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Elon Police Departments response to “8 Can’t Wait” Initiative



Chokeholds -Elon Police Department policy bans the use of chokeholds, unless deadly force is justified under the circumstance. Even in those instances, officers are required to get the suspect medical attention immediately.

Require De-Escalation - is the back bone of our departments culture. It is mandatory training that is built into our officer development plans as well as various policies, such as: Use of Force, Taser, and Crisis Intervention.

Require Warning Before Shooting - In 2019 we began revising our departmental policy to incorporate the latest Federal and State laws as well as proven industry best practices. As such our Use of Force policy does stipulate that a verbal warning *should* precede the use of deadly force, “WHERE FEASIBLE”. Law enforcement officers encounter situations that are rapidly evolving and can turn deadly in an instance; those cases may not allow officers the time to talk an assailant down. For example: if an officer is conducting a traffic stop and the driver abruptly

exits the car and begins advancing on the officer while pointing a gun at him/her, it is not reasonable to expect the officer first give a verbal warning prior to the use of deadly force in this situation. All use of force encounters are thoroughly documented and reported. The reports are reviewed at three levels to ensure full compliance with our training, policy and applicable laws.

Exhaust all Alternatives Before Shooting -The legal standard for use of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving. We also believe that the force should be proportionate to the level of resistance we encounter. This is two-pronged:

- (1) Use only the level of force necessary to mitigate the threat and safely achieve a lawful objective
- (2) Look for less injurious options that will achieve the same objective as effectively and safely.

So, the simple answer is YES, we would exhaust every POSSIBLE option to gain compliance before we use any type of force but especially deadly force

Duty to Intervene - Any officer observing another officer using force that is beyond that which is objectively reasonable under the circumstances shall intercede to prevent the use of unreasonable force and report it to the appropriate supervisor.

Ban Shooting at Moving Vehicles - We prohibit shooting at moving vehicles unless no other reasonable means are available for the officer(s) to avert the threat of the vehicle. In other words, the officer is in imminent danger of being run over, which is a deadly force situation and there is no way for the officer to escape.

Require Use of Force Continuum - We utilize a “force option model” in which the tenets are supported by the International Association of Chiefs of Police (IACP) and National Organization of Black Law Enforcement Executives (NOBLE). Our policy is also loosely based on some of the “*30 Guiding Principles of Use of Force*” endorsed by the Police Executives Research Forum (PERF).

Our force option model incorporates proportionality and de-escalation to ensure we are using the least amount force possible to gain compliance. The use of the phrase “use of force continuum” is often interpreted to mean that an officer must begin at one end of a scale of use-of-force options and then negotiate his or her way through all of the levels continuum, such as less-lethal force options, before finally resorting to deadly force. Our officers face rapidly evolving situations that are complex and a linear approach of thinking is too simplistic and is unrealistic. It is not prudent to think an officer who is facing an imminent deadly *threat* would have to first employ physical force, then pepper spray, before escalating to deadly force. Our force option model provides factors for officers to consider as they evaluate the force needed to mitigate the threat. A few of those variables are: size/relative strength of the officer/subject, impairment level, mental state, proximity of weapons, severity of threat to officers, other available force options and their possible effectiveness.

Our officers are trained to exhaust every option feasible before resorting to force and/or deadly force. Our approach is one of education, training and immersing our officers in art of critical-decisions making and de-escalation techniques. Our use of force is reviewed on three levels to

determine if it was in compliance with policy and to examine lessons learned- “the use of force was within policy but we could have done a better job”. This may mean a policy revision. If a policy violation is uncovered an internal investigation into the officer’s actions would be initiated.

Require Comprehensive Reporting- Our agency requires thorough, complete and accurate reporting. This is the case with all our reports but close attention is given to those surrounding incident and arrest reports, use of force reports and personnel complaints. Use of force reports for example are reviewed by the officer’s immediate supervisor, the Assistant Chief and final review is given by the Chief of Police. This is done to ensure the officer acted in compliance with training, policy and the law. The reports include a number of documents such as: witness statements, photographs and copies video footage of the encounter (body worn and in car camera).