

**RECEIVED**  
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ATTORNEY GENERAL

SECTION 23

USE OF FORCE

POLICY: This agency recognizes and respects the value and special integrity of each human life. In vesting Deputy Sheriff's 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 Deputy Sheriff's shall use only that force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the Deputy or another. It is not the intent of this policy to dictate to a deputy that a deputy does not have to start at the beginning of the Use of Force Continuum, but may start anywhere that it is appropriate.

PURPOSE: To provide guidelines for Deputies of this agency to follow in the use of force, either deadly or non-deadly, to bring an incident under control.

DEFINITIONS:

- A. *Deadly force:* Any use of force that is likely to cause death or serious bodily harm. For purposes of this policy deadly force will mean the discharging of a firearm toward a person.
- B. *Non-deadly force:* Any use of force other than that which is considered deadly force.

PROCEDURES:

- A. Parameters for use of deadly force:
  - (1) Protect the Deputy Sheriff or others from what is reasonably believed to be an immediate threat of death or serious bodily harm; or
    - a. Protect the Deputy Sheriff or others from what is reasonably believed to be An immediate threat of death or serious bodily harm;
    - b. Prevent the escape of a fleeing felon whom the Deputy has probable cause to believe will pose a significant threat to human life should escape occur.
  - (2) Before using a firearm, Deputy Sheriffs shall identify themselves and state their intent to shoot, where feasible.
  - (3) A Deputy Sheriff may also discharge a weapon under the following circumstances:
    - a. During range practice or competitive sporting events.
    - b. To destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured.

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- (4) Deputy Sheriffs shall adhere to the following restrictions when their weapon is exhibited:
  - a. Except for maintenance or during training, Deputies shall not draw or exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance to this policy.
  - b. Warning shots are prohibited.
  - c. Deputy Sheriffs shall not fire their weapons at or from a moving vehicle. An exception to this provision will be justified under circumstances where the Deputy is in immediate danger of being subjected to deadly force. Example: A suspect in a moving vehicle discharges or is attempting to discharge a weapon directed at a vehicle occupied by a Deputy Sheriff.
  - d. Firearms shall not be discharged when it appears likely that an innocent person may be injured.
- B. Parameters for use of non-deadly force:
  - (1) Where deadly force is not authorized, Deputy should assess the incident, if possible, in order to determine which non-deadly technique or weapon will best bring the incident under control in a safe manner.
  - (2) Deputy Sheriffs are authorized to use non-deadly force techniques and issued equipment for resolution of incidents, as follows:
    - a. To protect themselves or another from physical harm; or
    - b. To restrain or subdue a resistant individual; or
    - c. To bring an unlawful situation safely and effectively under control.
- C. Training and qualifications:
  - (1) Deadly weapons:
    - a. While on and off duty, Deputies shall carry only weapons and ammunition authorized by and registered with this agency.
    - b. Authorized weapons are those with which the Deputy has qualified and received agency training on proper and safe usage, and that are registered and comply with agency specifications.
    - c. This agency shall schedule regular training and qualification sessions for duty, off-duty and specialized weapons, which will be graded on a pass/fail basis.
    - d. Deputies who fail to receive a passing score with their duty weapon(s) in accordance with agency testing procedures shall be relieved of their police powers and immediately reassigned to non-enforcement duties.

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- e. A Deputy shall not be permitted to carry any weapon with which he has not been able to qualify with during the most recent qualification period.
  - f. A Deputy who has taken extended leave or suffered an illness or injury that could affect his use of firearms ability will be required to re-qualify before returning to enforcement duties.
- (2) Non-deadly force weapons and methods;
- a. A deputy is not permitted to use a non-deadly weapon unless qualified in its proficient use as determined by training procedures.
  - b. The following non-deadly weapons are authorized:
    - 1. Police Baton – A police baton may be used when considerable force is necessary. The baton will permit a Deputy to defend themselves or others in situations where the use of firearms may not be necessary or justified. Deputies must use discretion in determining whether or not to use this equipment. Generally, if verbal persuasion and other means of force have failed to effectively control an individual and backup is not readily available, the use of the baton is justified to gain control.
    - 2. Side Handle Baton – Deputies who have not completed the certified training are not authorized to carry the side handle baton. The same rules apply to this piece of equipment as the regular baton listed above.
    - 3. Flashlights – In the event it becomes necessary to use a flashlight as a defensive weapon, Deputies will use it in the same manner as the baton.  
**\*Note: In use of the above non-lethal weapons, suspects should not be struck in the head, neck, groin area, joints or kidneys.**
    - 4. OC Pepper Mace – Generally OC Pepper Mace spray will only be used when a danger of physical injury to the Deputy or other person(s) is reasonably apparent and the Deputy is unable to verbally control an offender.  
**\*Note: In use of OC Pepper Mace, Deputy must successfully complete a training course approved by the agencies on the use of OC Pepper Mace prior to carrying or deploying the agent. This course must include the Deputy being exposed to the effects of the OC agents, and guidelines for**

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**proper cleanup/treatment of persons exposed, including bystanders, Deputies and suspects.**

5. Weaponless Defense/Arrest Tactics – Deputies may use defense tactics in which agency training has been given to control or arrest uncooperative suspects.
  6. Canine: The use of a law enforcement canine to search for or apprehend suspects will be considered a use of force under this policy when the canine inflicts injury.
- D. Escalating levels of force: For the purposes of this policy use of force, if possible, will begin and escalate to different levels in the following sequence:
1. (Level 1) Physical Presence
  2. (Level 2) Verbal Persuasion
  3. (Level 3) Minor physical force (taking a suspect/prisoner by the arm as a physical type of persuasion)
  4. (Level 4) OC Pepper Spray (use **ONLY** if resistance is encountered in step 2 above, inform subject of use if he fails to comply). Taser X26.
  5. (Level 5) Defensive tactics (use of defensive tactics at this point will often result in the suspect/prisoner being subdued, and will include placing hands behind the back for handcuffing)
  6. (Level 6) Use of baton, PR-24, kubaton or flashlight
  7. (Level 7) Deadly force; Deadly force as used in this policy shall mean the discharging of a firearm toward a person. Justification for the use of deadly physical force by a Deputy is restricted to the following:
    - a. When necessary to defend the Deputy or another person from death or serious bodily injury, and all other means of defense have failed or would be inadequate under the circumstances.
    - b. To affect the arrest of a person attempting to escape from a violent felony, and the **ONLY** if the Deputy reasonably believes the fleeing felon poses a significant threat to human life should escape occur.
- E. Conducted Energy Weapon-Advanced Taser X26 Policy
1. A conducted energy weapon may be used by trained personnel when a subject is threatening to actively resist or is actively resisting a deputy and the subject poses an articulable threat of harm to a deputy or another person. It may also be used when a subject poses a threat of harm to themselves such as a self inflicted injury or a suicide attempt.

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- A. Deputies may include in the decision to use this force option information known to the officer at the time of the incident, including conduct or statements of the subject or prior history of resistive or assaultive behavior.
- B. Passive resistance without posing an articulable threat of harm to officers or others does not permit the use of a conducted energy weapon.
2. A deputy shall not brandish, display or threaten the use of a conducted energy weapon unless he or she can reasonably conclude its use may become justified and is anticipated.
  3. In each instance when a conducted energy weapon is deployed on an incident, a determination will be made regarding the need for lethal cover.
    - a. Lethal cover shall be required in all cases in which the subject possesses a firearm.
  4. Agency personnel who use a conducted energy weapon against a person shall ensure that the person is monitored for injury as soon as practical and after the person is under control.
  5. If adverse reaction to the conducted energy weapon occurs, transport to a medical facility shall be arranged.
  6. If the probes are imbedded in sensitive tissue areas, i.e. neck, face, groin, or the breast of a female, Deputies shall arrange transport to a medical facility for removal. If the probes are imbedded in other non-sensitive tissue areas, a trained Deputy may remove them according to the training procedures.
  7. After the probes have been removed they shall be handled as a biohazard and packaged according to the training procedure. The package shall be placed in evidence and photographs of the wound site shall be taken, if practical.
  8. When a conducted energy weapon is used against a person or animal, the user shall notify a supervisor and shall complete an offense report detailing the circumstances of the incident. After an animal has been subjected to the conducted energy weapon, an effort should be made to remove the probes and identify the owner of the animal.

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SAFETY:

1. The conducted energy weapon or Advanced Taser X26 will be worn on the opposite side of the Deputy's duty firearm.
2. Jail staff will have a conducted energy weapon or Advanced Taser X26 stored, maintained and available in the control room. The conducted energy weapon or Advanced Taser X26 shall not be used in the jail setting as a device for punishment or for disciplinary reasons.
3. The eyes and face shall not be a target area.
4. The Advanced Taser X26 shall not be deployed or utilized in an environment where there is a presence of flammable liquids or vapors. This also includes self defense sprays and would be considered extremely dangerous to use in conjunction with a conducted energy weapon.
5. Prior to the use of the Advanced Taser X26, an announcement will be made to all the deputies and officers present at the scene of the impending use of the device. This will be done in an attempt to avoid sympathetic discharge of firearms.
6. Deputies must be aware that one easily overlooked aspect of injury in shooting a person with the Advanced Taser X26 is that of secondary injuries from falling from a standing position. An examination with particular emphasis on injuries secondary to the Advanced Taser X26 should be performed.

JAIL USE:

1. The conducted energy weapon or Advanced Taser X26 will only be operated by trained personnel only. This device will not be handled, possessed, or deployed unless you have attended an approved training course.
2. The only two exceptions that the Advanced Taser X26 will be removed from the jail setting are for court room security and high risk transports.

TRAINING:

1. Trained deputies shall complete a refresher course and a written examination every two years concerning the use of this weapon.

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- F. It is impossible to control at which level of force any particular use of force incident will begin or how quickly and in what steps it might escalate. An incident might begin at "level 4" for instance instead of "level 1". As another example, a use of force incident might begin at "level 1", physical presence and escalate immediately to "level 7", deadly force.
- G. The most important thing to remember concerning the use of force is that a Deputy must use judgment each time a use of force incident occurs; and a Deputy must base this judgment on training along with the circumstances associated with the incident to make a decision on what type of force to use. A Deputy must always remember that whatever the circumstances are, only the minimum amount of force necessary will be used to preserve the peace, prevent the commission of offenses, effect lawful arrests or defend persons or property.
- H. Reporting uses of force:
1. A written "INCIDENT" report prepared according to agency procedures will be required in the following situations:
    - a. When a firearm is discharged outside the firing range.
    - b. When a use of force results in death or injury.
    - c. When a non-lethal weapon is used against a person.
    - d. Anytime physical force is used against a person to affect an arrest.

**NOTE: The use of handcuffs, although considered to be a use of force, will be excluded from the report requirement.**
  2. A use of force report will outline the circumstances surrounding the use of force, the specific degree, amount and type of force employed and the results of the use of force. (who, what, when, where, why and how)
  3. The Sheriff will be immediately summoned to the scene and will comply with investigative procedures as required by the agency in the following situations:
    - a. When a firearm is discharged outside of the firing range (excluding humanely destroying animal or wildlife).
    - b. When a use of force results in death or serious injury.
    - c. When a subject requires medical attention due to use of force incident.
- I. Agency response:
1. Deadly force incident
    - a. Where a Deputy's use of force causes death, the Deputy shall be placed on administrative leave and arrangements made with a mental health agency for counseling purposes.

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- b. The purpose of the counseling is to help the Deputy cope with the stress and reactions to the use of deadly force.
  - c. A Deputy will be allowed to return to duty only after all internal investigative requirements are complete and it is determined by a mental health professional, in writing, that the Deputy is ready to return to duty.
  - d. This agency will conduct both administrative and criminal investigations as a result of any incident involving the use of deadly force. Refer to policy manual section ## Criminal Investigation and section ## Internal Affairs Investigation for proper investigative procedures.
2. Administrative review of critical incidents:
- a. All reported uses of force will be reviewed by the appropriate agency authority to determine whether:
    1. Agency rules, policy or procedure were violated;
    2. The relevant policy was clearly understandable and effective to cover the situation; and
    3. Agency training is currently adequate.
  - b. All findings of policy violations or training inadequacies shall be reported to the Sheriff for resolution and/or discipline.
  - c. All use of force incident reports shall be retained according to records retention laws.

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**INTERVENTION OPTIONS AND USE OF FORCE**  
**CONTINUUM**

<b>MODE</b>	<b>TACTIC</b>	<b>PURPOSE</b>
I. Presence	Professional Presence	To present a visible display of authority
II. Dialog	Tactical Communication	To verbally persuade
III. Empty Hand Control	Escort Holds	To safely initiate physical contact
	Compliance holds	To overcome passive resistance
	Oleoresin Capsicum (O.C.) Aerosol Spray	To overcome active resistance or its threat
	Conducted Energy Weapon Advanced Taser (Trained officers only)	To overcome active resistance or its threat
	Passive Countermeasures	To decentralize
	Active Countermeasures	To create dysfunction
IV. Intermediate Weapon	Incapacitating Techniques	To cause the immediate, Temporary cessation of Violent behavior
	Impact Weapon	To impede a subject
	Kinetic Energy Impact Projectiles 12 ga. CTS Beanbag/37 mm Sage Baton (Trained Officers Only)	
V. Deadly Force	Firearm	To stop the threat

**ADVANCED TASER USAGE REPORT**

<b>Or Number:</b>	<b>Fire DR#</b>
<b>Date of the incident:</b>	<b>Time of incident:</b>
<b>Location of the Incident:</b> Inside Outside Open Area Enclosed Area Vehicle	
<b>Subjects Name: Last:</b>	<b>First:</b>
<b>Call Type:</b>	<b>Photographs Taken:</b> Yes No
<b>Supervisors: Sgt:</b>	<b>Lt:</b>
<b>Report Completed By:</b>	
<b>Serial Number of Device:</b>	
<b>Serial Number of probe cartridge if expended:</b>	
<b>Officers Involved:</b>	
Primary _____	Support _____
Support _____	Support _____

**APPLICATION INFORMATION**

<b>Advanced Taser Probe Contact:</b> Yes No	<b>Touch Stun Gun Contact:</b> Yes No
Number of times Taser Display Only _____	
Number of Touch Stuns _____	
Number of times Applied (Probe Contact) _____	
Number of activations after probe contact _____	
<b>Type of Force used prior to taser:</b> None Low Level Intermediate High	
<b>Type of Force Used After Taser:</b> None Low Level Intermediate High	
<b>Approximate Target Distance at the time of dart Launch:</b>	
<b>Did the taser gain subjects compliance:</b> Yes No	<b>Need for Additional Shot:</b> Yes No
<b>Did the dart contacts penetrate the subjects skin:</b> Yes No	
<b>Was the subject under the influence of:</b> Drugs Alcohol	
<b>Subject's demeanor after taser was used or displayed:</b> Cooperative Belligerent Combative Abusive Aggressive Complaining	

**MEDICAL INFORMATION**

<b>Was an Officer, Police Employee or Citizen injured:</b> Yes No
<b>Nature of injury and Medical Treatment Required other than normal injury caused by taser darts:</b>
_____
_____
_____
_____
_____

