



# UNC Greensboro Police Department

## Use of Force Authority and Review

### General Order 2-2.1

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This policy provides guidelines on the reasonable and necessary use of force, as allowed by applicable law, while there is no way to specify the exact amount or type of reasonable and necessary force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable and necessary application of force contained in this policy shall apply to all policies addressing the potential use of force.

It is the policy of this department that officers hold the highest regard for the dignity and liberty of all persons, and place minimal reliance upon the use of force. The department respects the value of every human life and that the application of deadly force is a measure to be employed in the most extreme circumstances.

Officers will only use the proportional level of force necessary to mitigate the threat, and the least injurious option available that will safely and effectively stop the threat. Proportionality requires officers to consider how their actions will be viewed by their own agency and by the public, given the circumstances.

When safe under the totality of the circumstances and time permits, officers shall use de-escalation tactics to reduce the need for force. De-escalation tactics, such as creating time, distance, cover, and tactical repositioning, can be used to slow down a situation that does not pose an immediate threat.

#### **Use of Force**

Officers shall only use that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

When a situation exists, wherein an officer determines there is a reasonable belief of the need to use force upon another person; all such uses of force will comply with the provisions of G.S. §15A-401(d). This statute provides that officers are justified in using force upon another person when and to the extent that they reasonably believe it necessary to:

- prevent the escape from custody or to effect an arrest of a person who they reasonably believe have committed a criminal offense, unless they know that the arrest is unauthorized; or
- defend themselves or a third person from what they reasonably believe to be the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape.

Officers shall use force only when no reasonably effective alternative appears to exist and shall only use the level of force that a reasonably prudent officer would use under the same and/or similar circumstances.

Officers shall only use the level of force that is objectively reasonable and necessary to effectively bring an incident under control while protecting the safety of the officer and others. The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted with using well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable, necessary, and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

The use of physical force should be discontinued when resistance ceases or when the incident is under control.

### **Factors Used to Determine the reasonable and Necessary Use of Force**

When determining whether to apply force and evaluating whether an officer has used reasonable and necessary force, several factors should be taken into consideration, as time and circumstances permit.

These factors include but are not limited to:

- Immediacy and severity of the threat to officers or others.
- The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- The effects of suspected drug or alcohol use.
- The individual's mental state or capacity.
- The individual's ability to understand and comply with officer commands.
- Proximity of weapons or dangerous improvised devices.
- The degree to which the individual has been effectively restrained and their ability to resist despite being restrained.
- The availability of other reasonable and feasible options and their possible effectiveness.
- Seriousness of the suspected offense or reason for contact with the individual.
- Training and experience of the officer.
- Potential for injury to officers, suspects, and others.

- Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- The risk and reasonably foreseeable consequences of escape.
- The apparent need for immediate control of the individual or a prompt resolution of the situation.
- Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- Prior contacts with the individual or awareness of any propensity for violence.
- Any other exigent circumstances

## Use of Force Options

Subject control options and definitions listed below are intended as a guide. An officer's decision to utilize any force in a situation is a response to the behavior of the subject(s) involved and other relevant factors known to the officer. The subject control options do not necessarily follow a preset order of escalation but must be reasonable and necessary considering the likely type of injury to the suspect. An officer must continually assess the totality of the circumstances and escalate, de-escalate, or completely cease any force utilized appropriately.

- **Physical Control:** the use of bodily contact to include touching, assisting, grabbing, joint manipulations, kicking, or striking. Physical control includes "soft" and "hard" hand options.
  - "Soft" hand techniques are those with a low probability of injury, such as joint locks and pressure points.
  - "Hard" hand techniques are those with a higher risk of injury to include punches, kicks, or stunning.

**NOTE:** Choke holds, strangleholds, and stunning techniques to the neck (brachial plexus origin), throat, or spine are prohibited unless an officer reasonably believes a situation exists in which deadly force would be appropriate to protect themselves, or a third party.

- Aerosol/Chemical Agents: the use of Oleoresin Capsicum or other chemical agents to control resistance and/or end flight.
- Taser Energy Electronic Control Device (TEECW): a device which deploys electric current into a subject's body to affect the central nervous system.
- Intermediate Weapons: impact weapons utilized in a manner consistent with current departmental training, to reduce the probability of serious bodily injury.

**NOTE:** An officer shall not deliberately strike another person with any impact weapon, whether an issued weapon or an environmental weapon, on the head, in the groin, solar plexus, throat, kidneys, or on the spinal column unless the officer reasonably believes a situation exists in which deadly force would be appropriate to protect themselves, or a third party.

- Police Canine: canine handlers will utilize their assigned police service dogs in a manner consistent with departmental training and guidelines. If the police canine is deployed, and the canine bites a suspect, this will be considered a less lethal use of force. The mere release of a police canine is not considered a use of force.
- Deadly Force: an action likely to cause death or serious bodily injury, including the use of lethal weapons.

**NOTE:** Weapons of opportunity: officers at a tactical disadvantage may use a flashlight, bicycle, or other readily available object as a weapon to defend themselves when these weapons are used in compliance with agency policy concerning the use of force.

### **Alternative Tactics - De-Escalation**

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

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

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

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

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 on scene may increase the available force options and may increase the ability to reduce the overall force used.

Officers should be aware that their demeanor and presence at the scene and the verbiage they use can control or de-escalate a situation.

De-escalation options available may include:

- Placing physical barriers between an uncooperative subject and an officer.
- Decreasing the exposure to the potential threat by using distance, cover, and/or concealment.
- Communication from a safe position intended to gain the subject's compliance.
- Avoidance of physical confrontation, unless immediately necessary.
- Departmental or area departments with specialized training or equipment: Crisis Intervention (CIT) Officers, Crisis Negotiation Officers, and/or officers equipped with less-lethal tools or munitions.
- Any other tactics and approaches that attempt to achieve law enforcement objectives by gaining compliance of the subject.

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 should allow an individual time and opportunity to submit to verbal commands before force is used.

### **Arrests after Use of Force**

Incidents that involve the use of force will typically require an in-custody arrest. No officer should cite and release a combative person after using force to take them into custody. Officers must process an arrestee in accordance with the requirements of G.S. §15A-501. In rare cases, there may be extenuating circumstances that create an exception to this policy when thoroughly articulated and documented.

### **Use of Deadly Force**

G.S. §15A-401(d)(2) allows officers to be justified in using deadly force upon another person when the officer reasonably believes deadly force is necessary.

- To defend the officer or another person from what the officer reasonably believes to be the use or imminent use of deadly physical force.
- To effect the arrest or prevent the escape from custody of a person who the officer reasonably believes is attempting to escape by means of a deadly weapon.
- To effect the arrest or prevent the escape from custody of a person who the officer reasonably believes presents an imminent threat of death or serious physical injury to others unless apprehended without delay.
- Officer may use deadly force to destroy an animal that represents a threat to public safety or as a humanitarian measure where the animal is seriously injured when the officer reasonably believes that deadly force can be used without harm to the officer or others.

Deadly force is that force which is readily capable of inflicting serious bodily injury or death. Serious bodily injury is that which creates a substantial risk of death. It may cause serious permanent disfigurement or result in long-term loss of the function of a bodily member or organ.

Reasonable belief is that set of facts or circumstances that would cause a reasonable, trained officer in the officer's position to believe it was actually or apparently necessary to use the force which was actually used. "Necessary" means that given the totality of the circumstances, an objectively reasonable officer in the same situation would conclude that there was no reasonable alternative to the use of deadly force that would prevent death or serious bodily injury to the officer or to another person.

**When deadly force is justified, officers may utilize any issued weapon, or other available items, in response based on the threat presented by the suspect, their assessment of the threat, and their determination of the most appropriate response.**

### **Reassignment Pending Administrative Review**

Employees whose actions or use of force results in a death or serious physical injury will be removed immediately from their line duties and placed in a temporary administrative assignment or designated leave status pending the results of any administrative review of the incident. The duration of the reassignment will be determined by the Chief of Police.

### **Improper Use of Firearms or Other Deadly Force**

Officers will be subject to disciplinary action if the use of a firearm or other deadly force involves:

- A violation of the law by the officer
- A violation of departmental rules
- Disregard for public safety
- Misconduct on the officer's part
- Accidental discharge through carelessness or recklessness
- Firing of "warning shots"

### **Medical Consideration**

Once the scene is safe, and as soon as practical, an officer shall provide appropriate medical care consistent with their training to any individual who has visible injuries, complains of being injured, or requests medical services. This may include providing first aid, requesting emergency medical

services, and/or arranging transportation to an emergency medical facility. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or has been rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until they can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes there would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies.

Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

Upon presentation to a medical provider, the officer should not sign or verbally acknowledge the agency will be responsible for the costs of any medical care provided.

## **Shooting at or from Moving Vehicles**

Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle or if deadly force other than the vehicle is directed at the officer or others. Officers should not shoot at any part of a vehicle in an attempt to to disable the vehicle.

## **Duty to Intervene and Report**

Any officer present and observing another law enforcement officer or a member of the department using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force.

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor as soon as feasible.

Employees are required 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/provincial or federal law, or local ordinance.

Non-sworn personnel are not required to intervene in use of force situations where they are not properly trained or required by oath of office or law to take such actions.

When encountering unreasonable actions of other employees or public safety/criminal justice associates that could result in injury, death or violations of constitutional or civil rights, intervention must be immediate. Failure to intervene may subject an employee to disciplinary action. Other matters, such as misconduct, may be reported to a member's immediate supervisor or Commander.

Employees of this agency are expressly prohibited from all forms of retaliation, including discouragement, intimidation, coercion, or adverse action against any person who reports or makes a

good faith intervention to prevent misconduct from occurring. Employees who fail to intervene when necessary and safe to do so, will be subject to disciplinary action up to and including dismissal.

When observing or reporting force used by a law enforcement officer, each officer should consider the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

An officer reporting force used by a law enforcement officer should submit that report within 72 hours of the observation (N.C.G.S. § 15A-401). Any observation of an incident in which the Chief of Police is involved, or present should be reported to the next highest-ranking officer who was not present or involved in the use of force (N.C.G.S. § 15A-401).

### **Deadly Force Restrictions**

Deadly force is prohibited when the threat is only to property. In addition, officers should avoid using deadly force to stop individuals who are only a threat to themselves, unless the individual is using a deadly weapon such as a firearm or explosive device that may pose an imminent risk to the officer or others in close proximity. If the individual is attempting to inflict self-harm with means other than a deadly weapon, the officer should consider less lethal options and de-escalation techniques, if practical.

### **Reportable Response to Resistance**

A response to resistance documentation shall be made by each involved officer separately as soon as practical following the application of force to include the following circumstances:

- The application resulted in, or is alleged to have resulted in, injury or death of another person.
- The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- The individual subjected to the force complained of injury or continuing pain.
- Any application of the ECW or control device.
- Any application of a restraint device other than handcuffs, shackles, or belly chains.
- The individual subjected to the force was rendered unconscious.

- An individual was struck or kicked.
- Force was applied using lethal or less lethal weapons.
- A firearm or TEW was pointed at a person under circumstances other than training or recreation.
- Weaponless physical force beyond mere restraint was applied.
- An individual alleges unreasonable force was used or that any of the above has occurred.
- An employee discharges a firearm for other than training or recreational purposes.

Allegations of minor injury, where there are no visible signs of injury, will be evaluated by a supervisor, photographed and noted in the incident report.

**ADDITIONAL CONSIDERATIONS:** Should a death result from the use of force, a criminal investigation by the SBI shall be requested.

### **Use of Force Analysis**

Annually, the Field Operations Commander shall prepare an analysis report on the Department's use of force activities, policies, and practices. The analysis report should be submitted to the Professional Standards Unit for approval and inclusion in the annual Professional Standards Unit Report. The Field Operation Commander's analysis should not contain the names of officers, suspects, or case numbers but shall identify:

- trends in the use of force by members.
- impact of findings on policies, practices, equipment, and training.
- equipment needs recommendations.
- policy revision recommendations.
- date and time of incidents.
- types of encounters resulting in the use of force.
- trends or patterns related to race, age, or gender of subjects involved; and
- trends or patterns resulting in injury to any person including members.

### **Administrative Review**

All use of force incidents will undergo an administrative review in accordance with the UNCG Police Department Administrative Review of Force Standard Operating Procedure.