

<b>Chapter 4</b>	<b>Use of Force</b>	
<b>Date Initially Effective: 09/30/2019</b>	<b>By the Order Of:</b> <b>Mark Holtzman, Chief of Police</b>	
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## ***4.1 Use of Force***

### **4.1.1 RESPONSE TO RESISTANCE and AGGRESSION (RRA)**

CALEA Standard: 4.1.1 (Use of Reasonable Force), 4.1.2 (Use of Deadly Force), 4.1.3 (Warning Shots), 4.1.4 (Use of Authorized Less Lethal Weapons), 4.1.5 (Rendering Aid)

For the purposes of this directive, the following definitions apply:

**Active Resistance:** This means that the subject is making physically evasive movements to defeat the officer's attempt to arrest or gain control including, but not limited to, bracing, antagonizing, pushing, striking, kicking, or verbally signaling along with physical actions of the intent to avoid or prevent from being taken into custody or retained in custody.

**Deadly Force:** Deadly force is that force that is intended to or likely to inflict serious bodily injury or death.

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

**Force:** Force is any degree of conduct beyond mere restraint.

**Imminent/Immediate Threat:** Imminent threat is quantified by the courts as a reasonable belief that there is an immediate probability of an act or consequence occurring. Taken in the context of this section, the focus rests on subjective evaluation of whether a suspect's actions, if allowed to continue unchecked, are likely to result in death or serious bodily injury to a police officer or third person.

**Lawful Arrest:** A lawful arrest is one that is supported by probable cause and conducted in accordance with prevailing interpretations of the law.

**Mere Restraint:** Mere restraint is the physical limitation of a person's freedom to come and go as that person desires. Whether scuffling, holding, or similar actions qualify as mere restraint depends on the circumstances of a specific situation.

**Necessary Force:** Necessary force is the minimum amount and degree of force sufficient to achieve a legitimate police objective. The kind and amount of force necessary and reasonable for self-defense and control of an aggressive suspect will not be the same for all police officers. Differences in police officer size, strength, skill level, defensive equipment, experience, and the number of police officers involved, may justify different kinds and levels of force in overcoming a threatening suspect.

**Non-Deadly Force:** Less-lethal force is force that is not reasonably likely to cause death or serious bodily harm. Police canines are considered a form of less-lethal force.

**Physical Force:** Physical force may be deadly or non-deadly force. Physical force may take many forms, including the use of hands, less-lethal weapons, or even deadly force. Striking of any kind, as well as forms of restraint in which injury occurs, shall be considered the use of physical force. The pointing of any firearm directly at any person or the use of OC spray shall be deemed the use of physical force. For the purposes of this policy, physical force is any degree of physical action beyond mere restraint.

**Reasonable Belief:** Reasonable belief depends specifically on when the facts or circumstances known to the police officer, or which should be known, are such as to the cause the courts (whether Judge alone or jury) or an ordinary and prudent person to act in a similar way under similar circumstances.

**Response to Resistance/Aggression (RRA):** An authorized use of force response to any resistance and/or aggression that is restricted to that which is both reasonable and necessary under certain circumstances which are outlined below in the *General Policy*.

**Serious Bodily (Physical) Injury:** A bodily injury that creates a substantial risk of death or causes serious, permanent disfigurement, or results in long-term loss or impairment of the functioning of any bodily member or organ.

### General Policy

Police officers will only respond to resistance and acts of aggression in a manner necessary and reasonable under the circumstances to accomplish lawful objectives, including, but not limited to: controlling a situation, effecting an arrest, overcoming resistance to an arrest, gaining control of a subject or protecting themselves or others from bodily harm. In considering the force to be used, the officer will consider the severity of the crime at issue, whether the individual(s) poses an immediate threat to the officer or others including the individual, and whether the individual is actively resisting arrest or attempting to evade arrest.

When it becomes necessary to use force, only the amount of force necessary to overcome resistance or control the situation shall be used. Any force used must be in direct proportion to the resistance of the individual or suspect so that the officer can control the situation and prevent harm or injury to the individual, officer, and others. No police officer may use excessive or unreasonable force toward any person, whether that person is a suspect or not.

The response to resistance and aggression by police officers of the Greenville Police Department will be progressive in nature whenever possible. This may be in the form of the following:

- De-escalation Tactics and Techniques
- Less-lethal Physical Force (Primary or Intermediate Force)
- Deadly force

Force shall not be used in a punitive manner and police 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, 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.

In situations where the subject is mentally ill, or shows behavior that may indicate a mental illness, EMS may be called to transport a subject. If there are no commitment papers and/or the person has not demonstrated intent to harm themselves then officers are not authorized to physically force a subject to be transported by EMS, even if a doctor has ordered EMS to transport.

Greenville Police Department Animal Protective Services Officers are not certified as law enforcement officers. However, they may be authorized to carry less-lethal weapons including OC spray and impact weapons to provide protection in the performance of their duties against aggressive animals. They are not authorized to use a *baton* against humans; however, they may use the *OC spray only* in a defensive manner against a human. If any non-sworn employee feels threatened or otherwise believes some type of force may be necessary, they should request a police

officer to respond. Animal Protective Services Officers using OC spray as a defensive weapon against a human shall complete a Response to Resistance and Aggression (RRA) Report.

### **Duty to Intervene**

Officers possess an affirmative duty to intervene to protect the constitutional rights of citizens from infringement by other law enforcement officers in the use of force context. Depending on the facts as presented to the officer, the officer may have a constitutional duty to intervene. An officer may violate a person's constitutional rights if the officer: (1) knows that a fellow officer is violating an individual's constitutional rights; (2) has a reasonable opportunity to prevent the harm; and (3) chooses not to act. Therefore, the duty to intervene requires a GPD officer to act if he or she observes another GPD officer or an officer of any other law enforcement agency engage in any unnecessary or excessive force, which is not objectively reasonable or necessary under the circumstances. GPD officers are expected to intervene immediately to prevent the use of such excessive or unnecessary force. This directive applies to all GPD officers, notwithstanding the rank or position of the officer(s) involved. Furthermore, officers shall report these observations to a supervisor(s) as soon as reasonably feasible to do so.

*No Retaliation.* Officers, regardless of rank, are prohibited from any form of retaliation, including but not limited to, intimidation, coercion, or adverse action against another law enforcement officer who makes or attempts to make an intervention in good faith, and/or reports the officer, to prevent misconduct from occurring.

*Discipline.* Officers, regardless of rank, who fail to intervene when necessary to do so, will be subject to disciplinary action up to and including dismissal.

### **Use of De-escalation Tactics and Techniques**

When time and circumstances reasonably permit, officers shall use de-escalation tactics in order to reduce the need for force. De-escalation tactics and techniques are actions used by officers that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance.

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

- 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.

Options available may include:

- Placing physical barriers between an uncooperative subject and an officer
- Decreasing the exposure to potential threat by using:
  - Distance
  - Cover
  - Concealment
- Communication from a safe position intended to gain the subject's compliance
- Avoidance of physical confrontation, unless immediately necessary
- Department specialty units:
  - Crisis Intervention Team (CIT) Officers
  - Crisis Negotiation Team (CNT) Officers

- Officers equipped with less-lethal tools
- Any other tactics and approaches that attempt to achieve law enforcement objectives by gaining the compliance of the subject

### **Use of Verbal Force**

In dealing with individuals, each employee must attempt to inspire respect and generate the cooperation and approval of the public. Employees will be courteous and civil in their relationships with the public. The manner in which an employee speaks can be an effective means of exerting verbal force in order to control a situation. Verbal force may be in the form of warnings, advice, or persuasion. Volume and tone control in and of itself may be progressive in nature depending upon the circumstances. By using reasonable and necessary verbal force, employees may not have to resort to the use of other forms of force.

### **Use of Less-Lethal Physical Force**

Use of reasonable physical force is justified when the officer reasonably believes that force is necessary under the circumstances to take an individual or suspect into custody where the individual or suspect is actively resisting and/or there is an immediate threat of harm to the officer or others.

Any employee that has occasion to use any physical force to any extent other than a crowd-restraining action, a blocking action where there is no bodily contact with the baton, or a “move-along” or “come-along” technique, will make a complete written report to his or her supervisor on the Response to Resistance and Aggression (RRA) Report.

### **Primary Force**

Primary force involves actual physical bodily contact with a person and forcibly subduing that individual until resistance is overcome. Primary force excludes the use of weapons or objects that could be used as weapons. In no instance, will employees use primary force in excess of that which is reasonable and necessary to lawfully and properly neutralize an unlawful assault or overcome resistance by a person being taken into custody.

### **Intermediate Force**

Intermediate force is the use of less-lethal weapons against a person to forcibly subdue that individual with the assistance of these weapons until resistance is overcome. These weapons should be employed in a manner that is consistent with the resistance that the officer is attempting to overcome.

Approved GPD less-lethal weapons include:

- OC-Spray
- TASER
- Expandable Baton
- Police Canine
- Specialty Impact Weapon
- Specialized weapons assigned to ERT

*\*Reference to Chapter 33 for training requirements\**

### **Oleoresin Capsicum (OC) Spray**

OC-Spray is an aerosol spray designed to distract and/or divert attention of a resisting subject(s) so that they may be taken into custody. Contact spray to the nose or mouth, in an attempt to recover any contraband, is strictly prohibited.

The Greenville Police Department only issues and authorizes the use of non-flammable OC spray. Prior to carrying OC-Spray, officers must be certified in its use.

If OC spray has been used against an individual, the individual will be provided appropriate post-exposure materials and assistance as soon as the scene is secured and officer safety and the safety of bystanders is no longer a concern. If the individual continues to complain following post-exposure assistance, the officer will immediately request an EMS response to the scene.

The mere presence of a crowd or failure of the group to disperse upon immediate command of a police officer shall not justify the deployment of OC spray into a gathering of people. Justified use of OC spray in crowd control situations are listed below:

- The crowd is agitated or growing agitated and actively voices intent to not disperse and their actions lead the officer to believe that allowing the crowd to remain would result in property damage or injury to themselves or others
- The crowd is actively engaged in fighting or agitating language that is about to erupt into fighting or a riotous situation
- The crowd is actively engaged in damaging property or attempting to injure others.

A detailed Response to Resistance and Aggression (RRA) Report will be submitted anytime OC spray is used.

### **TASER**

The TASER is an electronic control device that can be used to control or subdue those individuals that an officer can articulate as being violent or potentially violent, and, when deadly force does not appear to be justified and attempts to subdue the subject by other conventional tactics have been, or likely will be, ineffective in the situation. Officers must be trained in the use of the TASER before being authorized to carry a TASER and must attend annual recertification training after the initial training. Officers who are trained and equipped with a TASER may use the TASER in lieu of, or in conjunction with, non-flammable OC-Spray, such as issued to Greenville Police, to control violent or potentially violent individuals.

Prior to using the TASER, the officer should ensure that there are no flammables present. If an individual has been sprayed with OC-Spray by a law enforcement officer, other than a Greenville officer or an East Carolina University Police officer prior to our arrival, the TASER device shall not be deployed.

No policy or guideline can anticipate every situation that officers might face, but in general terms, officers may consider using the TASER when they can reasonably articulate grounds to arrest or detain a subject and the subject has demonstrated that he or she will likely use force to resist the arrest or detention, or is otherwise violent or potentially violent. Decisions to use the TASER must be based on the totality of circumstances known to the officer at the time of the incident and the force options reasonably available to the officer.

The TASER shall not be used to subdue or control a handcuffed subject unless there is a reasonable expectation that it will be unsafe for officers to approach within contact range of the suspect *or* the officer feels that the use of the TASER is necessary to prevent serious injury to the officer, detainee, or others. Examples of such a situation may include, but are not limited to:

- The suspect is punching, kicking, biting
- Lesser force options are ineffective or likely to be ineffective
- Circumstances are tense, uncertain, and rapidly evolving
- The suspect is involved in an activity that could result in serious injury to him/her (violently banging their head on the patrol vehicle cage, running into traffic, etc.)

A detailed Response to Resistance and Aggression (RRA) Report and a download of the TASER will be submitted anytime the TASER is used. If the TASER is used to control or detain a handcuffed subject, the RRA report must include the officer's justification for deploying the TASER.

Once a TASER is deployed against an individual, the officer(s) involved will provide appropriate first-aid assistance and may request an EMS response to the scene if necessary. Officers are allowed to remove TASER barbs from an individual unless the TASER barb is in the face, neck, head, or any other sensitive area. If the officer believes an EMS response is more appropriate, then the officers shall request an EMS response in these situations or if the individual who has been TASED requests that EMS respond.

TASERS that experience a problem should be returned to a TASER Instructor who will inspect it. If the TASER needs to be returned to the TASER manufacturer then an online repair form is completed, an RMS tracking number obtained, and the TASER is packaged and returned. The return is documented on a TASER log. If an officer's TASER

is returned due to a problem, the officer is temporarily reassigned another TASER if one is available, otherwise the officer must wait for the return of their TASER.

In addition to a download after every response to resistance and aggression situation all TASERS shall be downloaded and inspected annually by the TASER Instructor.

### **Expandable Baton**

The expandable baton is a defensive weapon and may only be used as such. It is effective in open areas, for crowd control, for “come-along” techniques, and as a visual deterrent. Except in deadly force situations, the expandable baton should never be used to strike a person about the head or neck. The mechanical application of the baton, or any other weapon or tool, to physically open or enter the mouth of an individual is prohibited.

Prior to carrying the expandable baton, all enforcement personnel must be certified in its use and attend recertification annually thereafter.

A detailed Response to Resistance and Aggression (RRA) Report will be submitted anytime the baton is used.

### **Police Canine**

The police canine is also considered a form of intermediate force. Canine officers may deploy their canine in accordance with Greenville Police Department’s Policy and Procedures Manual Chapter 41.

A detailed Response to Resistance and Aggression (RRA) Report will be submitted anytime the police canine is used.

### **Specialty Impact Weapon**

Impact weapons are utilized by sworn personnel as a non-violent de-escalation technique. Impact weapons allow personnel to safely subdue individuals who are responding with resistance. Use of the impact weapon should target impact zones based on the use of force continuum and the level of resistance met by the officer.

Prior to carrying an impact weapon, officers are required to complete the corresponding training conducted by a certified less-lethal instructor.

Department issued weapons are the only impact weapons authorized for use. Any impact weapon utilizing red-dot sites should be inspected no less than once a quarter by a certified instructor. The only rounds authorized for use are those issued by agency instructors or firearms personnel.

Impact weapons are required to be secured in a double locked container prior to transportation in an agency vehicle.

A detailed Response to Resistance and Aggression (RRA) Report is required anytime an impact weapon is used.

### **Use of Deadly Force**

***A police officer may use deadly force only when that officer reasonably believes that the action is in defense of human life, including the officer’s own life, or in the defense of any person, including him or herself, in immediate, imminent danger of serious bodily injury. A police officer will apply deadly force under these circumstances only as a last resort, and, where practicable, will first give a verbal warning. Excessive use of any type of force will not be tolerated.***

### **Prohibitions**

- Deadly force will not be used when less force would be sufficient to affect an arrest.
- Deadly force will not be used when there is substantial danger of innocent bystanders being injured.
- Firing into buildings, doors, windows or other openings when the target is not clearly identifiable is prohibited.
- Police officers will not discharge a firearm at or from a moving vehicle except as a necessary measure of self-defense or defense of another when the suspect is using deadly force.

- The use of the tactical light on the department issued firearm for any purpose other than that considered being a deadly force situation or tactical building/area search where a deadly force situation may arise is strictly forbidden and will be considered “gross negligence”.

#### **Suspects Resisting or Fleeing Arrest**

Deadly force may be used only when necessary or appears to be reasonably necessary to:

- Protect against deadly force that the arrestee is using to resist arrest
- Take into custody, or keep in custody, a person who is either using a deadly weapon in an attempt to escape, or presents an imminent threat of death or serious physical injury to others unless apprehended immediately

#### **Warning Shots**

The discharge of a firearm for the purpose of a “warning shot” is prohibited without exception.

#### **Animals**

The killing of an animal is justified under the following circumstances:

- Self-defense
- To prevent imminent death or serious injury to the police officer, other people, or animal
- When the animal is so sick or badly injured that humanity requires its relief from further suffering and an Animal Protective Services Officer is not immediately available, and with the approval of a supervisor

## ***4.2 Use of Force Reporting and Review***

### **4.2.1 REPORTING REQUIREMENTS FOR RESPONSE TO RESISTANCE/AGGRESSION**

CALEA Standard: 4.2.1 (Reporting Uses of Force), 4.2.2 (Written Use of Force Reports and Administrative Review)

#### **Required Reporting of Response to Resistance and Additional Required Documentation**

Any employee that has occasion to use any physical force to any extent other than a crowd-restraining action, a blocking action where there is no bodily contact with the baton, or a “move-along” or “come-along” technique, will make a complete written report to his or her supervisor on the Response to Resistance and Aggression (RRA) Report.

An RRA Report shall be completed by the employee and submitted to an on-duty supervisor in the following instances:

- A police officer discharges a firearm other than in training, for recreational purposes, or during the euthanasia of a sick or injured animal.
- Any action by any employee resulting in or is alleged to have resulted in an injury or death to the person(s) arrested or other person(s); or injury to the employee.
- An employee applies any physical force.
- An employee applies any force through the use of lethal or less-lethal weapons.

Additional documentation is required in the following circumstances:

- Photograph of the arrestee in all circumstances where an RRA is completed
- Photograph of any injuries sustained by an officer during a use of force incident
- Video footage from a BWC used by either the arresting and/or assisting officer. All video should be downloaded to a DVD and included with the RRA by the arresting officer

Command Staff will be notified immediately when there is a police firearms discharge or an employee action that results in death or a serious injury. Reports from the Firearms Discharge Investigative Team and the Response to Resistance and Aggression (RRA) Report shall serve as the required written reports.

#### **Mandatory Submission of RRA**

Response to resistance reports (RRA) should be completed no sooner than 24 hours after the incident has occurred to allow for accurate recall of the incident. Reports must be submitted in writing (hard-copy) to an officer's

supervisor within 72 hours of an incident unless authorized by supervisory personnel at Lieutenant or higher. Supervisory personnel approving extensions for the report must notify the Office of Internal Affairs immediately via e-mail of the granted extension.

The on-duty supervisor receiving an RRA report shall review it for accuracy and policy compliance. The supervisor shall note any written comments or recommendations, then sign and date in the appropriate location. Supervisors shall submit the form and all required documentation to the Office of Internal Affairs within 24 hours after having received the report.

The RRA report will be logged into tracking software utilized by the Office of Internal Affairs. A review of the incident will be conducted by the Office of Internal Affairs. Once completed, the Office of Internal Affairs will forward to the appropriate Bureau Commander and Chief of Police for final review. If a determination is made that the incident requires additional investigation, an internal investigation number will be assigned to the RRA report.

In the event any of the instances cited above occur while the employee is off-duty, the employee shall immediately notify the supervisor on-duty. The on-duty supervisor will gather pertinent facts and make the necessary notifications.

#### **4.2.2 FIREARMS DISCHARGE TEAM**

CALEA Standard: 11.3.4 (Police Action Death Investigations)

The Firearms Discharge Investigative Team assists the Office of Internal Affairs with the investigation of every officer involved shooting. In order to remain above reproach and as a matter of policy, the Department recognizes the need for an external investigation usually conducted by the State Bureau of Investigation. However, the need for an internal investigation is still necessary. Employees involved in a shooting are required to comply with all aspects of both the external and internal investigation.

##### **Selection/Replacement Process**

The Firearms Discharge Investigative Team shall be comprised of eight full-time team members. Team members are required to commit to a two-year assignment to the team.

Selection of team members will be made based on nominations from the Field Operations Bureau, the Criminal Investigations Bureau, and the Administrative Services Bureau. Each Bureau will present, in writing, a list of their nominations. The final selection of team members will be made by the Chief of Police based on recommendations from the team. Probationary police officers are not eligible for this team.

##### **Activation**

In the event of a firearms discharge involving an employee, the Watch Commander on-duty will be responsible for the notification of the Office of Internal Affairs. The members of the Firearms Discharge Investigative Team will be notified by the Office of Internal Affairs and advised where to assemble.

##### **Criminal Investigation**

A criminal investigation and the internal investigation may be conducted simultaneously, but independently of each other.

##### **Forensics**

The Forensics Services Unit will be responsible for processing the scene and providing copies of all reports and photographs to the Firearms Discharge Investigative Team and the officer(s) assigned to conduct any criminal investigation.

##### **Team Responsibilities**

The Firearms Discharge Investigative Team acts under the authority of the Chief of Police and, as such, compliance shall be provided with any part of the investigation by all members of the Greenville Police Department. Firearms

Discharge Investigative Team members involved in the investigation will be assigned to the Office of Internal Affairs until the investigation is complete.

The Firearms Discharge Investigative Team will interview persons having information on the incident outside the presence of any member of the criminal investigation team. While information developed by the criminal investigation team may be provided to the Firearms Discharge Investigative Team, any compelled statements or evidence developed by requiring police officer cooperation with the Firearms Discharge Investigative Team may not be disclosed to the criminal investigation team.

The investigation of a shooting, or discharge of an employee's firearm, will focus on determining the following points:

- Whether the shooting was within policy, in violation of policy, or accidental
- Whether or not the incident was avoidable
- Any possible training considerations raised
- The quality of supervision
- Development or recognition of possible employee behavior patterns to aid in determining current or possible future City liability

A written report will be presented to the Chief of Police by the Firearms Discharge Investigative Team at the conclusion of their investigation. The report shall include relevant facts and circumstances surrounding the incident and a conclusion as to whether or not the discharge violates an agency directive. While making no specific disciplinary or personnel recommendations, the report will address the points outlined previously. The accompanying documents (lab reports, witness statements, etc.) will also be attached to the completed investigation for examination by the Chief of Police.

### **4.2.3 TEMPORARY REMOVAL FROM LINE DUTIES**

CALEA Standard: 4.2.3 (Operational Assignment), 11.3.4 (Police Action Death Investigations)

Any Greenville Police Department employee, acting in an official capacity, whose actions or response to resistance or aggression results in a death or serious physical injury shall be removed immediately from any line duty assignment pending a required administrative review. Reviews may be completed by one or more of the following, but shall not be limited to, entities: The Office of Internal Affairs, The State Bureau of Investigation, The District Attorney's Office. The City of Greenville Employee Assistance Program (EAP) and/or other counseling services will be offered to any employee(s) involved in such a situation. Temporary removal from line duties may also result from other types of critical incidents or traumatic situations, such as serious motor vehicle crashes, at the discretion of the Chief of Police.

### **4.2.4 ANNUAL ANALYSIS OF RESPONSE TO RESISTANCE AND AGGRESSION INCIDENTS**

CALEA Standard: 4.2.4 (Analyze Reports from Use of Force), 11.4.1 (Administrative Reporting Program)

The agency will conduct an annual analysis of all response to resistance and aggression incidents and corresponding policies and practices. The analysis should identify:

- Date and time of incidents;
- Types of encounters resulting in the response to resistance and aggression;
- 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 Office of Internal Affairs will prepare the analysis for review by the Chief of Police.

#### **4.2.5 ASSAULT ON SWORN OFFICER ANALYSIS**

CALEA Standard: 4.2.5 (Assault on Sworn Officer review), 11.4.1 (Administrative Reporting Program)

During the 1<sup>st</sup> quarter of each calendar year, the Office of Internal Affairs will conduct a review of all assaults on agency law enforcement officers for the previous calendar year. The review will include a determination of any trends or patterns, as well as recommendations to enhance officer safety, revise policy, or address training issues. The review will be submitted to the Deputy Chief of Police for dissemination to Command Staff and staffing affected by recommended changes.

### ***4.3 Weapons and Training***

#### **4.3.1 AUTHORIZED DUTY WEAPONS**

CALEA Standard: 4.3.1 (Authorization: Weapons and Ammunition)

Greenville Police Department employees are only authorized to carry and use weapons, lethal and non-lethal, issued by the Department unless otherwise approved by the Chief of Police or designee (Attachment D). Officers may carry a non-issued pocket knife. This pocket knife shall be used primarily as a utility cutting tool to assist officers in their daily duties.

##### **Department Issued Handgun**

Greenville Police Officers are required to carry their department issued handgun while on-duty. Exceptions, such as special covert situations that may require an undercover officer to be unarmed, may be authorized by the Chief of Police or his designee. Officers on-duty carrying department issued handguns or other approved and concealed handguns, shall carry their badge and their police issued credentials.

Uniformed officers are required to carry their department issued handgun with attached tactical accessory light and appropriate issued holster, the only exception to this policy, are those uniformed officers that are assigned to administrative positions that primarily work non-patrol assignments. Tactical accessory lights are to be used for approved tactical operations only. The only acceptable grip is the original manufacturer's stock grip. The ranking Firearms Instructor may approve other grips, such as oversized stock grip for police officers with large hands, to correct a shooting problem. Bone, pearl, decorator, or target grips are not authorized.

Sworn Officers who wear plain clothes while on-duty may request to carry a personally owned duty weapon, once approved by the lead firearms instructor and upon qualifying on the primary firearms qualification course. Personally-owned duty weapons must be double-action or safe-action and no less than a 9mm caliber. Revolvers are not an approved option. Officers must request permission to carry a different weapon with the understanding that the cost of the weapon and the holster are the responsibility of the individual officer. Duty holsters for all personally owned weapons must be a commercially available holster. Plain Clothes Officers who report to work in uniform must carry the department issued firearm with attached tactical accessory light and issued holster.

Police officers shall be armed with an approved firearm at all times when operating a police vehicle.

##### **Department Issued Shotgun**

The Department will provide the necessary training for all police officers in firearms safety and use of the shotgun. The shotgun is not intended to replace a police officer's duty weapon, but should be considered a supplementary weapon for use as particular situations dictate, e.g., searches for dangerous suspects, stakeouts, building searches, etc.

Shotguns may be issued to police officers upon request and as permitted by availability. Shotguns carried by the Greenville Police Officers will be the type issued by the Department or a personally owned shotgun of the same type. Personally-owned shotguns must be approved by a Department Firearms Instructor. Officers must meet mandatory qualification requirements to carry a shotgun.

If carried in the passenger compartment of the police vehicle, the shotgun shall be secured in the shotgun lock. If the vehicle is not equipped with a shotgun lock, the shotgun shall be secured in the trunk of the vehicle.

The only ammunition approved for duty will be that specified and issued by the Department. When carried in the police vehicle, the shotgun will be loaded in the "cruiser safe" position with ammunition loaded in the magazine tube, no rounds in the chamber, and the safety on. All loading and unloading will be performed outside of buildings and cars. At the termination of any situation that required loading a round into the shotgun chamber, the police officer will:

- Point the weapon in a safe direction (away from buildings and people)
- Ensure the safety is on
- Remove the round from the chamber and return it to the magazine tube
- Ensure the shotgun is loaded in the "cruiser safe" position (safety on – no round in the chamber)

At the end of the tour of duty or anytime the shotgun must be unloaded completely, the police officer will:

- Point the weapon in a safe direction (away from buildings and people)
- Ensure the safety is on
- Partially open slide and make sure the chamber is empty
- Remove shells from the magazine tube by use of the shell catch

Rounds should never be cycled through the chamber to unload the shotgun.

At the end of the tour of duty the police officer shall remove the shotgun from the patrol vehicle and the shotgun shall be stored in a secured location.

### **Department Issued Carbines**

Carbines carried by Greenville Police Officers will be issued by the Department to select police officers. Any officer that does not have a department-issued carbine may use a personal carbine/rifle for duty purposes. The following restrictions must be met:

- The officer must have successfully completed the department provided 24-hour carbine class
- All personal weapons must be assembled by the manufacturer and cannot be pieced together by the officer or a third party
- All weapons will require initial and annual inspection to be completed by an armorer within the police department
- It is the responsibility of the officer to maintain the weapon as prescribed by the department armorer
- All weapons must be on the approved manufacturer list. The approved list will be updated at least annually by the Deputy Chief and distributed to all carbine instructors.
- Officers must provide their own sling and magazines

All weapons must meet the below manufacturer requirements and specifications:

- Iron sights
- Holographic sights are optional
- No magnification
- No suppressors
- Semi-automatic only
- .223 caliber/5.56x45mm
- Must have at least a 16-inch barrel, unless a tax stamp has been issued for that particular weapon
- No AR-Pistols
- Must have a white light that is capable of projecting light at a minimum of 100 yards

All equipment that is placed on any carbine will have to be approved by the Chief of Police or his designee (Lead Carbine Instructor). Once any equipment is added, officers may be required to re-qualify in order to continue carrying the firearm.

When carried in the police vehicle, carbines shall be stored by securing the weapon in the trunk of the police vehicle in the carrying case or in the vehicle's carbine locking rack (if so equipped). During storage, the carbine shall be placed on safe with the bolt closed, magazine inserted, and chamber emptied. Two fully-loaded magazines will be stored with the weapon in the case.

The Department will provide the mandatory training to any officer who will be to being issued a carbine or is requesting to carry a personal weapon. The carbine is not intended to replace the police officer's duty weapon, but should be considered a supplementary weapon for use as particular situations dictate, e.g. building searches, searches for dangerous suspects, K-9 tracks, perimeter security, high risk traffic stops, active shooter situations, or other occurrences as approved by the Chief of Police or his designee. The only ammunition approved for Departmental and personal carbines will be that issued by the Department. Upon deployment, the officer shall ensure the carbine is loaded with a round in the chamber. Administrative loading and unloading shall be done outside of buildings and vehicles. At the termination of any situation that required loading a round into the chamber, the police officer will:

- Ensure safety is on
- Point the weapon in a safe direction (away from buildings and people)
- Release the magazine
- Remove the round from the chamber and return it to the magazine
- Ensure the chamber is empty, release the bolt, and close the dust cover
- Re-insert the magazine
- Properly secure in vehicle

At the end of the tour of duty the police officer shall remove the carbine from the patrol vehicle and it shall be stored in a secured location.

### **Authorized Reserve Officer Handguns**

The Greenville Police Department Reserve Officer Program requires Reserve Officers to carry the department- issued handgun.

### **Other Issued Weapons**

The Emergency Response Team will be responsible for the maintenance and use of chemical munitions and other specialized equipment at the direction of the Chief. The Emergency Response Team Leader will be responsible for ordering chemical munitions and disposing of outdated munitions. The decision to use chemical munitions will be made by Command personnel. All other special purpose weapons authorized for use shall be identified and issued under the direction of the Chief of Police.

### **Less-Lethal Weapons**

The Greenville Police Department has authorized the use of the expandable baton, OC spray, and the TASER as non-lethal weapons that a police officer may carry while on-duty. Police officers are only authorized to carry Department issued OC Spray, expandable batons, and TASERs. Police officers are prohibited from carrying or using blackjacks, saps, weighted gloves, bludgeons, metal knuckles, switchblade knives, and "Nunchaku".

### **Ammunition**

Police officers will carry only Department issued ammunition in their duty weapons. While on-duty, uniformed officers shall carry the minimum number of rounds of ammunition needed to fully load their issued handgun and two extra magazines.

Police officers assigned to non-uniform positions or officers working off-duty or extra-duty jobs are required to carry, at a minimum, their fully loaded department issued or approved handgun. All police officers are responsible for the condition of their duty ammunition and must replace duty ammunition annually.

## **Maintenance and Inspection of Weapons**

### **Operating Condition**

Police officers shall keep all Department issued firearms clean and in good operating condition at all times. They shall regularly inspect all firearms carried on-duty for residue, corrosion, or other signs of deterioration.

### **Cleaning**

Police officers will clean all department issued firearms as soon as possible after they have been discharged, unless otherwise approved by a unit/shift commander.

### **Inspection**

Prior to initial issue, re-issue and during weapons qualification all department firearms will be inspected by a certified armorer and documented on the departmental inspection checklist.

In the event a department-issued weapon is determined to be damaged, or otherwise not in proper working condition, corrective measures will be taken immediately. If a Department armorer can repair the weapon, such repairs will be made and the weapon returned to the officer. If it is not possible to make the repairs quickly, the officer will be issued an alternate weapon until repairs can be made. The officer will be required to qualify with the alternate weapon prior to returning to duty.

Unit supervisors will conduct inspections of duty weapons to verify compliance with the provisions of this directive. Personnel are prohibited from unholstering any firearm or other weapon for inspection by anyone, except upon demand of a superior or inspecting police officer, or in the performance of their official duties.

### **Security**

Police officers are personally responsible for the security of firearms maintained in their custody and control. All weapons will be removed from the assigned patrol vehicle when the vehicle is left for maintenance or repair of any type.

### **Primary and Secondary Weapons**

A personally owned firearm may be carried by sworn officers in plain clothes as approved by the Chief of Police or designee. Additionally, a secondary firearm may be carried as a backup weapon. Secondary weapons must be at least .32 caliber. No Derringers or similar weapons are permitted.

The firearms instructor will ensure at the time of qualification that all firearms:

- Comply with the provisions of this policy
- Are of a quality which make them appropriate as primary and secondary firearms, and
- Are apparently in a safe condition to use.

All weapons and ammunition must be registered with the Training Section on the appropriate State of North Carolina qualification form and be approved by lead firearms' instructor. No secondary weapon may be carried unless the police officer has qualified with the weapon as required by the Criminal Justice Training and Standards Commission. Officers may qualify with, and receive approval for, no more than three total weapons. Ammunition for personally owned weapons shall be provided by the police officer, must be jacketed hollow point ammunition and must not be a "reload". Each individual police officer is responsible for the maintenance and repair of his or her personal weapon(s) and ammunition.

Secondary weapons will be carried in a concealed and safe manner at all times. Secondary weapons, carried as a backup, will be used only when the primary weapon (duty weapon) is inaccessible. To avoid any possible mistake, ammunition for secondary weapons will not be carried in issued duty ammunition pouches, magazines, or magazine holders. The Chief of Police may prohibit the carrying of secondary weapons in any circumstances deemed appropriate.



- Secondary Weapon      Annually on daytime course  
   Annually on nighttime course
- Shotgun                      Annually on daytime course  
   Annually on nighttime course
- Carbine                      Annually on daytime course  
   Annually on nighttime course

Only personnel demonstrating proficiency with the duty weapon, by meeting the requirements of the Department's mandated qualification course, will be allowed to carry that weapon. Any police officer that fails to meet Departmental standards of qualification will have his or her police powers suspended immediately by written notification from the Chief of Police or his designee. Documentation will be added to the officers file as part of his or her annual evaluation.

The police officer will not return to normal duty and will remain assigned to the range until a written status change is made. The officer will be provided remedial training by a Certified Firearms Instructor which will include a review of basic shooting skills and shooting drill in order to identify and correct deficiencies. At the completion of remedial training, the officer will be required to successfully complete the qualification with the weapon to document satisfactory performance before returning to normal duty.

If the officer fails the attempt to requalify, a fitness for duty test will be conducted at the direction of the Chief of Police. A second remedial training and re-qualification attempt will be completed subsequent to the fitness for duty test. If the officer fails at this stage, notification will be made to the Chief of Police where it will be handled as a 'work performance' issue, subject to termination of law enforcement duties

Officers who score below 80% with their service handgun during mandatory qualification classes will be required to attend two (2) additional range training days each year until their score improves at a subsequent mandatory qualification course. All Police Officers are permitted and encouraged to practice with their issued weapons on their off-duty time to maintain proficiency and improve qualification scores. This could include the practice of drawing the weapon from the holster at home with an empty weapon or actual range firing practice with their duty weapon at a facility approved for gunfire. For voluntary practice, the Police Department does not provide off-duty practice ammunition and officers will not be compensated for time spent at a firing range during scheduled time off. Officers need not obtain permission to practice with their duty weapon, but must keep in mind that all safety rules recognized during departmental training should also be applied during off-duty practice.

### **Training and Proficiency Monitoring and Documentation**

These general requirements are to be followed, unless otherwise specified by the Chief of Police. The Firearms Instructor shall:

- Provide training, technical assistance, weapon inspections, range qualification schedules, and other services relating to the shooting qualification program, which are consistent with the position description of the Training Coordinator and the goals of the shooting program;
- Complete a Weapons Qualification Record whenever a police officer qualifies on a course of fire as designated in this directive;
- Maintain complete control and supervision of all personnel while on the range;
- Notify the appropriate Bureau Commander of any police officer experiencing difficulty in qualifying;
- Consult with the appropriate supervisor to determine the training measures needed to develop the shooting ability of the police officer in question to Departmental standards;
- Restrict access to any weapons that a police officer fails to qualify with under Departmental standards;
- Notify the Chief of Police through the chain of command of any police officer who fails to qualify;
- Maintain completed Weapons Qualification Record in each police officer's training file.

The Training Coordinator shall prepare a report, due annually in January, which contains the following:

- A review of the Training Coordinator's log to determine which police officers need additional training and to initiate appropriate training measures.

- A review of the Weapons Qualification Program, including the use of less-lethal weapons. The review will recommend changes as necessary to ensure the program achieves training and qualification standards consistent with current legal requirements.

### **Less-Lethal Weapons Proficiency**

All agency personnel authorized to carry weapons shall receive in-service training biennially and shall demonstrate proficiency with less-lethal weapons. Demonstrated proficiency with less-lethal weapons shall consist of at least the same minimum requirements existing at the employee's entry level. Employees who fail to demonstrate proficiency shall not be returned to duty with that weapon until such time as proficiency is demonstrated and documented.

### **In-Service Training – Response to Resistance and Aggression**

All agency personnel authorized to carry and use weapons shall receive annual in-service training on the Department's Response to Resistance and Aggression policies. In addition to annual in-service training, RRA training shall include legal and legislative updates, shift briefings and training memorandums.

The formal annual RRA training shall include at a minimum:

- Familiarization of officers with legal justifications for and obligations of using the various types of force;
- Discussion of appropriate use of the different types of force and the force continuum;
- Importance of thorough documentation of any response to resistance and aggression; and
- Familiarization of officers with rights, duties, and obligations of using force as a private citizen

The Greenville Police Department does not authorize the use of choke holds, neck restraints, or similar weaponless control techniques as a routine response to resistance aggression (RRA). Annual in-service RRA training will include the progression of force to include verbal, physical, non-lethal, and lethal.

## **4.3.4 Weapon Policy Distribution, Training and Documentation**

CALEA Standard: 4.3.4 (Prerequisites to Carrying Lethal/Less Lethal Weapons)

All personnel authorized to carry lethal and less-lethal weapons shall be provided copies or digital access to the response to resistance policy. Personnel shall be instructed in the Department's policies and procedures regarding the use of any type of force, both lethal and less-lethal, before they are authorized to carry a weapon. The issuance of the RRA policy and the corresponding instruction of all portions of these policies shall be documented.

## **4.3.5 Firearms Range**

CALEA Standard: 4.3.5 (Firearms Range)

The Greenville Police Department utilizes various range locations for training purposes. Ranges are used by the agency for firearm qualifications, practice and training. Law enforcement personnel or authorized participants of the training are the only individuals allowed on the range during any of these events.

A firearms instructor or range master must be present at all times during official use of the range. Records will be maintained by the lead firearms instructor/training coordinator documenting the date, activity and designated instructor. Firearms instructors are certified by the State of North Carolina Criminal Justice Training and Standards Commission. Instructors are required to maintain CPR certification.

Range rules may vary depending on the managing entity. However, documented safety procedures and range rules will be reviewed with all participants prior to any training event. Standard safety procedures utilized by departmental firearms instructors include:

- All handguns are to remain in the holster unless the shooter on the firing line, has been cleared by an instructor to commence fire, or is specifically requested by an instructor to unholster
- No horseplay will be tolerated at any time while on the range
- Firearms will be pointed down range at all times while on the firing line
- Remain aware of surroundings and muzzle direction during reloading procedures

- Qualification activities include the use of a “hot range concept” which requires the shooter to ensure his/her weapon stays loaded at all times
- Duty weapons must be loaded with duty ammunition prior to leaving the range facility if operating a departmental vehicle.

Firearms approved for use at the range include handguns, rifles, shotguns, sub-machine guns and any other specialty weapon approved by the lead firearms instructor. A variety of targets may be utilized to include: paper, steel and three-dimensional targets. Any equipment used on the range is subject to approval by the firearms instructor of record.

Equipment needed for training activities is designated by each lesson-plan. Personal safety equipment use is required for all range activities and includes: hearing protection, eye protection and close-toed shoes. Ballistic vests may be required for specific drills at the direction of the instructor.

Temporary storage of ammunition and weapons may be necessary at range facilities. Storage options are required to be secured, immovable containers that are under constant monitoring or video surveillance.

**Greenville Police Department Authorized Lethal and Non-Lethal Weapons Systems Inventory****Weapon – Specifications**

Handgun – Glock Model 17 9mm Handgun  
Handgun – S&W .357 cal. Revolver – Used for Simunitions  
Handgun – S&W.38 cal. Revolver- Used for Simunitions  
Handgun – Beretta 92 9mm – Used for Simunitions  
Handgun- Glock 17t – Used for Simunitions

Shotgun – Remington Model 870 12-gauge pump shotgun  
Shotgun – H&K Super 90 12-gauge shotgun

Rifle – Ruger AC 556 .223 cal.  
Rifle – Remington 700 308 cal.  
Rifle – Bushmaster .223 cal.  
Rifle – H&K MP-5 9mm  
Rifle – Rock River Arms. 5.56  
Rifle– Smith & Wesson M&P TS 15  
Rifle - Sig Sauer 516 – AR15 platform carbine

Taser – X-26P  
Taser – X2

OC Spray – Vexor V7 1 oz. can  
OC Spray – Fox Lab 2 oz. & 16 oz. can  
OC Spray – Def Tech Mark 9 12 oz. can

Baton – ASP Expandable Baton  
Baton – Monadnock Expandable Baton

K-9's – 4 Belgian Malinois and 2 Sheppard

Gas Gun – L8 37 mm  
Gas Gun – 37 mm single shot- 1 Fed Labs & 1 Def Tech  
Gas Gun – 37 mm single shot  
Gas Gun – 40 mm single shot  
Gas Gun – 40 mm Penn Arms multi-launcher

Gas: Indoor Options

Hand:  
CTS 5430 (CS) / 5440 (OC) Launchable Flameless expulsion  
CTS 6340 O OCV Aerosol Grenade  
CTS 6343 OC/CS Aerosol Grenade

12ga:  
CTS 2430 (CS)/2440 (OC) Powder Barricade Penetrating

## 37mm:

CTS 3330 (CS)/3340 (OC) Liquid Barricade Penetrating  
CTS 3431 (CS)/3441(OC) Powder Barricade Penetrating

## Gas: Outdoor Options

## Hand:

CTS 5210 White Smoke  
CTS5231 Triple Phaser CS smoke  
CTS 8210 White/Green Smoke  
ALS G978 Tactical Pocket White Smoke 978R=Red  
ALS G272 continuous discharge CS smoke  
ALS G273 Tri-Action CS Smoke  
CTS 5230 B Baffled Riot CS Smoke  
CTS 5230JL Jet-Lite CS smoke  
CTS 6211 White Smoke Triple Phaser

## Gas:

37MM  
ALS 7797 white Smoke  
CTS 3230 Riot CS Smoke Projectile

Distraction Device – Bore Thunder 12-gauge Round

Distraction Device – #25 Flash Bang

Distraction Device – 09NR Flash Bang

## Impact Munitions

## 12ga:

Hydro-Kinetic ALS 1200  
Hornets nest ALS 1204  
HV=USN/DOD version  
Pen prevent ALS 1212  
Triton 1212T  
CTS2550 Single Rubber Baton  
CTS 2552 Sting Ball Rubber Pellet  
CTS 2581 Super Sock  
Pepperball launcher and munition

## 37mm:

Pen Prevent ALS3704

## 40mm:

R.E.A.C.T. ALS4006D  
CTS 4557 Foam baton

Less Lethal – Hornets Nest Stun Grenade

Less Lethal – 37 mm/ 40 mm SIM (Specialty Impact Munition)

Less Lethal – 1204 Hornets Nest 12 gauges Round

Less Lethal – 12-gauge SIM (Specialty Impact Munition)

## Ammunition:

Speer 9mm 147gr G2

Federal Premium Controlled Flight 12 gauge 2 ¾ 9 pellet 00b

Federal Premium 12 gauge 2 ¾ 1-ounce Maximum Hydra-shok Hollow Point Reduced Recoil slug

Federal 168 gr. .308 Gold Medal Match BTHP

Speer .223 55gr. GDHP

Hornady 168 gr .308 AMAX TAP

Hornady 75 gr. .223/5.56x45mm TAP SBR

Attachment D