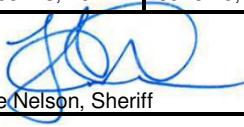




# DESCHUTES COUNTY SHERIFF'S OFFICE

Policy Title: <b>Use of Physical Force</b>	Effective Date: October 20, 2021	Policy Number: <b>5.01</b>
Accreditation Reference: 1.3.1, 1.3.2, 1.3.3, 1.3.7	Review Date: September 13, 2027	Supersedes: June 29, 2016
Attachments: <a href="#">DCSO Use of Force Report, Primary</a> <a href="#">DCSO Use of Force Report, Supplemental</a>	 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 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. The unnecessary or excessive use of force against any person is prohibited. It is the policy of this agency that use of force by its members be:

1. Justified under U.S. and State of Oregon Constitutions and federal and state law;
2. Limited to that degree and duration which the deputy reasonably believes necessary to accomplish a legitimate law enforcement or corrections purpose; and
3. 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, cannot be considered in determining whether the deputy's decision to use force was justified.

In all use of force or deadly force situations, if there is a reasonable opportunity to do so, a deputy must consider other alternatives such as de-escalation, waiting or using other available resources before using force or deadly force, unless the deputy determines that such alternatives would be ineffective under the particular circumstances. Prior to using either physical force or deadly force on a person, if the deputy has a reasonable opportunity to do so, the deputy shall give a verbal warning to the person and provide that person with a reasonable opportunity to comply.

### **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.

*Physical force* is any use of force other than that which is considered deadly force.

*De-escalation* is the use of any tactic or technique, to include a level of force less than legally justified, that is intended to or may be useful in reducing tension, stress, or a potential for conflict or violence, in order to potentially manage a use of force incident. A common type of de-escalation is verbal de-escalation.

### **IV. GUIDELINES GOVERNING THE USE OF FORCE**

See Policy 1.02 IV. A. Duty to Intervene

Deputies are prohibited from discharging firearms at a moving vehicle unless the use of deadly force is justified and then, if practical, only with the permission of a supervisor.

Deputies are prohibited from discharging a firearm from a moving vehicle as a signal, warning, or communication method.

Carotid holds or neck restraints shall only be used when the use of deadly force is justified.

#### **Medical Treatment**

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

1. Individuals 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 Emergency Medical Services (EMS) 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 individual 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 or other physical complaints including difficulty breathing results from a use of force, that individual will be examined by trained medical personnel.

### **V. GUIDELINES GOVERNING THE USE OF PHYSICAL FORCE**

#### **A. Justification on the Use of Physical Force**

A deputy is authorized to employ physical force when it is objectively reasonable, under a totality of the circumstances known to the deputy, to believe:

1. That the person poses an imminent threat of physical injury to the peace officer or a third person; or
2. That the use of physical force is necessary to:
  - a. To make a lawful arrest when the deputy has probable cause to believe that the person has committed a crime;
  - b. To prevent the escape of an individual whom the deputy has probable cause to believe has committed a crime;

A deputy may use the degree of force reasonably necessary to make a traffic stop and ensure the safety of the deputy, the person stopped, or other persons present.

A deputy may use the degree of force reasonably necessary to make a person stop when the officer reasonably suspects that the person has committed or is about to commit a crime.

A deputy may use the degree of force, short of deadly physical force, against persons, or to effect an entry, or to open containers, as is reasonably necessary for the execution of a search warrant.

A jail deputy may use physical force when and to the extent that the deputy reasonably believes it necessary to maintain order and discipline in the jail.

## **VI. GUIDELINES GOVERNING THE USE OF DEADLY FORCE**

### **A. 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.

### **B. Deputy 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 inappropriate under the particular circumstances.

### **C. Decision to Display Firearms**

A deputy's decision to draw or display 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 decisions are within the discretion of the deputy. The deputy must decide what actions are necessary in order to maintain control. If a deputy displays or points a firearm at an individual a report will be submitted for review.

### **D. Justification on the Use of Deadly Force**

1. A deputy is authorized to employ deadly force when it is reasonable under a totality of the circumstances known to the deputy to believe that the person poses an imminent threat of death or serious physical injury to the deputy or a third person and the use of deadly force is necessary to:

Defend the deputy or a third person from the imminent threat of death or serious physical injury.

To make a lawful arrest when the deputy has probable cause to believe that the person has committed a crime involving an imminent threat of serious physical injury or death.

To prevent the escape of an individual whom the deputy has probable cause to believe committed a crime involving an imminent threat of serious physical injury or death.

## **VII. REPORTING THE USE OF FORCE**

A deputy will complete a report when physical force is used. A deputy involved in a deadly force incident will not write a report, but will be interviewed by investigators from another agency.

### **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 uses physical control or serious physical control on a person.

2. A deputy discharges a firearm for other than training or recreational purposes, to include use against dangerous animals.
3. A deputy points a firearm at an individual in the line of duty for purposes of controlling a suspect/s;
4. When a deputy has been injured attempting to use force to control an individual;
5. In the event of having to put down a deer, a log entry is sufficient and it must capture the number of rounds used. For all domesticated animals, a full report must be completed.
6. When a deputy uses force against an individual while assisting another law enforcement agency.
7. Injury results or is alleged to have resulted to any individual;
8. Medical treatment is required or requested;
9. When a less lethal weapon is used on an individual;
10. The force used relates to a criminal charge, irrespective of whether or not the incident results in an arrest;

Also see [\*\*Policy 7.09 Deputy 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. The report will indicate whether the deputy gave the person a verbal warning and an opportunity to comply prior to using force. If no warning was given the deputy will explain the reason for not giving a warning. The report must indicate whether the deputy considered alternatives to using force, what those alternatives were, and if not used why the deputy determined that the alternatives were not appropriate under the circumstances. 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 the Use of Force report along with a copy of the written report to the Division Captain for administrative review through the chain of command.

#### **B. Use of Force Review**

1. Supervisors and Sheriff's Legal Counsel shall review each Use of Force Report for compliance with agency guidelines. Supervisors and Sheriff's Legal Counsel will recommend actions in regard to those deputies involved in the use of force incident.
2. Based on the outcome of the Use of Force Review, additional investigations on personnel may occur and 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.
4. An annual review will be conducted by the Division Captain for all reportable Use of Force incidents and a memorandum prepared for the Office of Sheriff. 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 Division Captains, a Training Sergeant, and Sheriff's Office Legal Counsel.

## **VIII. FORCE RESPONSE OPTIONS**

The various force response options are outlined below. These force options may be used as necessary to address a threat, and a deputy may use any response option that is justified under the totality of the circumstances. If a force option is justified, there is no requirement that a deputy first use lesser force options.

1. Presence. The deputy has an expectation that inappropriate behavior will stop as the deputy properly identifies their law enforcement 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 weapons, pressure points, joint manipulation techniques, or physical control holds.
5. Serious physical control. Use of electronic stun devices, strikes, impact weapons, extended range impact weapons, and canines. Also known as “intermediate force”, serious physical control may only be used when the individual is presenting an immediate threat to the deputy or other persons.
6. Deadly force. Any force, under the circumstances in which it is used, that is readily capable of causing serious physical injury or death.

### **WARNING**

This policy is for Sheriff's Office use only. Violation of this policy may be the basis for agency administrative sanctions, but a failure to adhere to an administrative policy does not indicate that the use of force was unjustified or otherwise unreasonable.