

Use of Force

300.1 PURPOSE AND SCOPE

Best Practice

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Federal

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

300.2 POLICY

Best Practice

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Atlantic Beach Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force

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and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

300.2.1 DUTY TO INTERCEDE AND REPORT

Federal **MODIFIED**

Any officer present and observing another law enforcement officer or a member using force or verbal abuse that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force (S.C. Code § 23-23-150).

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances shall report these observations to a supervisor as soon as feasible within 24 hours. (S.C. Code § 23-23-150).

300.2.2 PERSPECTIVE

Best Practice

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 USE OF FORCE

Federal

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

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300.3.1 ALTERNATIVE TACTICS - DE-ESCALATION

Best Practice

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

Federal

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

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300.3.3 PAIN COMPLIANCE TECHNIQUES

Best Practice

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the officer.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.4 CAROTID CONTROL HOLD

Best Practice MODIFIED

A carotid control hold is a technique designed to control an individual by temporarily restricting blood flow through the application of pressure to the side of the neck and, unlike a chokehold, does not restrict the airway. The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is limited to those circumstances where deadly force is authorized (S.C. Code § 23-1-250). Further, use of the carotid control hold is subject to the following:

- (a) At all times during the application of the carotid control hold, the response of the individual shall be monitored. The carotid control hold shall be discontinued when circumstances indicate that the application no longer reasonably appears necessary.
- (b) Any individual who has had the carotid control hold applied, regardless of whether the individual was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and shall be monitored until such examination occurs.
- (c) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the individual lost consciousness as a result.
- (d) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (e) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

300.3.5 RESPIRATORY RESTRAINTS

Best Practice

The use of a respiratory restraint, also known as a chokehold, is limited to circumstances where deadly force is authorized and if applied, is subject to the same guidelines and requirements as a carotid control hold (S.C. Code § 23-1-250).

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300.3.6 USE OF FORCE TO SEIZE EVIDENCE

Best Practice MODIFIED

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers shall not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Atlantic Beach Police Department and/or the South Carolina Criminal Justice Academy for this specific purpose.

300.4 DEADLY FORCE APPLICATIONS

Federal MODIFIED

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify him/herself as a law enforcement officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

A. Parameters for Use of Deadly Force

1. Before using a firearm, officers shall identify themselves and state their intent to shoot, where feasible.
2. An officer may also discharge a weapon under the following circumstances:
 - (a) During range practice, competitive sporting events, or recreational purposes.
 - (b) To destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured.

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3. Officers shall adhere to the following restrictions when their weapon is exhibited:

- (a) Except for maintenance or during training, officers shall not draw or exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance with this policy.
- (b) Warning shots are prohibited
- (c) Firearms shall not be discharged when it appears likely that an innocent person may be injured.
- (d) Firearms shall not be utilized as impact weapons
- (e) Warning shots are prohibited.

300.4.1 MOVING VEHICLES

Best Practice **MODIFIED**

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Best Practice **MODIFIED**

Any use of force by a member of this department shall be documented promptly, completely, and accurately in a [use of force report](#) and any other appropriate reports, depending on the nature of the incident. The officer shall articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

Reporting Uses of Force

1. A written report is required in the following situations:

- (a) When a firearm is discharged outside of the firing range, except when discharged as part of training or recreational purposes;
- (b) When applied physical force results in (or has the potential to have resulted in) death or injury; or

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- (c) When a lethal or less than lethal weapon is used to apply force;
- 2. If any use of force leads to death or serious bodily injury, this report shall be reported to the National Use of Force database
- 3. Each officer involved in the use of force in any of these situations will be required to document his or her individual actions during the incident.

300.5.1 NOTIFICATIONS TO SUPERVISORS

Best Practice

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the conducted energy device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.6 MEDICAL CONSIDERATIONS

Best Practice **MODIFIED**

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter shall be continuously monitored until the individual can be medically assessed. Individuals shall not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, any medical assistance needed shall consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any

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use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain, or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency shall request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

Best Practice **MODIFIED**

A supervisor shall respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
 1. The content of the interview should not be summarized or included in any related criminal charges.
 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.

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- (g) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.1 WATCH COMMANDER RESPONSIBILITY

Best Practice

The Watch Commander shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.7.2 AGENCY RESPONSE

Agency Content

Where an officer's actions or use of force causes death or serious physical injury (not limited to shootings and may include incidents such as fatal motor vehicle collisions), the officer shall be placed on administrative duty pending the completion of an administrative review

- (a) The Chief of Police shall determine the person responsible for the administrative investigation.
- (b) The Chief of Police shall ensure that a criminal investigation is conducted, if appropriate

All reported uses of force will be reviewed by the appropriate authority which may include the employee's supervisor, General Counsel, agency head, and/or outside entities to ensure that:

- (a) The Atlantic Beach Police Department rules, policy, and procedures were adhered to;
- (b) Training for Supervisor handling incident is current and adequate.

There will be a documented annual analysis of agency activities, policies, and practices pertaining to use of force.

All use of force reports shall be retained as required by approved record retention schedules.

300.8 TRAINING

Best Practice

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, officers should receive periodic training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.

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300.9 USE OF FORCE ANALYSIS

Best Practice **MODIFIED**

At least monthly, the Crime Analyst shall prepare an analysis report on use of force incidents. The report shall be submitted to the Chief of Police. The report shall not contain the names of officers, suspects, or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

Attachments

Use of Force Report.pdf



ATLANTIC BEACH POLICE DEPARTMENT

USE OF FORCE REPORT

Instructions: The Use of Force Report form must be completed by a supervisor or officer in charge anytime a reportable level of force is used. A copy of the UCR and photos (if available) must be attached. The report must be submitted to the Chief of Police via the chain of command.

ADMINISTRATIVE

Case Number: _____ Date: _____ Time: _____ Location: _____

Officer Assignment: On-Duty Off-Duty Uniform Plainclothes Other: _____

OFFICER(S) INVOLVED

Officer: _____ Injured: No Yes Describe: _____

Transported: No Yes Where: _____ Treated Released Admitted

Officer: _____ Injured: No Yes Describe: _____

Transported: No Yes Where: _____ Treated Released Admitted

Officer: _____ Injured: No Yes Describe: _____

Transported: No Yes Where: _____ Treated Released Admitted

Officer: _____ Injured: No Yes Describe: _____

Transported: No Yes Where: _____ Treated Released Admitted

SUSPECT(S) INVOLVED

Name: _____

Address: _____

DOB: _____ HGT: _____ WGT: _____

Sex: _____ Race: _____ SSN: _____

Injured: Yes No (If yes, describe below)

Name: _____

Address: _____

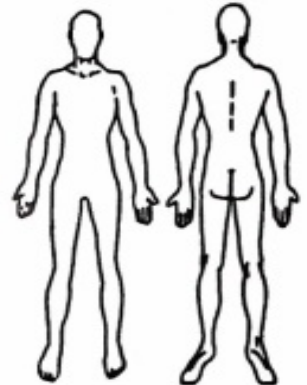
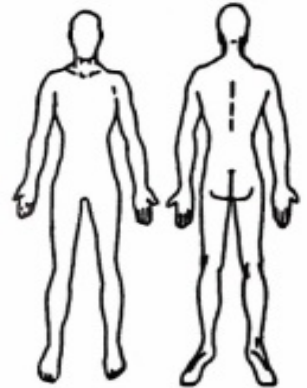
DOB: _____ HGT: _____ WGT: _____

Sex: _____ Race: _____ SSN: _____

Injured: Yes No (If yes, describe below)

Indicate the location where force was used on the diagrams to the right.

Circle or mark the area clearly and legibly.



NARRATIVE

The narrative should reflect the incident as a chronological account of the relevant events. Be descriptive; describe the suspect's actions and officer's responses. If additional space is required, attach separate narrative sheets.

FORCE ENCOUNTERED / FORCE USED

SUSPECT

Intimidation
Verbal Assault / Non-Compliance
Passive Resistance
Active Resisting (No Assault)
Active Resisting (Assault)
Aggravated Assault / ABWIK

OFFICER

Command Presence
Verbal Commands
Soft Empty Hand Control / PPCT
Taser / OC Spray / Chemical Agent
Hard Hand Control / Strikes / Baton
Deadly Force

FORCE FACTORS / CONSIDERATIONS

Suspect Using Drugs / Alcohol: Yes No More Than 1 Suspect: Yes No

Suspect Armed: Yes No / Weapon: Handgun Edged Blunt Vehicle Liquid

Physical Condition: Size Difference Difference in Sexes Other: _____

FORCE METHODS USED

Command Presence Verbal Commands Empty Hand Control / PPCT Takedown

Escort: Field Wrist Lock Arm/Shoulder Lock Other: _____

Strikes: Palm Strike Punch Elbow Kick Knee Other: _____

Baton / Number of Strikes: _____ OC / Chem. Spray Number of Deployments: _____

Taser / Number of Deployments: _____ Drive Stun Number of Deployments: _____

Firearm: Pistol / Shots Fired: _____ Shotgun / Shots Fired: _____ Rifle / Shots Fired: _____

Pointed Firearm Only / Firearm Shots Hit: _____ Firearm Shots Missed: _____

Other: _____

ADMINISTRATIVE REVIEW

Video Available: No Yes / If Yes, Reviewed By: _____ / _____

Photos Taken: No Yes / If Yes, Reviewed By: _____ / _____

Civilian Witness: Name: _____ Phone Number: _____

 Name: _____ Phone Number: _____

By signing below, the supervisor and officer(s) confirm they have reviewed this Use of Force Report along with any related material (UCR, photos, statements, videos, etc) and agree with its contents.

Supervisor/OIC Completing Report: _____ Signature: _____

Officer Involved: _____ Signature: _____

Officer Involved: _____ Signature: _____

Officer Involved: _____ Signature: _____

Officer Involved: _____ Signature: _____

Lieutenant Signature: _____ Comments: _____

Captain Signature: _____ Comments: _____

Chief Signature: _____ Comments: _____

Force Justified Under Policy: Yes No If no, list details of force (full or in part) that were in violation: _____
