



**HOLLY SPRINGS POLICE DEPARTMENT**  
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## **MEMORANDUM**

**TO:** All Police Department Personnel

**FROM:** Jessica L. McMillan, Interim Chief of Police

**RE:** Directive - Reiteration of Policy Statements

**DATE:** June 11, 2020

The purpose of this directive is to reiterate specific statements contained in various Holly Springs Police Department written directives, to compile them into one document, and reaffirm the culture, practice, philosophy, and policies of the Holly Springs Police Department to “Do No Harm” as we carry out our duties in line with our Mission, Vision and Values, and the best practices of professional policing. As such, only select portions of the indicated general orders are included in this directive. All employees are required to comply with the provisions of all applicable general orders. To the extent expectations are clarified through this directive, compliance is also required.

Please keep in mind we are continually reviewing and updating our policies in order to ensure the highest quality of service to our community. In light of recent national events, we have thoroughly reviewed our documentation. Currently all of our policies align with the Campaign Zero research-based recommendations. In fact, while reviewing our policies we found opportunities to refine and strengthen the language, and added specific language regarding an officers’ duty to intervene if another officer is observed using excessive force. I cannot emphasize enough the importance of each member of this agency to review and apply every aspect of our policy. During our ongoing policy review, we felt it was important to reiterate and highlight several values and general orders indicated below:

### **Campaign Zero’s Research-Based Recommendations**

Campaign Zero is a not-for-profit organization that has conducted research, published in September of 2016, of 91 agencies from the top 100 agencies in the nation by size, which resulted in eight recommendations to reduce excessive use of force by police. The Holly Springs

Police Department is proud of the fact that our policies are in line with all of the following recommendations:

- 1. **Ban Chokeholds and Strangleholds.** Allowing officers to choke or strangle civilians, in many cases where less lethal force could be used instead, results in the unnecessary death or serious injury of civilians.
- 2. **Require De-escalation.** Require officers to de-escalate situations, where possible, by communicating with subjects, maintaining distance, and otherwise eliminating the need to use force.
- 3. **Require Warning Before Shooting.** Require officers to give a verbal warning, when possible, before shooting at a civilian.
- 4. **Exhaust All Alternatives Before Shooting.** Require officers to exhaust all other reasonable means before resorting to deadly force.
- 5. **Duty to Intervene.** Require officers to intervene and stop excessive force used by other officers and report these incidents immediately to a supervisor.
- 6. **Ban Shooting at Moving Vehicles.** Restrict officers from shooting at moving vehicles, which is regarded as a particularly dangerous and ineffective tactic.
- 7. **Require Use of Force Continuum.** Develop a Force Continuum that limits the types of force and/or weapons that can be used to respond to specific types of resistance.
- 8. **Require Comprehensive Reporting.** Require officers to report each time they use force or threaten to use force against civilians.

## HSPD General Orders – Section 2 – Rules of Conduct

- 1. Conformance to Laws
  - a. Members shall obey all laws of the United States and of any state and local jurisdiction in which the member is present.
  - b. A conviction or violation of any law shall be prima facie evidence of a violation of this section.
- 2. Immoral Conduct:
  - a. Members shall maintain a level of moral conduct in their personal and business affairs in keeping with the highest standards of the law enforcement profession.

They shall not participate in any incident involving moral turpitude or conduct, which impairs their ability to perform as law enforcement members or causes the department to be brought into disrepute.

3. Abuse of Position:

- a. Officers shall not use their official position, official identification or badge:
  - i. For personal or financial gain;
  - ii. For obtaining privileges not otherwise available to them except in the performance of duty, or
  - iii. For avoiding consequences of illegal acts.

(Recommendation 5)

## **HSPD General Orders – Section 3 – Use of Force**

### **I. Policy**

Officers of the Holly Springs Police Department shall use only the minimum force necessary to achieve the lawful objectives of this department.

### **III. Use of Force in Arrest G.S. 15A-401**

- A. Subject to the provisions of subdivision (2), a law enforcement officer is justified in using force upon another person when and to the extent that he believes the arrest is necessary:
  - 1. To prevent the escape from custody or to effect the arrest of a person who he/she reasonably has committed a criminal offense, unless he/she knows that the arrest is unauthorized; or
  - 2. To defend himself/herself, or a third person from what he/she believes to be the use or imminent use of physical force while preventing or attempting to prevent escape.
- B. A law enforcement officer is justified in using deadly force upon another person For purpose specified in subdivision (1) of this subsection only when it is or appears to be reasonably necessary thereby:
  - 1. To defend himself/herself, or third person from what he/she reasonably believes to be the use of deadly physical force; or

2. To effect an arrest or to prevent the escape from custody of a person who he/she reasonably believes is attempting to escape by a means of a deadly weapon, or by his/her conduct or any other means indicates that he/she presents an imminent threat of death or serious physical injury to others unless apprehended without delay; or
  3. To prevent the escape of a person from custody imposed upon him/her as a result of conviction for a felony.
- C. Officers will use the minimum amount of force necessary and reasonable to control a situation, affect an arrest, overcome resistance to arrest, or defend themselves from harm.
- D. When the use of force is necessary, the degree of force employed should be in direct relationship to the amount of resistance met. No officer will use unreasonable or excessive force toward any person.
- E. It is the duty of every officer to attempt to prevent any other officer from using unwarranted or excessive force. The use of any unwarranted or excessive force must be reported to a supervisor as soon as possible by the witnessing officer.

(Recommendations 4 & 5)

#### **IV. Use of Force Options**

- A. The level of force used by officers will be determined by the threat level they reasonably perceive and can articulate. Officers are not required to begin at the lowest force option if the threat is imminent. The options of force for the Holly Springs Police Department is as follows:
1. Officer Presence
  2. Verbal
  3. Open Hand Controls
  4. O.C. Pepper Spray/Taser
  5. Striking
  6. Deadly Force

(Recommendation 7)

- B. Force will never be used in a punitive manner and officers will escalate or deescalate levels of force as the offender(s) escalate de-escalate resistance.
- C. Officers must be able to justify by articulation of the totality of the circumstances, why they used the amount and level of force used.

(Recommendations 1,4 and 8)

**Note: The Holly Springs Police Department Use of Force policy has never authorized the use of chokeholds or strangleholds.**

#### V. Use of Force Continuum/Levels Defined

1. Officer Presence-The officer's presence in some situations will be the calming factor. There may be no need for any higher level of force.

2. Use of Verbal Force-When dealing with people, each officer must attempt to inspire respect and generate cooperation and approval of the public. Officers will be courteous and civil in their relationships with the public. The manner in which an officer speaks can be effective means of exerting verbal force in order to control a situation. Verbal force may be in the form of warnings, advice, or persuasion. Volume and tone control in and of itself may be progressive in nature depending upon circumstances. Officers may not have to resort to other forms of force by using reasonable and necessary verbal force.

(Recommendation 2)

3. Open Hand Control-When an officer, during a custody situation, is faced with low level passive resistance, and the subject will not comply with verbal commands, the officer is justified in using this level of force. Open Hand Control techniques are used to control and restrain a subject that is being taken into custody.

Open Hand Control techniques consist of arm bar holds, arm bar takedown techniques, wristlocks, wristlock takedown techniques, handcuff control techniques, handcuff takedown techniques, and any pressure point/pain compliance techniques. With each Open Hand Control technique, the officer who is applying them must give verbal commands. With any physical force, officers must be in control of themselves before they can be in control of others. Physical force can be considered excessive if the officer uses more force than necessary or the officer does not de-escalate assaultive force when the subject/offender stops resisting.

4. O.C. Pepper Spray/Electronic Control Weapon- When officers, during custody situations, have attempted and failed to control a subject by using Verbal Commands or Open Control techniques, or officers reasonably believe that they cannot control the subject by Verbal Commands or Open Hand Control techniques, officers may escalate to the O.C. Pepper Spray or Electronic Control Weapon level of force.

5. Striking Techniques- When officers are faced with a subject(s) that is actively aggressive/resistive or assaultive or the officer reasonably believes the subject(s) to be aggressive or assaultive and the officer is in a custody situation or defending themselves or a third person, the officer is justified in using this level of force. The officer must be able to articulate through the totality of circumstances why he/she knew or reasonably believed the subject(s) to be actively aggressive/resistive or assaultive.

Any failure of officers to deescalate their level of force could be considered excessive or assaultive force.

### C. Prohibitions

1. Deadly Force will not be used when less force would be sufficient to affect an arrest.
2. Deadly Force will not be used when there is substantial danger of innocent bystanders being injured.
3. Firing into building, doors, windows, or other openings when the person lawfully fired upon is not clearly visible is prohibited.
4. Police officers will not discharge a firearm at or from a moving vehicle except as a necessary measure of defense of self or another when the subject is using deadly force.

(Recommendations 4 & 6)

### 3. Documentation

Officers that use level three (3) Open Hand Control, level four (4) O.C. Pepper Spray/Electronic Control Weapons, or level five (5) Striking Techniques (personal weapons, collapsible, and flashlight) will document the incident and the use of force on the proper departmental form.

(Recommendation 8)

The purpose of issuing a challenge is two-fold. The first is to identify the officer involved as being a police officer, and thus has the authority to affect an arrest of another person. The second is to stop a person from performing an action and to bring them under control of the officer at that point in time and to provide a warning that the utilization of force may be imminent if the subject fails to comply.

It will be the policy of this Department, for its officers to use the phrase "Police, don't move" when challenging any suspect. The determination of when it shall be appropriate to use a challenge will be at the discretion with the officer's consideration for the totality of the circumstances. However, if a challenge is issued to a suspect it will be, "Police, don't move."

(Recommendation 3)

## **HSPD General Orders – Section 19 – Internal Affairs – Complaint Processing**

### **A. Complaint Processing:**

1. All complaints regarding a member of the Department and all complaints that pertain to Departmental policies and procedures shall be documented and investigated to the fullest extent possible.
2. Complaints must be made in person and in writing. Anonymous complaints or complaints from citizens who wish their names to be held in confidence may be accepted for investigation.
3. Personnel in receipt of a complaint against the Department or any of its members are to direct the complaint to the Chief of Police or his designee.
4. Should the complainant refuse such referrals, all available information is to be recorded by the receiving member and forwarded to the Chief.
5. A record of complaints filed against the Department or its members will be maintained by the Chief of Police in a secure file separate from the central records system and personnel files.

### **Holly Springs Police Department Mission Statement:**

The Holly Springs Police Department, working in partnership with the citizens we serve, shall endeavor and remain committed through professional, ethical, and impartial policing practices to preserve life, protect property, and maintain order for all who live, learn, and visit in our community.

Citizen trust, confidence, and support are paramount in achieving the highest quality of life. The Holly Springs Police Department is committed to the highest standards of ethics and professionalism as it works in partnership with citizens to maintain a safe community.

### **Statement of Policing Philosophy**

The Holly Springs Police Department is committed to bias-free, professional policing as we carry out our duties with respect and dignity, while protecting the constitutional rights of all.

Please remember this is an opportunity for everyone to review and discuss our mission moving forward as it relates to our performance and application of policy. In closing, our command staff and town administration fully support this department's hardworking and dedicated members. As we continue to grow and continually re-evaluate best practices, our commitment and dedication to the community we serve will never change.

If you have any questions or concerns, please feel free to contact me directly.