

RESOLUTION NO.: R-2016-058

Adopting Amendment to City of Columbia Response to Resistance Policy

BE IT RESOLVED this ___ day of _____, 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:

City Manager _____

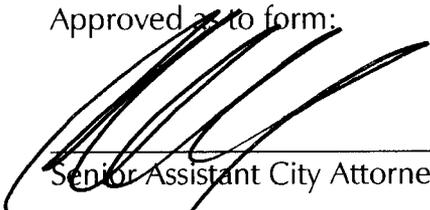
Mayor

Approved by:

City Manager

Approved as to form:

ATTEST:



Senior Assistant City Attorney

City Clerk

Introduced:

Final Reading:

CITY OF COLUMBIA RESPONSE TO RESISTANCE 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 Response to Resistance 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 or reported injury. **Response to Resistance 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.**~~

The City of Columbia recognizes and respects the value and sanctity of each human life and therefore, emphasizes the importance of treating all persons with dignity and respect.

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 if needed.

Officers have a duty to intervene to prevent another officer who is about to use excessive or unnecessary force or engage in other misconduct.

Incidents of Response to Resistance (RTR) situations will be documented by the use of an RTR Report or RTR Packet.

Response to Resistance 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 Class I and class III officers of the Columbia Police Department, City of Columbia Municipal Court, and the Columbia Fire Department as well as duly appointed State Constables acting in support of the 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 City of Columbia 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.

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

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 induce an ordinarily prudent and cautious 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.

Injury: Damage or harm to a person that may be visualized.

Reported injury: Articulated claim of damage or harm to a person that may or may not be visualized.

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.

Service weapon: A handgun, issued by the Department, which is the police officer's primary sidearm.

Backup weapon: A personally-owned handgun, approved by the Department, to be concealed while the police officer is on duty and serves as a supplement to the service weapon.

Off-Duty weapon: A service weapon, backup weapon, or other personally-owned handgun, that has been approved by the Department, to be carried in accordance with S. C. Code § 16-23-20 and the Law Enforcement Officer's Safety Act of 2004 18 U. S. C. §926 while the police officer is off-duty.

Response to Resistance (RTR) Packet: *The Response to Resistance (RTR) Packet consists of a Cover Sheet, Summary and Recommendation Sheet, Response to Resistance Packet form, Response to Resistance Report form - Firearm Supplement Sheet (Complete only if the officer discharges a firearm), Officer Statements, Incident Reports, Booking Reports, Uniform Traffic Tickets, Hurt on Duty Forms, relevant photographs, data download disc, and any other documentation pertaining to an incident involving the Response to Resistance will be compiled into a Response to Resistance Packet.*

Response to Resistance (RTR) Report: *The Response to Resistance (RTR) Report consists of the RTR cover sheet and incident report. Officers' are required to document Response to Resistance occurrences that do not require the completion of a Response to Resistance Packet by virtue of being the display of lethal or non-lethal weapons for the purpose of gaining compliance.*

Duty to Intervene: *Officers have a duty to intervene to prevent another officer who is about to use excessive or unnecessary force or engage in other misconduct.*

3.0 INSPECTION AND APPROVAL OF WEAPONS

3.1 Department Issued 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. Only firearms approved by the armorer will be eligible to be issued or re-issued. The departmental armorer will maintain a record of all firearms testing, servicing, and repair.

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.

3.2 Department Approved Weapons

All personally-owned Department approved weapons (backup and off-duty firearms) shall be inspected and approved for use by an armorer or certified weapons instructor prior to weapons training classes.

4.0 WEAPONS TRAINING

All Response to Resistance training and weapons proficiency training/testing will only 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

Officers must complete the following steps **prior** to being authorized to carry a lethal and/or less-than-lethal weapons:

- Receive and sign for a copy of the City of Columbia Response to Resistance Policy (disc or hard copy)
- Receive instruction on the City of Columbia Response to Resistance Policy
- Pass the written Response to Resistance test
- Demonstrate proficiency in the use of all authorized weapons

4.2 Annual Weapons Training/Re-certification

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

4.3 Light Duty Restrictions

Officers on light duty status MAY carry department-issued weapons providing that their injuries do not prohibit the proper use of the weapon. Officers on light duty status MAY NOT perform uniformed duties.

4.4 Training Restrictions for Employees on Light Duty Status

Those officers unable to qualify due to light duty status at the time of annual training must qualify with all Department issued lethal weapons, Department approved lethal weapons, and/or 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 him/her 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.~~

The application of deadly force is a measure to be employed only in the most extreme circumstances and all lesser means of force have failed or could not be reasonably employed

A police officer may use deadly force only when:

- *He/she reasonably believes that such force is necessary to protect him/her 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 him/her 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.~~

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, unless deadly force is being used against the officer or another person and the officer reasonably believes that no other option is available. Discharging a firearm in this circumstance is never authorized when:*
 - *It is reasonable to believe that the vehicle may contain an innocent passenger; or,*

- *It is reasonably apparent that the vehicle may careen out of control and injure an innocent bystander.*

When confronted with an oncoming vehicle, an officer will not position him or herself into the path of the vehicle, but will take all reasonable steps to move out of the way.

6.0 LETHAL WEAPONS

POLICE OFFICERS WILL ONLY POSSESS AND USE DEPARTMENT ISSUED FIREARMS AND AMMUNITION/DEPARTMENT APPROVED BACKUP WEAPON AND AMMUNITION WHILE ON DUTY.

THE POSSESSION AND/OR USE OF ANY OTHER LETHAL WEAPON BY POLICE OFFICERS WHILE ON-DUTY IS PROHIBITED.

COMMUNITY SAFETY OFFICERS AND PARK RANGERS ARE PROHIBITED FROM CARRYING FIREARMS OR ANY OTHER LETHAL WEAPON WHILE ON-DUTY.

6.1 Service Weapon

Sworn law enforcement officers employed by the Columbia Police Department, Columbia Fire Department and City of Columbia Municipal Court will be issued a semi-automatic pistol and factory loaded, jacketed hollow point ammunition. Additional weapons may be utilized by designated personnel as authorized by the Chief of Police.

Police officers are not required to, but may carry their issued service weapon as an off-duty weapon.

6.2 Shotguns

Police vehicles may be equipped with a 12-gauge shotgun. Shotguns will be secured in the vehicle's shotgun rack with the safety in the "on" position, hammer down, and four (4) rounds of "00" reduced-recoil buckshot in the magazine. The chamber will remain empty when not in use. Police vehicles will also be equipped with five (5) rounds of 2 1/2 inch hollow point rifled slugs.

If a police vehicle containing a shotgun 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.

6.34 Backup Weapons

Only those Police officers completing the backup weapon approval process and successfully completing the Columbia Police Department Training Unit's Backup Weapon qualification course shall be authorized to carry a backup weapon while on-duty.

Backup weapons shall be secondary to the police officer's department-issued service weapon and shall only be utilized in exigent circumstances.

Backup weapons shall be restricted to a pistol or revolver between .380 caliber and .45 caliber; hold at least 5 rounds; and have a barrel no longer than 4 inches. Police officers are authorized to carry one (1) magazine or speed loader for purpose of reloading their backup weapon.

Officers will be allowed to designate no more than two weapons for the purpose of serving as backup weapons. Officers will carry only one back up weapon while on duty or in an extra duty capacity. Should an officer want or need to change the designated backup weapon for any reason, the Columbia Police Department Training Unit must be notified and the officer must complete the entire backup weapon approval process with a new weapon.

Backup weapons must be concealed while on-duty. The weapon shall only be carried on your person and in a physical location approved by the Training Unit.

Police officers are not required to carry a backup weapon while on duty. Police officers are not required to, but may request approval to carry their authorized backup weapon as an off-duty weapon.

6.45 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 seek approval to carry their authorized backup weapon or other authorized 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 identification, badge, Police Department credentials, and driver's license in their possession at all times.
- The handgun must be carried in a safe and prudent manner.
- The handgun shall 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.

6.56 Approval Process for Personally Owned Backup/Off-Duty Handguns

Police officers must qualify with any personally owned handgun before receiving authorization to carry it as a backup weapon or as an off-duty weapon.

The following steps must be completed prior to being allowed to qualify:

1. Submit a completed a Backup/Off-duty Firearm Authorization form to the Police Department Training Unit. (Including NCIC records check of the handgun and approval from the police officer's department head). The NCIC check and approval of the Department Head are not required for subsequent annual qualifications.
2. Present the handgun, holster, and ammunition for inspection/approval by a department armorer or SCCJA certified weapons instructor prior to the time of weapon qualification.
3. Successfully complete the backup and/or off-duty handgun qualification course.

6.67 Personally-Owned Backup and Off-Duty Weapon Restrictions

- A pistol or revolver between .380 caliber and .45 caliber that holds at least five rounds. Backup weapons are restricted to a maximum barrel length of 4 inches. Off-duty weapons may exceed a barrel length of 4 inches but must be concealable.

- Only factory loaded and commercially produced ammunition will be authorized. **No magnum ammunition will be permitted.**

6.78 Personally-Owned Backup and Off Duty Weapon Records

The Police Department Training Unit shall keep a record of each authorized backup weapon and all approved off-duty weapons. Records shall include: make, model, and the serial number of the weapon; holster type; ammunition specifications; method of carry, and the qualification information of the police officer.

6.89 Firearms Qualification

At least annually, police officers are required to demonstrate proficiency with each Department-issued and all Department-authorized personally-owned firearms. 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 Response to Resistance Policy governing weapons and the Response to Resistance. Each police officer will be required to pass a written Response to Resistance test.

6.910 Failure to Maintain Proficiency with Issued Service Weapon

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.

Officers on administrative duty as a result of failing to demonstrate proficiency shall not wear a uniform, carry a weapon (to include back-up or off duty firearms), operate a City vehicle or engage in Special Duty assignments.

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, may request to attend firearms practice prior to the next annual Firearms Qualification Training course.

6.4011 Failure to Maintain Proficiency with Other Authorized Firearms

- Shotguns – All sworn personnel are required to attempt to qualify with a shotgun.

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.

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.

- Personally-Owned Backup And Off Duty Weapons- Police officers, who fail to maintain proficiency with their personally-owned weapon as evidenced by the demonstrated inability to meet the established qualification

requirements, shall have their authorization to carry that weapon 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.

6.412 Servicing of Firearms

Police officers are responsible for routine maintenance and cleaning of all Department-issued and Department-authorized firearms.

Issued firearms requiring service 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 Department-issued firearm to be modified.**

Police officers are responsible for all repairs to personally-owned backup and off-duty weapons.

6.423 Storage of Firearms/Weapons While Off-Duty

Police officers are responsible for the safe and proper storage of all department issued firearms and approved backup/off-duty weapons 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.

Department-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.

6.434 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/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 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 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 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 for the purpose of gaining compliance or intimidation, to apprehend or secure suspects, the handler shall complete a Response to Resistance cover sheet.
- If the Canine is deployed and 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.

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.

All wounds, injuries, or reported injuries shall be photographed and the photographs placed into evidence. Documentation must be provided if photographs are not possible.

10.1 ~~RESPONSE TO RESISTANCE REPORTING PROCESS~~

~~The Columbia Police Department Response to Resistance Report form will be utilized to document all incidents involving:~~

- ~~• The pointing or presenting of any weapon, lethal or less than lethal, for the purpose of gaining compliance through intimidation requires the completion of a Response to Resistance Report form. This includes all classes of firearms, ECD, deployed straight baton, and OC spray.~~
- ~~• 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 (including ECD display and/or ECD discharge in which a suspect does not receive an electric discharge.)~~
- ~~• The application of weaponless force that results in any injury or reported injury.~~

~~The Response to Resistance Report consists of the following pages:~~

- ~~1. Cover Sheet~~
- ~~2. Summary and Recommendation Sheet~~
- ~~3. Response to Resistance Report form~~
- ~~4. Response to Resistance Report form – Firearm Supplement Sheet (Complete only if the officer uses a firearm)~~

~~The completed Response to Resistance Report, Statements, Incident Reports, Booking Reports, Uniform Traffic Tickets, Hurt on Duty Forms, relevant photographs, data download disc, and any other documentation pertaining to an incident involving the Response to Resistance will be compiled into a Response to Resistance Packet.~~

~~Officer(s) involved in any Response to Resistance incident must complete a written statement detailing the circumstances of the incident to include the required information listed in Subsection 12.0 – Incident Specific Reporting Requirements.~~

~~The officer's statement, all related reports, and any items required to be submitted to the Evidence/Property Room 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 Response to Resistance Report form. Additional forms are to be utilized if more than one (1) officer or suspect is involved.~~
- ~~Assemble Response to Resistance Packet (2 copies required)~~
- ~~Attach copy of the data download to the Response to Resistance Packet for the Chain of Command (if applicable).~~

~~The supervisor will forward one copy of the Response to Resistance Packet through the officer's chain of command and submit a second copy of the Response to Resistance Packet directly to the Professional Standards Division no later than 72 hours following the event~~

~~Professional Standards will review the Response to Resistance Packet and notify the Chief of Police of the incident no later than 72 hours following receipt.~~

~~The Chief of Police will determine whether further investigation of the incident is necessary based upon review of the Response to Resistance Packet.~~

~~The officer's Department Head will determine and implement appropriate disciplinary action if necessary.~~

10.0 RESPONSE TO RESISTANCE REPORTING PROCESS

Response to Resistance Documentation:

1. *Response to Resistance Packet will be completed when:*
 - *the discharging of a firearm or ECD occurs;*
 - *Any level of force, to include less-than-lethal weapons that results in any reported injury, injury or death of another person;*

Or

2. *Response to Resistance Incident Report:*
 - *the application of force using lethal or less-than-lethal weapons or weaponless force that does not result in an immediate report of injury or visible injury; cover sheet*
 - *The display of any force using lethal or less-than-lethal weapons for the purpose of gaining compliance through intimidation requires the completion of the Response to Resistance (RTR) cover sheet. This includes all classes of firearms, ECD, deployed straight baton, OC spray, hands and Canine.*

*The Response to Resistance **Packet** consists of the following pages:*

1. *Cover Sheet*
2. *Summary and Recommendation Sheet*
3. *Response to Resistance Report Form*
4. *Firearm Supplement Sheet (Complete only if the officer discharges a firearm)*

*The completed Response to Resistance **Packet** should include but not be limited to, statements, incident reports, booking reports, uniform traffic tickets, hurt on duty forms, relevant photographs, data download disc, and any other documentation pertaining to an incident involving the Response to Resistance.*

(Officers) involved in any Response to Resistance incident must complete a written supplemental report detailing the circumstances of the incident to include the required information listed in Subsection 12.0 - Incident Specific Reporting Requirements.

The officer's written account, all related reports, and any items required to be submitted to the Evidence/Property Room 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 Response to Resistance Report form. Additional forms are to be utilized if more than one (1) officer or suspect is involved.
- Assemble Response to Resistance Packet (2 copies required)
- Attach copy of the data download to the Response to Resistance Packet for the Chain of Command (if applicable).

The supervisor will forward the original copy of the Response to Resistance Packet through the officer's chain of command. The respective Bureau Major will forward the Packet to the Office of the Chief.

Professional Standards will review the Response to Resistance Packet once it has been reviewed by the Office of the Chief.

The Chief of Police will determine whether further investigation of the incident is necessary based upon review of the Response to Resistance Packet.

The officer's Bureau Major will implement appropriate disciplinary action if necessary.

The Response to Resistance **Report** (display of lethal or non-lethal force) consists of the following:

- 1.) Incident Report titled to reflect and document the original incident that resulted in the display of force.
- 2.) Supplement Report (choose display type from drop down box) explaining in detail the reason for the display of force to gain compliance and/or for intimidation purposes.
- 3.) Response to Resistance Cover Sheet marked as "Display Only".
- 4.) The Watch Commander or the officers Commanding Officer shall ensure that all such reports are forwarded to the Office of Professional Standards within (72) hours of the occurrence.

11.0 LESS-THAN-LETHAL WEAPONS: RESPONSE TO RESISTANCE NOTIFICATION AND REPORTING

A supervisor must be notified of and respond to any use of weaponless force and any incident involving the use of a Department-issued less-than-lethal weapon.

The supervisor shall:

- Determine the extent of any reported injuries.
- Photos of any injuries or reported injuries (documentation must be provided if photographs are not possible)
- Notify Watch Commander of the incident and the extent of any injuries.
- Initiate a Response to Resistance Packet and insure that all necessary forms are completed.

11.1 Response to Resistance Incidents Resulting in Significant Injuries

Any incident resulting in significant injuries shall be secured and treated as a crime scene until the Watch Commander responds to the incident location.

The Watch Commander shall notify the on-call Internal Affairs Investigator of any incident resulting in significant injuries. It may be necessary to request the on-call Crime Scene Investigator to photograph the injuries.

The Internal Affairs Investigator will determine the need for an on-scene response or investigation and notify Command Staff of the incident if necessary.

11.2 Response to Resistance Incidents Resulting in Serious Physical Injury or Death (NOT Involving a Firearm)

Any action that result in, or is alleged to have resulted in, the serious physical injury or death of another person requires that the officers) 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/photograph the scene.

The Watch Commander shall immediately notify:

- The on-call Criminal Investigator
- The Police Department Internal Affairs Unit Commander
- Command Staff as required
- The officer's department head
- Additional Investigative personnel as required.
- The Response to Resistance Packet 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 no later than 72 hours following the incident. This report will include administrative affidavits 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 no later than 72 hours following the incident.

The Internal Affairs Unit will conduct an independent investigation into the incident and submit a written report to the Chief of Police no later than 72 hours following the incident. This report will include the Response to Resistance Packet and administrative affidavits from the officer(s), witnesses, and/or victim(s).

11.3 Referral of Response to Resistance Incidents Resulting in Serious Physical Injury or Death to SLED

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

12.0 LESS-THAN-LETHAL WEAPONS: INCIDENT SPECIFIC REPORTING REQUIREMENTS

Weaponless Force

A supervisor must be notified and a Response to Resistance Packet completed for any use of weaponless force resulting in a reported injury.

The Response to Resistance Packet must include the following:

- Description of the empty hand control techniques used
- Description of the reported injuries
- Treatment of reported injuries
- Photos of any injuries or reported injuries (documentation must be provided if photographs are not possible)

Additionally, any striking or other impact without reported injury will require supervisory notification and be documented in an Incident Report. The use of weaponless force necessary to restrain a moderately resistant individual in which no injury occurs, will also be documented in an Incident Report.

The Incident Report must include the following:

- Description of the type of weaponless force used.
- Narrative of incident

OC Spray

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

The Response to Resistance Packet must include the following:

- OC spray canister serial number
- Names of all persons affected by OC spray
- Decontamination procedures utilized
- Photos of any injuries or reported injuries (documentation must be provided if photographs are not possible)

OC spray malfunctions that result in no OC spray deployment or OC spray deployments during training exercises will not require the completion of a Response to Resistance Packet.

Straight Baton

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

The Response to Resistance Packet must include the following:

- Locations of strikes and/or blocks
- Description of reported injuries
- Treatment of reported injuries
- Photos of any injuries or reported injuries (documentation must be provided if photographs are not possible)

ECD Display/Discharge

A supervisor must be notified of ECD display or an accidental ECD deployment. The supervisor will notify the Watch Commander of the incident.

A supervisor must be notified of and respond to any ECD discharge in which a suspect is hit or receives an electric discharge and ECD discharges in which a suspect does not receive an electric discharge. The supervisor will notify the Watch Commander of the incident.

The supervisor will complete a Response to Resistance Packet that must include the following:

- The ECD serial number
- Description of any reported injuries
- Photos of any injuries or reported injuries (documentation must be provided if photographs are not possible)
- Medical treatment of reported injuries

The supervisor will download the weapon's discharge data and copy it onto two (2) discs. The data sheet shall be attached to the Response to Resistance Packet. The second copy of the weapon's discharge data shall be placed in the evidence room prior to the end of the officer's shift.

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.

13.0 LETHAL WEAPONS: NOTIFICATION AND REPORTING PROCESS

A supervisor must be notified of and respond to any incident involving the discharge of a Department-issued weapon or Department-approved backup weapon.

13.1 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 and photograph the scene.

The Watch Commander shall immediately notify:

- The on-call Criminal Investigator
- The on-call Victim Advocate
- The police officer's Department Head
- Department Internal Affairs Unit Commander

The Response to Resistance Packet 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 initiate an investigation into the incident and submit a written report to the Chief of Police no later than 72 hours following the incident. This report will include a summary of the incident and identify and/or include administrative affidavits from the police officers, 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 no later than 72 hours following the incident.

The Internal Affairs Unit will conduct an independent investigation into the incident and submit a written report to the Chief of Police no later than 72 hours following the incident. This report will include the Response to Resistance Packet, the Armorer's Report (if applicable), and administrative affidavits from the police officers, witnesses, and/or victim(s).

13.2 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 no later than 72 hours following the incident 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 no later than 72 hours following the incident. This report will include the Response to Resistance Packet, the Armorer's Report (if applicable), and statements from the police officers), witnesses, and/or victim(s).

Response to Resistance 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 officers 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 on-call Victim Advocate
- The Police Department Internal Affairs Unit
- Command Staff as required
- The officer's department head
- Additional Investigative personnel as required

The Response to Resistance Packet 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 initiate an investigation into the incident and submit a written report to the Chief of Police no later than 72 hours following the incident. This report will include a summary of the incident and identify and/or include administrative affidavits from the police officers), 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 as soon as it is practical to do so.

The Internal Affairs Unit will conduct an independent investigation into the incident and submit a written report to the Chief of Police no later than 72 hours following the incident. This report will include the Response to Resistance Packet and administrative affidavits from the officers), witnesses, and/or victim(s).

13.3 Referral of Response to Resistance Incidents Resulting in Serious Physical Injury or Death to SLED

Response to Resistance incidents resulting in serious physical injury or death shall immediately be referred to the State Law Enforcement Division (SLED) by the Chief of Police or his designee for investigation. Upon referral to SLED, the Chief of Police is authorized to discontinue Police Department investigations into the Response to Resistance.

140 "RELIEVED OF DUTY STATUS"

To address the emotional needs of employees whose actions result in the serious bodily injury or death of another person, the employee will be placed on "Relieved of Duty" status pending referral 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

Officers will remain on "Relieved of Duty" status until determined "fit for duty" by the psychological service provider. Upon written confirmation of "fit for duty" status, the officer's department head will determine when the officer may be placed on administrative duty.

Officers will remain on administrative duty pending the results of an investigation of the incident. Upon the conclusion of that investigation, the Chief of Police will determine when the officer may return to normal duty.

15.0 RESPONSE TO RESISTANCE ANALYSIS

The Police Department's Professional Standards Division and the Training Unit will conduct an annual analysis of all Response to Resistance packets 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 forwarded to Chief of Police.

APPROVED AS TO FORM



Legal Department City of Columbia, SC