

**CENTRAL CAROLINA COMMUNITY COLLEGE
POLICY & PROCEDURE MANUAL**

**STUDENT SERVICES
SECTION**

USE OF FORCE – POLICY 5.4.8

I. PURPOSE

To establish a policy and procedures for the use of non-deadly and deadly force and the reporting requirements for any use of force. In an effort to ensure consistency in enforcement of this policy and to minimize confusion for sworn law enforcement officers contracted by the College, this policy has been adopted from the Sanford Police Department and modified where applicable. Only sworn law enforcement officers may engage in the use of force as described in this policy.

II. DEFINITIONS

Non-Deadly Force - Any use of force neither likely nor intended to cause death or serious physical injury.

Less Lethal Force - Any use of force that by its very nature is not intended to, nor is it likely to cause death; however, death may result depending on its use.

Deadly Force - Any use of force likely to cause death or serious physical injury.

Reasonably Necessary - Those actions, based upon the known facts or circumstances, which would normally be expected from a reasonable and prudent person under similar circumstances.

Serious Physical Injury - Any injury that could result in disfigurement, disability or death.

Force Option Model- Most use of force options are listed from the least life threatening to the most life threatening. The appearance of a hierarchy or specific order to employ any force option is unintended. The systematic listing of force options is only used to clarify and illustrate the variety of applications. The “continuum”, as it sometimes called, IS NOT a specific path for officers to follow in every situation. The Officer may choose the most reasonable option. Simply stated, Officers do not have to exhaust other lower levels of force options before moving to another, so long as it is justified. The appropriate level of force depends on the type of force with which the officer is confronted.

De-escalation Techniques - Techniques that seek to minimize the likelihood of the need to use force during an incident and increase likelihood of gaining voluntary compliance.

Sworn Law Enforcement Officer - A duly sworn law enforcement officer whose primary employment is with a city, county, or state law enforcement agency and who is employed separately by the College to perform law enforcement duties. Also referred to as “officer”.

III. RULES AND PROCEDURES

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a. DE-ESCALATION

Prior to using force, when safe and without compromising law enforcement objectives, officers will use de-escalation techniques to attempt to slow down and/or stabilize a situation to allow for more time, options, and resources for incident resolution.

De-escalation techniques may include, but are not limited to:

- Mitigating the immediacy of the threat by containing or reducing exposure by moving to a safer position;
- Establishing communication from a safe position;
- Use of verbal techniques to promote rational decision making; and/or
- Avoidance of physical confrontation, unless immediately necessary.

When safe and feasible, officers should consider whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors such as, but not limited to: a medical condition, mental impairment, developmental disability, language barrier, influence of drug or alcohol use, perceived age, and/or a behavioral crisis.

b. USE OF FORCE

N.C. Gen. Stat. § 15A-401 grants law enforcement officers the right to use force in achieving lawful objectives. All officers should clearly understand that the policy of the College is more restrictive than the referenced statute.

Officers must only use the amount of force that is objectively reasonable, necessary under the circumstances, and proportional to the threat or resistance of a subject. Any use of force that is objectively unreasonable or unnecessary may subject officers to disciplinary action, up to and including dismissal, as well as civil and criminal liability.

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable, necessary under the circumstances, and proportional to the threat or resistance of a subject must, when in a position to do so, safely intercede to prevent the use of such excessive force. The officer must promptly report these observations to his or her supervisor, as well as any violation of College policy, state/provincial or federal law, or local ordinance.

c. NON-DEADLY FORCE PROCEDURE AND WEAPONS

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Officers will modify their level of force in relation to the amount of resistance offered by the subject. Officers will increase or decrease the amount or type of force used as the subject offers more or less resistance.

- i. Officers who encounter a situation where the possibility of violence or resistance to lawful arrest is present should, if possible, attempt to diffuse the situation through advice, warning and verbal persuasion.
- ii. In the event that a situation escalates beyond the effective use of verbal diffusion techniques, officers are authorized to employ compliance techniques approved by the officer's primary law enforcement agency and/or issued defensive weapons

Non-lethal defensive weapons may be used when, in the officer's opinion, persuasive speech or physical contact controls are insufficient to control or stop an aggressive act of resistance.

The amount of force used will be in response to the threat level recognized by the officers and as deemed necessary to protect themselves or another from physical harm, to restrain or subdue a resistant subject, or to bring an unlawful situation safely and effectively under control.

Defensive weapons will not be used to threaten people or to evoke information.

In extreme situations where a subject cannot be brought under control even after being handcuffed/secured, non-lethal weapons may be used to assist in gaining control.

Officers will not carry or utilize any non-lethal defensive weapon before successfully completing training approved by the officer's primary law enforcement agency on the use of the weapon. All weapons will be used in the manner prescribed during training.

Abuse or misuse of non-lethal defensive weapons will result in disciplinary action.

A Use of Force report must be completed each time any non-lethal defensive weapon is used.

Supervisors will:

- i. Monitor the use of non-lethal weapons by their officers.
- ii. Respond to the scene of a use of a non-lethal weapon.
- iii. Ensure that involved officers complete a Use of Force Report.
- iv. Thoroughly investigate each incident involving use of a non-lethal weapon.
- v. Report all findings on the appropriate forms.

The following non-lethal weapons are authorized for use by personnel who have received approved training from the officer's primary law enforcement agency:

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i. Impact Weapons - ASP Baton

- Impact weapons will be used as an intermediate level of force between the use of hands or fists and the use of a firearm.
- These weapons will not be used to strike any person in the head, spine, neck, kidney or groin unless circumstances would justify the use of deadly force.

ii. Chemical/Inflammatory Agent

- The inflammatory agent must be sprayed into the face and eyes.
- The inflammatory agent should be sprayed within four to six feet of the suspect.
- Short, one-second bursts of spray should be used.
- Appropriate medical treatment must be obtained.
- When the suspects are under control, flush the contaminated areas with cold water.

The large vehicle canister is carried in the trunk of police vehicles and is intended for use on large crowds. When using this canister:

- Officers must be at a distance greater than fifteen feet from the suspect.
- It must be sprayed toward the face and eyes of the suspect.
- Short, one-second bursts of spray should be used.
- When the suspects are under control, flush the contaminated areas with cold water.

iii. Remote Restraint Device

This directive provides guidelines for the issuance and use of BolaWrap™ devices in order to minimize injury to suspects, subjects, and officers. The BolaWrap™ device is intended to immobilize and control resistive/non-compliant persons and persons with known or suspected mental health issues. The BolaWrap™ is a hand-held remote restraint device that discharges an eight-foot bola style Kevlar tether to entangle an individual at a range of 10-25 feet.

The following guidelines shall be adhered to when carrying a BolaWrap Device:

- Only a BolaWrap™ device that has been approved and issued by the officer's primary law enforcement agency shall be utilized by personnel.

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- Only officers who have successfully completed training approved by the officer’s primary law enforcement agency may carry and use the BolaWrap™ device.
- All BolaWrap™ devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- Officers shall be responsible for ensuring that their issued BolaWrap™ device is properly maintained and in good working order.
- Officers should not hold both a firearm and the BolaWrap™ device at the same time.

A verbal warning of the intended use of the “less lethal” device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- Provide the individual with a reasonable opportunity to voluntarily comply.
- Provide other officers and individuals with a warning that the BolaWrap device may be deployed.
- The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.
- The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the BolaWrap™ device in the related report.

The BolaWrap™ device has limitations and restrictions requiring consideration before its use. The device should only be used when its operator can safely approach the subject within the operational range of the device. Although the BolaWrap™ device is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

The BolaWrap™ device may be used when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person who:

- Is violent or is physically resisting.
- Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

The use of the BolaWrap™ device on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options

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reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- Individuals who are known to be pregnant.
- Elderly individuals or obvious juveniles.
- Individuals who are handcuffed or otherwise restrained.
- Individuals detained in a police vehicle.
- Individuals in danger of falling or becoming entangled in machinery or heavy equipment, which could result in death or serious bodily injury.
- Individuals near any body of water that may present a drowning risk.
- Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).
- The BolaWrap™ device shall not be used to psychologically torment, elicit statements or to punish any individual.

The preferred target areas are the lower part of the body and the extremities. The head, neck, chest and groin should not be intended target areas.

If the first application of the BolaWrap™ device appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the device, including:

- Whether the Kevlar cord or barbs are making proper contact.
- Whether the individual has the ability and has been given a reasonable opportunity to comply.
- Whether verbal commands, other options or tactics may be more effective.

Following the use of the BolaWrap™ device:

1. Personnel shall request a supervisor to come to the scene.
2. After securing the subject in handcuffs or other appropriate restraints, if the barbs are or were embedded in skin tissue, the officer shall request EMS personnel to examine the subject. The officer should not attempt to remove the barbs. If the barbs are embedded in soft tissue areas such as the eyes, neck, or groin, the puncture sites shall immediately be brought to the attention of EMS personnel who may recommend transport to a medical facility.
3. The expended cartridge, barbs and Kevlar cord shall be collected and appropriately stored for submission to the local law enforcement agency to enter into evidence.

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Officers shall document all BolaWrap™ device discharges in the related arrest/crime report and in a Use of Force Report.

All persons who have been struck by BolaWrap™ device barbs shall be medically assessed prior to booking by the local law enforcement agency. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- The person is suspected of being under the influence of controlled substances and/ or alcohol.
- The person may be pregnant.
- The person reasonably appears to be in need of medical attention.
- The BolaWrap™ device barbs are lodged in a sensitive area(e.g., groin, female breast, head, face, neck).
- The person requests medical treatment.

If any individual refuses medical attention, such a refusal should be witnessed by another officer, Senior Executive Leader, and/or medical personnel and shall be fully documented in related reports.

If a recording is made of the contact or an interview with the Individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the BolaWrap™ device.

When possible, supervisors shall respond to calls when they reasonably believe there is likelihood the BolaWrap™ device may be used. A supervisor should respond to all incidents where the BolaWrap™ device was deployed.

A supervisor should review each incident where a person has been exposed to an activation of the BolaWrap™ device. Photographs of the affected area should be taken, including if the skin is penetrated, and witnesses interviewed.

Officers must have had less-lethal/weaponless control proficiency training in accordance with their primary law enforcement agency's internal policies and procedures.

Officers shall not use:

- Choke holds
- Brachial stun pressure point technique to the head and neck area

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- Flashlights, radios, and any other items not issued specifically as a defensive weapon; as a means of force, except when there is reason to believe that imminent threat of death or serious physical injury exists no other option is available.
- Vascular Neck Restriction (a technique that relies on the temporary disruption of blood flow to the brain for incapacitation).

d. DEADLY FORCE PROCEDURE

The use of deadly force may become necessary in situations that cannot otherwise be controlled. When a threat to human life is encountered and reasonable alternatives have been attempted and exhausted or are futile, the amount and type of force may be escalated as reasonably necessary in accordance with the Force Option Model. A force option model should be used as a guide for officers on their use of force decisions.

When feasible and before using a firearm, police officers should identify themselves and state their intention to shoot.

A law-enforcement officer is justified in using deadly physical force only when it is or appears to be reasonably necessary: (G.S. 15A-401(d)(2))

- To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force.
- To effect an arrest or to prevent the escape from custody of a person who he reasonably believes is attempting to escape by means of a deadly weapon, or who by his conduct or any other means indicates that he presents an imminent threat of death or serious physical injury to others unless apprehended without delay.
- To prevent the escape of a person from custody imposed upon him as a result of conviction for a felony.

Officers may draw their firearm when they reasonably believe that it may be necessary to use the weapon, e.g. building searches, confronting armed subjects, etc.

Warning shots are Prohibited. Officers should not fire at a moving vehicle unless the vehicle operator is deliberately attempting to strike an officer or citizen or an occupant of the vehicle in using or threatening to use deadly force against the officer or another person. Officers should not fire from a moving vehicle except under extreme circumstances to protect themselves or others from death or serious bodily injury.

e. FIREARMS DISCHARGE

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Any officer who discharges a firearm, excluding organized shooting matches or authorized training, either deliberately or accidentally, on or off-duty, and acting in an official capacity as a law enforcement officer will:

- Immediately take all measures to render the situation safe.
- Provide and summon medical assistance for anyone who might be injured.
- Notify the local law enforcement agency of the situation.
- Request additional officers or other support to assist in protecting the scene and detaining witnesses as necessary.
- Contact immediate supervisor to respond to the scene.
- Contact the local law enforcement agency on-duty supervisor.

The responding supervisor will:

- Confirm that medical assistance has been requested and provided as necessary.
- Notify the President, the Vice President of Student Services, the relevant Provost if applicable, and General Counsel.
- Ensure that the local law enforcement agency has been notified.
- Make certain that the incident scene is protected and all witnesses are identified and detained for statements.
- Coordinate the activities of responding officers and other support personnel.
- Remove the officer from the incident scene as quickly as possible to a neutral environment.
- Ensure that the officer's firearm is turned over to the responding local law enforcement agency as appropriate.
- Ensure that all reports are complete and submitted prior to the end of the tour of duty.

Force shall not be used in a punitive manner and officers will discontinue its use when the reason that justified its use no longer exists. At any point during apprehension of an individual, and/or when deadly or less-lethal force is used and the individual claims injury, whether or not that injury is apparent to the officer or officers involved, or appears under medical distress, the involved officer will immediately request an EMS response to the scene. The involved officer will render first-aid to the individual until the arrival of EMS unit.

f. NOTIFICATION

When an officer is involved in a physical altercation resulting in a physical injury or death, the officer must immediately notify a supervisor after rendering the situation safe and summoning medical assistance for anyone injured.

Supervisors will respond to the scene and:

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- Ensure the scene has been protected and witnesses identified and detained.
- Notify the chain of command within a reasonable time frame, depending on the seriousness of the injury.
- Notify the local law enforcement agency.
- Have photographs of any alleged injuries taken at the scene, if possible.
- Ensure that the officer completes a detailed and thorough statement of events. In situations where the use of force results in any form of injury or alleged injury, the officer will complete his written statement and submit the statement before the tour of duty ends. If the officer is injured during the incident, it will be the responsibility of the officer's immediate supervisor to complete all required paperwork to include interviewing the officers for a statement of events.
- Submit the completed investigation to the Vice President of Student Services.

In cases of a fatality or catastrophic injuries, considered when three or more employees are admitted to the hospital, the Director of Security must notify the Vice President of Student Services and the Director of Human Resources. The Director of Human Resources shall notify the Occupational Health and Safety Administration (“OSHA”). This notification is mandatory. OSHA must be notified within eight hours of the incident.

g. REPORTING USE OF FORCE INCIDENTS

In any situation in which an officer is required to use force against another person, the officer shall contact a supervisor to come to the scene. If the circumstances make such action impractical, the supervisor must be contacted as soon as possible following the incident.

It is the responsibility of the immediate supervisor to make a thorough investigation of the incident, complete an Incident Report, notify the local law enforcement agency, and forward the incident file as required.

When an arresting officer strikes or injures a person, the officer will write a complete, detailed Incident Report as soon as possible and forward it to his or her immediate supervisor. The statement must be completed no later than the end of the tour of duty during which the force was used. Officers will notify their relevant on-duty supervisor.

The following are examples of situations where completion of a written report is required:

- When an officer discharges a firearm for other than training or recreational purposes.
- When the officer takes an action that results in, or is alleged to have resulted in, injury or death of another person..
- Whenever an officer applies force through the use of lethal or less lethal weapons; or

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- If an officer applies weaponless physical force at a level that requires medical attention, even if treatment is refused, or there is a claim of injury.

When an arrestee in custody is accidentally injured or claims to have been injured, or claims to be sick, the officer must immediately notify his supervisor.

Photographs will be taken of all subjects and officers involved. As many photographs as necessary will be taken to accurately depict the extent of injuries or disarray of the persons involved to include close-ups and full body photographs, if possible.

A statement from arrestees and/or citizens will be included in the file. If the subject refused to give a statement, it will be noted in the narrative of the file. The incident file must be provided to the Vice President of Student Services.

When one or more of the following situations occur:

- A suspect sustains an injury that is not the result of a use of force or alleged use of force,
- A suspect injures himself while fleeing from the officer prior to being taken into custody,
- A suspect in custody sustains a minor injury not due to or caused by the officer's actions or intentionally inflicts injury to himself,
- A suspect complains of wrist and/or ankle soreness as a result of being restrained, or
- An animal is destroyed as a humanitarian measure because the animal is seriously injured or sick,

then the following documentation is required:

- Completed Incident Report and supplemental documentation,
- Photographs taken by a supervisor,
- A statement from the suspect taken by the supervisor,
- Medical forms, if available, and
- A Supervisor's written report to the Vice President of Student Services.

The documentation will be retained for statistical purposes and to address any questions that may arise from the incident at a later time.

h. COLLEGE RESPONSE TO USE OF FORCE

An officer whose actions or use of force results in a serious injury or death will not be scheduled to work until successful completion of an administrative review of the incident by the local law enforcement and, if applicable, the College.

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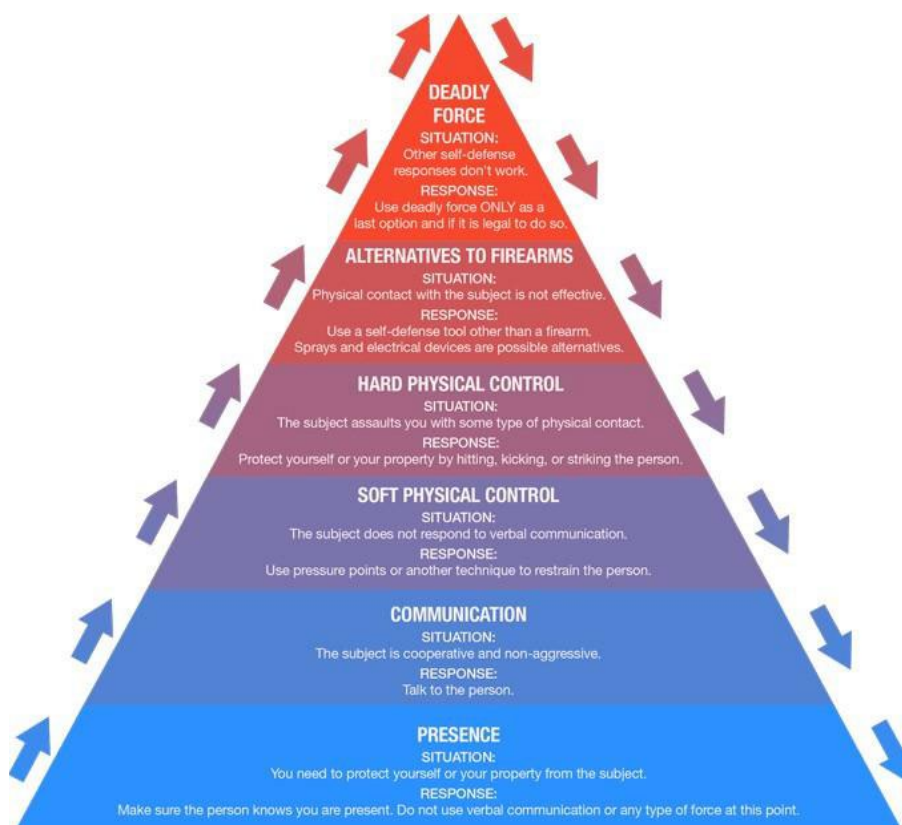
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In all deadly force cases, the College will await the results of the reviews conducted by the local law enforcement agency and the State Bureau of Investigation.

In incidents where non-deadly force is used, the College will await the results of the administrative or criminal investigation conducted by the local law enforcement agency. The College may also conduct its own administrative review as it deems necessary and appropriate.

All reported use of force complaints will be reviewed by the officer’s supervisor and the Vice President of Student Services to determine if College policies were followed.

i. FORCE OPTION MODEL



Adopted: July 18, 2004
Revised: N/A
Legal Reference: Sanford Police Department Use of Force Policy, N.C.G.S. § 15A-401
Cross-Reference: N/A