation for the purpose of crowd control or in riot/civil unrest situations.

The PepperBall system may be utilized for area saturation in the following situations:

- When it is unsafe for an officer to approach a subject within contact range.
- When it is not safe for an officer to leave cover and get close to a suspect.
- When there is active resistance and deployment is necessary to prevent imminent injury to an officer or third person, or to stop serious self-injury from occurring.
- When higher use of force options may be justified but an opportunity exists for the use of PepperBall System area saturation before other options are employed.
- When specifically authorized by the Chief of Police or Chief's designee, may be used as area saturation to disperse unruly or rioting crowds threating unlawful property damage or physical force.

Direct Contact hits – PepperBall System

When using the PepperBall system for direct contact hits, officers should generally target the lower extremities or the torso of subjects, whenever possible, to minimize the risk of serious injury. The head, neck, face, and vital organs of individuals should be avoided when administering PepperBall.

The PepperBall system may be used for direct contact hits in the following situation:

- In response to a subject who exhibits active resistance to legal custody and poses an imminent threat of physical injury to self and/or others and the use of the PepperBall system is necessary to mitigate the threat.

The use of PepperBall should NOT be used on: pregnant women, elderly persons, young children, or visibly frail persons unless exigent circumstances exist.

Deployment warnings

A verbal warning(s), and time to allow the subject(s) to comply should be given prior to use of the PepperBall system, unless a warning would present a danger to the officer or others.

Decontamination Procedures

- Once the scene is secure and as soon as reasonably possible, officers will take appropriate steps to render necessary or requested medical aid and/or decontamination to any person(s) who are exposed to PepperBall projectiles through area saturation or direct contact hits.

- Decontamination following deployment of the PepperBall system should be consistent with the OC spray decontamination procedure for Pepper Spray deployment.

Reporting and Documentation

Any deployment of PepperBall shall be reported promptly and accurately in Blue Team. Officers shall complete a use of force report, detailing the circumstances, deployment, and outcomes of the PepperBall incident.

POLICE BATON GUIDELINES

While the courts have generally held that a police baton is not a deadly weapon it can be considered a deadly weapon depending on the manner and intent with which the baton is used.

A police baton should not be used for striking unless an officer is confronted with an active resister and injury to the officer or a third party is likely.

Striking blows should be aimed at areas where pain and minor injury may result, but critical injury is unlikely. When possible, blows to the head will be avoided unless it is a deadly force situation.

When working in uniform, officers who are issued a Conducted Energy Weapon (CEW) are not required to wear a collapsible baton on their person; however, it must be readily available if needed. All personnel working in uniform at the rank of sergeant and below who are not issued a CEW, shall carry a collapsible baton.

CONDUCTED ENERGY WEAPON GUIDELINES

Conducted Energy Weapon (CEW) - A less lethal weapon that uses a primer with a piston attached to a probe by wires to conduct energy to a remote target, thereby controlling and affecting the central nervous system of the body. The CEW sends out short duration, high voltage electrical waves that

overpower the normal electrical signals within the nerve fibers. The CEW does not rely solely on pain to achieve compliance.

The issuance and carrying of the CEW is required for all uniformed officers and sergeants assigned to the Field Operations Division. The CEW is optional for officers, detectives, and sergeants not assigned to Field Operations. Personnel will be assigned a CEW in accordance with prescribed training and procedures. Officers assigned a CEW will complete required training on an annual basis Voluntary exposure to the CEW during training is optional for new users.

CEW DEFINITIONS

Active Resistance - Active resistance is an offensive act. A conducted energy weapon shall only be used in response to active resistance, which is defined as the use of personal weapons (i.e., hands, feet, or other body parts) or other weapons in order to assault or gain a positional advantage from which an assault is or would be likely.

AXON® - A brand name for an electro-muscular disruption weapon that disrupts the body's ability to communicate messages from the brain to the muscles causing temporary motor skill dysfunction to a subject. This weapon is also known as a Conducted Energy Weapon (CEW).

CEW Cycle - A 5-second activation with electrical discharge.

Dart or Probe - Projectiles that are fired from a CEW and penetrate the skin; wires are attached to the probes leading back to the CEW.

Warning Alert- When activated this will produce up to 1,000 lumens of targeted pulsing light, and audible tone used for de-escalation, and can be performed without deploying cartridges. A Warning alert is considered a show of force for documentation purposes when used as a method to gain compliance.

Duration - The aggregate period of time that a CEW cycle is activated.

Exigency or Exigent Circumstances – Circumstances that would cause a reasonable person to believe that prompt action is necessary to prevent physical harm to the subject, civilians, or officers.

Less-Lethal Weapon - Any apprehension or restraint device that, when used as designed and intended, has less potential for causing death or serious injury than conventional police lethal weapons.

Neuromuscular Incapacitation (NMI) - Effect CEW has on the body. Overrides the brain's communication with the body and prevents the voluntary control over the muscles.

Passive Resistance – Passive Resistance is a defensive act that can be physical or nonphysical in nature and usually includes a subject's refusal to appropriately respond to the officer. For example, a subject who offers no physical or mechanical resistance upon contact, but who refuses to respond or follow an officer's lawful demands. Passive resistance may include, but is not limited to, chaining oneself to an object or refusing, upon verbal direction, to stand up or move. Passive resistance can include physically evasive movements to defeat an officer's attempt at control, including bracing, tensing, or the simple act of fleeing (excluding any other factors).

Green Dotting - Unholstering, pointing a CEW at a person, and activating the laser aiming device. In some cases, this may be effective at gaining compliance without having to discharge a CEW. The pointing of a CEW at a person constitutes a show of force for documentation purposes.

Sensitive Areas - A person's head, neck, genital area, and breast areas.

Standard CEW Cycle - A 5-second electrical discharge occurring when a CEW trigger is pressed twice and released. The standard 5-second cycle may be shortened by turning the CEW off.

Conducted Energy Weapon Authorization

The CEW is considered a higher level of control and a serious use of force option. Like a baton or other weapon, the CEW may inflict pain or injury when deployed. Therefore, the CEW shall only be deployed when the officer is confronted with an immediate safety risk that is reasonably likely to be prevented by the use of the CEW.

The CEW is authorized against subjects who are exhibiting active resistance when the person presents the immediate potential of causing injury to the officer, another person, or to prevent individuals from harming themselves. The CEW shall not be used on a person who is passively resisting or only displaying defensive physical or non-physical resistance. The decision to use the CEW depends on the subject's actions, the threat of imminent harm facing the officers or others, and the totality of the circumstances surrounding the incident.

Officers must assess the effectiveness of each application and determine whether further applications are warranted or whether a different tactic should be employed. Each activation must be justified and proportional to the risk posed by the subject's actions. The CEW, like the baton, OC spray, or empty hand techniques, may not be effective in every situation.

Officers shall, unless it is not feasible to do so, give verbal warnings and/or announce their intention to use a CEW prior to an actual discharge. If circumstances indicate that the use of the CEW is objectively reasonable and necessary, department members are authorized to draw and/or display the CEW. Use of the laser pointer (green dotting) or warning alert of the CEW may be effective at diffusing a situation prior to an actual discharge.

A conducted energy weapon must be used according to prescribed training and procedures. While CEWs are designed for use against persons, they may be used as a less lethal alternative to stop an actively aggressive animal posing an imminent threat to an officer or member of the public when other options have been attempted or when time and opportunity do not allow for other options.

The CEW shall be holstered and worn on the officer's weak (support) side to avoid the accidental drawing or firing of their firearm. Selective Enforcement Unit and approved Specialty Units, in tactical gear, are exempt from this holstering requirement; however, carrying a CEW in close proximity to a firearm is strongly discouraged.

Officers should avoid firing darts at a subject's head, neck and genital areas (i.e., sensitive areas). Deployment to the chest area that cross vectors the heart should be avoided whenever possible.

When activating a conducted energy weapon, officers should use it for one standard cycle (five seconds) and stop to evaluate effectiveness. Physical control of the suspect or increasing the affected area may be needed if effectiveness is less than complete. If subsequent activations are necessary, the officer(s) should attempt to gain physical control or positional advantage of the subject during subsequent

activation(s) unless approach would place the officer(s) at risk of serious physical injury or death. Exposure should be no more than the duration necessary to mitigate the danger posed by the subject's resistance. If subsequent cycles are necessary, the officer must restrict the number and duration of exposures to no more than what is necessary to mitigate the danger posed by the subject's resistance. Each activation must be justified.

Officers should be aware that a lack of change in a subject's behavior often indicates that the electrical circuit has not been completed or is intermittent. When this is the case officers should immediately deploy additional probes rather than administering continued ineffective cycles.

There are three separate types of reportable CEW applications:

1. **Pointing –** Unholstering and pointing a CEW at a person. This may or may not including pointing the laser aiming device (green) at a person. In some cases, this may be effective at gaining compliance without a discharge of a CEW. The pointing of a CEW at a person constitutes a show of force for documentation purposes.

2. **Warning Alert-** When activated this will produce up to 1,000 lumens of targeted pulsing light, and audible tone used for de-escalation, and can be performed without deploying cartridges. A Warning alert is considered a show of force for documentation purposes when used as a method to gain compliance.

3. **Probe** – The CEW is most effective when the cartridge is fired and the probes/darts make direct contact with the subject. Proper application will result in temporary immobilization of the subject and provide the officer a window of opportunity in which to take the subject safely into custody.

   NOTE: Deployment of the CEW probes spread less than eight inches may not result in NMI.

After activation of a conducted energy weapon, medical assistance will be provided for anyone who is subjected to the electrical discharge. Anyone exposed to weapon activation will receive on-scene medical attention by EMS. Darts that penetrate the skin should be treated as a biohazard. Law enforcement officers who have been trained in dart removal will remove darts unless darts are in a vital or sensitive area (i.e. eyes, genitals, groin, head, neck, nipple, or breast).

Conducted energy weapons should NOT be used:

- When the subject is only offering passive resistance, which is defined as simple non-compliance to a lawful command. Such resistance may include physical resistance which does not pose an imminent threat of assault or indicate escalating aggression.

- In defense of "verbal" threats alone.

- On pregnant women, elderly persons, young children, or visibly frail persons unless exigent circumstances exist.

- On handcuffed persons unless they are aggressively resisting, violent and likely to harm themselves or others.

- When a subject is in physical control of a vehicle in motion or if the officer can determine the vehicle is in gear.

- When a subject is operating a device that increases injury risk (bicycle, skateboard, roller blades, etc.).

- When a subject is in a location where a fall may cause serious physical injury or death or there is a risk of drowning.

- To effect an investigative stop/detention.

- Simply because a suspect is running away from an officer. However, a conducted energy weapon may be used if a subject is escaping by means of active resistance and the person presents an imminent threat of physical injury to the officer or another person if not immediately apprehended, and the use of the CEW is necessary to mitigate the threat. The totality of the circumstances, including the severity of the offense, should be considered before an officer uses a CEW on a fleeing subject.

- When the officer knows a subject has come in contact with flammable liquids or is in the known presence of combustible vapors and liquids or other flammable substances.

- After or during the deployment of OC Spray (which can be flammable) by a non-RPD officer. Before deploying a CEW, an officer must reasonably determine whether a non-RPD officer has utilized OC Spray.

- Punitively for purposes of coercion, punishment or in an unjustified manner.

- To awaken unconscious or intoxicated individuals, or when attempting to move or escort individuals.

Precautionary Use:

1. Officers should be aware that there is a higher risk of sudden death in people under the influence of drugs and/or exhibiting symptoms associated with the following; subsequently, officers should exercise greater caution when dealing with individuals in these states.

    a) Paranoia or psychotic behavior
    b) Panic
    c) Violence toward others
    d) Unexpected physical strength
    e) Sudden tranquility
    f) Bizarre behavior
    g) Excited delirium
    h) Behavior consistent with a drug overdose
    i) Tearing off one's clothing

2. All persons who have been subjected to a CEW activation should be monitored regularly while in police custody even if they have received medical care.

Officer Responsibilities:

When a CEW is used, the following guidelines must be followed:

1. The officer should give a warning, when practical, to the subject and other officers before the CEW is used.

2. No more than one officer at a time may activate a CEW against a person.

3. When activating a CEW, officers should use it for one standard cycle (5 seconds) and stop to evaluate the situation. If after two probes were deployed and the subject shows no change in behavior, deploy an additional probe and reevaluate. Continue this until you observe a change in the subject's behavior. Each activation must be justified.

4. Attempts should be made to avoid making contact with the subject in sensitive areas such as the head, face, neck, genital area, or breast area. Probes penetrating these areas will be removed only by medical personnel. Officers should make an attempt to "split the beltline" [barb placement(s) above and below the waist] when targeting the front of the subject's body.

5. Probes must be removed from the subject's skin by a CEW certified officer or medical personnel. Such probes should be treated as a biohazard.

6. Following a CEW activation using probe deployment, officers should use a restraint technique that does not impair respiration.

7. The officer must notify his or her supervisor as soon as is reasonable whenever the CEW has been discharged.

8. The officer must notify detention personnel, at the time of booking, that the subject has been struck with CEW probes, indicating the aggregate duration of CEW cycles and number of stuns the individual has received.

9. Individuals exposed to the CEW activation must receive a medical evaluation.

Discharge of Conducted Energy Weapon Documentation

The discharge of a conducted energy weapon by an officer, either deliberate or unintentional, is to be reported immediately to a supervisor (except during approved training). A detailed memo regarding the circumstances of the discharge is to be forwarded to the Internal Affairs Unit and the Taser Training Coordinator for incidents involving the unintentional discharge of a conducted energy weapon.

The Internal Affairs Unit will conduct an investigation for review by Office of Professional Standards Major. A Use of Force Report will be completed for any other discharge of a conducted energy weapon.

Notification and Reporting Requirements

Officers are required to report all uses of their CEW consistent with the following downloading and reporting guidelines:

- The CEW shall be downloaded, when used in probe mode or drive stun mode, as soon as possible. This is done by docking the battery. The Officer will replace with a fully charged battery.

- The CEW shall be downloaded for any incident that is recorded in which the officer believes might have evidentiary value.

CEW Reporting Guidelines

- Officers who discharge a CEW on a subject, in the performance of their duty, shall contact their supervisor immediately and complete a use of force report. All uses of force shall be documented in an incident or supplemental report. An incident report (Informational) shall be completed by the officer using force if no other crime or incident report is being completed. Officers shall document any de-escalation attempts.

- Officers who only threaten the use of a CEW by means of displaying, green dotting, and/or warning alert, shall document the threatened use in a show of force report. All threatened uses of force shall be documented in an incident or supplemental report. An incident report (Informational) shall be completed by the officer using force if no other crime or incident report is being completed. Officers shall document any de-escalation attempts.

Supervisors are required to respond and will ensure that photographs of the activation area and officer/suspect injuries are taken. The officer is to visually inspect the darts to ensure the complete dart was removed. A photograph of the darts shall be taken and submitted with the Use of Force Report. The darts should be disposed of as a biohazard. Disposal and inspection of the darts should be documented in the Blue Team report. If an animal is subjected to the electrical discharge, the owner of the animal should be notified, if known.

The supervisor will contact the Watch Commander of any activation and notify the Internal Affairs Unit representative of the activation by email so the incident can be uploaded.

In the event that death or serious physical injury occurs, a supervisor will secure the weapon and ensure the scene is secure. Departmental procedures for a death or serious physical injury will be followed.

KNIFE GUIDELINES

Folding Knives

Officers are permitted to carry a tactical folding knife.

- For the purposes of this policy, a tactical folding knife is defined as a pocket knife that is single-edged, has a pocket clip, can fold inside of its handle, and is equipped with a locking mechanism once the blade is extended. The blade length will not exceed 4 inches.

- Tactical folding knives are equipped with a variety of opening mechanisms. Fully automatic openers (folding knives that feature a single button which is depressed to fully extend and lock the blade) are not legal to carry in North Carolina by either sworn personnel or civilians. Therefore, officers shall not carry such knives.

- Tactical folding knives are carried for use as a utility tool for officers and may be carried at the officer's discretion.

Fixed Blade Knives

Officers are permitted to carry a fixed-blade knife in a low-profile manner, meaning the character and intent of the fixed-blade knife is not immediately apparent. Within the parameters described below, a fixed blade knife may be carried in the belt or boot area.

- For purposes of this policy, a fixed blade knife is defined as any knife with a blade and handle permanently joined and incapable of folding. One or both edges are sharpened for cutting and/or puncturing.

- Officers should use a fixed-blade knife as a weapon only as a last resort, when other means have failed or are inapplicable.

- The fixed-blade knife, unlike the tactical folding knife described above, may only be used in deadly force encounters when the officer's primary deadly weapon (their firearm) has been compromised, is inaccessible, or will not function.

- The fixed-blade knife must be secured in a retention device (sheath) designed specifically for the fixed-blade knife. The retention device with the fixed-blade knife may be attached to the under belt, duty belt, boot, or vest. The retention device with the fixed-blade knife must also blend in color, size, and overall proportions with departmentally issued duty gear, so as to maintain the "low-profile" mandate.

- A fixed-blade knife may be carried on the outer vest carrier of an officer if it maintains the low-profile manner.

- If the fixed-blade knife is worn on the belt, it shall be worn on the front portion of the body, between the hips. It cannot extend above the height of the magazine pouches on the officer's duty belt, nor below the bottom of the belt itself. If worn on the boot, the fixed-blade knife must be secured to the boot through the laces or an attachment specifically designed for the boot. Regardless of where the fixed blade knife is worn, it must be easily accessible to the officer in a deadly force encounter in which the fixed-blade knife's use would be justified.

- Drawing the fixed-blade knife from its sheath will be considered a use of force, thus the applicable Use of Force Reports shall be completed.

- Fixed-blade knives are optional for officers. However, those who choose to carry a fixed-blade knife are required to attend a mandatory training class at the City of Raleigh Law Enforcement Training Center.

FIREARMS GUIDELINES

Officers should use a firearm as a last resort, when other means have failed or are inapplicable.

Each discharge of a firearm must be justified under this policy and N.C.G.S § 15A-401(d)(2). Officers shall continually reassess the situation to determine whether the subject continues to pose an imminent threat of death or serious bodily injury to the officer or third parties.

- Officers may not discharge their firearms except where the use of deadly force would be justified or during approved firearm training.

- Warning shots are not permitted.

- Firing a weapon from a moving vehicle is prohibited.

- Firing a weapon while running is prohibited except where the officer reasonably believes that there is an imminent threat of serious bodily injury or death to him/herself or to a third party if the officer does not use deadly force. Before discharging a firearm while running, an officer must

believe that the only reasonable means of protecting him/herself and/or a third party is the use of deadly force.

Discharging a firearm at a moving vehicle involves a possible risk of death or serious injury to innocent persons. The safety of innocent people is jeopardized when a suspect is disabled and loses control of their vehicle. There may be a risk of harm to occupants of the suspect vehicle who may not be involved, or involved to a lesser extent, with the actions of the suspect creating the threat.

Due to the risks and considering that firearms are not generally effective in bringing a moving vehicle to a rapid halt, officers shall not fire at a moving vehicle.

This restriction shall not apply when the use or imminent use of deadly force other than the vehicle itself is being used against the officer or another person by the driver or occupant of a vehicle.

An officer should not intentionally position himself or herself in the path of an oncoming vehicle. Officers should take all reasonable steps to get out of harm's way if a vehicle is moving towards them.

DISCHARGE OF FIREARMS REPORT

The discharge of any firearm by an officer, either deliberate or unintentional, is to be reported immediately to a supervisor (except during approved firearms training). For incidents involving the discharge of a firearm, a Discharge of Firearms Report is to be forwarded to the Internal Affairs Unit, which will conduct an investigation for review by the Office of Professional Standards Major.

If a firearm is discharged as a result of an undomesticated animal euthanization, the officer will complete the Field Euthanization of Undomesticated Animal Report in lieu of the Discharge of Firearms Report, which will be reviewed by the Division Commander and forwarded to the Internal Affairs Unit.

EUTHANIZATION OF ANIMALS

If a **domesticated** animal is badly injured and requires relief from suffering, an Animal Control officer should be notified. The animal will be transported to the after-hours clinic.

If an **undomesticated** animal is badly injured and requires relief from suffering, the Watch Commander may authorize an officer (at or above the rank of First Class) to euthanize the animal with the officer's departmentally-issued handgun. When euthanizing the animal, the officer will ensure a safe line of fire and take care to avoid the possible deflection of projectiles. The officer shall attempt to minimize civilian exposure to the euthanization. Officers shall complete the "Field Euthanization of Undomesticated Animal Report" (Attachment A) any time a firearm is used to euthanize an undomesticated animal.

USE OF FORCE/SHOW OF FORCE/COMPLAINT OF INJURY INCIDENTS

Incidents involving use of force, show of force, or complaint of injury by civilians shall be reported to a supervisor as soon as possible. An electronic, web-based Use of Force/Show of Force/Complaint of Injury Report should be completed by the involved officer when required by this policy. When a Use of Force or Complaint of Injury report is required, digital photographs should be attached which shall, at a minimum, depict the involved officer and the civilian(s) involved in the incident. Any and all MVR and Body Worn Camera video of the incident should be tagged as Use-of-Force/IA and referenced in the report. A supervisor who was not involved in the use of force, usually a sergeant, shall electronically review the report, along with associated video and photographs, make a recommendation, and forward the report as prescribed below.

Use of Force/Show of Force/Complaint of Injury Reports are not public records or records of a criminal investigation. They are considered part of an employee's personnel file in accordance with N.C.G.S. § 160A-168. They are used to document and evaluate employee performance. These reports are evaluated to determine whether the use and level of force was appropriate under the totality of the circumstances, was done for a lawful purpose, and was consistent with departmental training and policy.

Show of Force/Use of Force Up to and Including Restraining Techniques

All Show of Force and Use of Force reports for incidents up to and including restraining techniques shall be forwarded from the involved officer who completed the report through the chain of command utilizing the web-based reporting system known as BlueTeam. The supervisors in the officer's chain of command shall evaluate the incident to ensure the level of force was appropriate under the totality of the circumstances, was done for a lawful purpose, and was consistent with RPD training and policy. This report shall be forwarded up the chain of command and a lieutenant or a captain may forward the report directly to the Division Commander. The Division Commander shall make a recommendation as to the appropriateness of the use of force and forward to the Office of Professional Standards Major. Once approved, these reports will be maintained by the Internal Affairs Unit. When a supervisor receives a Blue Team for review, that supervisor will have up to 3 working shifts to reject or approve the Blue Team. If the supervisor has scheduled leave that encompasses the next three working shifts, they are to ensure that the Blue Team is rejected or approved prior to taking the leave.

Use of Force Above Restraining Techniques

Use of force reports for incidents above restraining techniques shall be completed by the involved officer in accordance with DOI 1108-05 "Submission of Police Reports." The report will receive the same, division level, chain of command review as lesser applications of force, but will then be forwarded to the Internal Affairs Unit Captain. The report may be forwarded the next day but shall not be held over weekends or scheduled time off without approval from the Internal Affairs Unit Captain or Lieutenant. The Internal Affairs Captain will review the incident for legality and policy compliance in consultation with the Police Attorneys.

In addition, the Internal Affairs Captain will reference the shared database maintained by the RPD Use of Force Training and Analysis Unit to determine whether follow-up was conducted following the incident in question. In accordance with DOI 1108-11, the UOF Training and Analysis Unit will delay their follow-up on any incident that requires an immediate Internal Affairs Investigation. If said Internal Affairs follow-up is not necessary, the Internal Affairs Captain will make a notation in the use of force routing indicating that review was conducted at the Internal Affairs level and what, if any, follow-up was conducted by the UOF Training and Analysis Unit. Once these notations are made, the incident may be forwarded by the Internal Affairs Captain to the Office of Professional Standards Major for final sign-off.

Completing Use of Force/Show of Force/Complaint of Injury Reports

Generally, Use of Force/Show of Force/Complaint of Injury Reports should be completed whenever there is a greater than normal amount of force required in subduing a subject. Use of Force/Show of Force/Complaint of Injury Reports should be completed for, but not limited to, the following occurrences:

- Whenever an officer discharges a firearm or points their weapon at a subject. Officers who un-holster their firearm and maintain it in a low ready position or at their side, in a non-threatening manner, are not required to complete a Use of Force/Show of Force/Complaint of Injury Report.

If the level of force used was limited to the pointing of a firearm, a Show of Force report is to be completed.

- Whenever restraining techniques are used that exceed the mere touching of a suspect in order to handcuff or to guide to a new location. For example, taking a suspect to the ground in order to complete an arrest will require a Use of Force/Complaint of Injury Report.

- Whenever pepper spray is used.

- Whenever a fixed-blade knife is removed from its sheath, other than during Departmental authorized training.

- Whenever striking techniques are used on a subject.

- Whenever a conducted energy weapon is energized at or upon an individual, other than during Departmental authorized training. The pointing of a conducted energy weapon at an individual, or the arc display of a conducted energy weapon during a force encounter will necessitate a Show of Force report. Officers who unholster their conducted energy weapon and maintain it in a low ready position or at their side, in a non-threatening manner, regardless of the position of the safety switch are not required to complete a Use of Force/Show of Force/Complaint of Injury Report.

Whenever there is an injury or complaint of injury to a subject regardless of the level of physical force used. This includes inadvertent injuries caused by proximity exposure to noise and flash distraction devices. Although not considered a use of force, a Use of Force/Complaint of Injury report would be applicable when injury results from departmental canines that are protecting their handler or conducting off-lead building searches.

Post Use of Force Searches

When feasible, an officer not involved in the use of force should conduct the search of the subject or arrestee.

Injuries Resulting from Use of Force

If injury to a subject occurs from the use of lethal or non-lethal force, the officer is responsible for seeing that medical attention is made available as quickly as reasonably possible. When obvious severe injuries have occurred, medical distress is apparent, or the individual is unconscious, or at the request from the injured subject, the officer will activate the emergency medical system by requesting EMS.

Bleeding, vomiting, unconsciousness, complaints of dizziness or blurred vision are some of the apparent signs of injury that should prompt an officer to seek medical assistance. Officers should be attentive to signs of excited delirium and, if observed, seek immediate medical attention.

Temporary Removal from Line Duty

Any employee whose actions or use of force results in death or serious bodily injury will be temporarily removed from the line of duty pending the completion of an administrative investigation (See 1105-03 "Officer Involved Shootings and In-Custody Deaths").

DOI 1108-01
Attachment A

FIELD EUTHANIZATION OF UNDOMESTICATED ANIMAL REPORT

Euthanization can be conducted by police personnel at the rank of First Class Officer and above. The Watch Commander will authorize all such actions. Police personnel conducting euthanization by the discharge of a departmentally issued primary handgun (only) will ensure a safe line of fire and consider the possible deflection of projectiles from the pavement. Every attempt will be made to minimize civilians from witnessing the action. **The euthanization policy applies to undomesticated animals only.**

Incident Date:	Incident Time:	Case Number:
Name/Rank of personnel euthanizing animal:		
Code #	Division:	
Weapon Make and Model:	Serial Number:	

Name/Rank of other police personnel present:

1)	Code #	Division:
2)	Code #	Division:
3)	Code #	Division:
Location:		
Beat:		
Number of shots fired:	Weapon (make and model):	
ECC Notified to remove carcass:	Serial Number:	
Watch Commander authorizing:	Date:	Time:

Narrative: (briefly describe circumstances surrounding the need to euthanize the animal and the manner in which action was completed):

Report filed by:	
Date filed:	Time filed:
Signature of Supervisor:	
Watch Commander Review:	

Major: _____ Date: _____ Rev. 6/1/07