

WINSTON-SALEM POLICE DEPARTMENT

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SUBJECT: Use of Force

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INDEX AS:

RELATED G.O.:

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PURPOSE: The purpose of this policy is to establish guidelines for officers of the Winston-Salem Police Department as to the use of force, including deadly force, as allowed by applicable law. Applicable law includes, but is not limited to, NCGS 15A-401(d), "Use of Force in Arrest," which provides:

NCGS 15A-401(d) Use of Force in Arrest -

- (1) Subject to the provisions of subdivision (2), a law-enforcement officer is justified in using force upon another person when and to the extent that he reasonably believes it necessary:
 - a. To prevent the escape from custody or to effect an arrest of a person who he reasonably believes has committed a criminal offense, unless he knows that the arrest is unauthorized; or
 - b. To defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force while effecting or attempting to affect an arrest or while preventing or attempting to prevent an escape.

- (2) A law enforcement officer is justified in using deadly physical force upon another person for a purpose specified in subdivision (1) of this subsection only when it is or appears to be reasonably necessary thereby:
- a. To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force;
 - b. To affect 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.

This general order consists of the following numbered sections:

- I. Definitions
- II. Use of Force
- III. Documentation and Reporting of Use of Force Incidents
- IV. Immediate Supervisor and Field Commander Responsibilities Concerning Use of Force Incidents
- V. Oleoresin Capsicum Use
- VI. Conducted Electrical Weapon
- VII. Baton Use
- VIII. Sage Control Ordnance SL6 Less Lethal Launcher
- IX. Deadly Force
- X. Tear Gas Projectile or Grenade Use
- XI. Canine Bite Incidents
- XII. Use of Force Against Animals
- XIII. Spit Sock
- XIV. Restraint Devices
- XV. Incidents Resulting in Death or Serious Physical Injury
- XVI. Analysis of Use of Force Incidents
- XVII. Attachments

I. DEFINITIONS:

- A. **Passive Resistance:** A subject's failure to comply with an officer's lawful commands. An example of passive resistance would be a subject lying or sitting down when directed to remain standing, or a subject becoming limp (dead weight) when an officer is attempting to transport them by foot.
- B. **Active Resistance:** A subject's physical actions which prevent an officer's lawful actions in attempting to place a subject into custody, attempting to stop a subject from escaping custody and/or an officer's otherwise lawful attempts to take control of the subject. An example of this would be fleeing on foot.

- C. **Aggressive Resistance:** A threat or overt act of an assault (through physical or verbal means), coupled with the apparent present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent. An example of aggressive resistance would be a subject physically forcing their hands underneath their body and physically resisting an officer's attempt to gain control of the subject or violently pulling away from an officer who is attempting to control them.
- D. **Deadly Force:** Force which is reasonably likely to result in death or serious injury.
- E. **Lethal Weapon:** A firearm which, when discharged, is likely to cause death.
- F. **Less Lethal Weapon:** A weapon which, when used according to Departmental training guidelines, is not likely to cause death.
- G. **Oleoresin Capsicum (OC) Pepper Spray:** A non-lethal cayenne pepper-based agent that causes instant inflammation of mucous membranes, closure of the eyes, inflammation of the trachea and a burning sensation of the skin.
- H. **Physical Force:** The use of any method, technique, or Less Lethal weapon which involves physical contact for the purpose of restricting or controlling the movement or behavior of a person.
- I. **Reasonable Belief:** Facts and/or circumstances, including the reasonable inferences drawn therefrom, known to an officer at the time he or she uses force that would cause a reasonable officer to believe that the use of force is necessary and appropriate.
- J. **Serious Physical Injury:** Bodily injury that creates a substantial risk of death or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization.
- K. **Drive Stun:** Activating the Conducted Electrical Weapon while holding the front of the device against the target without firing the projectiles. The drive stun causes significant localized pain, but does not have an incapacitating effect on the central nervous system.
- L. **Conducted Electrical Weapon (CEW):** A less lethal electronic neuromuscular incapacitation weapon that transmits an electrical signal resulting in an immediate loss of a person's neuromuscular control and the ability to perform coordinated action for the duration of the impulse.

- M. **Conducted Electrical Weapon Certified Officer:** An officer who has successfully completed all required training in the use and deployment of the CEW.
- N. **Conducted Electrical Weapon Cycle:** Duration of a CEW discharge following a single CEW activation.
- O. **Standard Conducted Electrical Weapon Cycle:** A five second electrical cycle occurring when a CEW trigger is pressed and released. The standard cycle may be shortened by turning the CEW off.
- P. **Spit Sock:** An individually packaged, disposable lightweight hood used to prohibit an arrestee from expectorating and deter biting. The Spit Sock allows arrestees to breath without interference and permits visual observation of the arrestee's face.
- Q. **Maximum Restraint Position:** Placing a subject with their hands secured behind their back, legs secured together, and their legs and hands connected together behind the subject's back with the subject's legs flexed at the knees. Subject is laying on their side or face-down. ****THIS POSITION IS STRICTLY PROHIBITED.****
- R. **SAGE Control Ordnance SL6 Less Lethal Launcher:** A six (6) shot projectile firing weapon which fires less lethal impact munitions, that when used according to Departmental training guidelines is not likely to cause death.

II. USE OF FORCE

- A. The WSPD use of force continuum (Attachment A) is a model to guide officers in use of force decisions. Officers should understand the Use of Force options available to them and recognize that any Use of Force option has the potential to cause an injury to a subject depending on the variables surrounding the totality of circumstances of an incident. Officers should consider possible effects and injuries caused by the use of force beyond the direct intended effect of that particular use of force, for example if a CEW was used on a person standing on the side of a bridge, it should be expected that the person may fall off the side of the bridge and become injured as a result of the fall.

When deadly force is justified, officers may utilize any issued weapon in response as they see appropriate based on the threat presented by the suspect, their assessment of the threat and their determination of the most appropriate response.

B. Control levels

Unless otherwise approved by a Bureau Commander, it is mandatory that uniformed officers, both on and off-duty must carry all issued equipment to include the handcuffs, CEW, baton, OC, firearm, magazines, radio, and flashlight when working patrol/security/traffic enforcement duties.

1. **Presence**

Psychological force established through the officer's arrival on the scene and symbols of authority (badge, uniform, etc.).

2. **Verbal Direction/Control**

Conversation, advice, commands or instructions utilized by the officer to control or de-escalate a confrontation. Verbal communication, when applicable, should accompany officer actions, including the officer's identification and announcement of arrest, if appropriate, as outlined in NCGS § 15A-401(c) (2). Officers should utilize good verbalization during all levels of force.

3. **Physical Control**

Use of physical contact such as touching, assisting, grabbing, joint manipulations, OC, CEW and personal weapon strikes.

- a. **Soft Hand Control:** Techniques which have a low probability of injury, such as wrist controls.
- b. **OC Pepper Spray:** Use is preferred over attempts to control a subject by escalating physical force. Should basic wrist control/restraints (soft hand techniques) prove ineffective, the use of OC should be evaluated.
- c. **Hard Hand Control:** Techniques which have a higher probability of injury, such as punches or kicks.
- d. **Conducted Electrical Weapon:** The use of the CEW is allowed in an attempt to control an assaultive subject and/or to prevent an imminent threat of an assault such as aggressive resistance. Verbal statements alone do not constitute aggressive resistance behavior. Should the use of other options such as the use of OC Pepper Spray or Hard Hand Control Techniques prove ineffective or not be viable, the use of a CEW should be evaluated.

4. **Incapacitating:** Use of personal weapon strikes (hands, feet, knees, etc.) to the head/neck, baton strikes to major muscle mass, the use of the CEW (for special consideration circumstances listed in section VI., C., 1-5 of this general order) and the SAGE.
5. **Deadly Force:** Actions which would likely result in serious injury or death, including the use of firearms, baton strikes to the head, choke holds or any technique used to stop the use or imminent use of deadly force.

III. DOCUMENTATION AND REPORTING OF USE OF FORCE INCIDENTS

Employees shall notify their immediate supervisor, as soon as possible, after an incident involving the use of the SAGE Launcher, OC, tear gas, baton, use or threatened use of a CEW, or firearm on a citizen. If the incident occurs while the employee is off-duty, he will immediately notify the on-duty Field Commander.

- A. Employees shall document in an Incident Report and Less Lethal Weapons Supplement Report (Attachment B) any incident involving the use of the SAGE Launcher, OC, tear gas, baton, or use or threatened use of a CEW on a citizen. Any other use of force incident will be documented in an Incident Report only. A report will not be required when the force used was limited to soft hand contact such as touching and the routine application of handcuffs. If an officer is uncertain whether the restraint or control used is a reportable use, he shall notify his immediate supervisor who will make the determination.
- B. Any incident involving the use of the SAGE Launcher, OC, tear gas, baton, use or threatened use of a CEW, or firearm on a citizen will be considered a use of force incident and reviewed accordingly.
- C. Weapons will be utilized only by employees who have successfully completed all required training in the use and deployment of the weapon.
- D. Use of force incidents on a citizen will be reported in an internal investigation package in accordance with the Internal Investigations Manual. The package will consist of an Incident Report, Supplements, Less Lethal Weapons Supplement Report, any available video and/or audio recordings and an Administrative/Incident Investigation Review form. If the subject is transported to a hospital due to the exposure or other in-custody injuries, the package will include a Pre-Confinement form.
- E. If a citizen is injured or requires transport to a hospital under the guidelines of this General Order, the citizen will be taken to Forsyth Medical Center, or if specifically requested, to Wake Forest Baptist Medical Center, unless in the officer's opinion EMS is more appropriate for the situation. Subjects who are not under arrest cannot be forced to respond to the hospital.

- F. Should the condition of a subject deteriorate while being transported by an officer to the hospital, the officer shall use his best judgment based on time of day, proximity to the hospital, estimated arrival time of EMS, traffic volume, etc., when determining whether or not to proceed on to the hospital, render aid, or contact and wait for EMS.
- G. Complaints of unauthorized use of force will be investigated by the Professional Standards Division (PSD) in accordance with the Management of Professional Standards of Conduct.

IV. IMMEDIATE SUPERVISOR AND FIELD COMMANDER RESPONSIBILITIES CONCERNING USE OF FORCE INCIDENTS

Immediate Supervisors and Field Commanders have general duty requirements as listed below regarding supervision of use of force incidents regardless of the use of force type. Duties that are specific to certain use of force types are listed within those particular sections of this general order.

- A. The supervisor, or if the reporting officer is off-duty, the Field Commander or his designee, will ensure the involved officer(s) completes an Incident Report and Less Lethal Weapons Supplement Report for any use of OC, Baton, SAGE Launcher, Tear Gas Grenade, use or threatened use of a CEW, or Firearm on a citizen.
- B. Report to the exposed subject's location, interview all witnesses and the exposed subject, and document in a supplement report and/or departmental memorandum, as appropriate.
- C. Complete a Notification of Incident (NOI) with distribution to the Use of Force Coordinator and the Public Safety Attorney.
- D. The employee's immediate supervisor shall be responsible for completion of the appropriate internal investigation package in accordance with the Internal Investigation Manual.

If the incident occurs while the employee is off-duty, the on-duty patrol supervisor will be responsible for A-C above. Additionally, the on-duty supervisor will be responsible for forwarding any form or document that must be submitted by 0800 hours the following day, per the Internal Investigation Manual, to the proper person.

V. OLEORESIN CAPSICUM USE

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- A. The use of OC is preferred over attempts to control a subject by escalating physical restraint. Should basic wrist control/restraints (soft hand techniques) prove ineffective, the use of OC should be evaluated.
- B. Any person known by the employee to be affected by OC shall be offered assistance without delay pursuant to General Order 1.11, Injuries to Persons and Arrestees: Fatal and Non-Fatal/Illnesses of Arrestees. Employees will ask the exposed subject if he has any current respiratory conditions or a history of respiratory conditions such as asthma, bronchitis, emphysema, etc. **and** conduct a visual inspection of the subject for a medic-alert bracelet or necklace indicating the existence of a condition immediately after exposure. The exposed subject shall be **constantly watched** for signs of distress to include, but not limited to, difficulty breathing, heavy sweating, or signs of excited delirium until the point the subject is no longer under the employee's control.

1. Exposed- Not In-Custody

If the subject is not in custody and appears to be in a normal state of health, but indicates that he has a current respiratory condition or a history of respiratory conditions, the subject will be offered transportation by the officer to a hospital. The officer may also contact EMS if the subject prefers not to ride with the officer. A subject who has not been arrested may not be forced to receive decontamination or medical treatment.

2. Exposed- In- Custody

If a subject who is in custody indicates that he has a current respiratory conditions or a history of respiratory problems, the officer will transport the arrested subject to a hospital unless in the officer's opinion EMS is more appropriate for transport.

VI. CONDUCTED ELECTRICAL WEAPON

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A. Conducted Electrical Weapon

The use of the CEW is allowed in an attempt to control an assaultive subject and/or to prevent an imminent threat of an assault such as aggressive resistance. Verbal statements alone do not constitute aggressive resistance behavior. Should the use of other options such as the use of OC or Hard Hand Control Techniques

prove ineffective or not be viable, the use of a CEW should be evaluated.

1. The CEW will be utilized only by officers who have successfully completed all required training in the use and deployment of the device.
2. Use will be consistent with training as defined by the CEW lesson plan and hands-on training.
3. Officers will target the lower portion of center mass or the legs of a subject's body when deploying a CEW. Officer should avoid, if possible, aiming probes at a subject's head, neck and genital areas.

B. Officers will NOT use a CEW in the following circumstances:

1. **On a subject who is near, or has been exposed to, potentially flammable, volatile or explosive materials.**
2. **When a subject is in a significant amount of water.**
3. **When a subject is in a position where a fall may cause substantial injury or death.**
4. **Punitively; as a means of coercion or in any other unjustified manner.**

Nothing herein shall be construed to limit the authority of an officer to use deadly force as permitted by law.

C. SPECIAL consideration, consistent with Departmental training, should be given for the use of and prior to the use of the CEW on a subject who meets the criteria listed below.

Use of the CEW will only be justified on these subjects when the subject's behavior is at the assaultive level; and/or so violent that it could result in serious physical injury to themselves or others and lower levels of force are unsafe or ineffective; or it is reasonable to believe lower levels of force would be unsafe or ineffective given the circumstances surrounding the incident.

1. **Is visibly pregnant.**
2. **Is fleeing on foot-Officers will NOT use a CEW in an attempt to stop a fleeing subject purely for the person's fleeing/flight alone without an accompanying justifiable reason. For example, a subject who flees at the sight of a police officer may not be subjected to the CEW.**
3. **Is operating a functioning, operable motor vehicle.**

4. **Is physically limited (age related, young child, or frail).**
5. **Is handcuffed.**

Officers must thoroughly document their justification for the use of a CEW on subjects who are identified as requiring special consideration.

- D. When deploying a CEW, officers should use one (1) standard CEW cycle (five seconds) and re-evaluate. If subsequent activations are necessary, they should normally be limited to two (2) reactivations (not to exceed 5 seconds each) as necessary to gain control of the subject. Officers **must** be able to articulate the circumstances that warranted **any** additional CEW activations beyond the initial three (3) activations. An example would be no available or immediate back up with continued aggressive resistance by the suspect.
- E. The CEW shall not be used in drive-stun mode **without a cartridge attached** as a pain compliance technique.

CEWs may be used in drive-stun mode only to supplement the probe mode to complete the incapacitation circuit. **The drive stun function without the cartridge attached shall be used only in exigent circumstances such as a cartridge malfunction and/or during a cartridge change where other use of force options are not practical or readily available.**

- F. Officers shall handle and store the CEW in the same manner as a firearm, exercising a due regard for safety.
- G. The CEW will be carried on the officer's support side to be drawn from the CEW holster in a cross-draw manner with the officer's dominant hand.
- H. After receiving appropriate training from a Certified CEW Instructor and approval from their assigned Division Commander, officers assigned to specialized units (i.e. S.W.A.T. , Special Investigation Division), may utilize alternative carrying/holstering methods.
- I. Conducted Electrical Weapon Evidence Collection

In the event of a serious injury and/or death involving a CEW, evidence collection must be conducted so as to ensure the integrity of evidence. The following guidelines should be followed (Refer to General Order 4.11, Evidence and Property Management):

1. Photograph wounds, probe impacts, and/or drive-stun marks (with scale for reference in the photo).

2. Photograph the subject to document where injuries are present and where injuries are not present.
3. Keep the original battery in the CEW (certain CEW models require the battery to always remain inserted to keep the integrity of the CEW's internal clock).
4. Retain and properly store the cartridge probes and wires. Place the probes in a paper bag. Do not wind the wire up –maintain wire integrity as best as possible.
5. Collect and maintain, as evidence, the subject's clothing in the event that a probe penetrated or was attached to the clothing or for later analysis of potential probe impact sites.
6. Collect several AFID tags, if at all possible, from the TASER cartridge(s) and note their locations at the scene.

J. Post-Exposure Procedures

1. Any person appearing to have been adversely affected following exposure to a CEW will be offered assistance without delay pursuant to General Order 1.11, Injuries to Persons and Arrestees: Fatal and Non-Fatal Illnesses of Arrestees. In all cases of CEW deployment against a person, officers will ask the exposed subject if he has a history of cardiac-related health issues **and** conduct a visual inspection of the subject for a medical-alert bracelet or necklace indicating the existence of a medical condition immediately after exposure. All exposed subjects shall be **constantly watched** for signs of distress to include, but not limited to, difficulty breathing, heavy sweating, or signs of excited delirium until the point the subject is no longer under the officer's control.

a. Exposed – Not In Custody

If the subject is not in custody and appears to be in a normal state of health, but indicates that he has a history of cardiac-related health issues, the subject will be offered transportation by the officer to a hospital. The officer may also contact EMS if the subject prefers not to ride with the officer. A subject who has not been arrested may not be forced to receive medical treatment.

b. Exposed- In Custody

If a subject who is in custody indicates that he has a history of cardiac-related health issues, the officer will transport the arrested

subject to a hospital unless in the officer's opinion EMS is more appropriate for transport.

- c. Subjects who are in custody and are pregnant and/or medically or physically limited will be transported to a hospital unless in the officer's opinion EMS is more appropriate for transport.
 - d. Subjects who are arrested and have been exposed to more than three 5 second CEW cycles, will be taken to a hospital unless in the officer's opinion EMS is more appropriate for transport.
2. Following the deployment of a CEW, a Conducted Electronic Device Certified Officer may remove probes that have penetrated the skin, however, probes that strike the subject in the head, face, neck, spine, breast, or groin will be removed by Emergency Medical Services or hospital emergency department personnel. Any probe that an officer is uncertain about removing will be removed by Emergency Medical Services or hospital emergency department personnel. The officer will use protective equipment such as disposable gloves and other universal precautions to prevent exposure to Bloodborne pathogens. Probes will be removed following the steps outlined in the CEW lesson plan.
 3. Probes that are removed by advanced medical personnel will be photographed prior to removal. However, treatment should not be delayed for the purpose of obtaining photographs.
 4. If the CEW discharge was unintentional and no one was struck and/or injured, the officer will document actions leading to the discharge in a general memorandum to their immediate supervisor.

L. Immediate Supervisor and Field Commander Responsibilities

In addition to the duties listed in Section IV of this General Order, Immediate Supervisors are responsible for the following:

1. When possible, ensure probe impact points on the body are photographed before and after removal.
2. Whenever a CEW is utilized (cartridge fired) by an officer, the officer's immediate supervisor will ensure that the CEW is downloaded prior to shift end, as trained. A download may be completed by any sworn departmental supervisor or CEW instructor. A copy of the downloaded use log will be printed and attached to the Incident Report.

3. If a CEW is discharged unintentionally and does not result in a strike and/or injury to a person, the officer's immediate supervisor will review the discharge along with the officer's submitted general memorandum and document his findings utilizing a Supervisor's Review Form, or an Administrative Investigation, as appropriate, in accordance with the Internal Investigations Manual.
4. The immediate supervisor will notify PSD and the Use of Force Coordinator of the circumstances that surrounded the incident if:
 - a. A CEW is deployed for longer than five seconds during a cycle.
 - b. If a subject is exposed to more than 3 cycles.
 - c. Any other abnormal circumstances have occurred.
5. Supervisors may direct officers to store the CEW in the designated locker for download if there are any unusual circumstances surrounding the deployment.

VII. BATON USE

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- A. Use of lower levels of force, to include OC and CEW, should be considered before use of the baton.
- B. Post Exposure Procedures
 1. Exposed – Not In Custody

If the subject is not in custody, the subject will be offered transportation by the officer to a hospital. The officer may also contact EMS if the subject prefers not to ride with the officer. A subject who has not been arrested may not be forced to receive medical treatment.

2. Exposed- In Custody

Regardless of whether there is an obvious injury, any person(s) struck by an officer's baton who is in custody shall be taken to a hospital for assessment, unless in the officer's opinion EMS is more appropriate for transport. This should be done without delay, pursuant to General Order 1.11, Injuries or Illnesses of Arrestees: Fatal and Non-Fatal.

C. Immediate Supervisor's Responsibilities

In addition to the duties listed in Section IV of this General Order, Immediate Supervisors are responsible for ensuring photographs are taken of the area of the person's body struck by the baton.

VIII. SAGE CONTROL ORDNANCE SL6 LESS LETHAL LAUNCHER

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A. The SAGE Control Ordnance SL6 Less Lethal Launcher should be considered in situations where closing distance with a subject could cause an escalation of force or increased risk of injury to any person within close proximity to the incident. For example, deployment of the SAGE Launcher may be used against a noncompliant suspect armed with a knife who refuses to obey lawful commands to drop the knife. This may allow for the suspect to be taken into custody without resorting to a higher level of force.

B. Post Exposure Procedures

1. Exposed – Not In Custody

If the subject is not in custody, the subject will be offered transportation by the officer to a hospital. The officer may also contact EMS if the subject prefers not to ride with the officer. A subject who has not been arrested may not be forced to receive medical treatment.

2. Exposed- In Custody

Regardless of whether there is an obvious injury, any person(s) struck by a Sage Launcher who is in custody shall be taken to a hospital for assessment, unless in the officer's opinion EMS is more appropriate for transport. This should be done without delay, pursuant to General Order 1.11, Injuries or Illnesses of Arrestees: Fatal and Non-Fatal.

C. Immediate Supervisor's Responsibilities

In addition to the duties listed in Section IV of this General Order, immediate supervisors are responsible for ensuring photographs are taken of the area of the person's body struck by the projectile.

D. Any Sage Launcher projectile that strikes a subject shall be seized and placed into Evidence Management. If the projectile did not strike a person and has no evidentiary value, the projectile and its metal cartridge should be returned to the Range master.

IX. DEADLY FORCE**[J:\TRAINING\INSERVICE\Lesson Plans\2013\Firearms Lesson Plan inst.docx](#)****A. Firearms Use:**

Firearms shall NOT be discharged under the following circumstances:

1. As a warning;
2. Indiscriminately, not in the line of duty.

Nothing herein shall be construed to limit the authority of an officer to use deadly force as permitted by law.

B. Discharging Firearms from a Moving Vehicle

An officer shall not discharge a firearm from a moving vehicle unless the officer reasonably believes no other means are practical to defend himself or other citizens from the use or imminent use of deadly force.

C. Firearms may be Discharged by an Officer in the Following Circumstances:

1. When the use of deadly force is lawful;
2. To destroy a dangerous animal or to alleviate further suffering of an injured animal when other disposition is impractical; and/or
3. For target practice/qualification at an approved range.

D. When practical, officers should issue a verbal warning prior to the use of deadly force.

OFFICERS SHALL SECURE MEDICAL CARE **WITHOUT DELAY FOR ANY PERSONS INJURED AS A RESULT OF THE USE OF DEADLY FORCE PURSUANT TO GENERAL ORDER 1.11, INJURIES OF ILLNESSES OF ARRESTEES: FATAL AND NON-FATAL.**

E. Documentation of Drawing or Discharging of a Firearm

1. Anytime a firearm of any type is drawn while engaged in any type of confrontation with a person, the officer shall complete an Incident or Supplement Report. For example, if an officer draws his firearm while approaching a vehicle on a traffic stop, an Incident or Supplement Report will be required.
2. A copy of all Incident or Supplement Reports involving the drawing or discharge of any city-issued firearm will be forwarded to the Rangemaster. Events sanctioned by the Department, such as firearms training, will be exempt from this procedure.
3. The supervisor notified of an officer discharging a city-issued firearm, **except** as set out in Section 3. below, shall immediately notify the on-duty Field Commander who shall in turn notify the appropriate Bureau Commander, Division or District Commander, and PSD Commander.
4. The PSD Commander will be responsible for the following:
 - a. Notifying the Police Chief of such incidents.
 - b. Internal investigation of all discharging of firearms incidents by department personnel.

X. TEAR GAS PROJECTILE OR GRENADE USE

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- A. Only a supervisor at the rank of Sergeant or above may authorize the use of tear gas projectiles or grenades. Medical and Fire Department personnel and equipment should stage near the scene when using tear gas projectiles or grenades in confined areas or buildings, as deemed appropriate by the authorizing supervisor.
- B. Any person known by the employee to be affected by tear gas shall be offered assistance without delay pursuant to General Order 1.11, Injuries to Persons and Arrestees: Fatal and Non-Fatal/Illnesses of Arrestees. Employees will ask the exposed subject if he has any current respiratory conditions or a history of respiratory conditions such as asthma, bronchitis, emphysema, etc. **and** conduct a visual inspection of the subject for a medic-alert bracelet or necklace indicating the existence of a condition immediately after exposure. The exposed subject shall be **constantly watched** for signs of distress to include, but not limited to, difficulty breathing, heavy sweating, or signs of excited delirium until the point the subject is no longer under the employee's control.

1. Exposed Not In-Custody

If the subject is not in custody and appears to be in a normal state of health, but indicates that he has a current respiratory condition or a history of respiratory conditions, the subject will be offered transportation by the officer to a hospital. The officer may also contact EMS if the subject prefers not to ride with the officer. A subject who has not been arrested may not be forced to receive decontamination or medical treatment.

2. Exposed In- Custody

If a subject who is in custody indicates that he has a current respiratory conditions or a history of respiratory problems, the officer will transport the arrested subject to a hospital unless in the officer's opinion EMS is more appropriate for transport.

XI. CANINE BITE INCIDENTS

Any incident involving a citizen being bitten by a police canine will be considered a use of force incident and reviewed accordingly. For specific procedures, refer to General Order 2.18, K-9 Units.

XII. USE OF FORCE AGAINST ANIMALS

A. Officers may use appropriate force to defend themselves or others from a vicious or attacking animal. The officer will make reasonable attempts to notify the owner of the animal, thoroughly document the incident in an Incident Report and forward the complete Incident Report to include any on-officer audio or video recordings to PSD. (A Less Lethal Weapons Supplement Report is not required for exposures to animals.)

B. Disposing of Injured Animals

The following procedure will be adhered to when disposing of an injured animal, when there is no evidence of injury, criminal misconduct or property damage (other than the involved animal):

1. The appropriate personnel, at the rank of Sergeant or above, will conduct a complete and thorough investigation.
2. The scene will be photographed by the Sergeant or his designee.
3. All observations and investigative information will be noted in the appropriate Incident Report and Supplemental Reports.

4. All reports, photographs, and any available audio and video recordings will be collected and an Administrative Review Form, with the words “**Animal Shooting**” written at the top, will be attached and the completed information will be forwarded for review through the chain of command to the PSD Commander.

XIII. SPIT SOCK

- A. Application of the Spit Sock will be in accordance with WSPD training guidelines.
- B. The Spit Sock will not be altered, tightened or secured to the arrestee in any way.
- C. The Spit Sock should remain in its original unopened packaging until ready for use and only used once.

XIV. RESTRAINT DEVICES

- A. All Restraint Devices must be approved by the Use of Force Coordinator prior to use. Restraint Devices will only be used to enhance officer safety and prisoner security. All such devices will be used in accordance with state laws, training guidelines and at appropriate force levels. **Officers will not utilize the MAXIMUM RESTRAINT position.**
- B. Approved Restraint Devices
 1. Handcuffs, Leg Cuffs (Shackles)
 2. Toka – LR-2, Leg Restraint Belt
 3. Flex Cuffs
 4. Handcuff Restraint Belt

XV. INCIDENTS RESULTING IN DEATH OR SERIOUS PHYSICAL INJURY

- A. Fitness For Duty Assessments
 1. Any employee who uses force on a person who dies or suffers a serious physical injury will be temporarily reassigned and required to submit to a fitness for duty assessment as provided in General Order 7.03, Employee Assistance Program/Fitness for Duty. A doctor’s fitness for duty assessment will be furnished to the Police Chief. The doctor’s recommendation on the employee’s fitness for duty will provide a basis for the Police Chief’s decision on the employee’s return to duty pending administrative review.
 2. The Police Chief will determine whether employees involved in incidents resulting in death or serious injury to a citizen or officer will be required to

submit to a fitness for duty assessment in accordance with the standards established in General Order 7.03, Employee Assistance Program/Fitness for Duty. The results of any such assessment will be provided to the Chief of Police.

3. Counseling will be made available to any employee in accordance with General Order 7.03, Employee Assistance Program/Fitness for Duty.

B. Assignment/Equipment

1. The Police Chief will determine the assignment of an employee who is subject to administrative or criminal investigation or both during a use of force investigation(s). The Police Chief may, at his discretion, place an employee on administrative duty or administrative leave with pay for all or a part of the investigation.
2. Any police employee whose issued weapon is seized because of a use of force incident will be required, upon the Police Chief's approval, to qualify with a newly issued weapon(s) prior to issuance.
3. Any employee who has been placed on administrative leave because of a use of force situation will not operate any city-owned vehicle while on leave. The employee's immediate supervisor will determine where the officer's assigned vehicle is to be parked and notify the fleet manager of that location. In the likelihood of extended leave, the vehicle may be reassigned after discussion with the fleet manager. Other restrictions on issued equipment may be made by the Police Chief.
4. Any employee who has been placed on Administrative Duty because of a use of force situation may be subject to equipment restrictions as directed by the Police Chief.

C. Any restrictions placed upon an employee's scope of authority pursuant to this General Order, shall be at the discretion of the Police Chief.

D. At the discretion of the Police Chief, the State Bureau of Investigation (SBI) may be requested to investigate use of force incidents involving Departmental personnel that result in serious injury or the death of an arrestee or citizen. Upon such request, it will be the responsibility of the Criminal Investigations Division (CID) Commander to notify the SBI. The CID Commander shall promptly advise the PSD Commander of the SBI notification.

XVI. ANALYSIS OF USE OF FORCE INCIDENTS

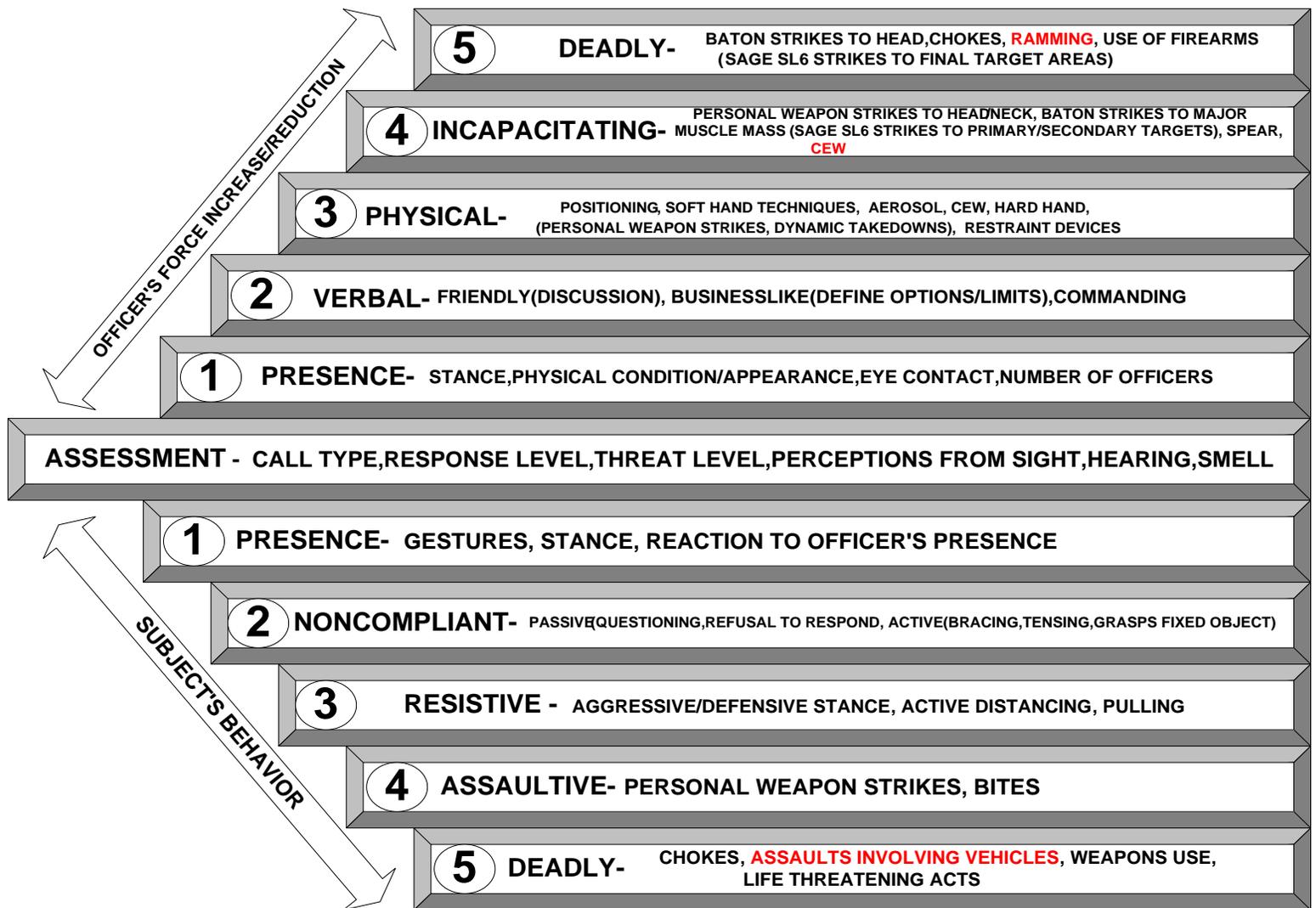
- A. The Operations Support Division Commander shall appoint a Use of Force Review Committee annually. This committee shall be responsible for conducting a quarterly review of cases involving both lethal and non-lethal uses of force and providing feedback regarding identified training or policy concerns. The PSD Commander shall provide the Use of Force Review Committee chairman with a quarterly report of the documented use of force incidents for the prior quarter to aid in this review.

- B. The PSD Commander shall compile an annual analytical report concerning incidents involving both lethal and non-lethal uses of force by Police Department personnel to be forwarded to the Police Chief. The report shall be completed by January 31 of each year for all use of force incidents that occurred in the preceding year. Copies of completed reports will be forwarded to the Planning and Accreditation manager for accreditation purposes.

XVII. ATTACHMENTS

- A. WSPD Use of Force Continuum
- B. Less Lethal Weapon Supplement (Note: an electronically fillable version of this form is located in Shareall/Forms)

USE OF FORCE APPLICATIONS - WINSTON-SALEM POLICE DEPARTMENT (REVISED 2014)



WINSTON-SALEM POLICE DEPARTMENT

LESS LETHAL WEAPONS SUPPLEMENT

1. INCIDENT NUMBER

2. REPORT DATE/TIME

3. INCIDENT

4. **Subject Behavior:** ASSAULTING 3RD PARTY INVOLVED IN FIGHT WITH 3RD PARTY ATTEMPTING TO INJURE SELF
 ARMED WITH WEAPON ASSAULTING OFFICER RESISTING OFFICER(S)

DESCRIPTION OF ACTION:

5. **Force Used Prior to Weapons Use:** NO PHYSICAL FORCE SOFT HAND TECHNIQUES HARD HAND TECHNIQUES
 (Check All That Apply) HARD HAND STRIKES FIREARM DRAWN

6. **Less Lethal Weapons Utilized:** OC C.E.W. BATON IMPACT MUNITION TEAR GAS GRENADE
 (Check All That Apply) **Complete Related Section(s)**

7. **Force Used After Weapons Use:** NO PHYSICAL FORCE SOFT HAND TECHNIQUES HARD HAND TECHNIQUES
 (Check All That Apply) HARD HAND STRIKES FIREARM DRAWN UNRESISTED APPLICATION OF HANDCUFFS

8. **Alcohol Use:** YES NO UNKNOWN BAC IF KNOWN:9. **Drug Use:** YES NO/UNKNOWN TYPE:10. **Restraint Method:** HANDCUFFS FRONT REAR TOKA, LR2 LEG CUFFS FLEX CUFFS ANKLES WRISTS11. **Total Officers Present When Deployed:**12. **Total Officers Utilizing Less Lethal Weapons:**

13. **Arrestee Injury From Less Lethal Weapon:** BRUISE LACERATION/ABRAISON BROKEN BONE SPRAIN/STRAIN
 PROBE MARK NONE UNKNOWN / REFUSED TREATMENT OTHER:

14 **Medical Resource:** FMC NCBMC EMS OTHER:15. **LEDC Confinement:** YES NO

“OC” AEROSOL USE LOT# MANUFACTURE DATE:

16. DISCHARGE DISTANCE: LESS THAN 3' 3'-6' 6'-8' 8'-12' MORE THAN 12' NOT APPLICABLE - CANISTER MALFUNCTION

17. DISCHARGE AMOUNT: INITIALLY: , SECOND BURSTS SECONDARY: , SECOND BURSTS
 ADDITIONALLY: , SECOND BURSTS

18. TARGET AREA: (SEE GUIDE B) AREA 1 AREA 2 AREA 3 AREA 4 AREA 5 AREA 5 (DESCRIBE):19. EXPOSURE REACTION TIME: 0-5 SECONDS 5-10 SECONDS 10-15 SECONDS MORE THAN 15 SECONDS NO REACTION

20. SUBJECT'S INITIAL REACTION: (CHECK ALL THAT APPLY) EYE CLOSURE HANDS TO FACE FLEES/ATTEMPTS TO FLEE
 CEASES PREVIOUS ACTION CONTINUES AGGRESSIVE BEHAVIOR NO REACTION OTHER:

21. DECONTAMINATION: REFUSED SALINE RINSE (PERFORMING OFFICER) LOT#22. VISION RECOVERY: 5 MINUTES OR LESS 5-10 MINUTES 10-15 MINUTES OTHER: MINUTES23. EYE GLASSES/SUN GLASSES: YES NO24. CONTACT LENSES: YES NO25. GENERAL RECOVERY: 15 MINUTES OR LESS 15-30 MINUTES 30-45 MINUTES 45-60 MINUTES

26. RESPIRATORY CONDITION: NONE IDENTIFIED SUSPECT IDENTIFIED
 3RD PARTY INDICATED OFFICER DETERMINED MEDIC-ALERT

27. CONFIRMED RESPIRATORY CONDITION: NONE
 ASTHMA EMPHYSEMA BRONCHITIS

BATON USE

28. NUMBER STRIKES DELIVERED(SEE GUIDE A): INITIALLY: TO AREA # ADDITIONALLY TO AREA #
 ADDITIONALLY TO AREA# ADDITIONALLY TO AREA# ADDITIONALLY TO AREA#

29. SUBJECT REACTION: ACTION CEASED SUBJECT DOWN/ACTION CEASED SUBJECT DOWN/AGGRESSION CONTINUED NO EFFECT NARRATIVE CONTINUATION

30. OFFICER COMPLETING REPORT (NAME/CODE NUMBER)

31. APPROVED BY (NAME/CODE NUMBER)

32. ROUTING

33. CASE OFFICER (NAME/CODE NUMBER) SAME AS #30

34. 2ND OFFICER (NAME/CODE NUMBER)

35. REFERRED TO:

36.

Page ____ of ____

C.E.W. USE UNIT SERIAL # CARTRIDGE #37. DISCHARGE DISTANCE: THREATENED USE ONLY LESS THAN 3' 3'-6' 6'-8' 8'-12' MORE THAN 12'
 NOT APPLICABLE - C.E.W. MALFUNCTION38. NUMBER OF CYCLES USED: DURATION CYCLE 1: DURATION CYCLE 2:
DURATION CYCLE 3: DRIVE STUN (TOTAL # , DURATION)

39. AREAS OF PROBE CONTACT (SEE GUIDE A): HIGH PROBE LOW PROBE

40. SUBJECT REACTION: (CHECK ALL THAT APPLY) FLEES/ATTEMPTS TO FLEE FALLS TO GROUND ATTEMPTS / REMOVES PROBES
 CEASES PREVIOUS ACTION CONTINUES AGGRESSIVE BEHAVIOR NO REACTION OTHER:41. PROBE REMOVAL(NAME): OFFICER EMS PERSONNEL HOSPITAL PERSONNEL42. CARDIAC CONDITION: NONE IDENTIFIED SUSPECT IDENTIFIED 3RD PARTY INDICATED
 OFFICER DETERMINED MEDIC-ALERT43. CLOTHING CHARACTERISTICS (CHECK ALL THAT APPLY): SINGLE LAYER MULTI-LAYERED CLOTHING LIGHT OUTER GARMENT
 HEAVY OUTER GARMENT/ COAT NONE/OTHER (Describe):44. C.E.W. USE LOG: UNIT SECURED FOR DOWNLOAD PRINTED AND DELIVERED TO RECORDS**LAUNCHED ORDNANCE USE**45. DISCHARGE DISTANCE: LESS THAN 10' 10'-20' 20'-30' MORE THAN 30'46. DISCHARGE AMOUNT (SEE GUIDE A): : HIGH ENERGY LOW ENERGY INITIALLY TO AREA: SECONDARY TO AREA:
ADDITIONALLY TO AREA: ADDITIONALLY TO AREA: ADDITIONALLY TO AREA: ADDITIONALLY TO AREA:47. SUBJECT REACTION: (CHECK ALL THAT APPLY) ACTION CEASED SUBJECT DOWN/ACTION CEASED NO EFFECT
 SUBJECT DOWN/AGGRESSION CONTINUED FLEES/ATTEMPTS TO FLEE OTHER:48. CLOTHING CHARACTERISTICS (CHECK ALL THAT APPLY): SINGLE LAYER MULTI-LAYERED CLOTHING LIGHT OUTER GARMENT
 HEAVY OUTER GARMENT/ COAT NONE/OTHER (Describe):**BATON AFFECTED AREAS-GUIDE A**