



DESCHUTES COUNTY SHERIFF'S OFFICE

Policy Title: Use of Force	Effective Date: June 29, 2016	Policy Number: 5.01	
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Attachments: <ul style="list-style-type: none">DCSO Use of Force Report	L. Shane Nelson, Sheriff		

I. PURPOSE

The purpose of this policy is to provide Deschutes County Sheriff's Office Deputies with guidelines on the use of deadly and non-deadly force.

II. POLICY

This agency recognizes and respects the value and special integrity of each human life. In vesting deputies with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. Because a deputy's duties often present situations in which the use of force, or even deadly force, may be necessary, the law and agency policy authorize the use of such force in certain circumstances and require that the deputy be armed while on regular duty. It is the policy of this agency that use of force by its members be:

1. Justified under applicable state law;
2. Consistent with the more specific policies which follow;
3. Professionally accomplished according to approved training and with approved equipment;
4. In all cases employed to accomplish a legitimate tactical objective;
5. Limited to that degree and duration which the deputy reasonably believes necessary to accomplish that objective; and
6. Applied by the deputy and reviewed by the agency based upon those facts which are reasonably believed by the deputy at the time, applying legal requirements, agency policy, and approved training to those facts. Facts later discovered, but unknown to the deputy at the time, can neither justify nor condemn a deputy's decision to use force.

Therefore, it is the policy of this agency that deputies shall use only that force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the deputy and others.

III. DEFINITIONS

Deadly physical force is any force, under the circumstances in which it is used, that is readily capable of causing serious physical injury or death.

Non-deadly force is any use of force other than that which is considered deadly force.

Force Continuum is the illustration of force options starting with deputy presence and continuing to deadly force. Every available force option is not listed on this force continuum visual aid.

The use of force options routinely taught in the agency's defensive tactics and firearms classes are listed. A deputy will use force options based on the threat's actions, deputy/threat factors, influential circumstances and the totality of the circumstances.

IV. USE OF FORCE

A. Threat Assessment

Every situation contains impact factors which define the threat assessment. The deputy must continuously assess, plan, and act. The term "immediate threat" is used to describe any person capable of causing physical injury, serious physical injury or death. The immediate threat must exhibit intent, means, and opportunity to justify the use of force.

B. Totality of the Circumstances

The escalation of force is based on the Totality of the Circumstances. The Totality of the Circumstances determine the severity of danger to the deputy.

The Totality of the Circumstances are broken into two categories:

1. Influential Circumstances

Inability to Disengage/Confinement

Close Proximity to a Weapon

Injury of Deputy or Exhaustion

Deputy- Ground Level

Terrain/Environment

Previous Experience

Special Knowledge

Deputy Disability

Sudden Attack

2. Deputy vs. Threat Factors

Deputy vs. Threat's Combat Skill Level

Deputy's Age vs. Threat's Age

Deputy's vs. Threat's Gender

Threat's Mental State

Deputy vs. Threat's Size and Strength

Multiple Threats

B. Levels of Resistance

1. Static (passive). The threat refused to comply with commands, exhibited by behavior such as balking, becoming dead weight, or grasping a solid object.
2. Active. The threat physically resists the deputy's verbal commands and/or attempts to gain physical control by means such as pulling away, attempting to run, or powering through a control hold.
3. Ominous. The threat displays menacing behavior, assaults (bites, pushes, strikes, etc.) or attempts to assault.
4. Lethal. Any force, under the circumstances in which it is used, that is readily capable of causing serious physical injury or death.

C. Levels of Force

A deputy employing force against any person(s) may continue that application until the resistance or threat that caused the deputy to take the action has been stopped or controlled.

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 outlined below.

1. Presence. The deputy has an expectation that inappropriate behavior will stop as the deputy properly identifies his police authority.
2. Verbal. The questioning of a subject, the attempt to persuade a subject, or giving a direct order to a subject.
3. Physical contact. Directing a subject by touch, use of physical restraints such as handcuffs or controlling a subject with an escort hold.
4. Physical control. Use of chemical or organic weapons, pressure points, joint manipulation techniques, or physical control holds.
5. Serious physical control. Use of electronic stun devices, focused blows, impact weapons, extended range impact weapons, and canines.
6. Deadly force. Any force, under the circumstances in which it is used, that is readily capable of causing serious physical injury or death.

D. Justification

Levels of force that may be applied vary 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. When dealing with suspects and offenders, deputies should attempt to apply the least amount of force necessary which is reasonably believed necessary by the deputy to achieve the goal.

1. The mere presence of uniformed law enforcement personnel may be enough to control a suspect's actions. Should aggression or resistance escalate, deputies should respond with the level of force appropriate to control the situation. If during a situation a suspect's resistance de-escalates, deputies should decrease the level of force to an appropriate level to maintain control.
2. If control is lost, the deputy may escalate to the level of force necessary to regain and maintain control, or consider disengaging as a tactical option. Some situations encountered may not be controllable with on-site assets. If further escalation of the force continuum would not be warranted, and continued contact may result in unacceptable risk to the deputies or others, disengagement may be exercised as the most proper option until the situation can be properly addressed.
3. It is important to recognize that a situation may require a deputy to start at the highest level, or to pass over 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.

V. USE OF REASONABLE PHYSICAL FORCE

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

Non-Deadly Force

Every use of force carries the risk that some injury or even death may result, even though the type of force used is not categorized as "deadly" force. The goal in every use of non-deadly force is to gain control over the action of the person in order to take and maintain custody, overcome resistance to arrest, prevent the

immediate commission of dangerous or criminal acts, or a combination of those objectives. Once the goal is achieved, further use of physical force must be discontinued. Until that goal is achieved, the level and extent of force used must be limited to that which is reasonably believed necessary by the deputy to achieve the goal.

Deadly Force

When circumstances justify the use of deadly force, the unavoidable risk is that someone will be killed or seriously injured. Although a deputy has no specific intent or desire to kill the person, death may be the result. Circumstances justifying the use of deadly force often happen quickly in situations of great physical and mental stress. It is rarely possible for the deputy to direct the use of deadly force to a nonfatal area of the threat. The goal in using deadly force is neither to kill nor to wound without killing; it is simply and exclusively to incapacitate the threat to produce voluntary surrender or render that person incapable of continuing the dangerous conduct which justified the use of deadly force in the first place. Where deadly force is justified, a deputy may continue its use until satisfied that the goal has been achieved, and then must discontinue its use. Officer safety and the safety of persons other than the threat must be a continuing consideration to the deputy using deadly force.

VI. GUIDELINES GOVERNING THE USE OF FORCE

While the use of force may be necessary in situations which cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would be ineffective under the particular circumstances.

Deputies are prohibited from discharging firearms at a moving vehicle unless the use of deadly force is justified.

Discharging a firearm from a moving vehicle is not authorized as a signal, warning device, or communication method.

Reasonableness

The unnecessary or excessive use of force against any person is prohibited. What may be reasonable force under one set of circumstances may be unreasonable force under a different, though similar, set of circumstances.

Medical Treatment

Appropriate medical treatment will be provided for any person injured as a result of a deputy's use of force, by deputies, ambulance or emergency medical staff, and/or hospital personnel:

1. Persons subjected to chemical irritants such as pepper spray, shall have the affected areas flushed with water as soon as safe and practical, utilizing the eye wash and flush equipment furnished in the patrol cars, Sheriff's Office, or correctional facility. Those persons who will be transported to the jail shall be examined by a paramedic before being transported.
2. All physical injuries shall be promptly treated as soon as safe and practical by trained medical personnel. Any injuries other than minor bruises, cuts or abrasions shall be examined and treated as required at the hospital emergency room.
3. Any person in custody alleging to have been injured by a deputy shall be transported to the hospital for examination and/or treatment.
4. If any loss of consciousness results from a use of force, that person will be examined by trained medical personnel.

VII. GUIDELINES GOVERNING THE USE OF DEADLY FORCE

These guidelines re-state legal principles of justification for the use of force, which are represented by the Use of Force Continuum. Deputies shall be directed by the following general guidelines:

A. Deadly Force Warning

Whenever feasible under the circumstances, a deputy shall give a warning before using deadly force.

B. Exhaust Reasonable Means

Reasonable and practical attempts for protection or apprehension will be exhausted before using deadly force. Reasonableness and practicality are to be judged based upon the circumstances that actually exist and are perceived by the deputy at the time and place that deadly force is used.

C. Bystander Safety

The use of any weapon must be done with proper regard for the safety of bystanders or other people in the immediate area.

D. Officer Discretion

Even when a deputy may be permitted to use deadly force, the deputy may refrain from doing so if the deputy believes the use of such force is inadvisable under the particular circumstances.

E. Decision to Display Firearms

A deputy's decision to draw or exhibit a firearm should be based on the tactical situation and the deputy's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified. When a deputy has determined that the use of deadly force is not necessary, the deputy should, as soon as practical, secure or holster the firearm. These judgments are matters committed to the discretion of the deputy in each instance. The deputy must decide what actions are necessary in order to maintain control. If a deputy displays or points a firearm at another (a threat) a report will be submitted for review.

F. Justification on the Use of Deadly Force

A deputy is authorized to employ deadly force whenever it appears to the deputy that there is no reasonable alternative under the following circumstances:

1. The deputy reasonably believes that the use of deadly force is necessary to protect the deputy or any other person from the use or threatened imminent use of deadly physical force;
2. The deputy reasonably believes that the use of deadly physical force is necessary to protect the deputy or any other person from death or serious physical injury;
3. To prevent the escape of a fleeing felon whom the deputy has probable cause to believe will pose a significant and immediate threat to human life should escape occur.

VIII. REPORTING THE USE OF FORCE

Whenever a deputy must employ any amount of physical force capable of causing injury, a case number will be established and assigned in regard to the incident. If that force is employed in the course of effecting an arrest, overcoming resistance, or controlling a dangerous situation (assault), appropriate criminal allegations should be charged immediately.

A. Involved Deputies

The deputies involved in the use of force and any other deputy directed by a supervisor shall report the use of force in the narrative section of a written report when:

1. A deputy discharges a firearm for other than training or recreational purposes, to include use against dangerous animals.
2. A deputy points a firearm at another in the line of duty for purposes of controlling a suspect/s;
3. When a deputy has been injured attempting to use force to control a threat;
4. When a deputy uses force against another while assisting another police agency.

5. Injury results or is alleged to have resulted to any person;
6. Medical treatment is required or requested;
7. When a non-lethal weapon is used on a person;
8. The force used relates to a criminal charge, irrespective of whether or not the incident results in an arrest; or
9. Anytime physical contact or greater is used as defined by the agency's Level of Force Continuum.

Also see [Policy 7.09 Officer Involved Deadly Force Investigations](#).

The incident narrative shall describe the force used. The narrative shall also articulate the facts observed by the deputy and the beliefs held by the deputy that lead the deputy to decide that the level of force used was justified. Weapons used, injuries, medical care received, and details of the altercation shall be reported in detail. Witnesses shall be listed. If possible, a copy of medical records shall be attached.

The written report along with a Use of Force Report should be submitted by the end of the shift. The deputy's supervisor has discretion to extend the deadline for completing the Use of Force report. In extending the deadline, the supervisor will consider the complexity and level of the use of force, the deputy's condition, and the deputy's schedule.

The deputy's immediate supervisor and lieutenant shall complete the supervisors review portion of the Use of Force Report. Supervisors reviewing the report shall review for complete detail and collection of evidence.

Deputies and supervisors shall refer to the Use of Force report writing checklist/template.

Supervisors will submit their review along with a copy of the written report to the Patrol Captain for administrative review through the chain of command.

B. Incident Review

1. Determinations will be made at each level of the Chain of Command whether or not all agency guidelines were met. Each level in the Chain of Command will recommend actions in regard to those deputies involved in the use of force incident.
2. The Sheriff, based on the Use of Force Review, may convene an Administrative Hearings Board to examine the use of force incident and may take appropriate action. The Use of Force Review process will be completed as expeditiously as possible.
3. The Use of Force Review shall be based upon those facts that are reasonably believed by the deputy at the time, applying legal requirements, agency policy and procedures, and approved training to those facts. Facts later discovered, but unknown to the deputy at the time, can neither justify nor condemn a deputy's decision regarding use of force.
4. An annual review will be conducted for all use of force incidents which resulted in a Use of Force Report and an incident report being forwarded through the chain of command. The purpose of the review will be to examine use of force incidents which may be useful in identifying agency policy and/or training needs.
5. A monthly review will be conducted to discuss use of force issues, trends and training. Members participating in the review will include the Corrections Captain, the Patrol Captain, the Detective Captain, a Training Sergeant, the Use of Force Coordinator and Sheriff's Office Legal Counsel.

WARNING

This directive is for Sheriff's Office use only and does not apply in any criminal or civil proceeding. The agency policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violation of this directive will only form the basis for agency administrative sanctions.



Deschutes County Sheriff's Office Patrol Use of Force Report

Incident Date: _____ Time: _____ District: Bend La Pine Redmond Sisters
Reporting Deputy: _____ S.O.T.
Involved/Witnessing Deputies _____
Did you receive medical attention? Yes No
Photos Taken? Yes No
Describe any injuries received to you: _____

Suspect Information: (Choose one from each category)

Male White Medical Attention: Yes No
Female Hispanic Photos Taken: Yes No
Native American Describe any injuries to the suspect: _____
Adult Asian _____
Juvenile Black _____
Animal Other _____
POH Disability known Yes No If yes explain _____

Level of Force Used: (Choose as many apply)

Pepper Spray Physical Control Less Lethal Projectile
Impact Weapon Serious Physical Control Weapon Displayed
Focused Blows Deadly Force Taser Displayed
K-9 Bite Other (Explain) _____ Taser Used

Level of Suspect Resistance: (Circle Level)

Officer Safety: This is the time you will point a firearm at another for Officer Safety reasons – Felony car stop, Search Warrant etc. Describe _____

Static: Passive – The threat refused to comply with commands by balking, becoming dead weight or grasping a solid object.

Active: The threat physically resists the deputy's verbal commands and/or attempts to gain physical control by means such as pulling away, attempting to run or powering through a control hold.

Ominous: Assaultive – The threat demonstrates the willingness to engage in combat through verbal challenge, threats and/or aggressive behavior.

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

Reporting Deputy: _____ Signature _____ DPSST # _____ Date: _____

Sergeant Use Only

Training Recommendations:

Other Recommendations:

Within Policy Guidelines

Further Review Needed

Sergeant: _____ **DPSST #** _____ **Date:** _____
Signature

Lieutenant Use Only

Training Recommendations:

Other Recommendations:

Within Policy Guidelines

Further Review Needed

Lieutenant: _____ **DPSST #** _____ **Date:** _____
Signature

Captain Use Only

Training Recommendations:

Other Recommendations:

Within Policy Guidelines

Further Review Needed

Captain: _____ **DPSST #** _____ **Date:** _____
Signature

Legal Counsel Review: _____ **Date:** _____
Signature