
USE OF FORCE PRINCIPLES

Policy #1302-R03 (01/15/10)

Applies to all staff.

Definitions. <1.3.2>

Deadly physical force. *Physical force* that under the circumstances of its use creates a substantial risk of causing death or serious bodily injury.

Deputy. Any member of the Washington County Sheriff's Office the Sheriff authorizes to use *physical force*, defensive tools and tactics, or firearms in the performance of their assigned duties.

Physical force. The use of hands, other parts of the body, objects, instruments, electronic stun devices, firearms, or other physical methods to restrain, subdue, or control any person actively resisting arrest or lawful control.

Staff. Employees, reserve deputies, volunteers, interns, and contract employees of the Sheriff's Office.

Threat. 1) Any person, animal, or object controlled by a person that is presenting a danger to themselves or others. 2) Any person actively resisting arrest or lawful control. 3) Any animal that presents a danger to others and is not under the control of a person.

1. Deputies Will Use Only that Force that is Objectively Reasonable to Bring an Incident Under Control, Effect an Arrest, Prevent an Escape, or Protect the Lives of the Deputy and Others. <1.3.1>

A person must judge reasonableness of the force from the viewpoint of a reasonable deputy on the scene at the time of the incident. A person judging reasonableness will also allow for the totality of the circumstances to include the immediacy of the threat to the deputy, the suspect or another; the severity of the offense; and the level of resistance. Any interpretation of reasonableness must allow for the fact that deputies are forced to make split-second decisions about the amount of force that is needed in situations that are tense, uncertain, and rapidly evolving.

2. A Deputy Will Not Threaten to Use Force That is Not Justified.

3. Deputies Will Issue Verbal Warnings or Commands, Whenever Feasible, Prior to and During the Application of Physical Force or Deadly Physical Force.

4. A Deputy May Refrain From the Use of Force.

A deputy may refrain from using force, up to and including *deadly physical force*, even when justified if the deputy believes the use of such force is not fitting under the circumstances.

5. Staff Must Report to a Supervisor Any Staff That Uses Excessive Force on a Threat or Who Fails to Follow Use-Of-Force Procedures.

Supersedes: 1302-R02 (04/30/07)

Position responsible for updates: Defensive Tactics Lead Instructor

CALEA: 1.3.1, 1.3.2, 1.3.6

OJS: E3-B10, E5-A01

Supervisors will handle use-of-force complaints according to policy 551, *Receiving and Screening Personnel Complaints*. Staff is subject to disciplinary action up to and including immediate termination for use-of-force abuse or failure to report abuse.

6. The Deputy Will Advise a Supervisor of Use of Force Incidents Requiring a Report as Soon as Possible. <1.3.6>

7. Division Commanders May Develop Use-Of-Force Procedures For Specific Application Within Their Divisions.

Divisional procedures must augment and not conflict with these general procedures.

USE-OF-FORCE INJURIES

Policy #1304-R02 (09/28/07)

Applies to all staff:

Definitions. <1.3.2>

Deadly physical force. *Physical force* that under the circumstances of its use creates a substantial risk of causing death or serious bodily injury.

Deputy. Any member of the Washington County Sheriff's Office authorized by the Sheriff to use *physical force*, defensive tools and tactics, or firearms in the performance of their assigned duties.

Electrical stun device. A non-lethal weapon that stuns a *threat* with a high voltage shock that may incapacitate the *threat*.

Extended-range impact munitions (ERIM). Less lethal munitions that are designed to hit a *threat* from a greater distance than an impact weapon. They may neutralize the threat through pain compliance or incapacitation.

Medical personnel. Licensed physicians, licensed physician assistants, registered nurses, and certified emergency medical technicians.

Serious physical control. The level of force between *deadly physical force* and *physical control* on the use-of-force continuum. It includes the use of focused blows, impact weapons, chemical agents (other than OC spray), extended-range impact munitions, and neck restraints.

Threat. 1) Any person, animal, or object controlled by a person that is presenting a danger to themselves or others. 2) Any person resisting arrest or being lawfully controlled. 3) Any animal that presents a danger to others and is not under the control of a person.

1. Deputies Will Give All Injured Threats the Opportunity to Receive Medical Care. **<1.3.5>**

- Medical personnel will examine the threat whenever a deputy uses electrical stun devices, serious physical control or deadly physical force on the threat. In most cases, the jail medical staff will meet these requirements during intake screening. If the device uses darts or probes that enter the skin, the darts should be removed by medical personnel.
- Taser operators will ensure that the probes are rendered safe, and packaged for biohazard disposal. If the probe(s) will be used as evidence, it will be logged as such after proper biohazard packaging.
- Prior to transport, medical personnel will examine any threat that has lost consciousness, appears to lose consciousness, or is in need of emergency medical care.

Supersedes: 1304-R01 (03/28/03)

Position responsible for updates: Defensive Tactics Lead Instructor

CALEA: 1.3.2, 1.3.5

OJS: F 05.04.01

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WRITING USE OF FORCE REPORTS

Policy #1305-R02 (08/03/09)

Applies to all staff.

Definitions. <1.3.2>

Deputy. Any member of the Washington County Sheriff's Office authorized by the Sheriff to use physical force, defensive tools and tactics, or firearms in the performance of their assigned duties.

Defensive tools. Sheriff's Office approved material and equipment for use in applying approved use-of-force tactics. It may include such items as restraints, firearms, batons, electrical stun devices, extended range impact munitions, OC spray, and chemical munitions.

Electronic control device. A non-lethal weapon that stuns a threat with a high voltage shock that may incapacitate the threat.

Extended-range impact munitions (ERIM). Less lethal munitions that are designed to hit a threat from a greater distance than an impact weapon. They may neutralize the threat through pain compliance or incapacitation.

Firearm. A weapon designed to expel a projectile as defined by statute.

OC spray. A solution of oleoresin capsicum, which when used may cause a burning sensation on contact. OC spray is also known as pepper spray.

Physical force. The use of hands, other parts of the body, objects, instruments, electronic control devices, firearms, or other physical methods to restrain, subdue, control, or compel a person to act or stop acting in a particular way.

Staff. Employees, reserve deputies, volunteers, interns, and contract employees of the Sheriff's Office.

Threat. 1) Any person, animal, or object controlled by a person that is presenting a danger to themselves or others. 2) Any person resisting arrest or being lawfully controlled. 3) Any animal that presents a danger to others and is not under the control of a person.

1. Deputies Involved Must Write a Use of Force Report When Physical Control and Higher Levels of Force are Used. <1.3.6>

Except for the standard use of restraints for security in an arrest, escort, or transport of a cooperative threat.

Except if the injury results in death or is so severe that death is likely to result, then supervisors will direct the need for reports according to the WCSO Officer-Involved Fatal or Critical Incident Protocol.

Supersedes: 1305-R01 (03/26/03)

Position responsible for updates: Defensive Tactics Lead Instructor

CALEA: 1.3.2, 1.3.5, 1.3.6

OJS: E5-A01, E5-C02

2. Deputies Involved Must Write a Use of Force Report When Any Incident Involving the Use of Force Results in an Injury to the Threat, an Involved Deputy, or Other Person.

<1.3.6>

3. Deputies Involved Must Submit a Use of Force Report When a Firearm, ERIM or Electronic Control Device, is Discharged Outside of a Gun Range. **<1.3.6>**

Except when the discharge was for lawful off-duty gun-related activities, such as hunting, or for purposes of operational testing.

4. Deputies Involved Must Submit a Use of Force Report When a Deputy Displays Any Defensive Tool to Gain Compliance. **<1.3.6>**

5. Deputies Will Document Injuries or a Lack of Injuries to Threats When Reporting Use of Force. **<1.3.5, 1.3.6>**

Documentation may include written reports, diagrams, photographs, videotape, recorded statements, or other approved methods.

6. Division Commanders Prescribe a Use of Force Reporting System.

The Sheriff must approve all electronic reporting systems for use of force incidents prior to implementation.

7. Deputies Must Complete Use of Force Reports Prior to the End of the Deputy's Shift or Obtain Supervisor Approval to Hold Them Until the Next Shift. **<1.3.7>**

REVIEWING AND APPROVING USE OF FORCE REPORTS

Policy #1306-R03 (01/20/12)

Applies to all staff.

1. All Staff Will Submit Use of Force Reports Electronically for the Following Approvals in Order.

Supervisors Initially Review and Approve the Deputy's Use of Force Report

- Accuracy
- Reasonableness of actions taken
- Completeness

Defensive Tactics Instructor Review (Sergeant or Higher Rank Only)

- Whether policy was followed
- Whether training was followed
- Whether changes are needed in terms of equipment, training or policy
- Address deficiencies, if any, to the respective division commander

Command Review by the Respective Division Commander or Designee

- To review overall and to direct the next action to be taken

At any step in this process, a report may be forwarded for additional review by trainers, legal counsel, or other subject matter experts. Such reviews will be documented, including conclusions and recommendations, and will be submitted to the respective division commander.

Exceptions: A division commander in consultation with the lead defensive tactics instructor may authorize a defensive tactics instructor of a rank lower than sergeant as a defensive tactics reviewer.

See also: WCSO Officer Involved Fatal or Critical Incident Protocol

2. At Least Annually, the Lead Defensive Tactics Instructor Will Present a Documented Analysis of All Use of Force Incidents to the Sheriff for the Prior Year.

This analysis will report patterns or trends that could indicate training needs, equipment upgrades, or policy modifications. Commanders will assist the Lead Defensive Tactics Instructor in collecting data needed for the analysis. The analysis will be delivered to the Sheriff by February 28 of each year.

Supersedes: 1306-R02 (08/05/09)

Position responsible for updates: Defensive Tactics Lead Instructor

CALEA: 1.3.7, 1.3.13
