



# Carrboro Police Department



<b>Subject:</b> <b>Chapter 5: USE OF FORCE POLICY</b>		<b>Number:</b> <b>X. Subsections</b>
<b>Issued: 07-02-18</b>	<b>Revised: 09-21-20</b>	<b>Pages: 1 of 38</b>

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## **I. PURPOSE**

The purpose of this use of force policy is to provide a single source of reference for all Department members regarding the circumstances which warrant the use of force, the degree/level of force that is authorized, and the documentation of force that is required. Violations of this policy could result in administrative discipline, criminal prosecution, or civil liability.

## **II. DEFINITIONS**

- A. Expandable Baton: An expandable impact baton. An extendable, friction lock, telescopic baton comprised of various metal alloys.
- B. Conducted Energy Weapon (CEW): An Electronic Control Device (hereinafter a "CEW") utilizes compressed nitrogen to deploy two small probes into a person's exterior clothing or subcutaneous skin layer. Each probe is connected to a single wire leading to the conducting device. The weapon transmits electric currents (high voltage; low wattage) through both wires and into the body. Electrical current can disrupt sensory and motor functions associated with the human central nervous system and temporarily incapacitate the recipient.
- C. Deadly Force: That force which is likely to cause death or serious injury, or which creates a degree of risk that a reasonable and prudent person would consider likely to cause death or serious injury.



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- D. Less-Lethal Force: That force which is highly unlikely to cause death or serious injury to a suspect when properly applied by a trained law enforcement officer.
- E. Oleoresin Capsicum (OC) Spray: Comprised of Oleoresin (a naturally occurring mixture of oil and resin extracted from various plants) and capsicum (an herb with the active ingredient capsicum, a colorless and pungent crystalline compound that is a strong irritant to skin and mucous membranes). OC Spray is classified as an inflammatory chemical agent and can be produced in powder and liquid form.
- F. Reasonable Belief: The facts or circumstances the officer knows, or should know, are such as to cause a reasonably well trained officer to act or think in a similar way under similar circumstances.
- G. Serious Physical Injury: Any injury that causes great pain or suffering and/or creates a substantial risk of death or permanent impairment of the function of any bodily organ or limb.
- H. Specialized Impact Munitions (SIMs): Less-lethal weapons designed to minimize the likelihood of causing life threatening injury that may be used to increase an officer's options for bringing an incident under control and to prevent or minimize injury. SIMS' are used to incapacitate, distract, and control a violent subject. Examples include, but are not limited to: a less-lethal hand-thrown device or a less-lethal munition fired from either a designated 12 gauge shotgun or 40 mm launcher that contains foam, rubber or wood batons, or rubber pellets.
- I. Use of Force: The amount of force reasonably required by police to compel compliance by an unwilling subject.

### III. LEVELS OF FORCE/CONTROL

- A. Only the level of force reasonably necessary to overcome the resistance/force presented by the suspect is authorized. As the suspect's resistance/force decreases, the corresponding force of the officer must also decrease. An officer's use of force shall never be used as punishment or unlawful coercion.



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B. There are five levels of force/control authorized by Departmental Policy and the Department's analysis of North Carolina General Statute 15A- 401(d)(1) and (d)(2):

1. **Level I - Cooperative Control** - The suspect is compliant. Controls used include the fundamentals of professional, contemporary training. The officer's presence and communication skills, along with the suspect's acceptance of the officer's authority, make it unnecessary to use force in order to gain compliance. Handcuffing is appropriate at this level and at each of the following levels;
2. **Level II - Contact Controls** - The suspect is passively resistant. The officer may deploy tactical strategies to proportionately gain control through "hands on" techniques designed primarily to guide or direct the subject. The primary force components at this level could include communication skills, leverage, and direction;
3. **Level III - Compliance Techniques** - The suspect is actively resistant. The officer may deploy sufficient counter-force to overcome this resistance and must remain increasingly vigilant for more aggressive behavior from the subject. At this level, the techniques employed may include pain compliance, temporary distraction, joint manipulation, or OC Spray;
4. **Level IV - Defensive Tactics** - The suspect directs the use or imminent use of physical force towards the officer or another. The officer is authorized in taking appropriate steps to immediately cease the use or imminent use of physical force and to gain and maintain control of the subject. Force alternatives could include physical take-down techniques, OC Spray, CEW, or Expandable Baton; and
5. **Level V - Deadly Force** - The suspect directs the use or imminent use of deadly physical force towards the officer or another. Absolute and immediate tactics must be deployed to stop the deadly threat and secure conclusive control. Force options could include those leading to serious bodily injury or death.



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- C. Any use of force greater than Level II must be documented. This documentation must state the progression of resistance or force used by the suspect as well as the corresponding use of force of the officers involved. This documentation must state specific acts committed by the suspect which justified the officer's level of force. This progression of force includes both increases and decreases in force or resistance offered by the suspect and the corresponding response of the officers involved.
- D. Firing at moving vehicles is prohibited except in those situations where the immediate probability of serious injury or death exists for the officer(s) and/or an innocent third party. Officers must reasonably believe that the only means of protecting their person or a third party in this situation is the use of deadly force.
- E. All maneuvers that involve choking, holding the neck, or cutting off blood flow in the neck are prohibited, even if deadly force is otherwise authorized.
- F. When feasible, officers should verbally warn of impending use of deadly force. This requirement does not require officers to be unsafe tactically or place others in jeopardy to fulfill this requirement and officer safety should not be compromised.

## IV. OLEORESIN CAPSICUM (OC) SPRAY

- A. Generally
  - 1. Oleoresin Capsicum (OC) Spray is provided to Carrboro Police officers as an alternative to physical force or striking weapons when confronted by an actively-resistant suspect or a suspect who poses a threat or imminent threat of physical assault. OC Spray shall only be used in Level III, IV, or V situations.
  - 2. All officers shall be issued OC Spray by the Department. The Department issued OC Spray shall be approved by the Chief of Police. Unless otherwise authorized by the Chief of Police, no other chemical agent shall be carried or used by Carrboro Police officers.



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## B. Authorization to Carry

1. Officers may carry their issued OC Spray while working in a law enforcement capacity.
2. Officers may be specifically relieved of the duty of carrying OC Spray by command or permission of a superior officer to facilitate a special assignment.
3. Carrying of OC Spray while off-duty is optional and at the discretion of the off-duty officer, but the carrying of OC Spray while off-duty is expressly authorized for full-time, sworn members while within their jurisdiction.
4. An officer shall not carry or possess OC Spray while consuming any alcoholic beverage, or any other impairing substance, or with the odor of any alcoholic beverage on the officer's breathe, or while under the influence of any alcoholic beverage or other impairing substance to even the slightest degree.
5. An off-duty officer shall not carry or possess OC Spray while attending a social event where alcoholic beverages are generally available to persons attending or present, regardless of whether the off-duty officer anticipates personal consumption of alcoholic beverages.
6. An officer shall not draw, point, or discharge OC Spray except in compliance with the Departmental *Use of Force Policy* and only when reasonably necessary for proper performance of official duty. Any unnecessary, frivolous, or careless use or handling of OC Spray is expressly prohibited.
7. Officers shall not place or store OC Spray in a manner so as to be exposed and/or readily accessible to the public or arrestees.
8. The loss or theft of any Department-issued OC Spray shall be reported immediately, in writing, to the shift supervisor or an officer of higher rank.



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The report shall set forth all the facts concerning the loss or theft and shall promptly be reviewed by the supervising officer receiving the report. Following the supervisor’s review, he shall forward the report to the Chief of Police, via the Chain of Command.

**C. Authorization for the Use/Discharge of OC Spray**

1. A police officer is authorized and has a duty to effect an arrest for violations of the law and to prevent injury to himself, a fellow officer, or a member of the public by utilizing reasonably necessary force, including the use of OC Spray.
2. An officer may discharge OC Spray in the performance of a police duty for any of the following reasons:
  - a. In an approved training session;
  - b. When it is or appears to be reasonably necessary to defend himself or a third person from what he reasonably believes to be a physical assault; and
  - c. When it is or appears to be reasonably necessary to effect a lawful arrest or to prevent a suspect's escape from custody.
3. Officers are prohibited from discharging OC Spray to warn, frighten, or intimidate a person.
4. Nothing in this Policy constitutes justification for willful, malicious, or criminally negligent conduct by any member of the Department which injures or endangers any person or property; nor shall it be construed to excuse or justify the use of unreasonable or excessive force.

**D. Reporting the Use/Discharge of OC Spray**

All officers, whether acting in an on-duty or off-duty capacity, shall report, in writing, any action which results in the use of OC Spray. This report may be supplemental to the incident report. The report shall contain an account of



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circumstances surrounding the incident as well as the names of the person(s) on whom the OC Spray was used.

## E. OC Spray Training

1. OC Spray Qualification Course(s) shall be developed or selected by the Department's Firearms Instructor(s) or other properly trained instructor(s).
  - a. Prior to being used for actual qualification of officers, each OC Spray Qualification Course shall be approved by the Chief of Police.
  - b. A copy of each OC Spray Qualification Course shall be maintained by the Chief of Police's office and the office of the Administrative Services Captain.
  - c. Copies of all approved OC Spray Qualification Courses shall be made available to any member of the Department upon request.
2. Initial OC Spray qualification shall include, but is not limited to:
  - a. A review of the Department's Use of Force Policy;
  - b. A review of the use of force continuum;
  - c. Experiencing the potential discomfort OC Spray may cause;
  - d. Instruction on care after spraying; and
  - e. Instruction on symptoms which may require medical treatment.
3. A review of the Department's Use of Force Policy, suspect care after spraying, and symptoms that may require medical treatment shall be made at least annually as part of in-service training.

## F. Medical Care After Use of OC Spray



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1. Once a suspect has been exposed to OC spray, the officer shall keep the suspect under observation.
2. Officers should be aware that the normal reaction to OC Spray may consist of any of the following:
  - a. Red and watery eyes;
  - b. Swelling and discharge of the mucous membranes;
  - c. Coughing;
  - d. Shortness of breath;
  - e. Intense feeling of burning at the exposed areas;
  - f. Discoloration of the skin (due to dyes); and
  - g. Mild panic.

These symptoms should disappear naturally within about 45 minutes. No medical treatment is generally necessary unless a more serious reaction appears or the symptoms have not diminished in 45 minutes post-exposure.

3. General first-aid after exposure

To mitigate the effects of OC Spray, the following steps should be applied to arrestees when circumstances allow, and to other persons exposed to the OC Spray, or to officers who experience exposure:

- a. General
  - 1) Remove affected person from the contaminated area to an open, upwind position; and
  - 2) Keep subject calm and reasonably restrict activity.





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b. Eyes

- 1) Keep eyes open facing wind, as tearing helps clear the eyes;
- 2) If available, wash face and eyes with plenty of cool, clean water. Officers should avoid directing any type of water stream directly into the eyes, but rather pour down from the top of the forehead and allow the water to rinse the face and eye area;
- 3) Do not allow affected subject to rub his eyes or face. If the need arises, use a paper towel in a blotting motion and discard after one use; and
- 4) If the affected subject is wearing contact lenses:
  - a) Allow the subject to remove the lenses if it is safe to do so;
  - b) If the suspect is restrained and shall be unable to remove the lenses for an extended period of time, the officer may seek medical assistance for the affected suspect and ask the trained medical personnel to remove the lenses; and
  - c) Officers shall not remove the lenses for another person.

c. Nose

- 1) Have affected subject breathe normally; and
- 2) Have affected subject blow his nose to remove discharge and OC particulates.

d. Skin



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- 1) Officers shall not apply creams, salves, oils, lotions or burn cream that may trap OC Spray on the skin; and
  - 2) If possible, rinse skin with lots of cool, clean water and expose the subject to fresh air.
4. Officers shall request immediate medical attention when:
- a. The affected subject experiences gagging or breathing difficulties that persist beyond an initial period of two to four minutes;
  - b. The affected subject loses consciousness, sweats profusely, or appears to be very sick;
  - c. The affected subject significantly suffers from the effects of the OC spray more than 45 minutes after exposure;
  - d. The officer is aware that the affected subject suffers from bronchitis, asthma, emphysema, or similar respiratory disease; or
  - e. The officer is uncertain whether any of the above conditions exist or whether medical assistance is necessary.
  - f. If an officer is uncertain as to the whether or not medical assistance is required or appropriate, the officer shall request medical assistance immediately.

## V. CONDUCTED ENERGY WEAPON (CEW)

### A. Generally

1. The Conducted Energy Weapon (CEW) will be provided to Department personnel who have attended and successfully completed the Departmental training as approved by the Chief of Police.
2. CEW use is authorized in Level IV or V situations only.



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3. The Department issued CEW shall be of a make and model approved by the Chief of Police.

## B. Authorization to Carry CEW

1. Officers are only allowed to carry a CEW that has been designated for their use and issued to them by the Department.
2. Officers assigned to the Uniform Patrol Division, School Resource Officers, and Community Services Officers who are trained and currently certified in the use of the CEW shall carry one when working in a law enforcement capacity.
3. Officers may be specifically relieved of the duty of carrying the CEW by command or permission of a superior officer to facilitate a special assignment.
4. Carrying a CEW while off-duty is prohibited. When working law-enforcement secondary employment, Officers are allowed to carry CEWs.
5. An officer shall not draw or use the CEW except in compliance with the Departmental *Use of Force Policy* and only when reasonably necessary for proper performance of official duty.
6. Any unnecessary, frivolous, or careless use or handling of the CEW is expressly prohibited.
7. Officers shall not place or store the CEW in a manner so as to be exposed or readily accessible to the public or arrestees.
8. The loss or theft of any Department issued CEW shall be reported immediately, in writing, to the shift supervisor or an officer of higher rank. The report shall set forth all the facts concerning the loss or theft, shall be promptly reviewed by the supervising officer receiving the report, and then forwarded to the Chief of Police's office, via the chain of command.



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## C. Authorization to Use/Discharge the CEW

1. The CEW may be deployed only when a police officer is confronted with an exigency that creates an immediate risk and this is reasonably likely to be reduced by the use of the CEW. Such situations may include the following:
  - a. Violent or threatening behavior;
  - b. Flight to avoid arrest or detention in circumstances where an officer reasonably perceives that allowing the suspect to run would create an immediate safety risk to themselves or others;
  - c. Other situations where an officer can articulate an immediate safety risk that is reasonably likely to be cured by use of the CEW.
2. The CEW can be used when less than lethal force options are reasonable or necessary. Examples of situation in which the CEW may be used include, but are not limited to, the following:
  - a. Mentally ill subjects who create an immediate safety risk and no other reasonable options are available.
  - b. Armed subjects who pose an immediate safety risk (though the CEW is not intended to replace deadly force when deadly force is necessary).
  - c. A subject forcefully resisting arrest who creates a safety risk.
  - d. Persons under the influence of drugs or alcohol who creates a safety risk.
  - e. When deemed a reasonable and necessary alternative to a lesser force option to control a subject who is creating an immediate safety risk to themselves, officers, or others.



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3. Officers shall not use a CEW on:
  - a. A passively-resisting person who is noncompliant but does not pose a threat to the officer or others;
  - b. An elderly person, or very young person, unless the person is acting in an aggressive or threatening manner and reasonably appears to be capable of injuring the officer or others. A young person who appears to be large or strong enough to be capable of injuring the officer or others is not subject to this restriction;
  - c. A person who is participating in a protest activity or a demonstration unless the person is acting in a hostile or aggressive manner and reasonably appears capable of injuring the officer or others;
  - d. A subject who is known to be pregnant or who is obviously pregnant;
  - e. A subject who is known or appears to be saturated with or in the presence of highly flammable or combustible materials or liquids;
  - f. A subject who could potentially receive a secondary injury resulting from falling off an elevated location, such as a roof;
  - g. A subject who is in control of a vehicle that is moving or in gear; or
  - h. A person who is complying with the officer's commands.
  
4. The deploying officer shall:
  - a. If practicable, provide a verbal warning to the subject prior to the use of the CEW in an attempt to gain compliance.
  - b. If practicable, announce loudly, "CEW, CEW" in order to inform other officers of the impending use of the CEW;



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- c. The deploying officer shall aim the CEW at the subject in the manner recommended by the manufacturer in its most current guidelines. The face or head shall not be targeted when attempting to control nonlethal resistance;
  - d. Once the CEW has been deployed, officers should allow the manufacturer’s established pulse cycle (5 seconds) to end, uninterrupted. Additional cycles may be applied only as allowed by the manufacturer’s most current guidelines; and
  - e. Officers shall not deploy the CEW in close proximity of flammable liquids, gases or any other highly combustible materials, as they may be ignited by the device.
5. After the subject has been subdued, the officer shall:
- a. Evaluate the subject for any injuries sustained during the use of the CEW;
  - b. Remove the probes in the manner recommended by the manufacturer in its most current guidelines. Officers shall contact medical personnel to remove the probes if required by the current manufacturer’s guidelines. Officers may cut wires to allow for transportation; and
  - c. Collect and submit into evidence all probes, air cartridge packs and several of the AFID tags from the scene.
    - 1) The probes removed from the skin shall be treated as biohazard “sharps.”
    - 2) Place the probes point-down into the expended cartridge bores and secure with tape.
    - 3) Package the items in an appropriate container and mark with “bio-hazard” label.



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6. Nothing in this policy constitutes justification for willful, malicious, or criminally negligent conduct by any member of the Department which injures or endangers any person or property; nor shall it be construed to excuse or justify the use of unreasonable or excessive force.

**D. Reporting the Use/Discharge of the CEW**

All officers shall report, in writing, any action which results in the use of the CEW. This report may be supplemental to the incident report. The report shall contain an account of the circumstances surrounding the incident as well as the names of the person or persons on whom the CEW was used.

**E. Training on the Use/Discharge of the CEW**

1. CEW Qualification Course(s) shall be developed or selected by the Instructors designated by the Chief of Police.
  - a. Prior to being used for actual qualification of officers, each CEW Qualification Course shall be approved by the Chief of Police.
  - b. A copy of each CEW Qualification Course shall be maintained by the Chief of Police's office and the office of the Administrative Services Captain.
  - c. The Instructors designated by the Chief of Police shall regularly consult the manufacturer to ensure that they are familiar with the manufacturer's current recommendations and guidelines regarding the use of the CEW. The designated Instructors shall immediately notify the Chief of Police of any material change in these recommendations and guidelines and shall promptly advise all officers issued a CEW of such change.
  - d. Copies of all approved CEW Qualification Courses shall be made available to any member of the Department upon request.
2. Initial CEW qualification shall include, but is not limited to:



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- a. A review of the Department's *Use of Force Policy*;
  - b. A review of the use of force continuum;
  - c. Experiencing the effects the CEW may cause;
  - d. Instruction on care for those who have been subjected to the CEW;  
and
  - e. Instruction on post-use symptoms which may require medical treatment.
3. A review of the Department's *Use of Force Policy*, suspect care, and symptoms that may require medical treatment shall be made at least annually as part of in-service training for officers who carry the CEW.
  4. Only officers who complete the above training shall be permitted to carry and use the CEW.
- F. Medical Care After Use of the CEW
1. After the CEW is deployed against a suspect, the officer shall evaluate the subject for any injuries sustained during the apprehension.
  2. Following deployment, officers shall continually monitor consciousness and breathing of the arrestee. Officers shall not leave a quiet arrestee alone in a room or in a patrol vehicle for any extended period of time.
  3. The following categories of arrestees require special monitoring, including uninterrupted monitoring of breathing and consciousness:
    - a. Arrestees who run from the officer, fight the officer, or violently resist arrest;
    - b. Arrestees who appear to be appreciably impaired by alcohol or drugs;





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- c. Arrestees who are breathing rapidly, sweating heavily, or have pallid (pale) skin;
  - d. Arrestees with deranged speech or irrational conduct; or
  - e. Arrestees who are very obese or have a known medical condition such as diabetes, a seizure disorder, heart trouble, asthma, or advanced age.
4. Officers shall **immediately** summon medical assistance if either of the following occurs after using the CEW on a suspect:
    - a. The officer observes injuries on the suspect; or
    - b. The suspect reports pain or injury to the officer.
  5. If an officer is uncertain as to whether medical assistance is required or appropriate, the officer shall request medical assistance immediately.
  6. If feasible, the officer shall photograph any injuries on the suspect.

## VI. EXPANDABLE BATON

### A. Generally

1. An expandable baton is provided to all sworn police officers to be used as a defensive weapon when confronted by a suspect who poses a threat or imminent threat of physical harm to the officer or others. The police expandable baton shall only be used in Level IV and V situations.
2. All officers shall have available the police expandable baton issued by the Department. Unless otherwise authorized by the Chief of Police, no other striking weapon shall be carried by Carrboro Police officers.



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## B. Authorization to Carry the Police Expandable Baton

1. Officers shall have available their issued police expandable baton while working in a law enforcement capacity.
2. Officers may be specifically relieved of the duty of carrying a police expandable baton by command or permission of a superior officer to facilitate a special assignment.
3. Carrying a police expandable baton while off-duty is prohibited. When working law-enforcement secondary duty, officers are allowed to carry a police expandable baton.
4. An officer shall not draw or use the police expandable baton except in compliance with the Departmental *Use of Force Policy* and only when reasonably necessary for proper performance of official duty.
5. Any unnecessary, frivolous, or careless use or handling of the police expandable baton is expressly prohibited.
6. Officers shall not place or store any police expandable baton in a manner so as to be exposed and/or readily accessible to the public or arrestees.
7. The loss or theft of any Departmental police expandable baton shall be reported immediately, in writing, to the shift supervisor or an officer of higher rank. The report shall set forth all the facts concerning the loss or theft; shall be promptly reviewed by the supervising officer receiving the report, and then forwarded to the Chief of Police's office, via the chain of command.

## C. Authorization for Use of Police Expandable Baton

1. A police officer is authorized and has a duty to effect an arrest for violations of the law and to prevent injury to himself, a fellow officer, or a member of the public by utilizing necessary force, including the use of the police expandable baton.



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2. An officer may use the police expandable baton in the performance of a police duty for any of the following reasons:
  - a. In an approved training session; or
  - b. When it is or appears to be reasonably necessary to defend himself or a third person from what he reasonably believes to be a physical assault or an imminent physical assault.
3. Officers are prohibited from using the police expandable baton to warn, frighten, or intimidate a person.
4. Nothing in this policy constitutes justification for willful, malicious, or criminally negligent conduct by any member of the Department which injures or endangers any person or property; nor shall it be construed to excuse or justify the use of unreasonable or excessive force.

## D. Reporting the Use of the Police Expandable Baton

All officers shall report, in writing, any action which results in the use of the police expandable baton. This report may be supplemental to the incident report. The report shall contain an account of the circumstances surrounding the incident as well as the names of the person or persons on whom the police expandable baton was used.

## E. Required Training for the Police Expandable Baton

1. All sworn police officers shall be trained in the use of the police expandable baton prior to the completion of Basic Law Enforcement Training.
2. A review of the Department's *Use of Force Policy*, suspect care after use of the police expandable baton, and identification of symptoms that may require medical treatment shall be conducted at least annually as part of in-service training.



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## F. Medical Care After Use of the Police Expandable Baton

1. An officer shall immediately summon medical assistance if either of the following occurs after using the police expandable baton on a suspect:
  - a. The officer observes injuries on the suspect; or
  - b. The suspect reports pain or injury to the officer.
2. If an officer is uncertain as to whether medical assistance is required or appropriate, the officer shall request medical assistance immediately.

## VII. SPECIALIZED IMPACT MUNITIONS (SIMs)

### A. Generally

1. Specialty Impact Munitions (SIMs) are less-lethal weapons designed to minimize the likelihood of causing life threatening injury and may be used to increase an officer's options for bringing an incident under control and to prevent or minimize injury. SIMs are used to incapacitate, distract and control a violent subject. Examples include, but are not limited to: a less lethal hand thrown device, or a less lethal munition fired from either a designated 12 gauge shotgun or 40 mm launcher that contains foam, rubber or wood batons or rubber pellets.
2. SIMs shall only be used by Department officers specifically trained in the use of SIMs.
3. Only SIMs provided by the Department and approved by the Chief of Police shall be carried or used by trained officers.

### B. Authorization to Carry SIMs

1. Carrying SIMs while off-duty is prohibited.



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2. An officer shall not use SIMS except in compliance with the Departmental *Use of Force Policy* and only when reasonably necessary for proper performance of official duty.
3. Any unnecessary, frivolous, or careless use or handling of SIMs is expressly prohibited.
4. Officers shall not place or store any SIMs in a manner so as to be exposed and/or readily accessible to the public or arrestees.
5. The loss or theft of any Departmental issued SIMs shall be reported immediately, in writing, to the shift supervisor or an officer of higher rank.

The report shall set forth all the facts concerning the loss or theft, shall be reviewed by the supervising officer receiving the report, and then forwarded to the Chief of Police's office, via the chain of command.

6. An officer shall not carry or use SIMs, on or off-duty, until the officer has completed a proficiency training program approved by the Chief of Police.
7. Storage of munitions
  - a. When not in use and stored in a police vehicle, dedicated Special Impact Weapons shall be secured in the trunk of the vehicle in an **UNLOADED** state.
  - b. Lethal ammunition **SHALL NOT** be carried with or loaded into any dedicated SIMs weapon.
  - c. Lethal ammunition compatible with the dedicated SIMs shotgun **SHALL NOT** be carried in the same vehicle that contains a dedicated SIMs shotgun, unless an emergency situation exists that requires the immediate transportation of the SIMs shotgun and/or lethal ammunition to the emergency scene. When this type of transportation occurs, the lethal shotgun ammunition shall remain in separate containers and shall be clearly labeled as such.
  - d. Only qualified officers shall load and deploy a SIMs weapon.



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- e. The officer loading the SIMs weapon shall ensure, **by visual inspection of each round**, that only a SIMs round has been loaded. A second officer should also examine **EACH** round loaded into the SIMs weapon. In an emergency situation, it is understood that the use of a second officer to examine each round may be imprudent or impossible.

## C. Training

1. Training programs shall be conducted by a Department Instructor designated by the Chief of Police who has successfully completed the Specialized Impact Munitions Instructor Certification Program and maintains an instructor status.
2. Initial user training shall consist of academic classroom training and practical range training and qualification as specified by the Designated Instructor and approved by the Chief of Police. Prior to issuance and authorization to carry, the officer shall demonstrate the ability to:
  - a. Achieve a minimum qualifying score of 80% on the prescribed course of fire;
  - b. Achieve a minimum passing score of 100% on the written examination; and
  - c. Demonstrate safe-handling and deployment skills.
3. Annually, all officers who are authorized to carry and use SIMs shall achieve a minimum qualifying score of 80% on the Department SIMs qualification course of fire.
4. During annual Use of Force training, all officers who are authorized to carry and use SIMs shall achieve a minimum qualifying score of 100% on the written exam.
5. Officers who fail to demonstrate safe-handling techniques and/or fail to achieve a minimum score on either the written exam or qualification



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course of fire, shall not be authorized to carry or use SIMs until remedial training is completed, the required level of proficiency is demonstrated, and the Designated Instructor submits a written recommendation of approval through the Chain of Command.

6. The Designated SIMs Instructor shall be responsible for preparing and validating lesson plans, written and practical exams, and submitting same to the Department Training Officer and Chief of Police for review and approval. Department SIMs Instructor(s) are responsible for maintaining their certification.
7. The Department Training Officer shall be responsible for maintaining training and proficiency documentation.

#### D. Authorization to Use SIMs

1. SIMs may be used, generally, after other options have been exhausted or proven ineffective, or in order to rapidly de-escalate a situation. An officer may use SIMs in the performance of a police duty for any of the following, specific reasons:
  - a. In an approved training session; or
  - b. When it is or appears reasonably necessary to defend himself or a third person from what he reasonably believes to be an imminent physical assault, or when deployment is otherwise objectively reasonable.
  - c. SIMs shall only be used in situations in which an armed subject apparently poses an imminent threat to the safety of any person, and other immediately available means of addressing that threat are not practicable under the circumstances.
2. Effective use of SIMs provides:
  - a. A method for controlling a subject when other means of less-lethal force are ineffective; or



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- b. A means to neutralize a significant, imminent threat, which may otherwise justify the use of deadly force.
- 3. Authorized Delivery Weapons and Munitions
  - a. The authorized impact deployment weapons for officers certified to utilize SIMs is the department-issued Remington 870 shotgun that has been retrofitted with an **ORANGE** in color butt-stock and fore-end, or a dedicated 40mm launcher.
  - b. The munitions authorized for officers certified to utilize the SIMs shotgun is a 12 gauge drag stabilized Bean-Bag round.
  - c. The munitions authorized for officers certified to utilize the SIMs 40mm launcher can be a marking or non-marking, direct or indirect fire, foam type projectile, rubber batons, rubber pellets, chemical munitions or other similar device.
- 4. Deployment Considerations
  - a. In situations in which SIMs weapons are employed, officers must always be prepared to use lethal force when reasonably necessary to do so. Officers shall make every effort to have a second officer present during the deployment of SIMs, when practical.
  - b. The two-man team shall work in close proximity to each other.
  - c. When feasible, the deploying officer shall announce, “Less Lethal” to indicate the deployment of SIMs. Officers may also be notified by the deploying officer in another manner appropriate to a given incident’s circumstances.
  - d. After deployment, all munitions that are fired shall be photographed and collected as evidence.
- 5. Officers are prohibited from using SIMs to warn, frighten, or intimidate a person.





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6. Nothing in this policy constitutes justification for willful, malicious, or criminally negligent conduct by any member of the Department which injures or endangers any person or property, nor shall it be construed to excuse or justify the use of unreasonable or excessive force.

E. Medical Care after Use of SIMs

1. All subjects who are struck with SIMs, as promptly as is reasonably possible, shall be examined by qualified medical personnel. Treatment (if required) or refusal of treatment shall be documented in the written report of the use of force.
2. The Shift Supervisor (if handled by Patrol) or the CIU Commander (if handled by CIU), or their designee, shall be responsible for photographing the location of impact on the suspect's person and any injuries suffered.

F. Reporting

All officers shall complete a Use of Force report documenting any action which results in the use of SIMs. The report shall contain an account of the circumstances surrounding the incident as well as the names of the person(s) on whom the SIMs was used. This report will be reviewed by a member of the Department Command Staff, as designated by the Chief of Police, for compliance with this policy.

## VIII. FIREARMS

A. Generally

1. A handgun is issued to all sworn Carrboro Police officers as a defensive weapon to be used when the officer confronts a suspect in an imminent deadly force situation.
2. The Department issued standard handguns shall be the Glock Models 22, 23, 27, 43, and 43X or such other standard weapons as shall be designated by the Chief of Police.

B. Authorization to Carry Firearms



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1. All officers shall be armed with the Department issued standard service firearm while on-duty.
2. Unless otherwise authorized by the Chief of Police, no officer shall carry any firearm on-duty other than a firearm issued by the Carrboro Police Department.
3. Unless otherwise authorized by the Chief of Police, officers shall carry their issued weapon while working in a law enforcement capacity.
4. Officers may be specifically relieved of the duty of carrying a firearm by command or permission of a superior officer to facilitate a special assignment.
5. Carrying a concealed firearm while off-duty is optional and at the discretion of the off-duty officer, but the carrying of a concealed firearm while off-duty is expressly authorized for full-time, sworn officers. No officer shall be disciplined for failing to take law enforcement action while off-duty. The make and model of any firearm carried off-duty shall be approved by the Chief of Police before such firearm is carried off-duty.
6. An officer shall not carry or possess any firearm off-duty while consuming any alcoholic beverage, or with the odor of any alcoholic beverage on the officer's breathe, or while under the influence of any alcoholic beverage or other impairing substance, to even the slightest degree.
7. Except as allowed by the Department *Secondary Employment Policy*, an off-duty officer shall not carry or possess a firearm while attending a social event, or at any place, where alcoholic beverages are generally available to persons attending or present, regardless of whether the off-duty officer anticipates personal consumption of alcoholic beverages.
8. Firearms carried while in civilian clothing shall be concealed from public view except when actually performing a police duty or in or about police facilities.



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9. The duty issued handgun shall not be modified or altered in any manner varying from the manufacturer's standard specifications excepting only those modifications approved by the Chief of Police. Non-standard grips or stocks, triggers, inserts and any similar substitutions or additions to the issued weapon must be approved by the Chief of Police and installation must be completed by a department armorer.
10. No ammunition shall be loaded or carried by an officer except that issued by the Department without alteration or modification, except as authorized by the Chief of Police. The carrying, on-duty or off-duty, without authorization of any other ammunition, is in violation of this policy.
11. An officer shall not draw, point, or discharge a firearm except in compliance with Federal and State law and the Policies of the Carrboro Police Department, and only when reasonably necessary for proper performance of official duty.
12. Any unnecessary, frivolous, or careless use or handling of a firearm is expressly prohibited. Horseplay involving a firearm or drawing of a firearm when not reasonably related to performance of duty is expressly prohibited.
13. Officers shall not place or store any firearm in a manner so as to be exposed and/or readily accessible to the public or arrestees.
14. Each officer shall be personally responsible for the care of the issued service firearm.
  - a. The Department issued handgun shall be thoroughly cleaned within twelve hours after each firing, except as otherwise provided in this Manual.
  - b. Weapons shall be periodically inspected by superior officers or department armorers.
  - c. Any mechanical defects shall be immediately reported for repair.



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15. The loss or theft of any Departmental issued firearm shall be reported immediately, in writing, to the shift supervisor or an officer of a higher rank. The report shall set forth all the facts concerning the loss or theft and shall include a complete description of the firearm. The supervising officer receiving the report shall promptly review the report and then forward it to the Chief of Police, via the chain of command.
  
16. When any injury or death is caused through the use of a firearm, that firearm shall be taken into custody immediately, or as soon as circumstances permit, by the supervising officer and no officer shall refuse to surrender said firearm.
  - a. Any superior officer is authorized and empowered to demand surrender, or take possession of an issued firearm at any time, and no officer shall refuse to surrender said firearm.
  - b. An officer may be issued another firearm for use until his assigned weapon has been returned to him.

## C. Authorization for the Discharge of Firearms

1. Firearms are only authorized under Level V Use of Force pursuant to this Policy.
2. A police officer is authorized to prevent imminent death or serious injury to himself, a fellow officer, or a member of the public by utilizing reasonably necessary force, including the use of firearms.
3. An officer may discharge a firearm in the performance of a police duty for any of the following reasons:
  - a. At an approved firing range;
  - b. When it is or appears to be reasonably necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or



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- c. When it is or appears to be reasonably necessary to effect an arrest or to prevent the escape from custody of a person who he reasonably believes is attempting an escape by means of a deadly weapon, or who by his conduct or other means indicates that he presents an imminent threat of death or serious physical injury to others unless apprehended without delay.
- d. Officers **SHALL NOT** use deadly force solely on the basis of N.C.G.S. § 15A-401(d)(2)(c) (“to prevent the escape of a person from custody imposed upon him as a result of conviction for a felony”). Deadly force may be used **ONLY** as provided in sections b and c above.
- 4. Officers are prohibited from discharging a firearm to warn, frighten, or intimidate a person.
- 5. Nothing in this policy constitutes justification for willful, malicious, or criminally negligent conduct by any member which injures or endangers any person or property, nor shall it be construed to excuse or justify the use of unreasonable or excessive force.

## D. Reporting

### 1. Pointing of a Firearm

An Officer, whether acting in an on-duty or off-duty capacity, shall report, as soon as possible, in writing, to the Chief of Police any action which results in the pointing of his weapon at or toward another person or occupied vehicle. The report shall contain an account of the circumstances surrounding the incident as well as the names of the person or persons at whom the weapon was pointed, if known. The Chief of Police, or in his absence a member of his Command Staff, shall review the report for compliance with this Policy.

### 2. Discharge of a Firearm



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An Officer shall report, as soon as possible, in writing, to the Chief of Police, any shots fired, on or off-duty, including accidental shots, except those intended shots fired at an approved range. The report shall contain an account of the circumstances surrounding the incident as well as the names of the person or persons involved in the incident. The Chief of Police, or in his absence a member of his Command Staff, shall review the report for compliance with this Policy.

## E. Administrative Leave

### 1. Purpose

In recognition of the mental and physical strain placed upon a police officer who is required to discharge his firearm in the line of duty, an administrative leave policy follows. This policy shall be followed in all instances and regardless of any allegations or lack of allegations of proper or improper action by the officer.

2. An officer who is involved in a line-of-duty incident where his firearm is discharged shall be (at the discretion of the Chief of Police) granted his next three scheduled working days off for administrative leave purposes.
3. An officer who is involved in a line-of-duty shooting where a serious injury or death occurs shall receive the next two weeks off for administrative purposes. The officer may, however, be required to return to the Department for follow-up investigative purposes.
4. This policy shall not apply to the discharge of firearms for the purpose of training or for the purpose of disposing of an injured animal or an animal deemed to be a hazard to the public.

## F. Firearms Training

1. Firearms Qualification Course(s) shall be developed or selected by the Department's Range Instructor(s) designated by the Chief of Police.



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- a. Prior to being used for actual qualification of officers, each Firearms Qualification Course shall be approved by the Chief of Police.
- b. Prior to final approval by the Chief of Police, a minimum passing qualification score shall be assigned to each course by the Designated Range Instructor, but the minimum passing score for the Department qualification shall not be less than the minimum passing score as designated by the Criminal Justice Standards Commission. The minimum passing scores follow: 75 for the duty handgun; 75 for the duty shotgun; and 95 for the duty rifle.
- c. Once approved by the Chief of Police, each Firearms Qualification Course shall be written and shall state the method to be used to compute an officer's score on the course.
- d. A copy of each approved Firearms Qualification Course shall be maintained on file by the Administrative Services Captain and the Chief Firearms Instructor.
- e. Copies of all approved Firearms Qualification Courses shall be made available to any Departmental member upon request.
- f. Each approved Firearms Qualification Course shall be assigned a number by the Administrative Services Captain, beginning with 001.
  - 1) If an approved Firearms Qualification Course is altered or modified in any way (including a change in the time limits or passing score) a new number shall be assigned to the "new" course as modified.
  - 2) The effect is that each time an existing course is modified or altered, a new course results, and therefore a new Firearms Qualification Course number must be assigned.



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2. The Administrative Services Captain or the Chief Firearms Instructor shall maintain a Range Qualification Log on each officer in the Department.

Every time an officer shoots a Firearms Qualification Course for qualification purposes, the following information shall be collected by the Range Instructor(s) and recorded on the respective officer's Range Qualification Log:

- a. Qualifying officer's name;
  - b. Date of qualification;
  - c. Firearms Qualification Course number;
  - d. Weapon(s) fired;
  - e. Score(s) attained; and
  - f. Range Instructor(s) on-duty.
3. Firearms qualifications shall be scheduled by the Range Instructor a minimum of twice per calendar year and each officer shall qualify a minimum of twice per calendar year, or more frequently if so ordered by the Chief of Police.
  4. Qualification shall be done with the officer's issued service weapon.
  5. An Officer is expressly authorized to undergo more frequent firearms training if the officer wishes to do so, and the Department shall make available to such an officer the ammunition needed for such training, provided that the ammunition is available.
  6. An officer who fails to qualify during a scheduled qualification session shall be allowed an additional opportunity to attempt to qualify within forty-eight hours of such failure.
    - a. An officer who fails to qualify within such forty-eight hour period shall be suspended from duty without pay until he qualifies.





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- b. An officer who is unable to qualify within seven days of his initial qualification failure shall be discharged from his employment with the Department.
  - c. An officer who fails to qualify during a scheduled qualification session shall not carry or use a firearm in an operational capacity until he successfully qualifies.
- 7. All officers hired by the Department shall successfully complete a Firearms Qualification Course with their duty issued handgun prior to being authorized or allowed to carry a firearm in the course of the officer's employment. A shift supervisor to whom a new officer is assigned shall ensure that the new officer has complied with this requirement before the shift supervisor allows the officer to begin work.
- 8. Officers scheduled for firearms qualification shall report at the designated time and place with the following equipment:
  - a. The appropriate clothing, vest, authorized belt, flashlight, holster and ammunition carrier used while on-duty;
  - b. The officer's service weapon; and
  - c. The officer's issued rounds of ammunition carried while on-duty.
- 9. An officer who fails to bring the required equipment may not fire for re-qualification. Such officer shall be rescheduled at the discretion of the Range Instructor.
- 10. Eye and ear protectors shall be used by all officers while on the range. Officers who wish to provide their own glasses, hearing protectors, or both, may do so. Otherwise, the eye and ear protectors issued at the range shall be used.
- 11. Each officer shall report for duty with the duty issued handgun clean and free from mechanical defects. Any defects are to be reported immediately to the Range Instructor.



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12. Periodic inspection of service firearms shall be performed by superior officers. The duty issued handgun shall be inspected prior to firearms qualification by a Range Instructor.
13. The Administrative Services Captain shall permanently maintain on file a list of approved Range Instructors, unless directed otherwise by the Chief of Police.

## G. Medical Care after Use of Firearms

1. Anyone who is injured or claims injury after discharge of the firearm shall be presented to a medical doctor, without unreasonable delay, for the purpose of examination and treatment. Treatment (if required) or refusal of treatment shall be documented in the written report of the use of force.
2. The Shift Supervisor (if handled by Patrol) or the CIU Commander (if handled by CIU), or their designees, shall be responsible for photographing the injury on the suspect, if feasible.

## H. Vehicle Storage for Long Guns

1. On Duty
  - a. Long guns may be carried anywhere in a police vehicle if they are secured in a locking mount or vault that does not allow unauthorized people to access the weapon. They may also be carried in the locked trunk of a vehicle in a rifle case. Long guns will be carried in a “cruiser safe” condition. “Cruiser safe” is bolt/slide forward, chamber empty, safety on, and a loaded magazine tube or a loaded magazine in the weapon.
  - b. If deployed, long guns will be returned to the vehicle in “cruiser safe” mode.



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## 2. Off Duty

Weapons will be removed from vehicles at the completion of a tour of duty unless the vehicles will be fully contained within a locked garage OR if the vehicle is equipped with a lockable storage tray or mechanism for secure weapon storage. In these instances, the weapon may be left in the vehicle unless an officer will be away from their residence for longer than a 24 hour period.

### I. Shotguns and Rifles

Policy procedures and directives promulgated for handguns at Sections A through G also apply to other Departmental firearms, including shotguns and rifles.

## IX. DE-ESCALATION

- A. De-escalation tactics and techniques are actions used by officers, when safe and without compromising law enforcement priorities, that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance.
- B. It is the policy of the Carrboro Police Department to follow state law and the departmental procedures as defined under this chapter. This section provides guidelines for officers to take when and only when their safety is not, and will not be compromised. Furthermore, the procedures in this section seek to lessen the possibility that any force need be used. Only the officer in the field, engaged in a particular incident can make that determination. However, this procedure offers guidelines that may assist.
- C. De-Escalation Techniques
  - 1. When time and circumstances reasonably permit, 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:
    - a. Medical condition;



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- b. Mental impairment;
  - c. Developmental disability;
  - d. Physical limitation;
  - e. Language barrier;
  - f. Drug interaction; or
  - g. Behavioral crisis.
2. An officer's awareness of these possibilities, when time and circumstances reasonably permit, shall then be balanced against the facts of the incident facing the officer when deciding which tactical options are the most appropriate to bring the situation to a safe resolution.
3. Mitigating the immediacy of threat gives officers time to utilize extra resources and increases time available to call more officers or specialty units.
4. The number of officers on scene may increase the available force options and may increase the ability to reduce the overall force used.
5. Other examples include:
  - a. Placing barriers between an uncooperative subject and an officer;
  - b. Containing a threat;
  - c. Moving from a position that exposes officers to potential threats to a safer position;



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- d. Decreasing the exposure to potential threat by using:
  - 1) Distance
  - 2) Cover
  - 3) Concealment
- e. Communication from a safe position intended to gain the subject's compliance, using:
  - 1) Verbal persuasion
  - 2) Advisements
  - 3) Warnings
- f. Avoidance of physical confrontation, unless immediately necessary (for example, to protect someone, or stop dangerous behavior);
- g. Using verbal techniques, such as Listen and Explain with Equity and Dignity (LEED) Training, to calm an agitated subject and promote rational decision making; and
- h. Calling extra resources to assist or officers to assist:
  - 1) More officers
  - 2) CIT officers
  - 3) Officers equipped with less-lethal tools
- 6. Any other tactics and approaches that attempt to achieve law enforcement objectives by gaining the compliance of the subject.



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## **X. DUTY TO INTERVENE**

Any officer (of any rank) present, anywhere or anytime, observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in position and ability to do so, safely intercede to prevent the use of such excessive force. That officer (regardless of rank) shall then report the observations to his/her immediate supervisor. Ideally, this intervention could occur before the force exhibited moves beyond the unnecessary and/or excessive benchmark. This can be achieved by the witnessing officer picking up on non-verbal cues that tensions may be escalating between the other officer and person.