

RESOLUTION NO.: R-2016-009

Adopting City of Columbia Response to Resistance Policy

ORIGINAL
STAMPED IN RED

BE IT RESOLVED this 2nd day of February, 2016 that the Mayor and City Council of the City of Columbia, South Carolina hereby adopt as official City policy the Response to Resistance Policy attached hereto. This policy replaces and supersedes all previous response to resistance policies formerly referred to as use of force policies of the City or its departments.

Requested by:

William H. Holbrook, Chief of Police



Mayor

Approved by:



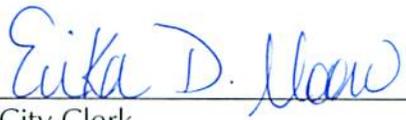
City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 2/2/2016

Final Reading: 2/2/2016

8.0 LESS-THAN-LETHAL WEAPONS

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

Less-than-lethal weapons may be used only when a police officer has a reasonable belief that empty-hand control is or would be ineffective, and/or the subject has signaled his intention to actively resist the police officer's efforts to make the arrest.

Police officers WILL NOT use less-than-lethal weapons to force compliance from a person who is passively resisting arrest.

Community Safety Officers and Park Rangers may be issued oleoresin capsicum spray for self-defense purposes only.

**ONLY CITY-ISSUED LESS-THAN-LETHAL WEAPONS MAY BE POSSESSED
AND/OR USED WHILE ON DUTY.**

**THE POSSESSION AND/OR USE OF ANY OTHER LESS-THAN-LETHAL WEAPONS
IS PROHIBITED.**

8.1 Electronic Control Device

Police officers may be issued an Electronic Control Device (ECD) with two issued 21 foot cartridges. The electrical circuit that is generated by an ECD affects the central nervous system, which causes the loss of muscular control. ECDs may be deployed using the compressed-nitrogen powered probe cartridge or in a drive stun direct contact mode. This exposure to the pulsed energy usually results in the subject falling to the ground during the ECD energy cycle.

Use of ECDs

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

- Police officers will use an initial 5-second energy burst in an attempt to gain compliance.
- Police officers will re-evaluate the suspect's level of resistance after the initial 5-second energy burst and may then use additional 5-second cycles to gain compliance if necessary.
- Police officers must be mindful that multiple activations increase the risk of death or injury to the suspect.
- Once the subject has ceased to resist or has been restrained, the additional use of the ECD is NOT justified.

ECD Prohibitions

- Police officers WILL NOT use an ECD in deadly force situations unless another police officer is present to use deadly force if needed.
- Police officers WILL NOT use an ECD in the proximity of flammable liquids, gases, or any other highly combustible materials which may be ignited by sparks. This includes the use of an ECD upon any individual who may have been exposed to combustible substances or liquids such as gasoline.

- Police officers WILL NOT use an ECD in the presence of chemical agents (OC spray, Mace or tear gasetc.) unless there is a certainty that the chemical agent does not contain any flammable components.
- Police officers WILL NOT pull the ECD trigger continuously to create extended energy bursts.
- ECDs WILL NOT be used to force compliance from a suspect who is passively resisting.
- ECDs WILL NOT be used on suspects who are attempting to evade capture or are running away unless they have a weapon and/or have the present ability to do serious bodily harm to the police officer or others.
- ECDs WILL NOT be used at distances greater than is recommended by the manufacturer of the cartridge.
- ECDs WILL NOT be utilized if the police officer determines that the location of the subject is such that the loss of muscular control and subsequent fall is likely to result in serious physical injury or death.
- ECDs WILL NOT be used on persons who are elderly, medically/mentally challenged or a young child unless they have a weapon and/or have the present ability to do serious bodily harm to the police officer, or others.
- ECDs WILL NOT be used on persons who are known to be pregnant or are visibly frail unless they have a weapon and/or have the present ability to do serious bodily harm to the police officer, or others.
- ECDs WILL NOT be aimed at the eyes, face, neck, or genital areas.
- ECDs WILL NOT be used on a suspect who is in control of a vehicle that is moving or in gear.

Removal of ECD Probes and Medical Treatment

Certified ECD Officers may remove probes as prescribed by the manufacturer's recommendations. Officers will ensure that subject control has been established by way of handcuffing and utilize an additional officer for back up prior to probe removal.

Probes attached to any area of a subject's head, neck, groin, and breast or embedded broken probes tips in any area of the body will require medical treatment and shall not be removed by officers. All of these circumstances will be reported to EMS and documented on the Response to Resistance Packet.

Upon the removal of the probes, officers will inspect the probe to insure that the needle tip is intact and has not been broken off. If the probe has been compromised, officers will search the immediate area in an attempt to locate the broken needle tip. All ECD probes as well as any recovered broken tips will be treated as a biohazard and secured with the used cartridge in accordance with the manufacturers' instructions.

ECD wounds shall be photographed (documentation must be provided if photographs are not possible). If practical, photographs will be taken prior to the removal of ECD probes. The on-scene supervisor may request that Crime Scene Investigation take photographs following the removal of the probes.

Replacement of ECD Cartridges

All ECD cartridges shall be maintained in an operable state. The police officer to whom the ECD cartridge has been issued is responsible for requesting the replacement of damaged, inoperable, and/or used ECD cartridges.

Damaged or inoperable ECD air cartridges will be returned to the Police Department Equipment/Supply Unit for disposal. Replacement ECD air cartridges will be issued through the internal requisition process.

Electronic Control Device Inspections

Random inspections will be conducted and documented at least annually by an ECD Instructor to ensure proper function of the weapons.

Servicing Electronic Control Devices

ECDs that need to be serviced will be submitted to the Police Department Equipment/Supply Unit with a written description of the problem. The ECD will then be turned over to an ECD Instructor for evaluation. Any ECD found to be operating improperly will be repaired or returned to the manufacturer.

Electronic Control Device Training and Annual Re-certification

Prior to being authorized to carry an ECD, police officers must successfully complete initial classroom instruction. Classroom and performance re-certification is required annually.

Electronic Control Device Remedial Training

Police Officers failing to successfully complete recertification shall be required to return their ECD to the Police Department Equipment/Supply unit immediately. The police officer will have the option of attending a scheduled ECD initial training class.

Police officers must successfully complete the training prior to being re-issued an ECD.

8.2 Oleoresin Capsicum Spray

Officers may be issued 10% aerosol oleoresin capsicum (OC) spray. OC Spray is a food-grade organic substance that, when used as a weapon, causes localized topical heat, redness, inflammation, and pain to all exposed skin and tissues.

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

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

OC Spray Decontamination

Assistance will be rendered to any individual exposed to OC spray. EMS will be requested to decontaminate anyone who feels an effect from OC spray exposure.

Suspects exposed to OC spray that are taken into custody must be decontaminated by EMS prior to being transported to the Alvin S. Glen Detention Center. Officers will advise Detention Center personnel that the subject has been exposed to OC spray.

OC Spray Canister Disposal and Replacement

All OC spray canisters shall be maintained in an operable and charged state. The officer to whom the OC spray has been issued is responsible for requesting the replacement of damaged, inoperable, and/or empty OC canisters.

Damaged, inoperable, and/or empty OC spray canisters will be returned to the Police Department Equipment/Supply Unit for disposal. Replacement OC spray canisters will be issued through the internal requisition process.

Incidents of malfunction and/or inoperable OC spray canisters will be reported to the officer's immediate supervisor as soon as possible. The immediate supervisor shall forward a report through the chain of command. A copy of this report will be forwarded to the Police Department Training Unit for a review of product reliability and/or training needs.

OC Spray Training and Annual Re-certification

Prior to being authorized to carry OC spray, officers must successfully complete initial classroom instruction, including direct OC spray exposure, and decontamination. Classroom re-certification is required annually.

OC Spray Remedial Training

Officers failing to successfully complete recertification shall be required to return their OC spray to the Police Department Equipment/Supply unit immediately. The officer will have the option of attending a scheduled OC spray initial training class (direct OC spray exposure will not be required).

Officers must successfully complete the training prior to being re-issued OC spray.

8.3 Expandable Baton

Police officers may be issued a twenty-six inch expandable baton for use as an impact weapon.

- Primary striking points are the nerve motor points on the legs and arms.
- Secondary striking points are the joints and bone surfaces.
- Once the subject has ceased to resist or has been restrained, additional strikes are NOT justified.

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

Damaged or inoperable expandable batons will be returned to the Police Department Equipment/Supply Unit for disposal. Replacement expandable batons will be issued through the internal requisition process.

Expandable Baton Training and Annual Re-certification

Prior to being authorized to carry an expandable baton, police officers must successfully complete initial classroom instruction and proficiency-based testing that demonstrates the principles outlined as departmental approved techniques. Classroom and performance re-certification is required annually.

Expandable Baton Remedial Training

Police officers failing to demonstrate proficiency will immediately be placed on administrative duty until they can be schedule to attend a mandatory 5-hour remedial training session.

If proficiency cannot be demonstrated at the completion of the 5-hour remedial training course, the police officer's department head will be notified to determine the appropriate course of action, up to and including termination of employment.

8.4 Canines

The use of specially trained police Canines to apprehend or secure suspects constitutes a real or implied response to resistance. In this as in other cases, Officers may only use that degree of force that reasonably appears necessary to apprehend or secure a suspect as governed by the department's response to resistance policy.

- Whenever a Canine is deployed to apprehend or secure suspects, the handler shall complete a Response to Resistance cover sheet.

- **If the Canine has bitten or scratched an individual or has alleged to have done so, whether or not in the line of duty, the handler shall perform the following:**
 - 1) **If no arrest is made, an offer will be made to summon EMS to the scene.**
 - 2) **If an arrest is made EMS will be summoned to the scene.**
 - 3) **The Officer shall take color photographs of the affected area, if possible, prior to and following medical treatment.**
 - 4) **Complete a response to resistance packet detailing the event.**