




# COLUMBIA POLICE DEPARTMENT

*"Policing Excellence through Community Partnerships"*

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<b>Subject:</b> <i>Use of Force</i>		
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## 1.0 POLICY

The Columbia Police Department recognizes and respects the value and sanctity of human life and emphasizes the importance of treating all people with dignity and respect. The goal of every encounter is voluntary compliance.

Vesting officers with the lawful authority to use force to protect the public welfare requires a careful balancing of all human interests. Therefore, officers will only use the minimum amount of force necessary to accomplish lawful objectives. When using force, an officer shall continuously reassess the perceived threat in order to select the reasonable use of force response, or one that is proportional to the perceived threat faced.

## 2.0 DEFINITIONS

Authorized restraints: handcuffs, belly chain restraint systems, leg restraints or any other device authorized by the Chief of Police or his designee that is used to restrain an individual.

Carotid artery hold ("sleeper" hold or "v" hold): any technique which is applied in an effort to control or disable a person by applying pressure or force to the carotid artery or the jugular vein or the sides of the neck with the intent or purpose of controlling a person's movement by constricting the flow of blood to and from the brain.

Choke hold: A physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation.

Conducted Electrical Weapon (CEW)/Electronic Control Device: A battery-operated, conducted energy device that uses compressed gas to propel two probes to a target. The probes remain connected to the weapon by wire to administer an electrical shock which disrupts the person's voluntary motor response.

Deadly Force: Physical force that carries a substantial risk of causing serious physical injury or death.

Duty to Intervene: All police employees have a duty to intervene to prevent another officer who is about to use excessive or unnecessary force or engage in other misconduct.

Lawful Purpose: A use of force must be for a lawful purpose. Officers may use reasonable force in the performance of their duties to:

1. Effect a lawful arrest, detention, or search;
2. Overcome resistance or prevent escape;
3. Prevent the commission of a crime;
4. Defend themselves or others;
5. Gain compliance with a lawful order; or
6. Prevent a person from injuring himself/herself – however, an officer is prohibited from using lethal force against a person who presents only a danger to himself/herself and does not pose an imminent threat of serious bodily injury or death to another person.

Less-than-lethal Force: Physical force that carries a minimal likelihood of causing serious physical injury or death.

Less-than-lethal Weapon: A weapon used to control a person's resistance through the application of strikes, blocking techniques, chemical agents or Conducted Electrical Weapons that carry a minimal likelihood of causing serious physical injury or death.

Lethal Weapon: A weapon or instrument whose use is likely to cause serious physical injury or death.

Objectively Reasonable: Officers must make split-second decisions regarding the use of force in circumstances that are tense, uncertain, and rapidly evolving. Reasonableness of force is based on circumstances known by the officer at the time each instance of force is used. This is an objective standard judged from the perspective of a reasonable officer in the moment rather than with the benefit of hindsight.

There are many components that factor into objectively reasonable decisions to use force, including all of the following:

1. The purpose of the use of force (was it lawful?);
2. Efforts to de-escalate the situation;
3. The proportionality of force used to force encountered;
4. The nature, seriousness, and immediacy of the threat encountered;
5. Whether the officer's actions unnecessarily or recklessly escalated the situation.

Officer: For the purpose of this policy, an officer is any employee of the City of Columbia that is authorized by the City to carry a less-than-lethal weapon as part of their duties. This includes all City of Columbia police officers as defined above, Community Safety Officers, and Park Rangers.

Passive Resistance: Physical actions that do not prevent the officer's attempt to control a subject. For example, a subject who remains in a sitting, standing, limp or prone position with no physical contact with other individuals.

Police Officer: For the purpose of this policy, a police officer is any employee of the City of Columbia that is a sworn law enforcement officer, duly certified by South Carolina Law Enforcement Training Council according to S. C. Code §23-23-40. This includes Class I and Class III officers of the Columbia Police Department, City of Columbia Municipal Court, and the Columbia Fire Department as well as duly appointed State Constables acting in support of the Department.

Positional Asphyxia: also known as postural asphyxia is a form of asphyxia which occurs when someone's position prevents the person from breathing adequately. Positional asphyxia also may be a result of the policing technique known as "prone restraint", used by police, corrections, military, or health care staff.

Provocation: includes conduct that may create or contribute to a need to use force that might not otherwise be necessary. This can include illegal searches, detentions, and entries into residences. It can also include unprofessional exchanges or other acts, intentional or reckless, that provokes the subject or contributes to the need to use force. Such conduct must be documented and considered in determining whether the officer unnecessarily or recklessly escalated the situation.

Reasonable belief can be described as the facts or circumstances the officer knows, that would cause an ordinary and prudent

person to act or think in a similar way under similar circumstances. For the purposes of this Policy, the term “reasonably” shall mean “having a reasonable belief”.

Reported injury: Articulated claim of harm to a person that may or may not be visible.

Serious physical injury: Any bodily injury that creates a substantial risk of death, causes serious permanent physical disfigurement, or results in long-term loss or impairment of the functioning of any bodily member or organ.

Serious use of force: actions by officers including:

- a. All firearm discharges by an officer with the exception of range and training incidents, discharges at animals, and accidental discharges resulting in no injury;
- b. All use of force by an officer resulting in a serious physical injury;
- c. All head strikes with an impact weapon;
- d. All incidents where a person receives a bite from a CPD canine;
- e. All uses of force by an officer involving the use of neck restraint or techniques intended to restrict a subject’s ability to breathe; and
- f. All other uses of force resulting in a death.

Use of Force: any physical coercion used on an individual to enforce compliance with an order from an officer.

- a. The following actions are designated “reportable uses of force”:
  1. Deadly force;
  2. Serious use of force;
  3. Use of less-than-lethal weapon;
  4. Any use of force indicating potential criminal conduct by an officer; and
  5. Any use of force resulting in injury or a complaint of injury or pain where the injury or pain is directly associated with an officer’s use of force.
- b. The following actions are designated “reportable events” as long as the use of force does not result in injury or a complaint of injury or pain:
  1. All solo or team takedowns, where there is no complaint of pain or injury, and
  2. The display and pointing of a firearm and CEW at, or in the direction of, another person when no other force was used.

NOTE: Minor injury or discomfort resulting from the application and general wearing of handcuffs is not,

in and of itself, considered a “reportable use of force” or a “reportable event”.

Weaponless Force: Empty hand control techniques, such as the use of pressure points, joint locks, takedowns, punches, and kicks, etc.

\*All definitions shall be included and reviewed during annual in-service training

### **3.0 GENERAL REGULATIONS**

#### **a. De-escalation, Verbal Warning, Dialogue, and Commands**

1. Where time, location, distance, communication and circumstance permit, and considering the safety of officers and the public, officers shall attempt to de-escalate situations through verbal dialogue and other de-escalation techniques. The goal of de-escalation techniques is to slow down or stabilize the situation so that additional time and resources can be used to resolve the situation with a minimal amount of force, when possible.
2. If reasonable, an officer will identify him or herself as a police officer and issue a verbal warning before using any force. A verbal warning, dialogue or commands are not required in a split-second situation or if the officer reasonably believes that it would place the safety of the officer or another person in jeopardy.

#### **b. Medical Requirements**

1. After any force response is employed and as quickly as reasonably possible, officers shall:
  - i. Conduct a visual and verbal check of the subject to ascertain whether the subject is in need of medical care;
  - ii. Request medical assistance if needed or if requested

NOTE: Any reported injury will be considered to be of sufficient gravity for the officer on the scene to summon EMS for the determination of appropriate medical care.

  - iii. Render the appropriate medical aid the officer is trained and certified to apply as soon as the scene is safe; and
  - iv. Notify a supervisor.

#### **c. Positional Asphyxia Precautions**

1. In order to avoid asphyxiation, police officers shall:
  - a. Whenever possible, avoid tactics that may impede a subject’s ability to breathe, result in chest or throat compressions, or airway blockage.
  - b. Position the individual in a manner to allow free breathing once the subject has been controlled and placed under custodial restraint using handcuffs or other authorized methods.
2. Police officers are prohibited from:
  - a. Placing a person in a prone position (i.e. lying face down) for a prolonged period of time or during transport except during exigent circumstances.
  - b. Employing unauthorized use of restraints while transporting a subject in a vehicle.

d. Duty to Intervene

Employees will take appropriate and immediate action in any situation in which they know or should have known their failure to act would result in an excessive use of force or egregious behavior which shocks the conscience.

Every employee, regardless of rank, title, seniority, or status, has an affirmative duty to take steps to prevent any use of force that is illegal, excessive, or otherwise inconsistent with such policies, regulations, and laws, if possible, before a fellow employee uses excessive, illegal, or otherwise inappropriate force. Every employee has a duty to immediately report any improper use of force.

#### **4.0 PROCEDURES FOR THE USE OF LESS-THAN-LETHAL FORCE**

*Officers shall use only that degree of force that is reasonable, necessary, and proportional considering the totality of the circumstances, including the subject's mental and physical condition, the nature of the offense, and most importantly the level of resistance or threat known to the officer at the time.*

##### **4.1 Use of less-than-lethal force**

An officer's decision to use less-than-lethal force upon another person shall involve one or more of the following considerations:

1. To defend him or herself or another person from physical harm.
2. To restrain or subdue a resistant individual.
3. To bring an unlawful situation safely and effectively under control.

Community Safety Officers and Park Rangers are authorized to use less-than-lethal force only to protect themselves from harm.

Police Officers are authorized to use approved less-than-lethal force techniques and city-issued less-than-lethal weapons when such use is reasonable and necessary. Officers should assess the situation to determine what technique or weapon will most effectively de-escalate the incident, while using the minimum amount of force necessary to do so.

In non-violent passive protests, less-than-lethal force will not be deployed unless there is an imminent threat to the officer or another person's safety.

##### **4.2 Less-than-lethal options**

Police Officers who are authorized and trained in the use of specialized equipment may use the issued equipment pursuant to a standard operating procedure approved by the Chief of Police or his/her designee.

The use of less-than-lethal options is not considered deadly force.

Approved less-than-lethal equipment includes, but is not limited to:

- Chemical Irritants
- Expandable Baton
- Conducted Electrical Weapon (CEW)/Electronic Control Device (ECD)
- Less-than-lethal Shotgun with bean bag rounds

- Canine

#### 4.3 Oleoresin Capsicum (OC) Spray and Chlorobenzalmalononitrile (CS) Chemical Agents

##### 1. Oleoresin Capsicum (OC) Spray

OC spray is not an absolute; officers must be prepared to utilize alternative techniques or weapons in order to de-escalate the incident and bring the situation safely under control. The use of OC spray shall be guided by the following;

- OC spray should not be deployed at distances less than three feet or more than twenty feet (excluding tactical applications).
- Deploying OC spray should be avoided when infants, children, or elderly persons are in close proximity.
- OC spray shall not be used on a subject who has ceased to actively resist or is fleeing on foot.
- Once the subject is incapacitated or restrained, the use of OC spray is no longer justified.
- Decontamination/medical assistance must be rendered as soon as the threat of injury to officers or others has been resolved.

##### 2. Chlorobenzalmalononitrile (CS) Chemical Agents

- As with OC spray, CS is not an absolute; officers must be prepared to utilize alternative techniques or weapons in order to de-escalate the incident and bring the situation safely under control.
- An officer will only use CS when trained to do so and authorized by the Chief of Police or his/her designee.

#### 4.4 Expandable Baton

Once the subject has ceased to resist or has been restrained, additional strikes are **not** justified.

If a subject upon whom an expandable baton was used requests medical assistance, complains of excessive pain, or is unable to move or bear weight on an extremity, the police officer shall request EMS evaluate the subject.

#### 4.5 Conducted Electrical Weapon (CEW)/Electronic Control Devices (ECD)

CEWs/ECDs may be used to restrain violent individuals where alternative restraint tactics fail or are reasonably likely to fail and/or where it would be unsafe for officers to approach a subject to apply restraints. The CEW/ECD is not intended to be a substitute for other less-than-lethal force options. The decision to use a CEW/ECD will rest with the police officer authorized to use the weapon but may be overridden by an on-scene supervisor. However, the decision by a police officer not to use a CEW/ECD shall not be overridden.

##### 1. Use of CEWs/ECDs

- Police officers will use an initial 5-second energy burst in an attempt to gain compliance.
- Police officers will re-evaluate the person's level of resistance after the initial burst and may then use additional 5-second cycles to gain compliance if necessary.

- iii. Police officers must be mindful that multiple activations increase the risk of death or injury to the person.
  - iv. Once the subject has ceased to resist or has been restrained, the additional use of the CEW/ECD is not justified.
  - v. A supervisor and EMS will be called to the scene of any use of a CEW/ECD.
  - vi. Any discharge, accidental or intentional, of a CEW/ECD shall be reported to the supervisor immediately.
2. The CEW/ECD shall not be used:
- i. In deadly force situations unless another police officer is present to use deadly force if needed;
  - ii. In the proximity of flammable liquids, gases, or any other highly combustible material which may be ignited by sparks. This included the use of an CEW/ECD upon any individual who may have been exposed to combustible substances or liquids such as gasoline;
  - iii. In the presence of chemical agents (OC spray, tear gas, etc.) unless there is certainty that the chemical agent does not contain any flammable components;
  - iv. To force compliance from a person who is passively resisting;
  - v. At distances greater than is recommended by the manufacture of the cartridge;
  - vi. If the officer determines that the location of the subject is such that the loss of muscular control and subsequent fall is likely to result in serious physical injury or death;
  - vii. On persons who are known to be elderly, pregnant, medically/mentally challenged, or of a very young age unless exigent circumstances exist;
  - viii. On a person who is in control of a vehicle that is moving or in gear;
  - ix. By intentionally aiming at the eyes, face, neck, or genital areas of the subject or allowing for an extended energy burst;
  - x. On fleeing suspects.
3. Removal of CEW/ECD Probes and Medical Treatment
- i. Certified CEW/ECD Officers may remove probes as prescribed by the manufacturer's recommendations. Officers will ensure that subject control has been established by way of handcuffing prior to probe removal.
  - ii. Probes attached to any area of a subject's head, neck, groin, and breast or embedded broken probes in any area of the body will require medical treatment and shall not be removed by officers.
  - iii. Upon the removal of the probes, officers will inspect the probe to insure that the needle tip is intact and has not been broken off. If the probe has been compromised, officers will search the immediate area in an attempt to located the broken needle tip. All CEW/ECD probes as well as recovered broken tips will be treated as a biohazard and secured with the used cartridge in accordance with the manufacturers' instructions.

- iv. When possible, CEW/ECD wounds shall be photographed (documentation must be provided if photographs are not possible).

#### 4.6 Impact Munitions

1. Only officers who have successfully completed an approved training course shall be certified and authorized to deploy impact munitions.
2. Impact munitions may be used only when an officer is confronted with:
  - i. Active aggression that is occurring or is imminent risk, against him or herself or another person; or
  - ii. Destruction of property which creates an imminent risk to the lives and safety of others.
3. Impact munitions may not be used against a person who is under restraint.
4. The use of impact munitions must cease when the violent or destructive actions cease.
5. Impact munitions may not be used for the purpose of apprehension or to otherwise prevent escape unless escape would present a substantial risk of imminent threat to loss of life or serious bodily injury.
6. When circumstances permit, the supervisor on scene shall make an attempt to accomplish the policing goal without the use of impact munitions.
7. If practical, a warning shall be given to the subject before deployment of the weapon.
8. Impact munition weapons must be equipped with readily identifiable markings and should never be loaded with lethal ammunition.
9. All impact munitions should be verified to be less-than-lethal ammunition by the squad leader prior to being issued to a grenadier and loaded into an impact munitions weapon.

#### 4.7 Canines

The use of specially trained police canines to apprehend or secure suspects constitutes a Use of Force. Officers may only use that degree of force that is reasonably necessary to apprehend or secure a person.

Whenever a canine is deployed for the purpose of gaining compliance, intimidation, or to locate or secure suspects, the handler shall document such use through the Use of Force Report and the incident report.

Canines shall not be deployed against a crowd, except to respond to a threat of death or serious bodily injury to a member of the public or to an officer.

If the Canine is deployed and has bitten or scratched an individual or has alleged to have done so, whether or not in the line of duty, the handler shall perform the following:

- Render aid and request medical assistance through EMS.
- Advise a supervisor.
- Take color photographs of the individual and affected area, if possible, prior to and following medical treatment.



- Complete a Use of Force packet detailing the event.

## **5.0 PROCEDURES FOLLOWING THE USE OF LESS-THAN-LETHAL FORCE**

### **a. Medical Treatment**

- Officers shall follow the requirements of this General Order in Section 3.0(b), “General Regulations/Medical Requirements”.
- A supervisor will be notified and shall respond to the scene of all reported injuries.
- If EMS determines that a person requires transport to the emergency room, the supervisor will assign a police officer to accompany EMS. The assigned police officer shall remain with the person until released into custody by authorized medical personnel or until the police officer is properly relieved.
- Upon the release of the person into police custody by authorized medical personnel, release documents shall be obtained prior to transporting the subject to jail. A copy of documents shall be included in the Use of Force Packet.

### **b. Documentation**

- Officers who use less-than-lethal force on a subject will notify their supervisor.
- For all reportable use of force, supervisors must thoroughly investigate the incident and provide documentation in accordance with a standard operating procedure approved by the Chief of Police or his designee.
- Officers must document in an incident or supplemental report when no use of force occurred but a person in custody sustains visible injuries while fleeing from police or while in custody. Example includes:
  1. A subject flees from arrest and injures himself;
  2. A subject injures himself in any manner while handcuffed or in police custody.
- For all reportable events, officers will document the occurrence in an incident report or supplemental report.

### **c. Witness of use of a less-than-lethal force**

Any employee who witnesses a use of force that is required to be reported will notify a supervisor immediately.

### **d. Notification**

The supervisor will notify the Watch Commander as soon as possible whenever a reportable Use of Force occurs.

### **e. Additional Reporting Requirements**

Additional reporting requirements may be required through written directives approved by the Chief of Police, in compliance with national standards such as the Commission on Accreditation of Law Enforcement and implemented by the Office of Professional Standards.

## 6.0 USE OF DEADLY FORCE

*The application of deadly force is a measure to be employed only in the most extreme circumstances if other lesser means of force have failed or could not be reasonably employed under the totality of the circumstances.*

*A police officer may use deadly force only when:*

- *He/she believes the force is objectively reasonable under the totality of the circumstances or that such force is necessary to protect him/her or others from the imminent danger of serious physical injury or death.*

OR

- *To prevent the escape of a fleeing felon who the police officer reasonably believes based upon the totality of the circumstances is attempting to escape by means of a deadly weapon or who, by conduct or other means, indicates that he presents an imminent threat of serious physical injury or death to others unless apprehended without delay.*

### 6.1 Carotid Artery Holds and Choke Holds

Carotid artery holds and choke holds are prohibited unless deadly force is authorized.

### 6.2 Prohibited Acts

An officer will not discharge his or her firearm under the following circumstances:

- As a warning shot.
- When circumstances indicate that discharging a firearm would endanger the safety of an innocent person.
- From a moving vehicle or at a moving vehicle, unless deadly force is being used against the officer or another person and the officer reasonably believes that no other option is available.
- When confronted with an oncoming vehicle, an officer will not position him or herself into the path of the vehicle, but will take all reasonable steps to move out of the way.

### 6.3 Medical Treatment

Officers shall follow the requirements of this General Order in Section 3.0(b) "General Regulations/Medical Treatment".

A supervisor will be called to the scene of all reported injuries.

If EMS determines that a person requires transport to the emergency room, the supervisor will assign a police officer to accompany EMS. The assigned police officer shall remain with the person until released into custody by authorized medical personnel or until the police officer is properly relieved.

### 6.4 Documentation

Any officer who uses deadly force will immediately contact his or her supervisor.

Officers will report all uses of deadly force in accordance with a standard operating procedure approved by the Chief of Police or his designee.

### 6.5 Notification

The supervisor will notify the Watch Commander as soon as possible whenever deadly force is used.

Any use of force incident that results in serious physical injury or death shall immediately be referred to the State Law Enforcement Division (SLED) by the Chief of Police or his designee for investigation.

Upon completion of SLED's investigation, the incident will be referred to an appropriate prosecuting authority for final review.

#### 6.6 Additional Reporting Requirements

Additional reporting requirements may be required through written directives approved by the Chief of Police.

### 7.0 USE OF FORCE – PROHIBITED ACTS

An officer shall **not** use physical force or any other force for any of the following:

1. To punish or retaliate;
2. Against individuals who only confront them verbally, unless the vocalization significantly impedes a legitimate law enforcement function and creates an immediate safety concern (e.g., incitement to violence or destruction of property, threats to officers or others); or
3. Against individuals who do not have the means, opportunity or ability; or
4. On handcuffed or otherwise restrained subjects, except in exceptional circumstances when the subject's actions must be stopped to prevent injury, escape, or destruction of property. In such circumstances, officers shall articulate:
  - a. Why force was necessary, and
  - b. Why no effective alternative to the use of force appeared to exist.

### 8.0 ADMINISTRATIVE DUTY STATUS

To address the emotional needs of employees whose actions result in the serious bodily injury or death of another person, the employee will be placed on "Administrative Duty" status pending referral to the South Carolina Law Enforcement Assistance Program (SC LEAP) or another psychological service provider. Assignment to "Administrative Duty" status shall be non-disciplinary with no loss of pay or benefits.

Officers will remain on "Administrative Duty" status until:

- Determined "fit for duty" by the psychological service provider;
- The conclusion of the investigation of the incident; and
- Determined by the Chief of Police

### 9.0 FORCE REVIEW BOARD

All Use of Force investigations will be reviewed by the Force Review Board, as directed by the Chief of Police or his/her designee.

### 10.0 USE OF FORCE ANALYSIS

The Police Department's Professional Standards Division will conduct an annual analysis of all reportable use of force incidents to determine:

- Date and time of incidents;
- Types of encounters resulting in use of force;
- Trends or patterns related to race, age and gender of subjects involved;
- Trends or patterns resulting in injury to any person including employees; and
- Impact of findings on policies, practices, equipment, and training.

The result of the analysis will be shared with the Training Unit for training, best practices and policy review and forwarded to the Chief of Police, who shall make the results public through an annual report to City Council.

#### **11.0 EMPLOYEE ANNUAL REVIEW**

This General Order will be reviewed in its entirety annually during in-service training.

#### **12.0 CROSS REFERENCES**

- General Order 01.01 (Employee Ethics and Law Enforcement Authority)
- General Order 01.03 (Police Emergency Vehicle Operation and Motor Vehicle Pursuit Policy)
- General Order 02.06 (Internal Affairs)
- General Order 05.15 (Prisoner Transportation, Fugitives and Extraditions)
- General Order 01.08 (Lethal and Less-than-Lethal Weapons)
- Use of Force Standard Operating Procedures