



**USE OF FORCE
GENERAL ORDER #12.00**

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POLICY

Deputies shall use only force which is necessary, given the facts and circumstances known to the Deputy at the time of the event, to bring an incident under control. Every reasonable effort to de-escalate an uncooperative or actively resisting subject shall be made when feasible prior to the use of force. Emergency medical attention shall be provided to any person who sustains any injury requiring medical attention or loss of consciousness, resulting from a Deputy’s use of force. All sections of this policy apply to off-duty conduct involving the use of force when, though off-duty, a Deputy is acting as a sworn peace officer and acting in that capacity to uphold the law. The authority to use force is a serious responsibility given to Peace Officers by the public. That authority shall be exercised judiciously with respect for human rights, dignity and life in a fair and unbiased manner without prejudice to anyone.

PROCEDURE

A. OBJECTIVELY REASONABLE FORCE

Deputies are authorized to use only that degree of force which is necessary as determined by an objectively reasonable Deputy under the circumstances to protect themselves or others, or to overcome resistance to their lawful authority. Deputies may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or reasonably perceived level of actual or threatened resistance. Deputies may use force in the performance of their duties in the following circumstances: to prevent the commission of a public offense; to prevent a person from injuring himself or others; to make a lawful arrest or detention of persons resisting or attempting to evade that arrest or detention; or in self-defense or the defense of another person.

B. USE OF FORCE CONTINUUM

When use of force is necessary and appropriate, Deputies shall, when reasonably possible, use an escalating scale of force and will not progress to a more forceful measure unless a lower level of force is inadequate or inappropriate under the circumstances. Nothing in this Order shall preclude Deputies from skipping steps when circumstances indicate that a higher level of force is necessary. Deputies should consider tactics and techniques that may persuade the subject to voluntarily comply or mitigate the need to use a higher level of force to safely resolve the situation. The continuum of force shall occur as follows:

- * physical presence
- * verbal commands / de-escalation
- * hands-on restraint
- * chemical agents; control holds (excluding carotid holds)
- * pain compliance control holds;
- * baton
- * less lethal munitions (See General Order --#12.04 Use of Less Lethal Munitions)
- * deadly force, including any means necessary to protect imminent threat to life to include use of firearms (See General Order --#12.02 Use of Firearms)

Deputies acting in the course and scope of their duties shall only carry or use weapons authorized by the Sheriff's Office. A Deputy must obtain written permission from the Support Services Division captain to carry or use in the course and scope of his or her duties any weapon not authorized by these General Orders.

Use of a canine for biting a suspect constitutes use of force and shall only be used by a Deputy who has received training approved by the Sheriff's Office and who acts in accordance with Sheriff's Office written policies and procedures.

C. PHYSICAL PRESENCE

Physical presence means the presence of a Deputy, in uniform, with badge and safety equipment, or if in civilian clothes, with badge and identification.

D. VERBAL COMMANDS / DE-ESCALATION

Verbal commands mean to make a spoken request or command in order to obtain compliance or control or to give direction. De-escalation is the use of strategic verbal crisis intervention or physical action to slow down an incident in a manner that allows a Deputy more time, distance, space and tactical flexibility during dynamic situations in the community to minimize or avoid the use of force.

E. HANDS-ON RESTRAINT

Hands-on restraint means physically touching a person to obtain response or compliance.

F. USE OF CHEMICAL AGENTS

1. Chemical agents may be used only under the following circumstances: when necessary to overcome resistance to a lawful arrest; when necessary to protect a Deputy or another person from an assault; and when necessary to defend or protect a Deputy or another against vicious animals. The use of chemical agents on non-violent protesters, or non-resisting prisoners, to assist in separating them or making an arrest is not authorized.
2. Chemical agents shall not be used against handcuffed or restrained suspects **unless** the suspect continues to present a serious threat to the safety of the Deputy or others or still presents a serious and significant threat to property.
3. Deputies using chemical agents must evaluate the medical condition of the sprayed suspect. If a chemical agent was used, after initial exposure, the subject should be checked and interviewed for discomfort from the chemical agent as soon as possible and also not less than 30 minutes after the exposure nor more than one hour from the time the agent was used. If O.C. (Oleoresin Capsicum) agent was used, decontamination may need to be continued for approximately 45 minutes after exposure to the agent. If symptoms persist from the use of O.C. more than 45 minutes after it was used, the Deputy should take the subject to a medical facility for examination and treatment. A medical incarceration clearance at the jail shall be obtained for any suspect in custody who is sprayed with a chemical agent.
4. A person who has been sprayed with chemical agent shall not be transported face down on his or her stomach. The Deputy shall closely monitor the subject for any visible signs of distress, which appears to require medical evaluation and/or treatment.
5. Should the subject become ill after an exposure to the chemical agent, he or she should be taken to a medical facility for examination and treatment. If the sprayed suspect loses consciousness or has difficulty breathing, the Deputy shall summon an ambulance immediately on a Code 3 basis.

6. Oleoresin capsicum - O.C.

- a. All sworn personnel in the Office of the Sheriff, after satisfactory completion of a training course approved by Peace Officer Standards and Training (P.O.S.T.), are authorized to carry and use O.C. All sworn personnel who have completed the certified course shall carry, while on duty in uniform, O.C. in the approved holder.
- b. O.C. dispensers should be discharged directly into the subject's face at a distance of greater than three feet. O.C. may be ineffective on persons suffering from certain mental disorders or who are under the influence of certain drugs.
- c. As soon as practical, the person exposed to O.C. should be given fresh air. Whenever possible, cool water should be used to rinse the contaminated area. If the exposed person is wearing contact lenses, he or she should be taken to a medical facility to have the lenses removed; however, if the person exposed to O.C. is not in custody, the Deputy shall obtain consent prior to transporting him or her to a medical facility.

7. C.S. C.N. and Tear Gas

C.S., C.N. and Tear Gas are authorized for use only by the Sheriff's Emergency Response Team (SERT) and Crowd Control Units. They may only be used by those individuals who have completed the course approved by P.O.S.T. and who have approval by their unit commander to use those agents.

G. PAIN COMPLIANCE HOLDS

Pain compliance holds means physical touch exerting pressure on body parts to inflict pain.

H. USE OF BATON

1. The Sheriff's Office has authorized the following types of batons for use by sworn personnel: 42" wooden riot baton, 26" wooden or plastic baton, 29" wooden or plastic baton, ASP (or collapsible) baton. When a Deputy does not have access to his or her baton, and the use of a baton is necessary to avoid the use of a greater degree of force, the Deputy may use a plastic or metal flashlight not to exceed 16 inches in length, in place of a baton.

2. Personnel shall not use the baton unless they have received mandatory training as approved by the Personnel Division.
3. The use of the 42” wooden riot baton requires supplemental crowd control training as approved by the Personnel Division for those who are not members of the Crowd Control Unit.
4. The baton may be used only to overcome a violent individual whose conduct threatens the safety of the Deputy or others, or to effect the arrest of combative persons when a lesser degree of force is unavailable or fails to overcome resistance.
5. The baton shall not be used against handcuffed or non-combative persons, unless circumstances exist where use of the baton is reasonable and necessary to protect the Deputy or others.
6. Baton blows shall not intentionally be delivered to a person's head, neck, or throat, **except** under circumstances where deadly force is justified and lesser actions are ineffective or inappropriate.
7. Any subject injured by use of the baton shall be taken to a medical facility for examination and treatment, prior to any booking into a jail facility.
8. All members of the Crowd Control Unit will be issued 42” wooden riot batons and will receive the appropriate training. The bokken is no longer authorized for use by the Crowd Control Unit. The 42” wooden riot baton may only be used during crowd control situations by those individuals who have completed training approved by the Sheriff’s Office and who have received approval of the Unit Commander or his/her designee.

I. MENTAL HEALTH / CRISIS INTERVENTION

1. Individuals with physical, mental health, developmental, or intellectual disabilities may have a diminished ability to understand or comply with commands. Deputies shall take this into consideration and utilize Crisis Intervention techniques when feasible to ensure this vulnerable population is not subjected to unnecessary or unreasonable amount of force.
2. Deputies are required to attend training in Crisis Intervention and De-Escalation techniques.

3. Deputies shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person.

J. USE OF DEADLY FORCE

1. Deadly force is that level of force which is reasonably likely to result in death or serious bodily injury. Although use of firearms is the most common example of the use of deadly force, deputies can use deadly force by other means as well. Deputies should refer to General Order #12.02 (Use of Firearms) regarding use of firearms.
2. A Deputy may use deadly force other than by the use of a firearm only:
 - a. In the necessary defense of the Deputy or another person when the Deputy reasonably believes that he or she or another person is in imminent danger of death or serious bodily injury.
 - b. To make a **felony** arrest when the Deputy reasonably believes that the suspect has committed or attempted to commit a felony involving the use or threatened use of deadly force, and when the Deputy reasonably believes that a substantial risk exists that the person to be arrested will cause death or serious bodily injury if his or her apprehension is delayed; only after all reasonable means of apprehension and control have been exhausted, and only after warning has been given, if practical.
 - c. As a member of the Sheriff's Emergency Response Team and the Deputy is directed to use deadly force by the commander in charge of the team.
3. The use of a carotid restraint or any other means of a trachea hold are expressly prohibited unless the use of deadly force is justified.

K. VERBAL WARNING OF USE OF FORCE

1. Whenever feasible, a Deputy prior to the use of force, should make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

L. RESPONSIBILITIES/REPORTING and REVIEW

1. Deputies using reportable force shall:
 - a. Obtain medical assistance for subjects who have sustained visible injuries or who complain of injury, or have been rendered unconscious;
 - b. Promptly notify their supervisor unless exigent circumstances delay the notification;
 - c. Document the use of force in an Incident Report and a Blue Team Report

2. Reporting the use of force
 - a. Duty personnel shall, as soon as possible, furnish an oral report to their immediate supervisor in all cases in which they exercise the use of reportable force. For the purposes of this section, “reportable force” means: physical control when the person is injured or claims to be injured, use of chemical agent, use of baton or flashlight when a person is struck or jabbed, use of deadly force, when the Deputy finds it necessary to strike a subject with any object, or when resistance is such that force is necessary to control the subject.
 - b. If the incident involved criminal conduct, the Deputy shall document the use of force in the Incident Report (IR). A reference to the oral report shall be made in the IR.
 - c. Each assisting employee involved in the use of force shall submit a supplemental report accounting for his or her actions.
 - d. Employees witnessing the use of force shall submit a supplemental report describing the actions witnessed.
 - e. Any employee who witnesses any potential unnecessary or excessive use of force shall immediately intervene and prevent such force from being applied, taking into consideration the possibility that the involved deputies may have additional information regarding the threat posed by the subject. When potential unnecessary or excessive use of force is witnessed and intervention is made, the witnessing employee is required to notify the supervisor as soon as safely practical.

- f.** The supervisor shall inform the Division Captain/Lieutenant of all use of force incidents by memorandum or by the patrol supervisor's daily activity log. If the immediate supervisor determines that circumstances surrounding the incident include any of the following criteria, the notification to the Captain must be immediate; the Captain/Lieutenant then may notify the Assistant Sheriff in his or her chain of command. These criteria are:

 - 1.** Any injury requiring medical treatment at a hospital.
 - 2.** Any situation where the Deputy may have committed misconduct or neglect of duty.
 - 3.** Any significant application of force beyond control holds.
- g.** The Assistant Sheriff in the Deputy's chain of command shall be notified by the Captain of any use of deadly force. If use of force occurs as part of a major critical incident, the notifications required by this Order will be supplemented by the notifications procedure for the operations desk at Headquarters Patrol.
- h.** In any situation involving the three criteria above, the immediate supervisor shall be notified as soon as practical by the involved Deputy and the supervisor shall respond to the scene with priority whenever possible. If conditions permit, the immediate supervisor should personally examine the subject on whom force was used, and should interview the subject regarding the incident, providing that such interview does not violate any rights of the subject or compromise any criminal investigation.
- i.** Any employee who fails to report use of force as required will be subject to disciplinary action.
- j.** Deputies observing the use of reportable force who do not believe the spirit and intent of the reporting requirements are being met shall advise their supervisor immediately or as soon as practical.
- k.** The immediate supervisor shall submit a detailed Blue Team Report to the division Captain in any case where he or she has reason to believe that unnecessary or excessive force may have been used, or that further investigation of the use of force may be necessary.
- l.** Whenever a person is handcuffed and not arrested, the Deputy shall notify his or her supervisor stating the details of the incident as soon as practical.

- m. The supervisor shall evaluate and review all reports of any use of force incident to ensure policy was followed and circumstances and actions were properly documented and forward the completed report package to the division Captain through chain of command with recommendations for action, if any.

M. TRAINING / GENERAL ORDER REVIEW

1. The Training Division will provide Use of Force training in defensive tactics classes and force options classes.
2. This General Order will be referenced and reviewed during Use of Force training classes.
3. Deputies required to attend perishable skills Use of Force training classes will demonstrate knowledge, understanding and competency in this General Order.
4. This General Order shall be reviewed by the Training Division annually or as required due to legislative or tactical changes to Law Enforcement use of force applications.



**LAURIE SMITH
SHERIFF**

USE OF FORCE TERMINOLOGY REFERENCE

Objectively Reasonable: The reasonableness of a particular use of force is based on the totality of circumstances known by the Deputy at the time of the use of force and weighs the actions of the Deputy against the rights of the subject, in light of the circumstances surrounding the event. It must be judged from the perspective of a reasonable Deputy on the scene, rather than with the 20/20 vision of hindsight.

The calculus of reasonableness must allow for the fact that Deputies are often forced to make split-second decisions regarding the amount of force that is necessary—in circumstances that are tense, uncertain, dynamic and rapidly evolving.

Factors to be considered in determining the objective reasonableness of force include, but are not limited to:

1. The seriousness of the crime or suspected offense;
2. The level of threat or resistance presented by the subject;
3. Whether the subject was posing an immediate threat to Deputies or a danger to the community;
4. The potential for injury to citizens, Deputies or subjects;
5. The risk or apparent attempt by the subject to escape;
6. The conduct of the subject being confronted (as reasonably perceived by the Deputy at the time);
7. The time available to a Deputy to make a decision;
8. The availability of other resources;
9. The training and experience of the Deputy;
10. The subject's proximity or access to weapons;
11. The size, relative strength and injury/exhaustion of the Deputy relative to the subject;
12. The number of Deputies versus number of subject(s);
13. Environmental factors and/or other exigent circumstances; and whether the subject has any perceived physical disability.

Necessary: “Necessary” means no reasonably effective alternative to the use of force appeared to exist and the amount of force used was reasonable to affect the lawful purpose intended.

Proportional: To be proportional, the level of force applied must reflect the totality of circumstances surrounding the situation at hand, including the nature and immediacy of any threats posed to deputies and others. Deputies must rely on training, experience, and assessment of the situation to decide an appropriate level of force to be applied. Reasonable and sound judgment will dictate the force option to be employed.

Proportional force does not require deputies to use the same type or amount of force as the subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be proportional, objectively reasonable, and necessary to counter it.

De-escalation: Taking action to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources are available to resolve the situation. The goal of de-escalation is to gain voluntary compliance of subjects, when feasible, and thereby reduce or eliminate the necessity to use physical force.

De-escalation Techniques: Actions used by deputies, when safe and feasible without compromising law-enforcement priorities, that seek to minimize the likelihood of the need to use force during an incident, and increase the likelihood of gaining voluntary compliance from a subject. (Use of Crisis Intervention Techniques)