

**SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES
BOARD POLICY**

POLICY #: 301.01

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SUBJECT: Use of Force

Revised: June 22, 2017

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I. PURPOSE

The purpose of this policy is to provide DNR enforcement officers with guidelines on the use of deadly and non-deadly force.

II. STATEMENT

This Department recognizes and respects the value and special integrity of each human life. In vesting enforcement officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interest is required. Therefore, it is the policy of this department that enforcement officers shall use only that force that is reasonably necessary to effectively bring an incident under control, while protecting the life of the officer(s) or others.

III. DEFINITIONS

- A. *Deadly force*: Any use of force that is reasonably expected to cause death or serious bodily harm.
- B. *Non-deadly force*: Any use of force other than that which is considered deadly force.
- C. *Conveyance*: Any vehicle, all-terrain vehicle, aircraft or vessel.
- D. *Enforcement Officer*: As used herein, any sworn law enforcement officer or deputy law enforcement officer of the South Carolina Department of Natural Resources.
- E. *Non-Deadly Weapon*: A device manufactured and intended for use as a less than lethal weapon.
- F. *Chemical Agent*: Non-deadly chemical in aerosol, gas or spray deployed by hand or launcher.

- G. *Oleoresin Capsicum "OC"*: Non-deadly chemical agent commonly known as OC Spray or Pepper Spray.
- H. *Less than lethal device*: Non-deadly deployment device used to deliver any less than lethal projectiles.

IV. PROCEDURES

A. Parameters for Use of Deadly Force:

1. Enforcement officers are authorized to fire their weapons in order to:
 - a. Protect the enforcement officer or others from what is reasonably believed to be an immediate threat of death or serious bodily harm;
 - b. Prevent the escape of a fleeing felon whom the officer has probable cause to believe will pose a significant threat to human life should escape occur. Such action requires supporting knowledge such as a previously demonstrated threat to, or wanton disregard for human life or commission of a crime involving the infliction or threatened infliction of serious bodily harm.
2. Before using a firearm, enforcement officers, if practical, shall identify themselves and state, when feasible, their intent to shoot.
3. An enforcement officer may also discharge a weapon under the following circumstances:
 - a. During range practice, competitive sporting events, or for recreational purposes.
 - b. To destroy an animal that represents a threat to public health or safety, or as a humanitarian measure where the animal is seriously injured.
 - c. To give an alarm or signal when no other means of communication is available.
4. Enforcement officers shall adhere to the following restrictions when their weapon is exhibited:
 - a. Except for maintenance or during training, officers shall not draw or exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance with this policy.
 - b. Warning shots are prohibited.

- c. Enforcement officers shall not fire their weapons at or from a moving conveyance, unless necessary to protect the officer or other persons from serious injury or death.
- d. Firearms shall not be discharged when it appears likely that an innocent person may be injured.

B. Parameters for Use of Non-Deadly Force:

- 1. Where deadly force is not authorized, officers should assess the incident in order to determine which non-deadly technique or weapon will best de-escalate the incident and bring it under control in a safe manner.
- 2. Enforcement officers are authorized to use department-approved non-deadly force techniques and issued equipment for resolution of incidents, as follows:
 - a. To protect themselves or others from physical harm, or
 - b. To restrain or subdue a resistant individual, or
 - c. To bring an unlawful situation safely and effectively under control.

C. In all instances where the use of force has caused injury, appropriate medical aid will be provided. Emergency medical services for serious injuries will be requested immediately or as soon as it is safe to do so.

D. Training and Qualifications:

- 1. Deadly weapons:
 - a. While on duty, enforcement officers shall carry weapons and ammunition authorized, issued, and registered with the department. Officers are required to maintain their issued weapons and all magazines fully loaded. If weapon is used to euthanize an animal the replacement of the ammunition should be done as soon as practical with department issued ammunition.
 - b. While off duty, enforcement officers may at their discretion carry a weapon and ammunition that has been authorized by the department.
 - c. Authorized weapons are those with which the officer has qualified and received departmental training on proper and safe usage.
 - d. The division shall schedule regular training and qualification sessions for duty, off-duty and specialized weapons, which will be

graded on a pass/fail basis. Each enforcement officer will qualify at least once per fiscal year with any firearm that the officer is authorized to use.

- e. Enforcement officers who fail to receive a passing score with their duty weapon(s) in accordance with department testing procedures must be placed on leave (annual leave, compensatory leave or leave without pay) until the officer qualifies. The officer may be terminated if unable to qualify after a reasonable period of time.
- f. An enforcement officer shall not be permitted to carry any weapon with which he has not been able to qualify during the most recent qualification period.
- g. An enforcement officer who has missed a qualification period due to extended leave, or has suffered an illness or injury that could affect his ability to properly employ his weapon, will be required to re-qualify before returning to regular duties.

2. Non-deadly force weapons and methods:

- a. An enforcement officer is not permitted to use a non-deadly weapon unless qualified in its use as determined by training procedures.
- b. The following non-deadly weapons are authorized:
 - (1) Chemical agents
 - (2) Any other less than lethal device deployed intended for use to gain compliance.
 - (3) Expandable baton.
- c. Nothing in a. and b. is meant to prohibit an officer from using whatever means necessary to protect himself, another officer or citizens from physical harm if for some reason it becomes impossible to use an authorized weapon.

3. Guidelines for use if individually issued Chemical Agents (OC):

The purpose of this policy is to inform enforcement officers of the circumstances where the use of chemical agents are appropriate and authorized. OC must be used with discretion and only in cases where the use of force is justified.

- a. Due to the lower potential for injury, OC may be deployed when the enforcement officer determines that it is the best method of less than lethal force to resolve or de-escalate the situation. It may be deployed to:

- Protect the enforcement officer, another officer or citizen from physical harm;
- Restrain or subdue a resistant individual with the least amount of force;
- Bring an unlawful situation safely and effectively under control.
- b. OC may be deployed prior to or after physical contact when verbal commands have failed, the subject is non-compliant or combative, and arrest of the subject is imminent.
- c. Probable cause for arrest must exist prior to the exposure of an individual to OC.
- d. Once the subject has been exposed to OC and is no longer a threat, he should be handcuffed.
 - The subject should then be advised of the OC Administrative Warning.
 - The enforcement officer should then begin OC decontamination procedure as soon as practical.
 - The subject should then be transported to the appropriate detention facility. The facilities officers should be advised that the subject has been exposed to OC.
- e. The enforcement officer deploying OC shall maintain visual observation of the exposed subject for a period of no less than 45 minutes after exposure unless relieved and replaced by an on scene DNR supervisor who will then accept responsibility for continued observation.
- f. During the observation period, if the subject displays or advises of any of the following, the agent should summon medical attention:
 - Loss of consciousness;
 - Difficulty breathing for extended period of time;
 - Difficulty in swallowing or facial swelling;
 - Takes an abnormal length of time to recover;
 - Anyone who reports that they are allergic to pepper;
 - Anyone who reports they are wearing contact lenses.
- 4. Guidelines for use of less than lethal devices:

The purpose of this policy is to inform enforcement officers of the circumstances where the use of less than lethal devices are appropriate and authorized. Less than lethal devices must be used with discretion and only in cases where the use of force is justified.

- a. Due to the lower potential for injury, less than lethal devices may be deployed when the enforcement officer determines that it is the best method of less than lethal force to resolve or de-escalate the situation. It may be deployed to:
 - Protect the enforcement officer, another officer or citizen from physical harm.
 - Restrain or subdue a resistant individual with the least amount of force;
 - Bring an unlawful situation safely and effectively under control.
- b. Less than lethal devices may be deployed prior to or after physical contact when verbal commands have failed, the subject is non-compliant or combative, and arrest of the subject is imminent.
- c. Once the subject has been exposed to the deployment of less than lethal means and is no longer a threat, he should be handcuffed.
- d. The deploying officer shall summon medical attention for evaluation before taking the subject to a detention facility.

E. Reporting Uses of Force:

1. When a weapon is drawn in a confrontational situation, it must be reported to a supervisor as soon as reasonably possible.
2. A written incident report will be required in the following situations:
 - a. When a use of force results in death or injury of any person.
 - b. When a non-deadly force weapon is used on a person to include empty hand force.
3. A written report is not required, however, the event/situation will be recorded in the enforcement officer's Monthly Activity Book in the following situations:
 - a. When a firearm is discharged at a firing range, competitive sporting event, or for recreational purposes.
 - b. When test firing a firearm.
 - c. When an animal is destroyed because it represents a threat to public health or safety, or as a humanitarian measure where the animal is seriously injured.
4. A supervisor will be immediately summoned to the scene to take command in the following situations:

- a. When a use of force results in death or serious injury.
- b. When a non-deadly weapon is used on a person.
- c. When a subject complains that an injury has been inflicted.

F. Departmental Response:

- 1. Deadly force incident:
 - a. Where an enforcement officer's use of force causes death, the officer, after completing all internal investigative requirements, shall be placed on administrative duties and shall remain on administrative duties until cleared for duty.
 - b. The department shall report deadly force incidents to the State Law Enforcement Division (SLED) for investigation.
- 2. Administrative review of use of force incidents:
 - a. All reported uses of force will be reviewed by the appropriate departmental authority to determine whether:
 - (1) Departmental rules, policy or procedures were followed;
 - (2) The relevant policy was clearly understandable and effective to cover the situation;
 - (3) Department use of force training is currently adequate.
 - b. All findings of policy violations or training inadequacies shall be reported to the Deputy Director for Law Enforcement and other appropriate authorities.
 - c. All use of force reports shall be retained as required by approved department records retention schedule.
 - d. There will be an annual analysis of all use of force reports by the training section to reveal patterns or trends that could indicate training or policy needs, if any.