



CITY OF GREENVILLE  
**POLICE**

# **City Council Use of Force Review**

**June 8, 2020**

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# CITY OF GREENVILLE **POLICE**

## **Training:**

- Fair and Impartial Policing
- ICAT (PERF)–Integrating Communications, Assessment, and Tactics
- CIT – Critical Incident Training
- Surviving Verbal Conflict (state mandate)
- COP-Community Oriented Policing





# CITY OF GREENVILLE **POLICE**

## **Neck Restraints:**

**Respiratory neck, vascular neck and shoulder-pin restraints are considered deadly force and are strictly prohibited as less-lethal control techniques.**

**(This policy was adopted by GPD July 11, 2016)**



# Use of Force by Police Officers

Officers encounter a wide range of behavior in the field and they must be prepared to use a range of force options to establish and maintain control when appropriate. They are required to neutralize resistance to lawful arrests while also minimizing injuries to the individuals they are trying to take into custody. Their use of force must always be reasonably necessary under the circumstances.

Because an infinite number of circumstances could arise in these situations, no written policy could offer definitive direction in every situation where use of force might be appropriate.

# Use of Force by Police Officers

- Whether the degree of force used is reasonable depends upon the specific facts surrounding the situation.
- A reasonable use of force can only be intended to maintain or establish lawful control over a situation.
- Control is reached when a person either complies with an officer's lawful direction, or is restrained or apprehended and no longer presents a direct threat to the officer or another person.
- Once lawful control is established and maintained, the use of additional force is unlawful.



## **Graham v Conner (1989)**

- United States Supreme Court case that established that objective reasonableness is not analyzed through hindsight, and will take into account, as appropriate, the fact that officers must make instantaneous decisions regarding the application of the level of force to use in tense, uncertain, and rapidly evolving situations.
  - In other words, the degree of force used is judged to be reasonable from the facts known to the officer during the incident the force was applied and is also based on the level of resistance the officer is encountering.



# Force Continuum

- The Force Continuum is a proportionality continuum, which serves as a guideline for officers in making critical use of force decisions.
  - The Continuum illustrates officer options at each level of resistance or threat.
  - Note that professional presence and verbal interaction are options at all levels of resistance.
- The Force Continuum is not designed to guide use of force escalation or de-escalation in a linear fashion. Situational assessments must occur continually throughout a conflict situation and officers must adjust any control techniques to effectively respond to increasing or diminishing levels of resistance or threat. Therefore, the escalation and de-escalation by the officer or the subject may not be sequential as depicted in the Force Continuum.



# Levels of Resistance

**Levels of Resistance or Threat:** Resistance or threat is manifested by a subject who attempts to evade an officer's control efforts and/or presents a level of physical danger to the officer or another person. Levels of resistance or threat are broadly categorized in five areas:

## **Non-Verbal and Verbal Non-Compliance**

**Passive Resistance**

**Defensive Resistance**

**Active Aggression**

**Aggravated Active Aggression**





# Levels of Resistance

- **Non-Verbal and Verbal Non-Compliance:** The subject expresses his/her intentions not to comply through verbal and/or non-verbal means. Statements by a subject ranging from pleading to clear non-compliance may be encountered. This also includes physical gestures, stances, and mannerisms.
- **Passive Resistance:** The subject does not cooperate with an officer's commands, and does not take action to prevent being taken into custody.
- **Defensive Resistance:** Physical actions to prevent being taken into custody, which may or may not have a reasonable potential of causing injury to the officer or another person.
- **Active Aggression:** Actions by a subject that would cause a reasonable officer to believe that there is an immediate and direct threat to the safety of officers or another person.
- **Aggravated Active Aggression:** Physical actions of assault which may or may not involve a weapon, which are likely to result in death or serious physical injury to an officer or another person.



Levels of Resistance or Threat	Cooperative	Non-Verbal & Verbal Non-Compliance	Passive Resistance	Defensive Resistance	Active Aggression	Aggravated Active Aggression
	Professional Police Presence					
Levels of Control	Verbal Dialogue and Direction					
	Soft Empty Hand Control					
				Hard Empty Hand Control		
					OC Spray	
					Electronic Control Weapon	
					Impact Weapon	
						Lethal Force





# Lethal Force

- **Ability**: The subject must have the means to inflict death or serious physical injury to another. The means to inflict death or serious physical injury include possession of a lethal or dangerous weapon or instrument, or possession of the physical ability to overpower and inflict death or serious physical injury by means of personal weapons (e.g., hands, feet, etc.).
- **Opportunity**: The assailant must be close enough to use any weapon(s), instrument(s), or physical ability which would inflict death or serious physical injury to the officer or another person.
- **Jeopardy**: Use of lethal force is justified and authorized when ability and opportunity are present at the same time and the serious and real intent to cause death or serious physical injury is an imminent threat. If either ability or opportunity is not present, the use of lethal force is not justified or authorized.





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# Questions

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