

DIVISION OF PARKS AND RECREATION

Guideline #4	Title: LAW ENFORCEMENT POLICIES AND GUIDELINES	Section # 8.0
Originator: Hubbard		Page # 5 of 11 Date 1 0/15/98

8.1.2.1 The use of deadly force is governed by North Carolina General Statutes, as follows:

15A-401 (d)(2) A law-enforcement officer is justified in using deadly physical force upon another person for a purpose specified in subdivision (1) of this subsection only when it is or appears to be reasonable necessary thereby:

- 8.1.2.1.1 To defend himself or a third person from what he reasonable believes to be the use or imminent use of deadly physical force;
- 8.1.2.1.2 To effect an arrest or to prevent the escape from custody of a person who he reasonably believes is attempting to escape by means of a deadly weapon, or who by his conduct or any other means indicates that he presents an imminent threat of death or serious physical injury to others unless apprehended without delay; or
- 8.1.2.1.3 To prevent the escape of a person from custody imposed upon him as a result of conviction for a felony.

Nothing in this subdivision constitutes justification for willful, malicious or criminally negligent conduct by any person which injures or endangers any person or property, nor shall it be construed to excuse or justify the use of unreasonable or excessive force.

8.1.2.2 A Commissioned Employee:

- 8.1.2.2.1 Never removes the handgun from the holster unless there is a demonstrated potential for its legitimate use.
- 8.1.2.2.2 Never fires warning shots.
- 8.1.2.2.3 Never fires a gun in the apprehension of a misdemeanor.
- 8.1.2.2.4 Does not use a firearm as a striking instrument.
- 8.1.2.2.5 Never fires from a moving vehicle. Firing at a moving vehicle is only justified when there is an imminent and immediate danger of physical harm to commissioned personnel or another person.
- 8.1.2.2.6 Never carries a cocked revolver.
- 8.1.2.2.7 Avoids discharging a chemical agent directly into the eyes or face of a subject at close range (less than two (2) feet).
- 8.1.2.2.8 Provides the same degree of security to the chemical agent dispenser that is afforded the handgun .
- 8.1.2.2.9 Avoids discharging a large amount of chemical agent into a confined space such as a small room or closed automobile.
- 8.1.2.2.10 'Avoids discharging chemical agents in the immediate vicinity of infants.