

CHARLESTON COUNTY SHERIFF'S OFFICE
Sheriff Kristin Graziano
3691 Leeds Avenue
North Charleston, SC 29405



NONEMERGENCY

843-202-1700



DISPATCH

843-743-7200



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Three arrested after pursuit, deputy's gunfire

FOR IMMEDIATE RELEASE

Wednesday, Sept. 7, 2022

NORTH CHARLESTON, S.C. – A Charleston County Sheriff's Office deputy fired a gunshot, and another deputy was injured during separate confrontations with suspects from a vehicle pursuit early Wednesday in the North Charleston area.

No one was hurt in the deputy's gunfire.

The second deputy suffered minor injuries in a struggle with a suspect.

Details of the incident are preliminary as investigators from CCSO's Office of Professional Standards are conducting an internal review of the gunfire, which is standard in uses of force.

Initial information shows that deputies attempted to stop a stolen Toyota sedan at 12:45 a.m. near Interstate 526 and Paramount Drive, but the vehicle fled. The pursuit led deputies down Dorchester Road and into the Dorchester-Waylyn community, where the car crashed into a fence at the end of Louise Drive. Four people wearing masks ran away from the vehicle, and deputies ran after them.

During the foot pursuit, one of the fleeing suspects got into a confrontation with a deputy, who discharged his firearm. The deputy reported firing a warning shot into the ground after the suspect turned around and reached for something. Nobody was hit, and the suspect, Kahlil Marquez Smith, was detained. A gun was later recovered nearby. Smith, 18, was arrested on charges of unlawfully carrying a weapon, pointing and presenting a firearm, and wearing masks.

Meanwhile, a second deputy got into a struggle with another suspect, who bit the deputy's hand. That suspect, Jervontay Bobby McBride, also was detained. McBride, 20, was arrested on a charge of assaulting a police officer while resisting arrest and wearing masks. The deputy's bite wound was treated at a local hospital.

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A third suspect, Jamar Jordan Gray, also was caught near the scene of the gunfire. Gray, 20, was arrested on a charge of wearing masks.

The fourth suspect was not captured. Deputies are investigating to determine that person's identity. Anyone with information can call the Sheriff's Office at 843-743-7200.

The charges against the suspects are subject to change, and additional charges are possible. The suspects are expected to have a bond hearing Wednesday night.

The S.C. Highway Patrol responded to investigate the crash.

CCSO's policy on the use of deadly force, including provisions for warning shots, is attached. The deputy who fired the shot remains on full-duty status.




Handgun recovered at the scene.

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6-04 USE OF DEADLY FORCE	
<input type="checkbox"/> NEW <input checked="" type="checkbox"/> REVISED <input checked="" type="checkbox"/> REVIEWED	
CALEA STANDARDS REF. NUMBERS: 1.2.2, 4.1.1, 4.1.2, 4.1.3, 4.1.5, 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5, 4.3.1, 4.3.2, 4.3.3, 4.3.4, 4.3.5, 11.3.4, 41.3.4	
SCLEA STANDARDS REF. NUMBERS: 27.11	
APPROVED: 	
Sheriff Kristin R. Graziano	<u>3/8/2021</u> Date

I. Purpose

To provide sworn personnel of the Charleston County Sheriff's Office with guidelines on the use of deadly force.

II. Policy

The Charleston County Sheriff's Office recognizes and respects the value and special integrity of each human life. In vesting deputy sheriffs with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. Therefore, it is the policy of this agency that sworn personnel use only the force necessary to accomplish lawful objectives. (Ref: CALEA 4.1.1)

III. Definitions

A. *Deadly Force*: Any use of force that is likely to cause death or serious physical injury.

B. *Reasonable Belief*: The degree of risk that a reasonable and prudent person would consider a strong possibility to cause death or serious physical injury.

C. *Serious Physical Injury*: Any bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in long-term loss or impairment to any bodily member or organ. (Ref: CALEA 4.1.2)

IV. Procedure

A. Parameters for Use of Deadly Force:

1. Deputy sheriffs are authorized to employ deadly force in order to:
 - a. protect the deputy sheriff or others from what is reasonably believed to be an imminent threat of death or serious physical injury; or (Ref: CALEA 4.1.2)
 - b. prevent the escape of a fleeing felon whom the deputy sheriff has probable cause to believe will pose an imminent threat to human life should escape occur.
2. Before using a firearm, deputy sheriffs will identify themselves and state their intent to shoot, where feasible.
3. A deputy sheriff may also discharge a firearm under the following circumstances:
 - a. during range practice, qualification or competitive sporting events; or
 - b. to destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured.
4. Deputy sheriffs will adhere to the following restrictions when their weapon is exhibited:
 - a. Except for maintenance or during training, deputy sheriffs will 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 may be fired in an effort to stop a person only when the deputy sheriff is authorized to use deadly force and only if the deputy sheriff reasonably believes a warning shot can be fired safely in light of all circumstances of the encounter. (Ref: CALEA 4.1.3)

- c. Decisions to discharge firearms at or from a moving vehicle will be governed by this agency's *use of deadly force* policy and are prohibited if they present an unreasonable risk to the deputy sheriff or others.
 5. Shotguns are issued for use in those situations when the agency-authorized sidearm would be considered insufficient.
 - a. Shotguns will be secured in electronic shotgun mounts installed in assigned vehicles or stowed in protective cases in the trunks of assigned vehicles.
 - b. Shotguns will be stored with a full magazine, empty discharge chamber, and the safety engaged in the safe mode. (Ref: CALEA 4.3.1 item *f*)
 6. Rifles which are issued or personally owned can be employed for use in situations when the agency-authorized sidearm or shotgun would be considered insufficient.
 - a. Rifles will be secured in electronic mounts installed in assigned vehicles or stowed in protective cases in the trunks or rear storage compartment areas of assigned vehicles.
 - b. Rifles will be stored with the bolt carrier group in the forward position on an empty chamber. The trigger will be pulled on an empty chamber to alleviate pressure on the trigger spring. A loaded magazine will be inserted into the magazine well of the rifle if the method of storage allows.
(Ref: CALEA 4.3.1 item *f* and SCLEA 27.11 item *a*)
- B. Training and Qualification:
 1. Only sworn personnel who have demonstrated proficiency in the use of agency-authorized firearms will be approved to carry such firearms. (Ref: CALEA 1.2.2 and 4.3.2)
 2. Authorized firearms are those issued by the Sheriff's Office or, in the case of personally owned off-duty, secondary, or back-up firearms, comply with agency specifications. Only

firearms and ammunition authorized by and registered with the Sheriff's Office will be carried for law enforcement purposes. (Ref: CALEA 4.3.1 item *a* and 4.3.5 item *d*)

3. While on duty, sworn personnel will carry the agency issued sidearm and ammunition as their primary duty weapon.
4. Sworn personnel will qualify with duty sidearms, shotguns, off duty, secondary or back-up weapons at least annually.
5. Firearms qualification will be graded on a pass/fail basis.
6. Deputy sheriffs will not be permitted to carry any firearm with which they have not been able to qualify with during the most recent qualification period.
7. Sworn personnel who have taken extended leave or suffered an illness or injury that could affect their firearms ability will be required to re-qualify before returning to enforcement duties. (Ref: CALEA 1.2.2 and 4.3.5 item *a*)
8. Proficiency training for firearms will include a safety briefing, a review of this directive and qualification on a prescribed course of fire. (Ref: CALEA 4.3.3 item *b* and 4.3.5 item *b*)
9. Participants engaged in firearms training will wear proper personal protective equipment (PPE) such as ear and eye protection. The Training Unit will make PPE available to all participants. (Ref: CALEA 4.3.5 item *e*)
10. A certified firearms instructor will provide instruction and qualification on all firearms. (Ref: CALEA 4.3.3 item *a* and 4.3.5 item *c*)
11. Firearms range operations will be conducted with at least one certified firearms instructor present who is also certified in basic lifesaving techniques. (Ref: CALEA 4.3.5 item *f*)
12. Deputy sheriffs who fail to qualify with assigned duty firearms, as required by this directive, will not be authorized to carry such firearms until they have successfully completed remedial training under the instruction of a certified firearms instructor. Deputy sheriffs who continue to fail qualification

with duty sidearms subsequent to remedial training will be placed on administrative leave without pay until they are able to demonstrate proficiency with assigned sidearm(s).

(Ref: CALEA 1.2.2 and 4.3.3 item c)

13. It will be the responsibility of the Sheriff's Office Training Unit to schedule firearms qualification for all deputy sheriffs in accordance with this procedure and to document the training and qualification results. (Ref: CALEA 4.3.3 item b)
14. A copy of this *Use of Deadly Force* procedure will be made available to all sworn personnel. Training in the content and intent of this directive will be accomplished and acknowledged in writing prior to personnel being authorized to carry a firearm. (Ref: CALEA 4.3.4)
15. Deputy sheriffs will be in possession of their badge and credentials when carrying agency authorized firearms. (Ref: SCLEA 27.11 item c)

C. Authorized Firearms and Ammunition:

1. Deputy sheriffs in an on or off-duty status will carry only the agency issued firearm or personal weapons and ammunition which has been approved in writing by the Sheriff and an agency firearms instructor.
2. The standard issue sidearm for this agency is the Glock Model 43, 45, or 48, 9mm semi-automatic pistol. Other 9mm semi-automatic pistols may be approved for on and off-duty use. Manufacturers of these firearms must be reputable and produce high quality firearms which are approved through the Training Unit by the Sheriff (see paragraph C(6) infra). Some authorized manufacturers of these weapons include; but are not limited to: Beretta, Colt, Glock, Heckler & Koch, Ruger, Sig Sauer and Smith & Wesson.
3. In addition to the 9mm caliber semi-automatic pistol, other firearms between .35 and .45 caliber double action revolvers and/or semi-automatic pistols may be authorized for off-duty, secondary, back-up or special assignment use by approval of the Sheriff (see paragraph C(6) infra). Individuals

in an undercover assignment or capacity may utilize a personally owned secondary or back up weapon as their primary weapon when other agency weapons are not practical as long as all other requirements of this policy are satisfied. Authorized manufacturers of these weapons are AMT, Beretta, Colt, Glock, Heckler & Koch, Ruger, Sig Sauer, Smith & Wesson, Taurus, Walther or other manufacturers as approved by the Sheriff. On-duty uniform deputy sheriffs must carry their sidearm in the agency issued Safariland security type holster. On duty deputy sheriffs in non-uniform assignments will wear the agency issued plain clothes Safariland security type holster. Individuals in an undercover assignment or capacity will secure their weapon in a manner conducive with their duties.

4. Only 12 gauge pump or semi-automatic shotguns issued by the Sheriff's Office are authorized for duty use. Authorized manufacturers are Beretta, Heckler & Koch (Benelli), Mossberg, Remington, and Winchester.
(Ref: CALEA 4.3.1 item a)
5. The type and specification of ammunition approved for use, both on and off-duty, are factory loaded jacketed hollow point rounds made by Winchester, Remington, Corbon, Federal, CCI, or other approved manufacturer for sidearms and 12 gauge buckshot and/or slugs made by Federal, Remington, or Winchester for all issued shotguns. No reloaded ammunition will be authorized. (Ref: CALEA 4.3.1 item b)
6. In addition to meeting agency-authorized specifications, any firearm intended for use by sworn personnel in the performance of duty or as an off-duty, secondary or back-up firearm must first be inspected by an agency certified firearms instructor or armorer for compliance with this procedure, proper operating condition, and safety. If approved by the instructor, the deputy sheriff will qualify with the firearm and then submit a request to the Sheriff for his approval to carry the weapon. (Ref: CALEA 4.3.1 item c and 41.3.4)
7. Firearms found to be malfunctioning or otherwise unsafe will be immediately removed from service and replaced with a properly functioning weapon until the malfunctioning or unsafe firearm is repaired. No firearm previously found to be

malfunctioning or unsafe will be returned to service until inspected by one of the agency's certified firearms instructors or armorer. (Ref: CALEA 4.3.1 item *d*)

8. The Training Unit will maintain a record of each firearm a deputy sheriff is approved to carry both on and off-duty. This record will include the type, description, make, model, serial number, owner or assignee's name, names of approving officials, and qualification score. (Ref: CALEA 4.3.1 item *e*)
9. All approvals to carry firearms in an official capacity are conditional upon periodic re-qualification as required by this directive.
10. Other authorized firearms issued by this agency for use in tactical situations include .223 caliber rifles, .308 caliber long guns. Also, assigned to the Marine Patrol Unit is a 7.62mm (.308 caliber) pedestal mounted machine gun. Qualifications with these special weapons will be on at least an annual basis. (Ref: CALEA 4.3.1 item *a* and 4.3.3 items *a*, *b* & *c*)

D. Medical Treatment:

In all cases of use of force, whether deadly or non-lethal force, medical treatment, consistent with any injury sustained by any individual, will be immediately provided in the form of immediate minor first aid, request for EMS, or other more serious response.

(Ref: CALEA 4.1.5)

E. Reporting Uses of Deadly Force:

1. A written Incident Report and a *Use of Force Report (CCSO form-311)* will be prepared according to agency procedures and is required in the following situations:
 - a. discharges a firearm, for other than training or recreational purposes; (Ref: CALEA 4.2.1 item *a*)
 - b. takes an action that results in, or is alleged to have resulted in, injury or death of another person; (Ref: CALEA 4.2.1 item *b*)

- c. applies force through the use of lethal or less lethal weapons, or (Ref: CALEA 4.2.1 item c)
 - d. when presenting a firearm to cause compliance of another person(s).
 2. A supervisor will be immediately summoned to the scene and will comply with investigative procedures as required by this agency in the following situations:
 - a. when a firearm is discharged outside of the firing range;
 - b. when a use of force results in death or serious physical injury;
 - c. when a subject complains that an injury has been inflicted; or
 - d. when misconduct is alleged or suspected.
- F. Agency Response:
 1. Deadly Force Incident:
 - a. When a deputy sheriff's use of force results in a death or serious physical injury, the deputy sheriff will be placed on administrative leave pending an administrative review and until it is determined by a mental health professional that the deputy sheriff is ready to return to duty. (Ref: CALEA 4.2.2 and 4.2.3)
 - b. The Sheriff's Office will insure both a criminal and administrative investigation of the incident is conducted. The administrative investigation will be conducted subsequent to a criminal investigation and upon authorization from the Solicitor's Office to proceed with such an administrative inquiry. (Ref: CALEA 11.3.4)
 - c. Prior to returning to duty, the Training Unit will ensure that the employee has re-qualified with all issued firearms.

2. Administrative Review of Critical Incidents:

- a. All reported uses of force will be reviewed by the agency's Office of Professional Standards to determine whether:
 1. agency rules, policy or procedures were violated;
 2. the relevant policy was clearly understandable and effective to cover the situation; and
 3. agency training is currently adequate.
(Ref: CALEA 11.3.4)
- b. All findings of policy violations or training inadequacies will be reported to the appropriate department for resolution and/or discipline. (Ref: CALEA 4.2.2)
- c. All *Use of Deadly Force Incident Reports* will be retained as required by state law.
- d. At least annually, the Office of Professional Standards will conduct documented analysis of *use of force* incidents to determine training needs and/or policy modifications.

The analysis should identify:

1. Day and time of incidents;
2. types of encounters resulting in use of force;
3. trends or patterns related to race, age and gender of subjects involved;
4. trends or patterns resulting in injury to any person including employees; and
5. impact of findings on policies, practices, equipment, and training.
(Ref: CALEA 4.2.4 items a-e)

- e. Annually, the Office of Professional Standards will conduct a documented review of all assaults on deputy sheriffs to determine trends or patterns, with recommendations to enhance officer safety, revise policy, or address training issues. (Ref: CALEA 4.2.5)
- f. An annual summary report of *use of force* incidents will be published and made available to the public upon request.