

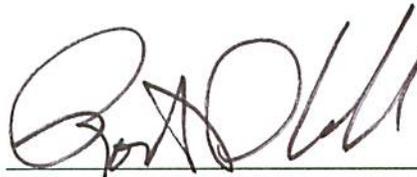
RESOLUTION NO.: R-2009-056

Adopting City of Columbia Use of Force Policy

BE IT RESOLVED this 12th day of August, 2009, that the Mayor and City Council of the City of Columbia, South Carolina hereby adopts as official City policy the Use of Force Policy attached hereto. This policy replaces and supersedes all previous use of force policies of the City or its departments.

Requested by:

Tandy Carter, Chief of Police

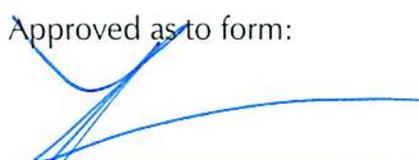


Mayor

Approved by:


Interim City Manager

Approved as to form:


City Attorney

ATTEST:


City Clerk

Introduced: deferred 7/22/2009

Final Reading: 8/12/2009



CITY OF COLUMBIA USE OF FORCE POLICY

1.0 POLICY

The City of Columbia recognizes and respects the value and integrity of each human life. Vesting officers with the lawful authority to use force to protect the public welfare requires a careful balancing of all human interests. Therefore, it is the policy of the City that officers will only use the minimum amount of force necessary to accomplish lawful objectives.

The use of any level of force carries the responsibility to render appropriate medical aid.

The completion of a Use of Force Report is required for all incidents involving the discharging of a firearm; actions that result in, or are alleged to have resulted in, the injury or death of another person; the application of force using lethal or less-than-lethal weapons; or the application of weaponless force that results in an injury.

Use of force incidents that result in serious physical injury, death, or extensive property damage have the potential to result in increased agency liability. Supervisors shall utilize the chain of command to immediately notify the Chief of Police of these types of incidents. The Chief of Police is responsible for notifying the officer's department head if the officer is not an employee of the Police Department.

2.0 TERMS

Police Officer: For the purpose of this policy, a police officer is any employee of the City of Columbia that is a sworn law enforcement officer, duly certified by South Carolina Law Enforcement Training Council according to S. C. Code §23-23-40. This includes officers of the Columbia Police Department, Columbia Department of Homeland Security, City of Columbia Municipal Court, and the Columbia Fire Department.

Officer: For the purpose of this policy, an officer is any employee of the City of Columbia that is authorized by the City to carry a less-than-lethal weapon as part of their duties. This includes all police officers as defined above, Community Safety Officers, and Park Rangers.

Deadly Force: Physical force that carries a substantial risk of causing serious physical injury or death.

Lethal Weapon: A weapon or instrument whose use is likely to cause serious physical injury or death.

Less-than-lethal Force: Physical force that carries a minimal likelihood of causing serious physical injury or death.

Less-than-lethal Weapon: A weapon used to control a suspect's resistance through the application of strikes, blocking techniques, chemical agents or electronic control devices that carry a minimal likelihood of causing serious physical injury or death.

Probable cause is more than mere suspicion, but less than proof beyond a reasonable doubt. Probable cause, in relation to

deadly force, means that reasonable grounds exist in which the facts and circumstances are such to lead a just and prudent person to believe that the suspect poses an imminent threat of death or serious injury to the officer or others unless apprehended without delay.

Reasonable belief can be described as the facts or circumstances the officer knows, or should know, that are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

Serious physical injury: Any bodily injury that creates a substantial risk of death, causes serious permanent physical disfigurement, or results in long-term loss or impairment of the functioning of any bodily member or organ.

Weaponless Force: Empty hand control techniques, such as the use of pressure points, joint locks, takedowns, punches, and kicks, etc.

3.0 INSPECTION AND APPROVAL OF WEAPONS

Prior to issue, an armorer shall inspect and test-fire all firearms to ensure that each weapon is certified as functional and serviceable. Any firearm deemed unsafe will be removed from service and either repaired or retired. The departmental armorer will maintain a record of all firearms testing, servicing, and repair. Only firearms approved by the armorer will be issued or re-issued.

All lethal and less-than-lethal weapons shall be inspected and approved for use by an armorer or certified weapons instructor during weapons training classes.

4.0 WEAPONS TRAINING

All Use of Force training and weapons proficiency training/testing will be conducted by certified weapons or tactics instructors.

The Police Department Training Unit will maintain records of all training, retraining, and proficiency testing.

4.1 Initial Certification

Employees must complete the following steps prior to being authorized to carry a lethal or less-than-lethal weapon:

- Receive and sign for a copy of the City of Columbia Use of Force Policy
- Receive instruction on the City of Columbia Use of Force Policy
- Pass the written Use of Force test
- Demonstrate proficiency in the use of all authorized weapons

4.2 Annual Re-certification

All officers are required to attend training, demonstrate proficiency with all approved lethal and less-than-lethal weapons, and a review of the City of Columbia Use of Force Policy at least annually.

4.3 Training Restrictions for Employees on Light Duty Status

Officers on light duty **may not** carry City-issued lethal weapons, less-than-lethal weapons, or a department-approved off-duty handgun.

Those officers unable to qualify due to light duty status at the time of annual training must qualify with all issued lethal and less-than-lethal weapons prior to returning to their full duty assignment.

5.0 USE OF DEADLY FORCE

A police officer may use deadly force only when:

- He/she reasonably believes that such force is necessary to protect himself/herself or others from the imminent danger of serious physical injury or death.
- OR
- To prevent the escape of a fleeing felon who the police officer has probable cause to believe is attempting to escape by means of a deadly weapon or who, by conduct or other means, indicates that he presents an imminent threat of serious physical injury or death to others unless apprehended without delay.

Firearms will not be discharged:

- As a warning shot.
- When circumstances indicate that discharging a firearm would endanger the safety of an innocent person.
- From a moving vehicle.
- At a moving vehicle except when the police officer has probable cause to believe that, there is a threat of serious bodily injury or death to the officer or a third party if he/she does not do so. Before discharging a firearm at a moving vehicle, a police officer must have probable cause to believe that the only reasonable means of protecting himself/herself and/or a third party is the use of deadly force. Police officers must always evaluate the surroundings to ensure that an innocent person will not be injured.

6.0 LETHAL WEAPONS

**POLICE OFFICERS WILL ONLY POSSESS AND USE ISSUED FIREARMS
AND AMMUNITION WHILE ON DUTY.**

**THE POSSESSION AND/OR USE OF ANY OTHER LETHAL WEAPON
IS PROHIBITED.**

6.1 Handguns

Sworn law enforcement officers employed by the Columbia Police Department, Columbia Department of Homeland Security, and the Columbia Fire Department will be issued a .45 caliber ACP semi-automatic pistol and up to twenty-five (25) rounds of .45 caliber ACP, 230 grain, factory loaded, jacketed hollow point ammunition and/or a .38 caliber revolver and up to eighteen (18) rounds of .38 special +P, 158 grain, factory loaded ammunition.

Sworn law enforcement officers employed by the City of Columbia Municipal Court will be issued a .40 caliber semi-automatic pistol and forty-six (46) rounds of .40 SW caliber, 180 grain, factory loaded, jacketed hollow point ammunition.

6.2 Shotguns

Police vehicles may be equipped with a 12-gauge shotgun. Shotguns will be secured in the trunk of the vehicle with the safety in the "on" position, hammer down, and four (4) rounds of "00" reduced-recoil buckshot in the

magazine. Vehicles will also be equipped with four (4) rounds of 2 ¼ inch hollow point rifled slugs. The chamber will remain empty when not in use.

If a police vehicle is taken out of service for any reason, the shotgun and ammunition will be transferred to a replacement vehicle or stored securely and maintained by the shift supervisor.

6.3 Patrol Rifles

Police officers may be issued a semi-automatic .223 caliber patrol rifle, magazines, and forty (40) rounds of .223 Remington, 55 grain, jacketed hollow point ammunition. The weapon will be secured in the trunk of the vehicle with the selector switch in the "safe" position. The chamber will remain empty when not in use.

6.4 Carrying of Off-Duty Handguns

Police officers are not required to carry a firearm while off duty. Off-duty police officers may carry their City-issued handgun or an approved personally-owned handgun in accordance with S. C. Code §16-23-20 and the Law Enforcement Officer's Safety Act of 2004 18 U. S. C. §926. Police officers must procure the proper firearms qualification documentation from the Police Department Training Unit prior to carrying a weapon under the provisions of the Law Enforcement Officer's Safety Act of 2004.

The carrying of all off-duty handguns is subject to the following regulations:

- Police officers are required to have their City-issued badge and credentials in their possession at all times.
- The handgun must be carried in a safe and prudent manner.
- The handgun and holster are to be concealed at all times.
- Police officers are prohibited from carrying an off-duty firearm while consuming or after consuming alcoholic beverages.
- Police officers are required to qualify annually with each handgun approved for off-duty carry.

6.5 Approval Process for Personally Owned Off-Duty Handguns

Police officers must qualify with a personally owned handgun before receiving authorization to carry it while off-duty. The following steps must be completed prior to being allowed to qualify:

1. Submit an approved Off-duty Firearm Authorization form to the Police Department Training Unit.
2. Submit a NCIC records check of the handgun to the Police Department Training Unit.
3. Present the handgun for inspection and approval by the departmental armorer.
4. Provide approved ammunition for qualification/off-duty carry.

Personally-owned handguns that are carried off duty must be:

- A pistol or revolver between .380 caliber and .45 caliber that holds at least five rounds.
- Registered with the Police Department Training Unit.

- Approved in writing by the police officer's Department Head.
- The ammunition carried must be factory loaded and commercially produced. **No magnum ammunition is authorized.**

The Police Department Training Unit will keep a record of each approved off-duty handgun, including: make, model, and the serial number of the weapon; holster type; ammunition specifications; and the qualification information of the police officer authorized to carry the weapon.

6.6 Firearms Qualification

At least annually, police officers are required to demonstrate proficiency with each City-issued firearm. A passing score with each weapon will be required for qualification. All firearms qualification courses will be monitored by a certified Firearms Instructor.

All police officers are required to attend a training class conducted in conjunction with the annual Firearms Qualification Training. The class will review the City of Columbia Use of Force Policy governing weapons and the use of force. Each police officer will be required to pass a written Use of Force test.

6.7 Failure to Maintain Handgun Proficiency

Police officers failing to demonstrate proficiency during their first attempt handgun qualification will be allowed a second attempt to qualify during the training session. Police officers who fail to demonstrate proficiency after their second attempt will be immediately placed on administrative duty until they can be scheduled to attend a mandatory 8-hour remedial training session.

Police officers failing to demonstrate proficiency after the 8-hour remedial session must surrender their weapon to the training supervisor at the range. The police officer will be assigned to the Training Unit for a period not to exceed 40 hours. During this period, they will receive additional remedial training from a certified Firearms Instructor.

If proficiency cannot be demonstrated at the completion of the full 40 hours, the police officer's department head will be notified to determine the appropriate course of action, up to and including termination of employment.

Police officers, required to attend any level of remedial firearms training, will also be required to attend an 8-hour firearms training prior to the next annual Firearms Qualification Training course.

6.8 Failure to Maintain Proficiency with Other Authorized Firearms

- Shotguns - Police officers, who fail to maintain shotgun proficiency as evidenced by the demonstrated inability to meet the established qualification requirements, will not be authorized to operate a police vehicle that contains a shotgun. Prior to beginning each shift, police officers shall be required to notify the shift supervisor to remove the weapon from any vehicle they are assigned to drive. Shotguns removed from a police vehicle will be securely stored and maintained by the shift supervisor.

The police officer will have the option of attending a scheduled shotgun qualification course. Police officers must successfully complete shotgun qualification prior to being authorized to utilize a shotgun.

Any police officer who has failed to qualify and fails to notify their supervisor to remove the shotgun from a police vehicle prior to their shift will be subject to a written reprimand for the first offense. A second offense will be subject to two (2) to five (5) days suspension.

- Patrol Rifles – Police officers, who fail to maintain patrol rifle proficiency as evidenced by the

demonstrated inability to meet the established qualification requirements, shall be required to return their patrol rifle to the Police Department Equipment/Supply unit immediately. The police officer will have the option of attending a scheduled patrol rifle qualification course. Police officers must successfully complete patrol rifle qualification prior to being re-issued a patrol rifle.

- **Personally-Owned Handguns** - Police officers, who fail to maintain proficiency as evidenced by the demonstrated inability to meet the established qualification requirements, shall have their authorization to carry a personally-owned off-duty handgun revoked.

No remedial training will be offered for personally-owned handguns. Police officers must reinitiate and complete the approval process for personally-owned off-duty handguns.

6.9 Servicing of Firearms

Police officers are responsible for routine maintenance and cleaning of all City-issued firearms. Any issued firearm that requires servicing must be delivered to the Police Department Equipment/Supply Unit with a written description of the problem. The firearm will then be turned over to an armorer for repair. **Under no circumstances will any police officer modify or allow a City-issued firearm to be modified.**

6.10 Storage of Firearms/Weapons While Off-Duty

Police officers are responsible for the safe and proper storage of all department-authorized weapons. This includes all issued firearms and approved off-duty handguns as well as less-than lethal weapons issued by the department. Police officers should use a secure storage method to ensure that weapons are not accessible to unauthorized users.

City-issued firearms may not be used or handled by anyone other than the police officer to whom the weapon is issued. Police officers may be permitted to use another police officer's weapon only during authorized training activities or under exigent circumstances.

6.11 Storage of Firearms within the Department

Firearms stored in the Police Headquarters building shall be secured in the Armory. Firearms stored in other City of Columbia facilities shall be secured in locked gun cabinets.

7.0 USE OF LESS-THAN-LETHAL FORCE

In situations where deadly force is not justified, police officers will evaluate the totality of the circumstances in order to determine which approved weaponless control techniques and/or less-than-lethal weapons may most effectively de-escalate the incident and bring the situation under control in a safe manner.

Police officers are authorized to use less-than-lethal techniques and/or weapons to:

- Protect themselves or others from physical harm.
- Restrain or subdue a resistant individual.
- Bring an unlawful situation safely and effectively under control.

Community Safety Officers and Park Rangers are authorized to use less-than-lethal force only to protect themselves from harm.

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 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 shall 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 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 is restrained, the use or continued use of an 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, tear gas ...etc) 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 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 ability to do serious bodily harm to the police officer, themselves, 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 ability to do serious bodily harm to the police officer, themselves, 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 generally 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 Use of Force Report.

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.**

All ECD wounds must be photographed. If practical, photographs will be taken prior to the removal of ECD probes. The on-scene supervisor will ensure that photographs are taken 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. Contaminated individuals should be allowed to cleanse their face/eyes with cold water and soap.

Suspects exposed to OC spray that are taken into custody should 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 shall be issued a twenty-four 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.

9.0 REQUIREMENT TO RENDER MEDICAL AID

The use of lethal weapons, less-than-lethal weapons, and the use of weaponless force carries the responsibility to render appropriate medical aid to any injured party.

Any reported injury will be considered to be of sufficient gravity for the officer on the scene to summon EMS for the determination of appropriate medical care.

A supervisor will be called to the scene of all reported injuries. If EMS determines that a suspect requires transport to the emergency room, the supervisor will assign a police officer to accompany EMS. The assigned police officer shall remain with the suspect until released into custody by authorized medical personnel or until the police officer is properly relieved.

When possible, photographs will be taken of all reported injury/wound(s) and placed into evidence.

10.0 USE OF FORCE NOTIFICATION AND REPORTING

A supervisor must be notified of and respond to any incident involving the use of a City-issued/approved lethal weapon, city issued less-than-lethal weapon, and the use of weaponless force resulting in an injury.

The Columbia Police Department Use of Force Report form will be utilized to document all incidents involving:

- The discharging of a firearm for purposes other than training or recreation
- Actions that result in, or are alleged to have resulted in, the injury or death of another person
- The application of force using a lethal or less-than-lethal weapon
- The application of weaponless force that results in an injury

The Use of Force Report consists of the following pages:

1. Cover Sheet
2. Summary and Recommendation Sheet
3. Use of Force Report
4. Firearm Sheet (only included if the officer uses a firearm)

The completed Use of Force Report, Statements, Incident Reports, Booking Reports, Uniform Traffic Tickets, Hurt on Duty Forms, relevant photograph copies and any other documentation pertaining to an incident involving the Use of Force will be compiled into a Use of Force Packet.

Officer(s) involved in any use of force incident must complete a written statement detailing the circumstances of the incident. This statement and all related reports must be completed prior to the end of the officer's shift.

The On-scene Supervisor shall:

- Make all necessary notifications
- Investigate the circumstances of the incident
- Provide a written summary of the incident, documenting any policy, procedure, or law violations; disciplinary recommendations; and/or any identified training deficiencies or officer safety issues.
- Complete a Use of Force Report
- Assemble a Use of Force Packet (2 copies required)

The supervisor will forward one copy of the Use of Force Packet through the officer's chain of command and submit a second copy of the Use of Force Packet directly to Police Department Internal Affairs Unit by 8:00 a.m. the following business day.

Internal Affairs will review the Use of Force Packet and notify the Chief of Police of the incident by 9:00 a.m.

The Chief of Police will determine whether further investigation of the incident is necessary based upon review of the Use of Force Packet.

The officer's department head will determine and implement appropriate disciplinary action if necessary.

Use of force incidents resulting in serious physical injury or death shall be referred to the State Law Enforcement Division (SLED) for investigation. Upon referral to SLED, the Chief of Police is authorized to discontinue police department investigations into the use of force incident as outlined by this policy.

10.1 Incident Specific Requirements

Weaponless Force

A supervisor must be notified of and respond to any use of weaponless force resulting in a reported injury.

The Use of Force Report must include the following:

- Description of the empty hand control techniques used
- Description of the reported injuries
- Treatment of reported injuries

The restraint of an individual or the use of weaponless force, in which no injury occurs, will not require a Use of Force Report.

OC Spray

A supervisor must be notified of and respond to any discharge of OC spray.

The Use of Force Report must include the following:

- OC spray canister serial number
- Names of all persons affected by OC spray
- Decontamination procedures utilized

OC spray malfunctions that result in no OC spray deployment or OC spray deployments during training exercises will not require the completion of a Use of Force Report.

Straight Baton

A supervisor must be notified of and respond to any use of a straight baton.

The Use of Force Report must include the following:

- Locations of strikes and/or blocks
- Description of reported injuries
- Treatment of reported injuries

ECD Discharge

A supervisor and the Watch Commander must be notified of and respond to any ECD discharge.

The supervisor will complete a Use of Force Report that must include the following:

- The ECD serial number
- Description of any reported injuries
- Photos of the injury site (if possible)
- Medical treatment of reported injuries

The Watch Commander will download and print the weapon's discharge data. The data sheet shall be attached to the Use of Force Report.

When an ECD is discharged in any capacity other than for training or demonstration purposes, an Incident Report will be completed, and the cartridge, along with a sample of the ID AFIDS tags, will be turned in to the Police Department Evidence Room.

An ECD instructor will complete an Unintentional/Injury report for ECD malfunctions or related injuries during training exercises.

Discharging of a Firearm: Resulting in Property Damage, Injury, or Death

The intentional or accidental discharge of a firearm that results in property damage, injury, or death of another person requires that the police officer, regardless of duty status, immediately notify a supervisor.

The supervisor shall:

- Respond to the incident location and treat it as a crime scene.
- Take possession of any firearm(s) involved along with all magazines and ammunition, once officer safety is no longer a concern.
- Notify the Watch Commander.
- Request the on-call Police Department Crime Scene Investigator to process the scene.

The Watch Commander shall immediately notify:

- The on-call Criminal Investigator
- The Police Department Internal Affairs Unit who will notify an armorer
- Command Staff as required
- The police officer's department head

The Use of Force Report must include the following:

- Make, model, and serial number of firearm used
- Description of the reported injuries
- Treatment of the reported injuries

The Criminal Investigator will conduct an independent investigation into the incident and submit a written report to the Chief of Police by 9:00 a.m. the next business day. This report will include statements from the police officer(s), witnesses, and/or victim(s).

If the discharge of a firearm is reported to be the result of a malfunction, the armorer will submit a written report that contains the nature of the reported malfunction and the armorer's conclusion as to the serviceability of the weapon and repairs performed (if any). This report will be forwarded to the Police Department Internal Affairs Unit by 8:00 a.m. on the following business day for inclusion in their investigation.

The Internal Affairs Unit will conduct an independent investigation into the incident and submit a written report to the Chief of Police by 9:00 a.m. the next business day. This report will include the Use of Force Packet, the Armorer's Report (if applicable), and statements from the police officer(s), witnesses, and/or victim(s).

Discharging a Firearm: Resulting in NO Property Damage, Injury, or Death

The intentional or accidental discharge of a firearm that results in NO property damage, injury, or death of another person requires that the police officer, regardless of duty status, immediately notify a supervisor.

The supervisor shall:

- Respond to the incident location and treat it as a crime scene.
- Take possession of any firearm(s) involved along with all magazines and ammunition, once officer safety is no longer a concern.
- Notify the Watch Commander.

The Watch Commander shall immediately notify:

- The Police Department Internal Affairs Unit who will notify an armorer
- Command Staff as required
- The police officer's department head

If the discharge of a firearm is reported to be the result of a malfunction, the armorer will submit a written report that contains the nature of the reported malfunction and the armorer's conclusion as to the serviceability of the weapon and repairs performed (if any). This report will be forwarded to the Police Department Internal Affairs Unit by 8:00 a.m. on the following business day for inclusion in their investigation.

The Internal Affairs Unit will conduct an independent investigation into the incident and submit a written report to the Chief of Police by 9:00 a.m. the next business day. This report will include the Use of Force Packet, the Armorer's Report (if applicable), and statements from the police officer(s), witnesses, and/or victim(s).

Use of Force Incidents NOT Involving a Firearm: Resulting in Serious Physical Injury or Death

Any action that result in, or is alleged to have resulted in, the serious physical injury or death of another person requires that the officer(s) immediately notify a supervisor.

The supervisor shall:

- Respond to the incident location and treat it as a crime scene.
- Attempt to identify the source/cause of the injury.
- Take possession of any weapons involved.
- Notify the Watch Commander.
- Request the on-call Police Department Crime Scene Investigator to process the scene.

The Watch Commander shall immediately notify:

- The on-call Criminal Investigator
- The Police Department Internal Affairs Unit
- Command Staff as required
- The officer's department head

- Additional Investigative personnel as required

The Use of Force Report must include the following:

- Identification of the weapon(s) used (if any)
- Description of the injuries
- Treatment of the reported injuries

The Criminal Investigator will conduct an independent investigation into the incident and submit a written report to the Chief of Police by 9:00 a.m. the next business day. This report will include statements from the officer(s), witnesses, and/or victim(s).

If the incident involves a vehicle, the Traffic Unit will submit a Uniform Traffic Collision Report and a written summary of the incident to the Chief of Police by 9:00 a.m. the next business day.

The Internal Affairs Unit will conduct an independent investigation into the incident and submit a written report to the Chief of Police by 9:00 a.m. the next business day. This report will include the Use of Force Packet and statements from the officer(s), witnesses, and/or victim(s).

11.0 "RELIEVED OF DUTY STATUS"

Officers whose actions result in the serious bodily injury or death of another person will be placed on "Relieved of Duty" status pending the results of an administrative review and be referred to the South Carolina Law Enforcement Assistance Program (SC LEAP) or another psychological service provider.

Assignment to "Relieved of Duty" status shall be administrative (non-disciplinary) with no loss of pay or benefits and will serve two purposes:

- To address the emotional needs of the employee
- To assure the community that verification of the facts surrounding such incidents are fully and professionally explored

Officers will remain on "Relieved of Duty" status during the preliminary investigation of the incident. Upon conclusion of the investigation, the officer's department head will determine when the officer may return to normal duty status.

12.0 USE OF FORCE ANALYSIS

The Police Department Internal Affairs Unit will conduct an annual analysis of all Use of Force reports to determine if patterns or trends exist that could indicate training needs, equipment upgrades, and/or policy modifications. The results of the analysis will be disseminated to the City Manager, Chief of Police, Director of Homeland Security, Municipal Court Director and the City of Columbia Public Safety Accreditation Unit.