

## Summary

On Sunday 04/30/2023 at 2056hrs Officer Doe and Officer Snow were dispatched to the area of Hwy 74 @ US421 reference to a subject wishing to commit suicide by jumping off of a bridge. Doe located the subject and attempted to de-escalate the subject. The subject did not participate and began running towards the bridge. Doe was unable to keep up and deployed his Taser to prevent the subject from making it to the bridge to what he perceived as an opportunity to commit suicide.

The evidence supports the conclusion Doe's use of force was with the range of reasonableness and within the policy and training of this agency.

## Evidence Reviewed

Officer Doe's BWC and completed police report.

## Related Policy

██████████ Police Department Vision, Mission, and Values

██████████ Police Department Policy 1.6

Use of Force ██████████ Police Department Policy 15.3 Personal Defense Equipment

## Source Material

Hill v. Miracle

Graham v. Conner

Armstrong v. Pinehurst

NC Subject Control Arrest Techniques BLET Lesson Plan

NCGS 136-26 Trespassing on Highway Under Construction

## Overview

On Sunday 04/30/2023 at 2056hrs Officer Doe and Officer Snow were dispatched to the area of Hwy 74 @ US421 reference to a subject wishing to commit suicide by jumping off of a bridge. Doe arrived on scene in the area at approximately 2106hrs (according to BWC). Snow responded initially to where the PR was located. Prior to arrival, Communications advised that a male subject, named Smith, was driving a tan Chevrolet truck and had been following his ex-girlfriend, Ms. Mendoza, earlier in the evening. When Smith stopped following, he then began texting Mendoza stating he was "going to jump off a bridge." Upon Doe's arrival he located a truck matching the description driving on a closed section of Hwy 74 near the bridge over US421. Doe stopped his marked patrol vehicle and turned on his flashing emergency lights, along with his take down lights. The truck stopped directly in front of Officer Doe.

As Doe exits his vehicle he placed both hands in the air toward Smith then activated his BWC. Smith opens his door and Doe draws his department issued service pistol and pointed it in the direction of Smith. As Smith opens the door and gets out Doe says, "Let me see your hands." Smith replies, "What?" and Doe repeats the order. Doe then explains to Smith that he is not in trouble, but is inquiring as to whether Smith has any weapons in his possession. As soon as Smith is completely out of his car, and when Doe can see that Smith does not have a weapon in his hands, Doe places his pistol back into his holster. This can be heard from the BWC. Smith then asks, "Why are you pointing a gun at me?" then states, "If you wanna do it, then do it." Doe says, "I don't want to." Doe asks again if he has any weapons on him and Smith says, "Just shoot me if you want to."

After this statement Smith began to walk away from his vehicle which is parked in the roadway, and walks toward the guardrail on the east side of the southbound lane. He also begins telling Doe to leave him alone. He says this multiple times throughout the encounter. While Smith is walking "around" Doe's vehicle, Doe begins to slowly walk toward the direction of Smith. Doe then begins to tell Smith that, "It's ok. Talk to me. Talk to me buddy." He continues by telling Smith that he is not in trouble and inquires as to what is wrong. Doe is then able to get close enough to Smith to reach out and grab a hold of his arm to stop him from walking away. Doe says, "Smith, come here," but he does not stop. Instead Smith turns away and pulls his arm away from Doe. Smith again only says, "Leave me alone," then begins to run away from Doe toward the bridge location. As the two are running Doe says, "Come here. Get on the ground" as he is simultaneously drawing his taser for potential deployment. As Smith begins to gain distance on Doe, Doe deploys his taser, striking Smith in the back area. Smith falls to the ground and Doe begins calling out on the radio that he has deployed his taser. As Doe runs up to Smith he stows his taser away in its holster and immediately attempts to handcuff Smith. For an unknown reason Doe's BWC cut off, then came back on after nearly a minute and a half. It is possible that due to the physical struggle the button on the BWC was pressed twice, cutting it off then back on since it was pressing against Smith's back.

As the second video begins you can see Doe holding Smith tightly from behind while they were on the ground. Officer Snow arrives and assists Doe in getting Smith handcuffed. Smith is actively screaming and crying. 1 minute 35 seconds pass before the two are able to handcuff Smith due to him passively resisting.

## **Relevant Information**

### Detaining Subject

- Subject located on a closed portion of the highway under construction.
- Subject in a vehicle that matched the information provided by reporting person.
- Subject driving towards a secluded bridge.

Based on these facts the officer had the legal authority to stop and detain the subject.

### Use of Force #1: Pointing of Firearm

- Subject seated in vehicle with hands visually concealed.
- Solo-officer response.
- Subject exits vehicle with hand still visually concealed behind driver's door.

It is the training program of this agency to teach officers when encountering a person; suspected of wanting to commit suicide, in a dark secluded area, with a solo-officer response while unable to observe the subject's hands to have deadly force coverage. The officer in this event did so and did not point the weapon at the subject until he had exited the car and verbally acknowledged the officer while still concealing his hands behind the driver's door. At this moment the officer pointed his handgun at the subject giving the command, "Let me see your hands." Once the subject closed the door, the officer could see there were no weapons in his hands and lowered his weapon.

Based on these facts the officer's use of force was within the expected training standards of this agency.

### De-escalation Tactics

- From video timestamp 00:36 to 1:01 the officer engaged in de-escalation.
- Officer did not close distance and spoke to the subject in a calm manner.
- Statements included;
  - You're not in trouble.
  - I'm not going to do it (This is in response of the subject referencing for the officer to just shoot him.)
  - Come here.
- Officer did not close distance until the subject starting walking towards the bridge.
- Additional statements
  - Called the subject by his first name.
  - Told him "it's okay."
  - Talk to me buddy.
  - You're not in trouble.
  - What's wrong.

The officer attempted to de-escalate the event for approximately 25 seconds, before using soft-hand tactics. This is in accordance with this agency's policy and training.

### Use of Force #2: Soft-Hand Tactics

- Subject was walking towards the bridge and refusing to stop and talk to the officer.
- Officer reached out to grab the subject's right wrist, but subject pulled away.
- Officer attempted to grab subject around the waist, but subject took off running towards bridge.

The officer's attempt to use soft-hand tactics to stop the subject was in accordance with this agency's policy and training.

### Use of Force #3: Taser Deployment

- Subject was running towards bridge and gaining distance from officer who was giving chase.
- Foot chase lasted from 1:02 to 1:09.
- Officer gave commands of "Come here, and Get on the ground."

The officer's Taser deployment is not in accordance to the agency's use of force policy, but is within the agency's overall Mission Statement and Sanctity of Life values.

### Use of Force: Non-criminal application.

The evidence shows the subject was experiencing a mental health emergency and make irrational comments.

- Subject made a statement inferring for the officer to shoot him.
- Subject began running towards bridge supporting the reporting party's information that he was going to commit suicide by jumping off a bridge.

The force was reasonably necessary to mitigate the immediate threat of the subject jumping off the bridge.

- The evidence shows the officer utilized de-escalation tactics and the subject did not want to participate.
- The evidence shows the officer attempted soft-hand tactics and the subject refused to comply and began running away from the officer towards the bridge.
- The evidence shows the subject gaining distance from the officer who is unable to keep up.
- Based on the distance between the officer and the subject the only force option for the officer is to deploy the Taser.

The use of the Taser was reasonably less injurious than jumping off a bridge. Therefore, the Taser deployment was reasonably necessary under the circumstances.

### **Findings**

Based on the facts of this review, the evidence supports the conclusion Doe's use of force was within the range of reasonableness and within the policy and training of this agency.