

**Wayne County Sheriff's Department  
Law Enforcement  
Policies and Procedures**

<b>Subject:</b> Use of Force & Deadly Force	<b>Policy Number:</b> 5.01
<b>Issue Date:</b>	<b>Revision Date:</b>
<b>Approval Authority Title and Signature:</b>	

**POLICY:**

Human life is sacred. Protecting innocent human life is the most important mission of the Wayne County Sheriff's Department. Apprehending non-violent suspects and criminals is less important than protecting innocent human life, including the protection of the officer's own life.

Officers maintain a constant readiness and ability to act in instances where, in *their perception*, the use of force or deadly force may be appropriate. By maintaining readiness and capacity, officers reduce the likelihood of opposition and of the actual need for a forceful response of any kind. While *officer discretion* is critical, the need for accountability and control of police activities is necessary to limit abuses of authority. Officers only use the amount of force reasonably necessary to protect life and enforce the law under guidelines established by the Constitution of the United States, the Constitution of this State, established state and federal law, and as articulated in this policy and procedures manual.

**DEFINITIONS:**

- **Authorized weapon** - A weapon approved by the agency and sanctioned for use by its officers. No weapon is authorized for carry or use by an officer unless the agency expressly approves it and the officer has demonstrated proficiency with the weapon type in accordance with agency guidelines.
- **Auxiliary weapons of availability** - An officer may become separated from their agency issued firearm or intermediate weapons. Should this occur, the officer might have access to a *weapon of opportunity*, including but not limited to a flash light, citation holder, handcuffs, or any object that could be used as a weapon in the defense of self or another.
- **Baton or expandable baton** - An impact weapon capable of inflicting bodily injury by striking with a portion of the weapon. Only batons authorized by the agency are carried or used. Carrying or using saps, *Billy clubs*, or *slapjacks* is prohibited.

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- **Chemical weapon - Weapons** capable of temporarily incapacitating a person through the controlled release of some chemical irritant or agent.
- **Certification with weapon - Officer** has demonstrated proficiency with a particular weapon, and been tested in its safe care and use. The officer is thereby authorized to carry and use this weapon in the performance of his/her official duties regardless of whether the officer is on-duty or off-duty. Without such certification, the officer may not carry or use this or a similar weapon.
- **Deadly force** - An action, with or without the use of a weapon, intended to cause death or serious bodily injury; or, the use of any object in a manner intended to cause death or serious bodily injury.
- **Electronic Stun Device** - Devices and weapons that use short bursts of electrical energy to temporarily incapacitate a person without the intent of causing death or serious bodily injury. The device may work by touching the combative individual with electrical probes or by shooting electrical probes from a handheld device.
- **Exigent circumstances** - Conditions that are of such urgency and seriousness as to justify a warrant less entry, search, or seizure by police when a warrant would ordinarily be required.
- **Firearm** - Any device designated, made, or adapted to expel a projectile through a barrel by using energy generated by rapidly expanding gases or any device readily convertible to that use; including all handguns, rifles, and shotguns.
- **Force, non-deadly force, or less-lethal force - Actions** not calculated under the circumstances to cause death or serious bodily injury.
- **Knife** - Any edged weapon that is designed to inflict serious bodily injury or death by stabbing, cutting, slicing, whether legal or illegal, and including swords, daggers, axes, hatchets, etc.
- **Lateral vascular neck restraint [LVNR]** - A method or manner of restraining or controlling a person by physically restraining the person's neck from behind. The technique involves the initial restraint of a person through contact and control methods which may ultimately be used to incapacitate the person by rendering the person temporarily unconscious where the person refuses to submit to lesser levels of control.
- **Less than lethal or intermediate weapons** - Procedures or weapons designed to provide force, but usually less than deadly force. Less than lethal is sometimes referred to as less-lethal or non-deadly force. Regardless of the name, officers

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know that any force, especially when applied under dangerous, tense, uncertain, and rapidly evolving situations, may cause harm, serious bodily harm, or death, despite the best intentions of the officer.

- **Physical strength and skill** - Any physical actions by one or more officers (e.g., holding, restraining, pushing, and pulling) which may include special skills (e.g., boxing, karate, and judo) but do not include the use of *deadly force* or any weapon.
- **Probable cause** - Sufficient reason, based upon known facts, to believe a crime has been committed or that certain property is connected with a crime. Probable cause must exist for a law enforcement officer to make an arrest without a warrant, search without a warrant, or seize property in the belief the items were evidence of a crime. *Probable cause* is often subjective, but if the police officer's belief or even hunch was correct, finding stolen goods, the hidden weapon, or drugs may be claimed as self-fulfilling proof of probable cause. Technically, probable cause has to exist prior to arrest, search, or seizure.
- **Serious bodily injury** - Harm that creates substantial risk of death, serious permanent disfigurement, or loss or impairment of any body function or organ.

## PROCEDURES:

### Levels of Use of Force:

Use of force or deadly force is controlled by the basic elements of a reasonable officer's perception and a reasonable officer's response. Officers may use only the level of force that is reasonably necessary to stop the perceived threat.

To better understand and explain *use of force* and force issues, officer *perceptions* and officer *force options* are illustrated in the Use of Force Continuum or *force continuum* that is located on the last page of this policy. This chart illustrates five levels of *perception* and five corresponding levels of *response*. Officers must be familiar with, and know how to apply and explain this *continuum*. Refer to the Use of Force Continuum, at the end of this policy.

Officer's general perception and corresponding force options are:

- **Level 1 – (Compliant)** The suspect is perceived by the officer to be *compliant*. The appropriate level of response is *cooperative controls*, including *officer presence, hand signals, verbal commands and instructions, light touching or patting*, etc. In other words cooperation at this level is a *two way street*.
- **Level 2 – (Passively Resistant)** The suspect is perceived by the officer to be *passively resistant*. The appropriate level of response is *contact controls*, including *strong or forceful soft hand, hand and arm holds, pressured physical movement of*

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**Interview Stance:** The officer adopts a stance outside his danger zone that provides appropriate protection and forms the basis of an effective physical response if attacked.

- **Level 2 – (Passively Resistant) Moderate Potential for Physical Harm**

**Dialogue Between Parties:** A two way, controlled, non-emotional communications between the officer and the subject, aimed at a problem identification and/or resolution.

**Verbal Direction:** Officer asks, advises, or commands subject to engage in, or refrain from, a specific action or non-action.

**Soft Hand Techniques:** Officer may choose to employ some assistance in movement, compliance, or removal from the immediate scene.

- **Level 3 – (Actively Resistant) Moderate Potential for Physical Harm**

**Restraint Devices:** Mechanical tools used to restrict a subject's movement and facilitate searching such as, handcuffs, flex cuffs, leg irons, belly chains, optional nylon restraining devices etc.

**Chemical Agents Individual Protection Devices:** CS/OC spray agent used to subdue or bring a subject into compliance.

**Transporters:** Techniques used to control and/or move a subject from point A to point B with the minimum effort by the officer or to gain and retain control over the subject.

**Takedown:** Techniques that redirect a subject to the ground in a controlled manner to limit physical resistance and to facilitate the application of a restraint device, and to prevent intentional injury to the subject.

**Pain Compliance:** Techniques designed to force a subject to comply with an officer, as a result of the officer inflicting controlled pain upon specific points in the subject's body such as pressure point techniques.

- **Level 4 – (Assaultive & A Threat to Bodily Harm) Serious Potential for Physical Harm**

**Electronic Stun Device:** Is a Level 4 application of force, when properly employed. Such devices will not be used on persons suspected to have implanted medical devices such as pace makers or time medical dispensing mechanisms.

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**Application of Use of Force & Deadly Force:**

Application of *deadly force* and *force* are authorized by a peace officer only to achieve the following lawful objectives:

1. To defend self, or others against serious threats of serious bodily injury or death;
2. To stop dangerous felony flight, where there is serious imminent risk to the public of death or serious bodily injury;
3. To prevent roaming at large by obviously mad or vicious animals; to relieve animals so badly injured that it cannot reasonably survive from injuries causing prolonged suffering; &
4. To stop imminent damage to or theft of property, which by its removal or damage seriously threatens the life or safety of others.

Only when there is a reasonable expectation that altered or damaged property may place others in imminent risk of death or serious bodily injury is the application of *deadly force* appropriate to protect property. Some examples of the use of *deadly force* to protect property are stopping a suspect from setting a fire, or throwing a bomb; preventing serious damage to a bridge; stopping sabotage to railroad tracks; or deterring the use or theft of what appears to be a weapon of mass destruction, bomb, or other military equipment.

Application of *force* but not *deadly force* is authorized by a peace officer only to achieve the following lawful objectives:

1. To preserve the peace;
2. To defend themselves, or others against unlawful violence;
3. To prevent the commission of self-inflicted injury or suicide by any person;
4. To make lawful arrests or searches; to overcome resistance to such arrests or searches; and to prevent escape from custody;
5. To prevent or interrupt an intrusion on, or interference with the lawful possession of property; &
6. To prevent roaming at large by obviously mad or vicious animals, or to relieve animals so badly injured that it cannot reasonably survive from injuries causing prolonged suffering.

Before using any physical force against a suspect, beyond Level I officers must:

1. Have probable cause to arrest that suspect;
2. State his intentions to arrest, and identify himself as a peace officer; &
3. State the reason for the arrest.

The amount and degree of force officers may use to achieve an objective takes into consideration the following issues:

1. Nature and seriousness of the offenses committed by the suspect;
2. The threat posed to other persons or the general public if the suspect's behavior continues;

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unlawfully resisting arrest.

Lateral Vascular Neck Restraints [LVNR] may only be used by officers to restrain a person if the officer is trained in the proper techniques of applying and using LVNR and the officer has periodically demonstrated a proficiency in the use of such techniques. Officers will not use a choke hold as a method of controlling or restraining a person.

Officers may use impact weapons to protect self-or another from assault or to arrest a person who unlawfully and violently resists arrest if lesser methods have failed, or if circumstances warrant the immediate use of the baton. However, officers should:

1. Avoid baton blows that are capable of inflicting serious bodily injury;
2. Not raise the baton above the head to strike someone or use the baton as a club or bludgeon;
3. Deliver only short snappy body blows to vulnerable areas in order to temporarily incapacitate subjects; &
4. Not deliberately strike the *face, head, neck, collarbone, spine, kidney area, solar plexus, knees, or elbows.*

Officers not trained and currently certified with impact weapons are not authorized to use flashlights or other similar devices as substitutes, except in extreme life-threatening emergencies.

#### **Use of Deadly Force:**

Deadly force may not be used under the following circumstances:

1. As a warning or threat;
2. With the intent to maim or cripple a person;
3. On a person who has not caused or threatened to cause serious bodily injury or death to another person, including the officer;
4. On a person who simply flees or evades arrest;
5. At or from a moving vehicle, except in exigent circumstances, and only in an attempt to save human life;
6. Merely to prevent the destruction or theft of property; or
7. When the officer has any doubt as to the justification for using deadly force.

#### **Reporting Use of Force:**

Officers, who discharge a firearm, use chemical weapons, electronic weapons, impact weapons, special weapons, knives, or who cause bodily injury or death to other persons by use of force or deadly force must notify their direct supervisor immediately.

Officers are required to complete a written report detailing the circumstances surrounding the use of force incident. This written use of force report requirement must be met even though other required reports may have already covered the situation.

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**Incapacitation:** Techniques intended to stun or render a subject temporarily unconscious. These techniques may be an impact weapon, such as a strike to a major nerve area, or lateral vascular neck restraint.

**Intermediate Weapon:** Impact weapons that are primarily used to control a subject such as a baton, expandable baton, Taser®, and/or police canine.

**Lateral Vascular Neck Restraint:** Should only be applied when other take-down and restraint procedures have failed. As with other Level 4 devices and techniques, only officers trained and practiced in the technique should attempt to apply it.

- **Level 5 – (Assaultive & Serious Threat of Bodily Harm or Death) High Potential for Great Bodily Harm or Death**

**Deadly Force:** Techniques and implements that by their very nature are known to cause death or serious injury. To employ deadly force officers must perceive that an imminent threat to their life or the life of another is present.

**Firearm Special Munitions:** Special munitions fired, launched, or discharged from a service handgun, shoulder weapon, or vehicle mounted weapon constitute a Level 5 application of the use of force, and must be used with extreme care. Although often referred to as *less-lethal*, officers know that the *less* refers to *less chance of causing death or serious bodily injury*. Special munitions rounds must not be deliberately fired or thrown at the face, chest, neck, or spine of any individual [For more information See: Policy 05.03 Special Munitions – Distraction Devices, & 05.04 Special Munitions – Less Lethal].

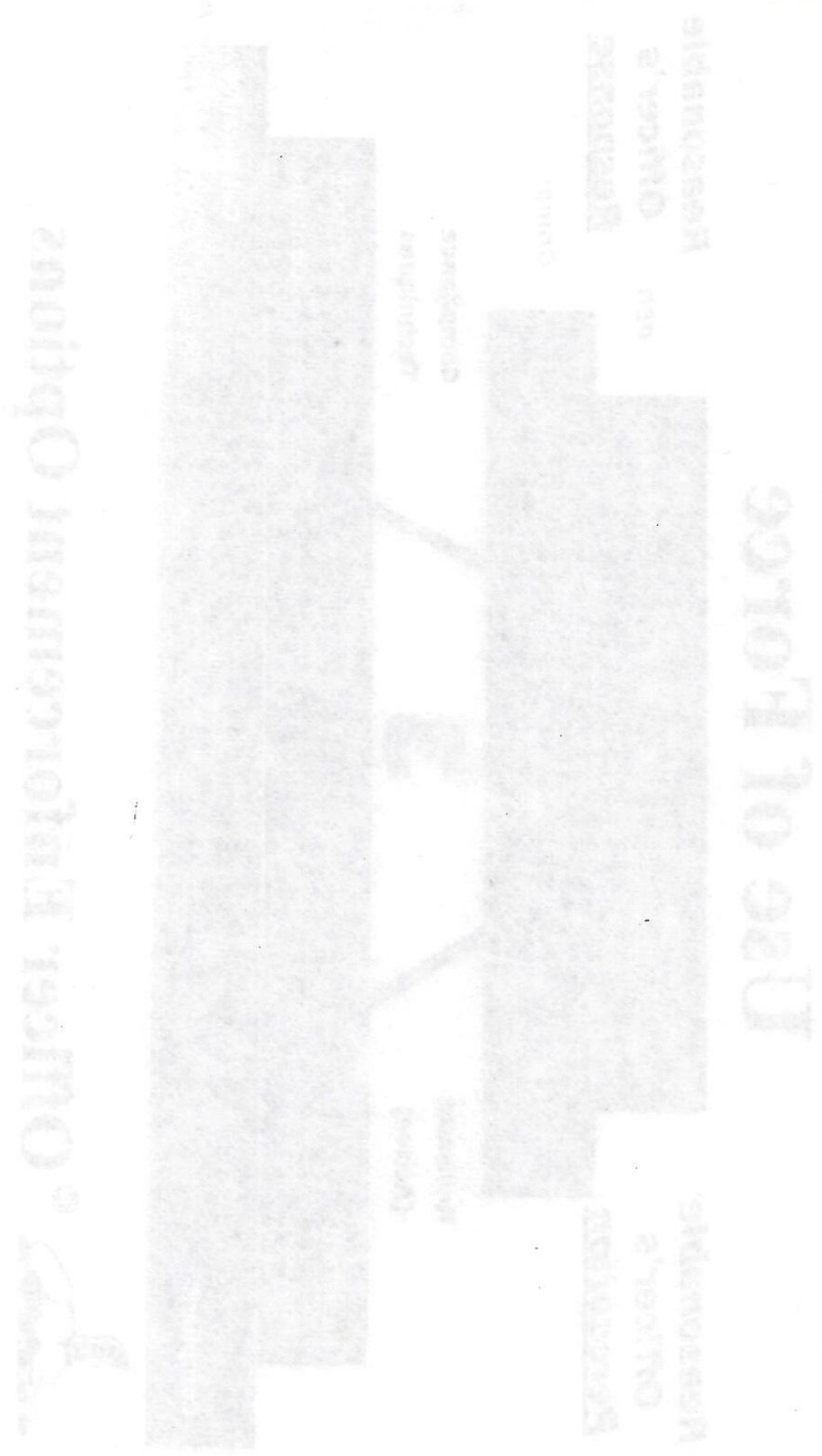
It is important to remember that almost all incidents faced by police are not scripted, easy to understand, or predictable as to outcome. Officers use their best effort to determine the threat level and apply the corresponding response. Time permitting, officers must use care in evaluating a suspect's actions and perceived threat level. If there is reasonable doubt and time permits, seek assistance before acting. Justification for the use of force and deadly force must be limited to what is *known or reasonably perceived* by the officer at the time of the incident. Facts unknown at the time force is used should not be considered later to determine whether the force was justified.

Officers may not intentionally use more force than is necessary and reasonable under the circumstances. Officers may never use force in response to mere verbal provocation or abusive language directed at the officer. Officers must never use deadly force, except to protect his/her life, or the life of other human being.

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use of force & deadly force, after notifying the Sheriff. In cases where possible criminal acts are involved, the appropriate law enforcement agency or prosecutor office must be notified.



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**Wayne County Sheriff's Department  
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Policies and Procedures**

<b>Subject:</b> Chemical Agents - Oleoresin Capsicum (OC)	<b>Policy Number:</b> 5.02
<b>Issue Date:</b>	<b>Revision Date:</b>
<b>Approval Authority Title and Signature:</b>	

**POLICY:**

Oleoresin Capsicum (OC) and similar chemical spray agents are authorized for use as a non-deadly force option by officers of this agency, when officers are trained in its use and decontamination.

**DEFINITIONS:**

- **Chemical agent** - Chemical agents are divided into *lethal* and *incapacitating* categories. A substance is classified as incapacitating if less than 1/100 of the lethal dose causes incapacitation, e.g., through nausea or visual problems. The distinction between lethal and incapacitating substances is not fixed, but relies on a statistical average called the LD<sub>50</sub>.
- **Oleoresin Capsicum** - OC gas, capsicum spray, or oleoresin capsicum) is a lachrymatory agent (a chemical compound that irritates the eyes to cause tears, pain, and even temporary blindness) that is used in riot control, crowd control, and personal self-defense, including defense against dogs and bears. It is a non-lethal chemical agent often used in law enforcement instead of tools more likely to cause serious injury. The active ingredient in pepper spray is capsaicin, which is a chemical derived from the fruit of plants in the Capsicum genus, including chilies.

**PROCEDURES:**

Wayne County Sheriff's Department officers are authorized to carry and deploy agency approved chemical agents, to include OC. However, before such use, officers are required to complete a training course approved by the Sheriff. OC (Pepper Spray), and similar approved chemical agents are a *Level 3* or higher force option, and requires an officer threat perception equal to higher than *Actively Resistant*. Any use of chemical agents must be in compliance with the Wayne County Sheriff's Department's use of force policy. For more information see policy *Use of Force: Deadly & Less*

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Lethal Force, and the associated Use of Force Chart. As used in this policy, the terms OC and *chemical agents* are interchangeable.

Application of OC is authorized to affect lawful arrest, prevent escape from custody, defend one's self, defend others from the imminent use of physical force, and to restore institutional integrity in a detention facility.

OC is a force option for officers and employees of the agency; however, it is not intended to be an alternative to the use of *deadly force* when deadly force is imminently necessary to save human life, and is clearly authorized.

The following guidelines apply to the carrying and use of OC chemicals.

#### **Training Requirements:**

The following training requirements apply to all uniformed officers, civilian-clothed officers, and civilian employees authorized to carry and dispense chemical agents:

1. OC or other agents are only authorized for carrying and use by officers and employees of this agency who have successfully completed a basic course of instruction in the specific chemical agent. Each course must be approved by the agency and consist of *limits on use and application, decontamination procedures, liability, use of force*, and an individual *demonstration of proficiency*.
2. Officers and employees authorized to carry and use OC agents must demonstrate *proficiency* in its use and decontamination procedures at least every 12 months. Any officer or employee who had not *demonstrated proficiency* within this 12-month period may not carry or use OC or any other chemical agent.

#### **Using OC or Similar Spray:**

1. Uniformed officers wear the dispensing canister externally in a holster. The device may not be pocketed or otherwise concealed by uniformed officers, since one purpose of chemical agents is to create a *visible deterrent* to potential offenders. This provision does not apply to employees or officers assigned to *civilian clothes or under cover duties*.
2. In most cases, a chemical dispenser will not be drawn and used against an individual holding a deadly weapon.
3. When reasonable efforts have failed to calm a person who is acting violently and presenting a danger to himself or others, a *minimum* stream of OC may be dispensed at the person.
4. Chemical agents are best applied to terminate aggressive or violent behavior, or a threat of violent behavior, which could result in physical injury or death to the officer, other persons, or the offender.
5. Chemical agents may not be discharged in the immediate vicinity of an infant,

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young child, physically disabled, or obviously physically ill individuals unless the infant's life is endangered, since their respiratory system is small and especially sensitive to irritating vapors.

6. Chemical agents are normally discharged from a distance recommended by the manufacturer of the dispensing device.
7. Before dispersing any chemical agent, the officer gives a clear command, warning other officers, to clear the subject before the agent is dispersed, leaving those officers unaffected by the agent.
8. Officers should point the dispensing device at the violent or threatening person's body, in accordance with the manufacturer's recommendations.
9. Discharging of the device is limited to one successful hit, not exceeding one (1) full second of target suppression, or the termination of the violent or threatening behavior.
10. Suspect persons exposed to chemical agents are handcuffed after exposure, and before decontamination for their and others safety.

### **Decontamination:**

1. Sprayed individuals are assisted in decontamination, as soon after the scene is secured as is reasonably possible.
2. No officer applies, or permits others to apply, oil or grease medications such as butter, cold cream, lanolin, Vaseline®, lotion, or salves, which could trap the irritant to the skin and cause blistering, unless directed by a physician.
3. Exposed areas should not be bandaged, but exposed to fresh air for evaporation. Flushing with water is also recommended.
4. If a person exposed to OC or other chemical agents requests medical attention, the person must be accorded a medical inspection or examination by competent medical personnel, as soon as possible.
5. Any patrol vehicle interior exposed to chemical agents must be thoroughly decontaminated before being returned to normal service.
6. Vehicle exteriors exposed to chemical agents must be washed or hosed off before being returned to normal use.

### **Reporting Procedures:**

Officers utilizing the OC or other chemical devices must prepare a use of force incident report, which describes the use of the chemical irritant, and includes:

1. Justification for use.
2. Date and time of exposure
3. Time lapse before wash-up or decontamination
4. Any injuries observed during decontamination procedure
5. Whether the individual sprayed asked for medical treatment, and, if so, resulting actions taken.

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*the suspect, removal, etc.*

- **Level 3 – (Actively Resistant)** The suspect is perceived by the officer to be *actively resistant*. The appropriate response is *compliance techniques*. This is the threshold for any reasonable officer to consider this suspect to be a potential threat to himself, the officer, or other citizens. Compliance techniques may include *all reasonable means* to cause the *suspect to comply as soon as reasonably possible*. These techniques may include *use of chemical weapons, use of restraints, forced movement, forcing a suspect's limbs behind his back, forcing a suspect down on the floor or against a wall, Lateral Vascular Neck Restraint(LVNR)* [if the officer is trained and has demonstrated proficiency in its use] *or using other forms of rough physical force, etc.* Once suspects are perceived as *actively resistant*, officers should not relax care until the subject is fully secured.
- **Level 4 – (Assaultive & a Threat to Bodily Harm)** The suspect is perceived by the officer to be *assaultive – and a threat to bodily harm*. The appropriate level of response is *immediate defensive tactics*. The original assaultive behavior may have been directed at a fellow suspect, apparent victim, or the officer. *Defensive tactics* may include *impact weapons, hard fist, electrical stun devices, or any other reasonable means available and at hand* to stop the aggression, defend against the attack, and bring the suspect into compliance. It is contemplated and understood that reasonable officers, while employing defensive tactics, may cause injury, serious injury, and in some isolated instances, death without intending such consequences.
- **Level 5 – (Assaultive & Serious Threat of Bodily Harm or Death)** The suspect is perceived by the officer to be *assaultive – serious bodily harm or death*. The appropriate level of response is *deadly force*. Deadly force includes firearms, knives, or any other means immediately available that a reasonable officer, in the same circumstance, would consider as potentially causing death or serious bodily injury.

#### **Tactics, Applications, & Officer's Perceptions:**

- **Level 1 – (Compliant) No or Slight Apparent Potential for Harm**

**Arrival & Presence:** Officer presence at the scene. This includes proper voice and/or other identification, body language, and awareness by the subject that he is dealing with an officer of the law. This may also include presence of the officer's vehicle, seeing the officer in his uniform, hearing officer identification, etc. A reasoning person seeing and hearing these things will normally alter their behavior, and respond to the officers instructions.

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<b>Subject:</b> Special Munitions - Distraction Devices	<b>Policy Number:</b> 5.03
<b>Issue Date:</b>	<b>Revision Date:</b>
<b>Approval Authority Title and Signature:</b>	

**POLICY:**

The Wayne County Sheriff's Department may employ *special munitions - distraction devices* when the application of such devices aid in the accomplishment of the mission, without unreasonable risk to human life.

**PROCEDURE:**

**Distraction Devices:**

Distraction devices are usually considered *less-than-lethal*, and are employed to distract, mask, or attract attention. Both hand-thrown and shoulder fire weapon delivery systems are applicable within this policy. Shoulder fired or shoulder carried weapons include service shotguns, fog generators, and 37mm gun rounds, which produce a sudden loud noise or a flash of light. These devices, whether fired from a weapon or hand thrown may also be referred to as *flash-bang* systems. These tools are generally to be used to provide diversion or to mask law enforcement personnel movement activities.

**Safety Precaution:**

All munitions, including special munitions, are employed within the guidelines of the agency *use of force* policy. Such devices are not designed to produce shrapnel or expelled particles. However, these munitions are capable of causing bodily injury, serious bodily injury, or death in some circumstances, especially if not employed properly. Manufacturer's recommendations may require larger clearance or safety zones. If so, these recommendations replace the following. Flash-bang devices are:

1. Deployed in a manner that are calculated to not injure human life;
2. Not to be used within a 20-foot radius of any individual, unless a substantial wall or safety barrier protects persons within this radius;
3. Not to be used in enclosed structures when individuals inside the structure are at risk from shrapnel, expelled particles, fire, or burns caused by the devices; &
4. Not to be used in the proximity of highly flammable materials.

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**Deployment:**

1. During normal operations, distraction devices are secured in munitions lockers at the agency, or transported in a secured container by supervisory personnel with the rank of sergeant or above.
2. Distraction devices are used consistent with agency training and manufacturers' instructions.
3. Distraction devices may be used in emergencies that require deployment of personnel in dangerous situations, or as an alternative to the use of more lethal force.
4. Distraction devices are normally used in planned assaults, which require the temporary disorienting or confusion of individuals without risk or injury to human life.
5. Only personnel trained in the use of distraction munitions and under direct supervision may employ these devices.
6. When practical, staff assigned to deliver distraction devices should be backed up by other staff armed with conventional weapons to provide protection to human life.
7. When practical, medically trained officers [first aid] or medical personnel are present during the deployment of distraction devices to provide *emergency first aid*.
8. Regardless of the level of support available, officers must render first aid to any injured person as soon as practical after the situation is stabilized.

**Reporting:**

After employment of special munitions in a tactical incident, a report must be completed that includes:

1. The supervisor authorizing the use of special munitions;
2. Supervisor's perception for the need to deploy special munitions;
3. Identification of officers deploying munitions;
4. Number and types of rounds expended;
5. Effects on targeted person(s) and any injuries;
6. Collateral or unintended injury or damage; &
7. Attachment of any associated medical or damage reports.

This data may be described in the incident or investigative report, and does not have to be reported by means of a special document.

Incident reports, where special munitions have been used, are reviewed on a yearly basis to determine the effectiveness of the munitions and to aid in developing additional training.

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3. Nature and seriousness of the risk of injury to the officer or others;
4. Age, physical condition, and behavior of the suspect;
5. Relevant actions by any third parties;
6. Physical conditions (e.g., visibility) at the scene;
7. Feasibility and availability of alternative actions: &
8. Opportunity and actual ability of the suspect to injure the officer, himself, or others.

Before officers use force (but not deadly force) when protecting a person from self-inflicted bodily injury [suicide attempt] or from uncontrollable circumstances, the officer must consider other available alternatives to protect that person from harm.

Officers may use unauthorized objects as weapons, or use weapons in unauthorized manners if emergency circumstances make it necessary to protect human life and prevent serious injury.

Officers may draw and ready any authorized weapons for use only when they reasonably anticipate that they may have to use such weapon(s). This does not require officers to use the weapons.

#### **Use of Non-Deadly Force:**

Officers use physical strength and skill, restraint devices, chemical weapons, electronic weapons, or impact weapons to apply non-deadly force only.

Officers have no obligation to *retreat* or *back down* before resorting to approved use of force, including deadly force. Officers may consider retreat or withdrawal where delay could make a more peaceable arrest, or stop, likely if such tactics would not increase risk to self or others. In some cases, an increased show of force may reduce the amount of force necessary to accomplish the officer's objective.

Officers may not attempt to affect arrests alone if there is substantial risk to self from the arrestee or another party unless there are no available reasonable alternatives.

Officers use handcuffs or other restraining devices on all arrestees unless it is obviously unnecessary or impractical (e.g. the elderly, young juveniles, amputees, crippled, injured, or other applicable subjects). Officers must take reasonable precautions to protect arrestees from injury caused by handcuffs or other restraining devices. Only restraining devices and techniques approved by the agency may be used.

Officers may use chemical weapons for self-protection, or to subdue a person unlawfully resisting arrest. Any person upon whom a chemical weapon has been used must be treated or decontaminated for exposure to the chemical agent as soon as practical and thereafter monitored for possible latent effects.

Officers may use approved electronic weapons in accordance with this policy. An electronic weapon is only be used to protect persons from assault or to subdue persons

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In incidents where officers cause serious bodily injury or death through the application of deadly force, they first call for medical assistance, secure the scene as well as possible, and then notify their direct supervisor. Upon arrival, the supervisor takes charge of the scene along with any investigation concerning the incident and report the incident up the chain of command to the Sheriff.

In incidents involving the use of force, all officers assist in every way possible with the investigation. Any report required by this policy receives executive review in an effort to:

1. Protect the integrity of the facts and the evidence;
2. Ensure that the officer's use of force complied with all appropriate state and federal laws, and agency policy;
3. Determine if the officer's use of force indicates a need for special counseling, training, or disciplinary action;
4. Determine whether the situation requires further action; &
5. Evaluate the need for additional or future, training.

#### **Reporting Requirements:**

The Sheriff must be notified immediately when any type of deadly force is used and there are resulting *serious physical injuries or death*.

Each officer who witnessed the incident or responded to the scene must complete a written report. These witness reports must be completed no later than the conclusion of the shift in which the incident occurred and filed with the shift supervisor.

The officer(s) who actually used or employed the deadly force will be relieved of duty at the scene, and follow-up action handled in accordance post-shooting procedures. Refer to 04.22 Post-Shooting Incident.

All reports completed by the officers using force, other officers or witnesses must include the following:

1. A description of the events leading to the use of force or deadly force;
2. The original offense or *probable cause* for the stop or action;
3. An accurate description of the incident and reasons for employing force;
4. A description of the weapon or device used and the manner in which it was used;
5. A description of the injuries suffered, and the treatment given or received;
6. A list of all participants and witnesses to the incident; &
7. A copy of all incident reports compiled because of the incident.

The Sheriff formalizes criteria for reporting incidents. Reports of all injuries are filed in the central file and the employee's personnel record.

#### **Allegations Against Staff:**

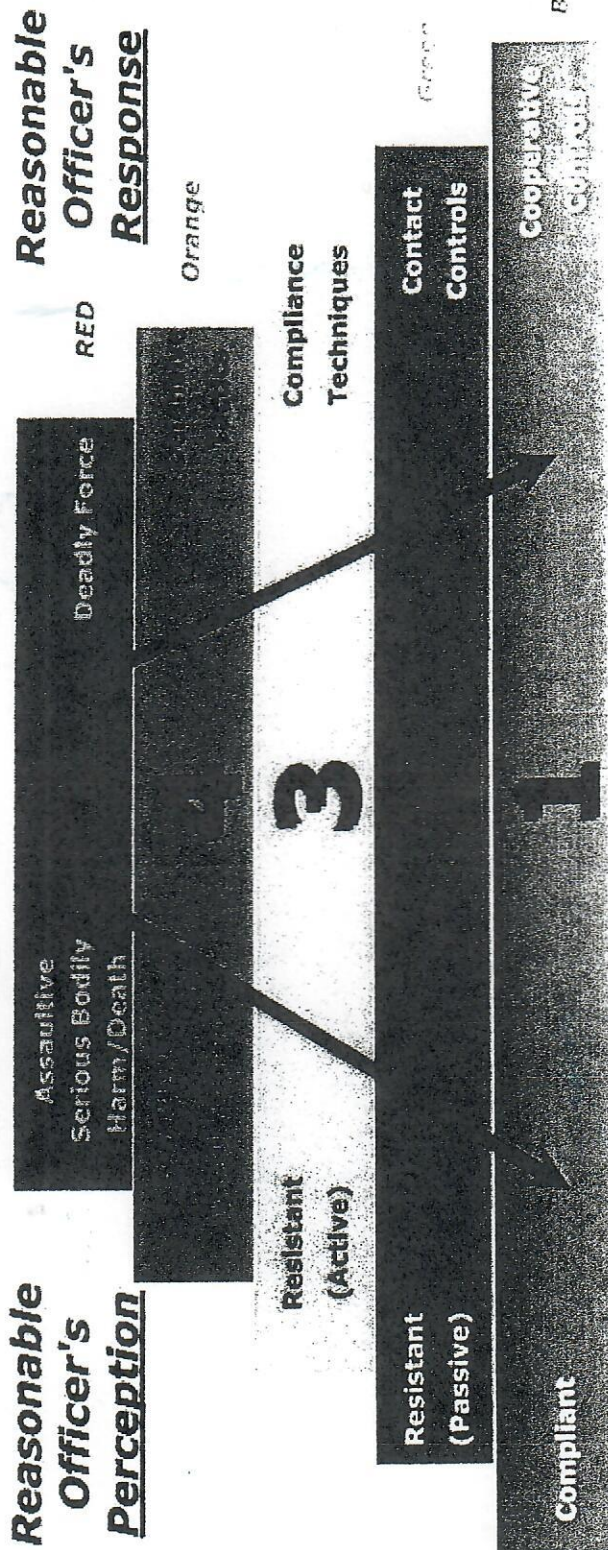
The Major of Operations, or Internal Affairs Unit, investigates all allegations of improper

#### **RESTRICTED LAW ENFORCEMENT DATA**

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# Use of Force



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**Care and Testing of O/C Spray:**

O/C spray has an expiration date usually stamped on the bottom of the canister. Officers are required to check the expiration date on a monthly basis. An expiration date that is within 30 days should be reported to your supervisor for replacement.

Officers should test their O/C spray, in an area in which no one will be affected, at least once a week. A check should only consist of a one second disbursement. If the O/C spray fails in any way, report it and replace it. Should an officer empty the O/C spray or observe its strength or distance has diminished, report it and replace it immediately.

1. Sprayed individuals are assisted in decontamination as soon after the scene as secured as reasonably possible.
2. No officer applies or permits others to apply oil or grease, medications such as butter, ointment, lanolin, Vaseline, lotion, or ointment, which could trap the irritant on the skin and cause blistering unless directed by a physician.
3. Exposed areas should not be bandaged, but exposed to fresh air for evaporation. Flushing with water is also recommended.
4. If a person exposed to OC or other chemical agents requests medical attention, the person must be attended by a medical inspection or examination by competent medical personnel as soon as possible.
5. Any patrol vehicle exposed to chemical agents must be thoroughly decontaminated before being returned to normal service.
6. Vehicle exposed to chemical agents must be washed or hosed off before being returned to normal use.

**Reporting Procedures:**

Officers utilizing the OC or other chemical devices must prepare a use of force incident report, which describes the use of the chemical irritant, and includes:

1. Justification for use
2. Date and time of exposure
3. Time lapse before wash-up or decontamination
4. Any injuries observed during decontamination procedure
5. Whether the individual sprayed asked for medical treatment, and if so, resulting actions taken