

## Attachment "A"

### DUTIES OF THE INITIAL RESPONDING OFFICER

#### Introduction:

Pending the arrival of investigative staff at the scene, certain tasks should be undertaken by the Initial Responding Officer. The quality of evidence collected or information obtained can be greatly enhanced if law enforcement personnel take prompt action rather than waiting for the arrival of the investigative personnel.

Tasks which should be completed promptly, prior to arrival of investigative personnel:

1. Emergency life-saving procedures take first priority.
2. Take immediate steps to secure the scene, while controlling access to preserve evidence.
3. As appropriate and consistent with agency training, note the position and physical condition (cocked, uncocked, bloody, etc) of any weapons at the scene. If possible, preserve and/or leave in place any such evidence. If officer or public safety is a concern, photograph the weapon in its place and sketch the location and secure the weapon.
4. Protect and collect evidence in danger of being lost or destroyed, such as shoe impressions/prints or firearms evidence. Include the ambulance and emergency room as possible locations of evidence. Ambulances are routinely cleaned after each use; therefore, immediate attention for evidence collection will be necessary.
5. Record transient detail such as vehicles in the area, lighting (natural or artificial), windows and blinds or curtains (open/closed), doors (locked or unlocked), weather, furniture moved for emergency medical teams, etc.
6. Initiate a Crime Scene Log of all persons entering the scene(s), the time of their entry and exit, and the reason for entry until relieved, and document all persons present at the scene through proper identification.
7. Make a preliminary sketch of the scene without taking measurements. If the scene or a portion thereof is outdoors, start sketching this area first to minimize inadvertent alteration.

## Attachment "B"

### RESPONDING SUPERVISOR'S CHECKLIST

1. Life saving efforts are first priority.
2. Identify and secure all scenes (original felony; escape/chase route; fatal scene; collision scene; suspect vehicle; hospital; etc.) Establish generous perimeters. Prevent scene contamination. Adjust boundaries as necessary. Protect and collect physical evidence in imminent danger of being altered or destroyed.
3. Prohibit entry into scene(s) except for authorized personnel.
4. In the event of an officer's use of deadly force resulting in a death or serious physical injury, a homicide or other qualifying incident, activate the MCRT. Ensure that notifications are made per agency procedures, and immediately notify the District Attorney, the Chief Deputy District Attorney or their designate.
5. Request additional officers, as necessary.
6. As appropriate, assign an officer to ride in the ambulance with any involved person, with recorder if possible, for the purpose of:
  - A. Physical evidence protection, securing, recovery;
  - B. Custody of arrestee;
  - C. Spontaneous and other unsolicited statements;
  - D. Dying declarations
  - E. Information to and from medical personnel;
  - F. Identifying medical personnel.
7. Protect sensitive investigative information; use caution on radio broadcasts. Use phone whenever possible.
8. If practical, obtain an initial statement from Involved Officers covering only that information necessary for public safety and scene management. This statement may include, but need not be limited to, information necessary for public safety necessary to protect persons and property, possible witnesses, participants, location of weapons or other hazards, incident location(s), etc.

The initial statement is intended to provide a framework for the investigation and ensure the preservation of evidence.

9. Disseminate information on outstanding suspects, vehicles, witnesses, etc.
10. Collect perishable evidence.
11. Ensure Crime Scene Log has been started, and is maintained, to record every entry and exit.
12. In the event of an officer involved shooting, if the shooting officer(s) has retained possession of their weapon, leave in holster until such time as it is collected at the direction of the Lead Investigator.
13. Check all firearms of all Witness Officers and seize as appropriate. Make notes on each.
14. Locate, identify, and separate civilian witnesses.
15. Determine what Responding/Scene Officer(s) have learned and what they have done.
16. The Supervisor shall see that the officer's union representative is notified.

**Attachment "C"**

**CRIMINAL INVESTIGATION NOTIFICATION**

1. You are advised that this investigation is criminal in nature.
2. A refusal to answer questions from the criminal investigations will not be a basis for disciplinary action against you. You have a right to not participate in the interview, and the right to terminate the interview, without resulting discipline.

\_\_\_\_\_  
Involved Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Time

\_\_\_\_\_  
Signature of Officer Providing Notification

## **INTERAGENCY HARNEY COUNTY MAJOR CRIME TEAM AGREEMENT**

The parties to this agreement are the Harney County District Attorney's Office, Harney County Sheriff's Office, Burns City Police Department, Hines City Police Department, Burns Paiute Tribal Police Department and the Department of State Police,

The parties hereby agree to the following Harney County Major Crime Team Agreement.

The Harney County Major Crime Team will consist of personnel appointed by their respective agencies.

The head of the AGENCY OF PRIMARY RESPONSIBILITY, or District Attorney, will have the authority to activate the Harney County Major Crime Team. The Harney County Major Crime Team may be activated for those crimes or series of crimes, which require an immediate, combined, full-scale investigative response. After being activated, the Harney County Crime Team will respond, to the best of their ability, to assist the Agency of Primary Responsibility in that particular investigation.

### **OPERATIONS**

The head of the Agency of Primary Responsibility, or his designee, will select the person who will be the Team Commander. The Team Commander will coordinate with other agency supervisors regarding assignments and direction. Should a disagreement occur as to the direction or assignments, the Agency of Primary Responsibility will decide pertinent matters. The Team Commander and other agency supervisors should remain free of any direct investigative duties. The individual Officers assigned to the Harney County Major Crime Team are accountable to their respective agencies for their conduct, performance and activities as law enforcement officers.

### **PROCEDURES**

- A. **Upon activation**, major crime investigations shall be under joint direction of the Agency of Primary Responsibility and the Harney County District Attorney's Office. Notwithstanding, the Burns City Police Department is the Agency of Primary Responsibility within the city limits of Burns. The Hines City Police Department is the Agency of Primary Responsibility in the city limits of Hines. The Harney County Sheriff's Office is the Agency of Primary Responsibility within Harney County, Burns Paiute Tribal Police Department is the Agency of Primary Responsibility on reservation land and the Department of State Police is the Agency of Primary Responsibility on state highways, respectively.

- B. The Harney County Major Crime Team will conduct their investigations in a professional manner and will use approved techniques in the handling of evidence. The Agency of Primary Responsibility will be responsible for seizing, logging and storing of all evidence, unless otherwise designated.
- C. The Harney County Major Crime Team may use the Oregon State Police Forensics Laboratory and latent print personnel when appropriate.
- D. The Harney County Major Crime Team may request the assistance of the Oregon State Police Arson/Explosive Section and/or the State Fire Marshal in fire investigations or deaths involving possible arson and/or explosives.
- E. Copies of all reports will be submitted to the Team Commander, who will cause the reports to be reviewed and submitted, as soon as practical, to the Harney County District Attorney's Office.

### **TEAM RESPONSIBILITIES**

- A. The Harney County Major Crime Team, when activated by the Agency of Primary Responsibility, will respond to assist that agency by participating in a collective, cooperative criminal investigation.
- B. The Harney County Major Crime Team will not be restricted to investigating suspicious deaths, but may be activated by participating agencies, as they deem necessary.

### **AGENCY RESPONSIBILITIES**

- A. The Agencies of Primary Responsibility may request one of the other parties in this agreement to take over primary responsibility of the investigation.
- B. Each agency shall make available to each agency head or their designee, a list of personnel and telephone numbers, authorized to call out their agency's team member. Each agency head or their designee will be responsible for notifying their respective team member.
- C. It will be the responsibility of each agency to provide sufficient personnel, within that agency's ability to staff the Harney County Major Crime Team. If a primary team member is unavailable, an alternate will be called.

- D. Personnel needs will be decided on a case by case basis. These needs will be mutually agreeable to each agency head, or his designee. Crime scene security will be the responsibility of the Agency of Primary Responsibility, and will be supplied where possible, by sworn, non-crime team members.
- E. It will be the responsibility of the Team Commander to schedule briefing sessions and team meetings.

### TRAINING

- A. The Haney County Major Crime Team will attend training seminars and if requested, will provide assistance as instructors in local training programs, whenever possible.

### MEDIA RELATIONS

- A. Press releases will be the responsibility of the Agency of Primary Responsibility and the Harney County District Attorney's Office, except for death investigations. For death investigations, the Haney County District Attorney, or his designee will make the press releases.

The Haney County District Attorney's Office, Harney County Sheriff's Office, Burns City Police Department, Hines City Police Department, Burns Paiute Tribal Police Department and the Department of State Police agree to review this document on a yearly basis, or more frequently as needed.

It is the intention of the Haney County District Attorney's Office, Harney County Sheriff's Office, Burns City Police Department, Hines City Police Department, Burns Paiute Tribal Police Department and the Department of State Police to provide, when necessary, a viable, efficient, cooperative and professional law enforcement criminal investigative procedure for major crimes committed in Haney County. By this agreement, the Parties intend to work together to preserve the safety, peace and dignity of our community and our citizens in the most efficient manner possible.

ATTACHMENT "D"

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\_\_\_\_\_  
Dave Glerup, Sheriff  
Harney County Sheriff's Office

Date: \_\_\_\_\_

\_\_\_\_\_  
Robert Nou, Chief  
Burns City Police Department

Date: \_\_\_\_\_

\_\_\_\_\_  
Brian Williams, Sgt  
Department of State Police

Date: \_\_\_\_\_

\_\_\_\_\_  
Timothy Colahan, District Attorney  
Harney County District Attorney's Office

Date: \_\_\_\_\_

\_\_\_\_\_  
Randy Cook, Chief  
Hines City Police Department

Date: \_\_\_\_\_

\_\_\_\_\_  
Darrell Gilmer, Chief  
Burns Tribal Police Department

Date: \_\_\_\_\_

ATTACHMENT "D"

## CHAPTER 13. PHYSICAL FORCE, DEADLY FORCE AND FIREARMS

**13.1 PURPOSE.** The purpose of this policy is to provide deputies with a single source of reference on the use of physical force and deadly force. For the purposes of this directive, "deadly force" means the use of a weapon that under the circumstances in which it is used is readily capable of causing death or serious physical injury.

**13.2 POLICY.** All employees who are proficiently trained and authorized to carry weapons shall become familiar with the following guidelines and procedures regarding the use of physical force, and the proper use of deadly force, use of firearms and maintenance of firearms, impact and restraint equipment and aerosol subject restraint/Oleoresin Capsicum.

**13.3 CONTINUUM OF FORCE DEFINED.** The Continuum of Force is a graphic description of the escalation and de-escalation of force used by Sheriff's Office personnel in response to actions taken by a suspect or offender. It serves to illustrate the legal duty of a deputy sheriff to use only reasonable force in response to the threat reasonably perceived by the deputy.

A. Levels of Force. The Force Continuum is divided into six specific component parts: 1) Threat Assessment, 2) Considerations of Force Escalation, 3) Levels of Resistance, 4) Levels of Force, 5) Justification, and 6) Control Techniques. The above listed component parts are explained in greater detail below.

1. **THREAT ASSESSMENT.** The term "threat" is used to describe any person capable of causing physical injury, serious physical injury or death. The threat must exhibit the following elements to justify the use of force:

- a. Intent.
- b. Means.
- c. Opportunity.

2. **CONSIDERATIONS OF FORCE ESCALATION.**

- a. The Totality of the Circumstances.
- b. Has the Threat had the opportunity to comply with your commands, if commands were possible and appropriate.
- c. Is the current course of action achieving control or compliance?
- d. Does the Threat warrant the risk of injury to yourself or the threat?

weapon (handgun, knife, shank) or a dangerous weapon (lead pipe, broken bottle, tire iron) to inflict or attempt serious physical injury. Or the Threat inflicts serious injury through superior size, strength or combative skill.

#### 4. LEVELS OF FORCE.

- a. **PRESENCE.** The deputy has an expectation inappropriate behavior will stop at the deputy's arrival in uniform.
- b. **VERBAL COMMANDS.** The questioning of a subject, the attempt to persuade a subject, or giving a direct order to a subject.
- c. **PHYSICAL CONTACT.** Directing a subject by touch, or controlling a subject with an escort hold.
- d. **PHYSICAL CONTROL HOLDS.** Use of pressure points, joint manipulation techniques, or physical control holds.
- e. **SERIOUS PHYSICAL CONTROL.** Use of chemical weapons and electronic stun devices, focused blows, impact weapons, and the carotid restraint.
- f. **DEADLY FORCE.** Any force capable of causing serious physical injury or death.

5. BASIC PRINCIPLES OF JUSTIFICATION.

- a. If the level of force is justified, the implement (or delivery system) used is of no significance.
- b. If the level of force is justified, the degree of injury the Threat may sustain is of no significance.
- c. The Threat always dictates the degree of force to be used. Therefore, the Threat is responsible for any injury the Threat may incur while resisting.
- d. It is incumbent on the deputy to overcome the Threat's resistance as quickly as possible to control the Threat and the situation.

6. CONTROL TECHNIQUES. Members should maintain proficiency in the following techniques:

- a. CONTROL HOLDS/TAKEDOWNS. Physical control through application of compliance holds or takedowns to control the threat on the ground. Proper use of Kubotan or similar device and aerosol subject restraint, i.e., Oleoresin Capsicum.
- b. RESTRAINTS. Chain or hinge metallic handcuffs, flex ties, leg hobble straps/cords, velcro/nylon restraints. Proper use for cooperative handcuffing (standing) and uncooperative handcuffing (kneeling/prone) and high risk handcuffing (felony prone).
- c. SEARCHING. Stop and Frisk, cursory check for weapons, handcuffed standing, kneeling and prone.
- d. BATON. Straight baton and ASP expandable steel baton. Proper use of flashlight as a defensive tool.
- e. BLOCKS, STANCES, AND STRIKES. Closed fist/open hand blocks, interview stance, combat stance, closed fist strikes, open hand strikes, front kick, angle kick, rear kick, knee and elbow strikes.
- f. PERSONAL DEFENSE: Defenses against: body holds, chokes, head lock, grabs and handgun retention and disarming techniques. Proper use of handcuffs as a defensive weapon. Evasive tactics and techniques for knives and other edged weapon threats.
- g. Full nelson, and disarming and handgun retention techniques.

Section

**300****HINES POLICE DEPARTMENT****Use of Force****300.1 PURPOSE AND SCOPE**

This policy recognizes that the use of force by law enforcement requires constant evaluation. Even at its lowest level, the use of force is a serious responsibility. The purpose of this policy is to provide officers of this department with guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, each officer is expected to use these guidelines to make such decisions in a professional, impartial and safe manner.

**300.11 PHILOSOPHY**

The use of force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied human encounters and, when warranted, may use force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, the limitations of their authority. This is especially true with respect to officers overcoming resistance while engaged in the performance of their duties.

This department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting officers with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interests.

**300.2 USE OF FORCE**

It is the policy of this Department that officers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident under control. "Reasonableness" of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of "reasonableness" must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving.

It is the policy of this department that use of force by its members be:

- (a) Justified under applicable state law;
- (b) Consistent with the more specific policies which follow;
- (c) Professionally accomplished according to approved training and with approved equipment;
- (d) In all cases employed to accomplish a legitimate tactical objective;

# HINES POLICE DEPARTMENT

## Use of Force

- (e) Limited to that degree and duration which the officer reasonably believes necessary to accomplish that objective; and
- (f) Applied by the officer and reviewed by the department based upon those facts which are reasonably believed by the officer at the time, applying legal requirements, department policy, and approved training to those facts. Facts later discovered, but unknown to the officer at the time, can neither justify nor condemn an officer's decision to use force.

### **300.21 USE OF PHYSICAL FORCE IN MAKING AN ARREST OR IN PREVENTING AN ESCAPE**

Officers are permitted to use only that force which the officer reasonably believes is necessary to protect themselves or others from bodily harm or to effect any other lawful police action. The officer's authority to use physical force is provided for under ORS 161.235 and this policy is intended to conform to the provisions of that statute.

### **300.22 USE OF FORCE IN PRISONS, JAILS, AND CORRECTIONAL FACILITIES**

An authorized official of a jail, prison, or correctional facility to use physical force when and the extent that the official reasonable believes it necessary to maintain order and discipline, or as is authorized by law. ORS 161.205(2)

### **300.23 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE**

When determining whether or not to apply any level of force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:

- (a) The conduct of the individual being confronted (as reasonably perceived by the officer at the time);
- (b) Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion and number of officers vs. subjects);
- (c) Influence of drugs/alcohol (mental capacity);
- (d) Proximity of weapons;
- (e) Time and circumstances permitting, the availability of other options (what resources are reasonably available to the officer under the circumstances);
- (f) Seriousness of the suspected offense or reason for contact with the individual;
- (g) Training and experience of the officer;
- (h) Potential for injury to citizens, officers and suspects;
- (i) Risk of escape;
- (j) Other exigent circumstance.

It is recognized that officers are expected to make split-second decisions and that the amount of an officer's time available to evaluate and respond to changing circumstances may impact his/her decision.

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## Use of Force

While various degrees of force exist, each officer is expected to use only that degree of force reasonable under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

### **300.3 NON-DEADLY FORCE APPLICATIONS**

Any application of force that is not reasonably anticipated to result in death shall be considered non-deadly force. Each officer is provided with equipment, training and skills to assist in the apprehension and control of suspects as well as protection of officers and the public. Non-deadly force applications may include but are not limited to Leg Restraints and Control Devices described in Policy Manual §§306 and 308 respectively.

Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force.

#### **300.31 PAIN COMPLIANCE TECHNIQUES**

Pain compliance techniques may be very effective in controlling a passive or actively resisting individual. Officers may only apply those pain compliance techniques for which the officer has received departmentally approved training and only when the officer reasonably believes that the use of such a technique appears necessary to further a legitimate law enforcement purpose. Officers utilizing any pain compliance technique should consider the totality of the circumstance including, but not limited to:

- (a) The potential for injury to the officer(s) or others if the technique is not used;
- (b) The potential risk of serious injury to the individual being controlled;
- (c) The degree to which the pain compliance technique may be controlled in application according to the level of resistance;
- (d) The nature of the offense involved;
- (e) The level of resistance of the individual(s) involved;
- (f) The need for prompt resolution of the situation;
- (g) If time permits (e.g. passive demonstrators), other reasonable alternatives.

The application of any pain compliance technique shall be discontinued once the officer determines that full compliance has been achieved.

#### **300.32 CAROTID RESTRAINT**

The proper application of the carotid restraint hold by a trained officer may be effective in quickly restraining a violent individual. However, due to the potential for injury, the carotid restraint hold may only be applied under the following conditions:

- (a) The officer shall have received departmentally approved training in the use and application of the carotid restraint;

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## Use of Force

- (b) The carotid restraint may only be used when the officer reasonably believes that such a hold appears necessary to prevent serious injury or death to an officer or other person(s);
- (c) Any individual who has been rendered unconscious by the use of the carotid restraint shall be promptly examined by paramedics or other qualified medical personnel;
- (d) Any officer applying the carotid restraint shall promptly notify a supervisor of the use or attempted use of such hold;
- (e) The use or attempted use of the carotid restraint shall be thoroughly documented by the officer in any related reports.

### **300.4 USE OF DEADLY FORCE IN MAKING AN ARREST OR IN PREVENTING AN ESCAPE**

Use of deadly force is justified in the following circumstances:

- (a) An officer may use deadly force to protect him or herself or others from what they reasonably believe would be an immediate threat of death or serious physical injury;
- (b) An officer may use deadly force to affect the arrest or prevent the escape of a suspected felon where the officer has probable cause to believe that the suspect has committed or intends to commit a felony involving the inflicting of serious bodily injury or death. Under such circumstances, a verbal warning should precede the use of deadly force where feasible.

### **300.5 REPORTING THE USE OF FORCE**

Whenever a member must employ an amount of force capable of causing injury, the member shall promptly, completely, and accurately document the use of force in an appropriate report depending on the nature of the incident. The use of particular weapons such as chemical agents may require the completion of additional report forms as specified in departmental policy and/or law. This policy does not require documentation of force that is used during training.

#### **300.51 NOTIFICATION TO SUPERVISORS**

Supervisory notification shall be made as soon as practical following the application of physical force, under any of the following circumstances:

- (a) Where the application of force appears to have caused physical injury;
- (b) The individual has expressed a complaint of pain;
- (c) Any application of a control device;
- (d) Where the individual has been rendered unconscious.

#### **300.52 MEDICAL ATTENTION FOR INJURIES SUSTAINED USING FORCE**

Medical assistance shall be obtained for any person(s) who has sustained visible injury, expressed a complaint of pain, or who has been rendered unconscious.

## HINES POLICE DEPARTMENT

### Use of Force

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#### **300.6 SUPERVISOR RESPONSIBILITY**

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officer(s);
- (b) Ensure that any injured parties are examined and treated;
- (c) Separately interview the subject(s) upon whom force was applied;
- (d) Ensure that photographs have been taken of any areas involving visible injury or complaint of pain as well as overall photographs of uninjured areas;
- (e) Identify any witnesses not already included in related reports;
- (f) Review and approve all related reports;
- (g) Should the supervisor determine that any application of force was not within policy, a separate internal administrative investigation shall be initiated;
- (h) In the event that the supervisor believes that the incident may give rise to potential civil litigation, a separate potential claim form should be completed and routed to appropriate channels.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

Burns Police Dept.

CHAPTER 12  
USE OF FIREARMS, CHEMICAL AGENTS, POLICE BATONS AND  
PHYSICAL FORCE

12.1 INTRODUCTION: It is impossible to foresee all circumstances where a Peace Officer may be justified in the use of firearms to protect his life, the lives of others, or in the lawful discharge of official duties. No arbitrary rule can be established to meet every possible situation. The Chief is deeply concerned with the consequences which may result from unjustified or indiscreet use of firearms in the discharge of our duties as employees of the department. The individual officer must give serious thought to this problem. Each employee must consider the effect of an indiscriminate shooting upon the officer, his fellow employees and the future welfare of the officer's family. This chapter is intended to bring each member of the department a review of the law which has to do with the use of firearms, the policy of the Chief regarding this matter and a discussion of the emotional and practical problems a Law Enforcement Officer faces in discharging day-to-day duties.

It is not the purpose, however, to place restrictions upon the officer in doing a good job of police work. It is also not the purpose of this chapter to inform officers that they cannot use their weapons when necessary. It must be understood that there are incidents in which a weapon must be used. Such cases are usually clear-cut and do not pose any question of public safety and welfare or violation of the law of necessity or reasonable cause. If, at the end of this chapter, each officer understands the problems which may arise as a result of a shooting and the policy of the Chief in regard to firearms, many avoidable shootings may be eliminated.

- 12.2 PURPOSE: The purpose of this chapter is to;
- 12.2.1 establish policies and regulations governing the discharge of firearms of all calibers, the use of physical force, chemical agents and low lethality explosive devices.
  - 12.2.2 establish the procedure to be followed when a firearm is discharged, chemical agents are used and injuries or complaints of injuries are received as the result of physical force.
  - 12.2.3 establish a Shooting Inquiry Board to investigate each discharge of a firearm by members of the department to substantiate the officers actions.
  - 12.2.4 clarify and inform members when they are authorized to use firearms in the performance of their duties, to preclude the unnecessary discharge of firearms, and to protect the lives and property of the public as well as

1. He had no one under arrest and no one was making an escape; and
2. No felony had in fact been committed and he had no reason to believe that a felony had been attempted or committed.

Under the circumstances, the officer could hope for little better. It is very evident that either he was not mentally suited to be an officer or that his training had been neglected.

The above illustration points out that in any set of circumstances, mere suspicion is not sufficient. The actions of the officer must be founded upon relevant facts, circumstances, or credible information accompanied by good judgment. This places the responsibility and justification for the results of a shooting upon the shoulders of each individual officer. This responsibility, or lack of responsibility, affects a great number of people. In some cases many innocent persons directly or indirectly suffer.

First, each officer has a definite responsibility to the department itself. Each incident publicized by the press wherein the department is criticized, influences the public and definitely retards progress toward professional status. An example; two officers were on duty where the depredations of a mountain lion had caused several complaints. Across a canyon, on the crest of a ridge, one of the officers observed what he believed to be a mountain lion. It was during the daytime and visibility was good. The officer took one shot with a rifle which resulted in the death of a pet dog and a child that was behind the dog. Obviously, poor judgment was exercised. The department was severely criticized by the press and by the residents of the community.

Second, each officer has a responsibility to the fellow officers with whom he serves, particularly his partner. In the event of a shooting affair, both members of a patrol car may be held responsible and both are subjected to aftermath proceedings should death or injury result from an unjustified use of firearms. As an example; one night a unit checked two suspicious persons observed near the entrance of a building. While the suspects were being interrogated, one of them broke and ran. One of the officers fired at the fleeing man. The bullet grazed his head and he was stunned. Actually, an attempted burglary had been committed, but could never be proven. As a result of the hasty shooting, an arrest was necessarily made. The injured person brought suit against both officers charging false arrest. Judgment was returned in a civil action against both officers.

individual members of the department.

- 12.3 PRESENTATION: There is only one purpose for which a firearm is carried. It is not carried by police to bluff their way out of tight situations. It is a dangerous weapon which requires the utmost respect from each of us. It is part of the department's equipment to be used to protect ourselves, the lives of others and property. If drawn, it must be with the intent to use it if the situation demands. There definitely are times that the firearm is to be used. It is the department's duty to use firearms where necessary in the defense of life and property as circumstances warrant. Upon whom shall the responsibility rest to determine the necessity for the use of a firearm? It is the individual responsibility of each officer to make certain that the use of a firearm in a given situation is justified. The shooting must be based on Reasonable Cause or Law of Necessity. However, this is not the type of necessity created in the mind of our officers under duress, emotional upset, suspicion or fear. Human emotional upsets cause more unjustified shootings by Police Officers than any other reason. The following is an example of an incident where an analysis was not made of the situation, and serious results and Civil Liability resulted.

"Two officers were on patrol at dusk and observed a man coming toward the street from the side of a service station building. The station was closed. The driving officer stopped the patrol car, backed up approximately 50 feet and turned into the lot. At this point, the man turned and ran toward the rear. He found himself trapped by a six-foot fence on one side and rear, and a building on the other side. The Officers having him in their headlights stopped and got out of the patrol car, ordering the subject to stop and approach the car with his hands up. He ignored their order and started to climb the fence. One Officer drew his weapon and fired twice. One shot took effect, lodging in the spinal column. The subject is partially paralyzed and in a civil action was awarded a judgment of \$125,000. The District Attorney refused to prosecute the subject because there was no evidence offered that the subject had either attempted or committed any offense. The jury later in the Civil Action believed the plaintiff when he stated that he wanted to use the restroom and became frightened and partially blinded by the car lights. He stated that he was afraid he was going to be robbed so he ran."

The officer above used very poor judgment for the following reasons:

Third, each officer must consider his home and family. The threat of civil liability or judgment creates an element of uncertainty for the officer's family and himself. It is important to review the legal aspects applicable to the use of force and justifiable homicide by police officers. Consider first, arrests in misdemeanor cases.

- 12.3.1 A defendant must not be subjected to any more restraint than is necessary for his arrest and detention. This subject has been supported in numerous appellate court decisions which have stated that a Peace Officer must not use more force than is necessary to affect an arrest. In the case of *People vs. Wilson*, 36 Cal. App. 89 the court held that an officer is not justified in shooting a defendant in a misdemeanor case in order to compel him to submit to an arrest. The feeling is that it is better to let a misdemeanant escape arrest than to take his life.

In the case of *People vs. Lathrop*, 192 P. 722, the court held the law generally required that neither an officer nor a citizen has a legal right to intentionally kill or seriously injure a person in making a misdemeanor arrest. This does not mean that in making a misdemeanor arrest an officer is restricted in using force likely to produce great bodily harm or even in shooting a misdemeanant. The law supports an officer in the event his life or the life of some other person present is in great danger. In the case of *People vs. Adams*, 85 Cal. 231, the court gave the opinion that an officer has the right to use all necessary force which, from surrounding circumstances, seems necessary to a reasonable and prudent man. These conclusions are supported by statutory and court interpretations in making of misdemeanor arrests:

- a. No more force or restraint than is necessary must be used for the arrest and the detention of a misdemeanant.
- b. Neither an officer nor a citizen who has arrested a person for a misdemeanor has the legal right to intentionally and seriously injure or kill the misdemeanant.
- c. An officer is never justified in shooting a defendant in a misdemeanor case in order to compel him to submit to an arrest.
- d. All necessary force may be used if such force is warranted from surrounding circumstances. This protects the officer in a situation beginning as a misdemeanor arrest and the defendant later becomes armed or attempts to arm himself. The officer would then be justified in using more force than that which was originally required, even to the use of firearms, for his protection in affecting the arrest.

From a practical standpoint, several situations should be discussed. First, we must consider urbanization and traffic. Many hundreds of cars move about the county and cities daily. Generally, people and vehicles are moving on the streets and roads twenty-four hours each day. Each person or car is a potential target for the indiscriminate use of firearms. This is especially true in firing at vehicles or shooting from moving vehicles. The most reasonable care must be exercised in situations involving vehicles. As an example, two Officers observed a car fail to make a boulevard stop sign. The car left the location at a high rate of speed. The officers pursued and, upon failure to overtake the car, opened fire. In this situation, only a misdemeanor had been committed. The street where the pursuit took place was heavily traveled. Innocent person's lives were jeopardized and the shooting was entirely unjustified. It is much better to allow a vehicle to escape than to endanger the lives or property of innocent parties.

Situations involving juveniles injured as a result of Police Action are the most delicate and explosive of all. Whether or not the officer was justified in his action rarely excuses him in the eyes of the public. In this day and age, it is hard to determine or fix the age of a youth. There have been a number of shootings wherein the officer has been surprised to find the victim was 16 or 17 years of age and not 20 or 21 as his appearance has led them to believe. In practically all cases, the officer would have never resorted to firearms had he identified the suspects as juveniles. These are unfortunate situations and no positive rule of procedure can be laid down. It is the responsibility of each officer, if the age of the suspect is questionable, to exercise extreme caution before resorting to firearms. This is not to say that the officer does not have the protection of the law of necessity in case of juveniles. If the officer is protecting his life, the lives of others or has been assaulted with a deadly weapon or force likely to produce great bodily harm, the officer is justified in the use of force of firearms. It must be repeated that the officer is responsible to use the most discreet judgement in those cases.

The exhibiting of the weapon in many case acts as an antagonizing factor rather than a means of control. That, coupled with the fact that rarely in these instances does the officer have a legal right to use his weapon, forces the officer to lose complete control of the situation and reduces his effectiveness to a minimum. The display of a weapon as a bluff is a dangerous practice. If the officer's bluff is called and the crowd moves in, he may be forced to fire into the crowd or he may withdraw, thereby losing respect and authority; or

stand his ground and be forced to protect himself in some manner.

If it is necessary to employ a weapon in a crowd problem to affect an arrest or in making a shakedown, care must be used to holster the revolver as soon as the suspects are in custody or the situation is under control. Prolonged display of weapons has an adverse effect upon citizens witnessing the incident. Another consideration, in addition to the legal and practice problems, is that of public relations. A community and its government can be identified by the police force it maintains. A good police force indicates that the people of that community want good government and a well policed area. By the same token, a good department giving efficient service will have the support of the citizens.

- 12.4 **POLICY:** It is the policy of this department that members will resort to the use of a firearm under law when it appears to be reasonable necessary and generally ;
- a. as a means of self-defense from death or serious injury.
  - b. to defend the life of another Officer.
  - c. to defend the life of a victim of a crime.
  - d. to prevent a crime in which human life is in serious jeopardy as a result of a suspect's actions.
  - e. to apprehend a fleeing suspect for a crime involving the use or threatened use of deadly force and there is substantial risk that the person whose arrest is sought will cause death or serious injury if apprehension is delayed.
- 12.5 **PROCEDURE:** In order to insure that the spirit of the above stated policy is carried out and that incidents involving the misuse of firearms, deliberate or accidental, by members of this department are minimized, the following practices are adopted.
- 12.5.1 Only those officers who meet the minimum requirements for demonstrated proficiency in the use of firearms shall be allowed to carry firearms in the course of their employment.
- 12.5.2 **Weapons and Ammunition:**
- a. Only weapons and ammunition meeting department authorized specifications shall be carried in the performance of duty.
  - b. Officers off duty may carry weapons except when the situation dictates it is impractical.
- 12.5.3 **Registration of Weapons:**
- a. All firearms used in the performance of duty by an officer shall be registered with the department.
  - b. All officers shall file a written report immediately with the Chief through channels following the purchase, replacement, loss or other disposition of

a police firearms and shall list a complete description including the serial number. A report concerning the loss or theft of a police firearm shall include all facts surrounding the case. For the purpose of this section a "Police Firearm" is defined as a weapon carried by a member of this department while in an "on duty" or "off duty" status.

12.5.4 Discharge of Weapon, Report of:

- a. Whenever a member, whether on or off duty, discharges his firearm (registered or unregistered), either accidentally, or in the performance of duty, the officer shall verbally notify his Supervisor as soon as time and circumstances permit, but in no event later than 8 hours from the incident.
- b. The member who discharged a firearm shall file a written report of the incident through established channels with the Chief within 16 hours of the incident.
- c. If the member who discharged his firearm is hospitalized or fatally injured and incapable of filing the above, the Supervisor is responsible for filing as complete a report as possible pending further departmental investigation.
- d. Investigation of on duty and off duty discharge of weapons not resulting in injury or death:
  1. Each discharge of a firearm shall be investigated personally by the available Supervisor when notified of the incident.

12.5.5 Investigative procedure for Officer Involved Shootings resulting in injury or death. This procedure is set forth to insure that standards are met in all cases where an officer is a participant in a shooting that results in death or injury.

SUPERVISOR:

- a. Shall immediately respond to the scene.
- b. Insure that the scene is secure, including all participants, including the involved officer.

It is recommended that the immediate Supervisor of any involved officer remain with the officer or respond to the location as soon as practical.
- c. Notify the following;

Chief of the Police Agency of the jurisdiction in which the incident occurred.
- d. If the shooting occurred in another jurisdiction the Ranking Officer of the jurisdiction shall determine which agency shall investigate the matter. If the other jurisdiction is designated to investigate, the department will provide at least one department member as observer only. All evidence including all firearms, will be provided to the Evidence Officer of the designated Investigative Agency.
- e. Immediately after completion of the blood test and

statement, the officer shall be relieved of duty and transported home. If the officer is incapacitated, the immediate Supervisor is responsible to see that the next of kin is notified.

**INVOLVED OFFICER(S):**

- a. Shall present on demand duty equipment to the Supervisor. This equipment shall be replaced by the Training Division as soon as practical.
- b. Shall submit to a blood sample being obtained by qualified medical personnel as soon as possible.
- c. Shall not participate in any aspect of the investigation other than an uninterrupted taped statement given freely and without objections.
  1. It is suggested that the officer be removed from the scene prior to taking the statement, if practical.
  2. The proper personnel present for the first taped statement shall consist of the officer's immediate Supervisor and an investigator of the designated Investigating Agency. If they desire, appropriate personnel may include the investigator from the observing agency.
  3. The Designated Investigator will ask the officer to provide a taped statement as to what transpired from beginning to end. The investigator will refrain from any questions unless absolutely vital, i.e., for example one or more of the involved are still at large. No one else will question the officer at this time. In depth questioning of the officer generally should be done at a later date unless specific questions are vital to the immediate investigative needs.

**12.5.6 Shooting Inquiry Board:**

1. The report required in Section 5 shall be reviewed by the Chief via established channels.
2. The Chief may convene a Shooting Inquiry Board or make such other final disposition as deemed necessary and proper.
3. The Shooting Inquiry Board shall be composed of members designated by the Chief.
4. The Shooting Inquiry Board is authorized to review the circumstances surrounding the discharge of the firearm and to recommend further action if such action is warranted.
5. The Board shall be called together for a meeting by the Chairman as soon as possible after notification by the Chief.

**12.5.7 Disciplinary Action may be taken against a member for shootings involving;**

- a. violation of law.
- b. violation of Department Regulations.
- c. poor judgment involving disregard of public safety.
- d. accidental discharge of firearms through carelessness or horseplay.

- e. accidental discharge of a firearm by a member who knows the weapon to be defective.
- 12.5.8 Warning or Attention Shots: Shots fired into the air or ground in an attempt to cause a fleeing suspect to stop or surrender are a danger to the Officer and innocent persons and are prohibited except;
  - a. shots fired intended to stop a threatened attack upon an Officer or innocent victims or prisoners by persons engaged in riot.
  - b. shots fired for the purpose of summoning aid when more conventional communication is not effective and the safety of other persons is considered.
- 12.5.9 Moving Vehicles: Firing at or from moving vehicles is prohibited unless such shots fired are intended to stop a threatened attack upon an officer or innocent victims.
- 12.5.10 Disposal of Animals: Killing animals which are seriously injured or pose a real threat to the safety of humans by use of firearms is approved when no other disposition is practical and safety of people has been given prime consideration.
- 12.5.11 Removal of Weapon from Holster or Display of Weapon:
  - 1. As a general rule, officers shall not remove a firearm from the holster or display weapons unless there is sufficient justification.
  - 2. In making the arrest of felony offenders an officer may display a weapon for the purpose of obtaining and maintaining control of the arrestee; if circumstances justify.
- 12.5.12 Officers Surrendering Weapons: Officers shall not surrender their firearm unless as a last resort and only after using every tactical tool at the officer's disposal. Surrender of a weapon rarely de-escalates a serious situation and can, in fact, put an officer and innocent persons in jeopardy.
- 12.6 USE OF CHEMICAL AGENTS: Chemical agents are intended for use in cases wherein the officer is attempting to subdue an attacker or a violently resisting suspect or under other circumstances, within the rule of law, which permits the lawful and necessary use of force and which is best accomplished by the use of a chemical agent.
  - 12.6.1 The use of Conventional Chemical Agent Weapons such as hand thrown grenades and 37mm Riot Gas Guns (1 1/2") shall be used only upon the authority of the Supervisor in control of the situation.
  - 12.6.2 Officers may use the aerosol device Pepper Spray furnished by the department as a defensive weapon and in all instances where it is necessary to use the device, a full and complete report of the circumstances shall be directed to the Chief through the Chain of Command.
  - 12.6.3 The use of Chemical Agents shall be considered an alternative action to the use of the police baton under appropriate circumstances and is not intended as a

replacement for the baton or approved firearms.

12.7 USE OF POLICE BATON:

- 12.7.1 The primary intent of the police baton is not to counter deadly force or to inflict serious injury, but rather to temporarily immobilize an aggressive person or to discourage him from pressing his attack. The police baton is designated to supplement normal force when a subject is resisting arrest and cannot otherwise be subdued or controlled. Generally, an officer will employ this type of force in the following circumstances;
- a. when a subject violently resists arrest.
  - b. when an officer is physically assaulted by an assailant.
  - c. when an officer must defensively ward off blows and other attempts to inflict injury in order to allow countering with actions of his or her own.
- 12.7.2 If it becomes necessary to use the baton and the subject against whom it is used sustains any injuries or complains of injuries as the result of its use the matter will be reported and investigated in the same manner as the discharge of a weapon.

12.8 USE OF PHYSICAL FORCE:

- 12.8.1 The use of accepted Police Weaponless Control and Defense Techniques are necessary and apply in those cases specified in the use of police baton.
- 12.8.2 Although the Police Role in physical arrest is essentially defensive, an officer must exert an amount of physical control over the violator to take him safely into custody. Officers will only apply that degree of pressure necessary to achieve and maintain control.
- 12.8.3 If it becomes necessary to use physical force and the subject against whom it is used sustains any injuries or complains of injuries as a result of its use, the matter will be reported and investigated in the same manner as the discharge of a weapon.

12.9 USE OF POLICE "CHOKE HOLD":

- 12.9.1 The only accepted technique shall be the Carotid Restraint. The trachea Choke Holds, such as the Bar Arm and C-Clamp, are strictly forbidden.
- 12.9.2 The Carotid Restraint may only be used in the following cases;
- a. as a means of self-defense from death or serious injury.
  - b. to defend the life of another officer.
  - c. to defend the life of a victim of a crime.
  - d. to prevent a crime in which human life is in serious jeopardy as a result of suspect's actions.
- 12.9.3 Officer or officers who have applied the hold on an individual shall render that person immediate first aid and emergency medical treatment, should the person be unconscious as a result of the hold.

- 12.9.4 If it is necessary to use the Carotid Restraint and the subject against whom it is used sustains any injuries or complains of injuries as a result of its use, the matter shall be reported and investigated in the same manner as the discharge of a weapon.
- 12.10 SAFETY AND HEALTH: Officers at all times will remain aware of the safety and health of any restrained person. No restrained person shall be placed on their stomach, face down, other than for the immediate placement of restraint devices. Once the person is restrained, they shall be placed in a position to facilitate no restriction of breathing. No person shall be secured in a police vehicle for transportation other than in a seated position. If this is not possible, because of additional restraint devices, the person must be placed so that they lay on their side, on the seat. No person shall be left unattended at any time if additional restraints are required, beyond handcuffing hands behind the back. No restrained person will ever be placed or allowed to lie on the floor of the vehicle, AT ANY TIME. If there are problems with restraint and transportation, a Supervisor shall be notified.
- 12.11 SHOTGUNS: Shotguns are assigned to each vehicle. It shall be the responsibility of officer(s) assigned to the vehicle to maintain the shotgun in that vehicle. This includes keeping the weapon clean and making sure the weapon is in operating condition. Any problems with the shotgun must be reported immediately to the available Supervisor. The officer shall clean the weapon or have it cleaned after any discharge. All shotguns will be loaded with 12 gauge double ought buckshot. All shotguns in the vehicles shall have the magazine fully loaded but there shall not be a round in the firing chamber. The officer(s) shall also be responsible for maintaining eight extra rounds in the glove box of the patrol unit.
- 12.12 PERSONAL WEAPONS:
- 12.12.1 No officer shall carry personal weapons in the vehicle other than those approved by the Chief.
- 12.12.2 Weapon Type; weapon type will be set by the Chief of Police.
- 12.12.3 Ammunition Type; ammunition type will be set by the Chief of Police.
- 12.12.4 Holsters, leather; all holsters, duty belts and other equipment relating to weapons shall consist only of items approved by the Chief.

## CHAPTER 13. PHYSICAL FORCE, DEADLY FORCE AND FIREARMS

**13.1 PURPOSE.** The purpose of this policy is to provide deputies with a single source of reference on the use of physical force and deadly force. For the purposes of this directive, "deadly force" means the use of a weapon that under the circumstances in which it is used is readily capable of causing death or serious physical injury.

**13.2 POLICY.** All employees who are proficiently trained and authorized to carry weapons shall become familiar with the following guidelines and procedures regarding the use of physical force, and the proper use of deadly force, use of firearms and maintenance of firearms, impact and restraint equipment and aerosol subject restraint/Oleoresin Capsicum.

**13.3 CONTINUUM OF FORCE DEFINED.** The Continuum of Force is a graphic description of the escalation and de-escalation of force used by Sheriff's Office personnel in response to actions taken by a suspect or offender. It serves to illustrate the legal duty of a deputy sheriff to use only reasonable force in response to the threat reasonably perceived by the deputy.

A. Levels of Force. The Force Continuum is divided into six specific component parts: 1) Threat Assessment, 2) Considerations of Force Escalation, 3) Levels of Resistance, 4) Levels of Force, 5) Justification, and 6) Control Techniques. The above listed component parts are explained in greater detail below.

1. **THREAT ASSESSMENT.** The term "threat" is used to describe any person capable of causing physical injury, serious physical injury or death. The threat must exhibit the following elements to justify the use of force:
  - a. Intent.
  - b. Means.
  - c. Opportunity.
2. **CONSIDERATIONS OF FORCE ESCALATION.**
  - a. The Totality of the Circumstances.
  - b. Has the Threat had the opportunity to comply with your commands, if commands were possible and appropriate.
  - c. Is the current course of action achieving control or compliance?
  - d. Does the Threat warrant the risk of injury to yourself or the threat?

### 3. LEVELS OF RESISTANCE.

- a. **STATIC.** The Threat refused to comply with commands by continuing to possess a weapon in a non-threatening way balking, becoming dead weight, or grasping a solid object.
- b. **ACTIVE.** The Threat physically resists the deputy's verbal commands and/or attempts to gain physical control by pulling away, attempting to run, or powering through a control hold, or holding a weapon when commanded to drop it.
- c. **OMINOUS.** The Threat demonstrates the willingness to engage in combat through verbal challenge, threats and/or aggressive behavior.
- d. **LETHAL.** The Threat possesses both the intent and the means to inflict serious physical injury or death. The means can be with a weapon or empty handed. Example: The Threat uses a deadly weapon (handgun, knife, shank) or a dangerous weapon (lead pipe, broken bottle, tire iron) to inflict or attempt serious physical injury. Or the Threat inflicts serious injury through superior size, strength or combative skill.

### 4. LEVELS OF FORCE.

- a. **PRESENCE.** The deputy has an expectation inappropriate behavior will stop at the deputy's arrival in uniform.
- b. **VERBAL COMMANDS.** The questioning of a subject, the attempt to persuade a subject, or giving a direct order to a subject.
- c. **PHYSICAL CONTACT.** Directing a subject by touch, or controlling a subject with an escort hold.
- d. **PHYSICAL CONTROL HOLDS.** Use of pressure points, joint manipulation techniques, or physical control holds.
- e. **SERIOUS PHYSICAL CONTROL.** Use of chemical weapons and electronic stun devices, focused blows, impact weapons, and the carotid restraint.
- f. **DEADLY FORCE.** Any force capable of causing serious physical injury or death.

5. BASIC PRINCIPLES OF JUSTIFICATION.

- a. If the level of force is justified, the implement (or delivery system) used is of no significance.
- b. If the level of force is justified, the degree of injury the Threat may sustain is of no significance.
- c. The Threat always dictates the degree of force to be used. Therefore, the Threat is responsible for any injury the Threat may incur while resisting.
- d. It is incumbent on the deputy to overcome the Threat's resistance as quickly as possible to control the Threat and the situation.

6. CONTROL TECHNIQUES. Members should maintain proficiency in the following techniques:

- a. **CONTROL HOLDS/TAKEDOWNS.** Physical control through application of compliance holds or takedowns to control the threat on the ground. Proper use of Kubotan or similar device and aerosol subject restraint, i.e., Oleoresin Capsicum.
- b. **RESTRAINTS.** Chain or hinge metallic handcuffs, flex ties, leg hobble straps/cords, velcro/nylon restraints. Proper use for cooperative handcuffing (standing) and uncooperative handcuffing (kneeling/prone) and high risk handcuffing (felony prone).
- c. **SEARCHING.** Stop and Frisk, cursory check for weapons, handcuffed standing, kneeling and prone.
- d. **BATON.** Straight baton and ASP expandable steel baton. Proper use of flashlight as a defensive tool.
- e. **BLOCKS, STANCES, AND STRIKES.** Closed fist/open hand blocks, interview stance, combat stance, closed fist strikes, open hand strikes, front kick, angle kick, rear kick, knee and elbow strikes.
- f. **PERSONAL DEFENSE.** Defenses against: body holds, chokes, head lock, grabs and handgun retention and disarming techniques. Proper use of handcuffs as a defensive weapon. Evasive tactics and techniques for knives and other edged weapon threats.
- g. Full nelson, and disarming and handgun retention techniques.

h. CUSTODY AND TRANSPORTATION. Removal of a Threat from the suspect vehicle, placing of a Threat in a patrol vehicle, and removal of a combatant from a patrol vehicle.

B. Procedures. When dealing with suspects and offenders, deputies should attempt to apply the Force Continuum, starting at the lowest appropriate level. The mere presence of uniformed Sheriff's Office personnel may be enough to control a suspect's actions. Should aggression or resistance escalate, then deputies should respond with the level of force appropriate to control the situation. If during a situation suspect resistance de-escalates, then deputies should decrease the level of force to an appropriate level to maintain control. If control is lost, the deputy must escalate to the level of force necessary to regain and maintain control. It is important to recognize that a situation may require a deputy to start at the highest level, or to skip levels due to suspect actions. By properly applying the Continuum of Force concept, deputies will respond lawfully by using only the force necessary to control a situation.

Levels of force that may be applied and in most situations may be affected by the deputy's training, experience, and the information and circumstances known to the deputy at the time. The various levels of force and the circumstances under which they may be used, beginning with the least and elevating up the scale to deadly physical force, are illustrated on the chart which follows, and are discussed below.