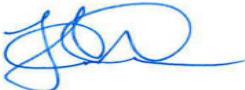




# DESCHUTES COUNTY SHERIFF'S OFFICE

Policy Title: <b>Use of Force, Specific Instrumentality</b>	Effective Date: March 30, 2022	Policy Number: <b>5.02</b>
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Attachments:	 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 specific forms of deadly and non-deadly force.

## II. POLICY

This agency recognizes and respects the value and integrity of each human life. Refer to Policy [5.01 Use of Force](#).

## III. DEFINITIONS

*Deadly Force* means any use of force that is likely to cause death or serious physical injury.

*Non-Deadly Force* means any use of force other than that which is considered deadly force.

*Chemical incapacitant* means the following, together or separately: (A) Toxic chemicals and their precursors, except where intended for purposes not prohibited under this section, as long as the types and quantities are consistent with such purposes; (B) Munitions and devices specifically designed to cause temporary pain, temporary irritation, temporary disruption of vital processes, temporary incapacitation, temporary disability or permanent harm through the toxic properties of toxic chemicals that would be released as a result of the employment of the munitions and devices; and (C) Any equipment specifically designed for use directly in connection with the employment of munitions and devices as described in subparagraph (B) of this paragraph.

*Electronic Control Device* is a device designed to stun, restrain or incapacitate a suspect temporarily by way of delivering an electronic shock.

*Firearm* means any weapon, the design of which is to propel a projectile or projectiles by the use of a chemical explosion, and capable of causing serious physical injury or death.

*Impact Weapon* means law enforcement baton, side-handle baton, collapsible baton, or any other such instrument or device designed or used to block, jab, strike, or temporarily restrain or control a suspect by way of physical impact or extending the deputy's ability to use control holds.

*Instructor/Instruction* are Sheriff's Office instructors and instruction will meet or exceed Department of Public Safety Standards and Training criteria prior to being accepted by the Training Sergeant. Such instructors and instruction are then deemed "certified". ([Policy 3.12 Training: Requests, Processing and Documentation](#))

*Extended Range Impact Weapons* are fired from a firearm or similar device, extended range impact projectiles are designed to temporarily stun or incapacitate an individual without penetrating the body or causing serious physical injury or death.

*Patrol Canine* is a canine trained for and employed by law enforcement officers, the use of which includes, but may not be limited to, handler protection and the location and apprehension of individuals.

*Restraints/Handcuffs* are handcuffs, flex-cuffs, hobbles, belly chains, The WRAP, and all such devices designed or used to temporarily restrain an individual for the purpose of officer safety or to prevent injury to the individual or another.

SWAT is the Special Weapons and Tactics team.

*Vehicular Use of Force* means the deployment of a motor vehicle as a use of force to stop or control an individual or vehicle beyond that of a traffic stop or normal vehicular operation.

## **IV. WARNING OF USE OF FORCE IF FEASIBLE**

Deputies shall issue a warning of the impending use of force except where impractical or tactically disadvantageous, such as in situations where the warning would endanger the deputy or another, allow the individual to escape or allows actions to be taken which aid or abet a crime.

## **V. DEPUTIES MUST CONSIDER ALTERNATIVES IF FEASIBLE**

Deputies must consider alternatives to using force, such as obtaining additional resources, waiting, or using verbal de-escalation if time and circumstances permit and it is reasonable to do so.

## **VI. USE OF FORCE RELATED INJURIES**

Once an individual is in custody, it is the responsibility of the deputies to render or obtain any medical aid required. When an individual is brought to the jail and appears to be injured, jail staff may require that the individual be taken to a hospital for evaluation and clearance prior to accepting custody. With any use of physical force where an injury has occurred or is alleged to have occurred follow the guidelines below.

### **A. Observe and Evaluate**

If an injury is apparent to an individual in custody, the deputy should observe and evaluate the injury to assure that the proper level of care is provided. If an individual in custody complains of an injury and none is apparent, the deputy will summon appropriate trained medical response for an evaluation. In all cases where a restrained person appears to be having a respiratory or cardiac crisis, the deputy must immediately call for EMS if it is tactically feasible and communications are available.

### **B. Provide or Obtain Medical Aid**

Appropriate medical treatment shall be provided to any individual who is injured or complains of injury as a result of use of force. This may include, but is not limited to:

1. Flushing the eyes and skin of a person subjected to Oleoresin Capsicum (OC) or other chemical incapacitant, and monitoring the individual for complications.
2. Washing and bandaging minor cuts or abrasions resulting from the application of physical force.

3. Obtaining trained medical personnel attention and ambulance transport to medical facilities for individuals with more serious injuries.

Also see Deschutes County Sheriff's Office [Policy 6.22 Transport of Prisoners](#).

#### **C. Documentation**

Deputies should take all practical measures to fully document the injuries.

1. Carefully note the location, extent, and appearance of the injury for reporting purposes.
2. Photograph the injury as soon as possible.
3. Obtain witness names and statements from medical personnel or others at the scene.
4. Obtain all medical records possible if the individual is treated by emergency medical personnel or at a hospital facility.
5. Carefully note any statements made by the individual.

#### **D. Reporting Use of Force Injuries**

Policy and procedures for reporting the use of force are described in [Policy 5.01 Use of Force](#).

## **VII. CHEMICAL INCAPACITANTS**

Chemical incapacitants are considered a "physical control hold" force option and shall be employed in a manner consistent with this agency's use of force policy. (Refer to [Policy 5.01 Use of Force](#).)

#### **A. Sheriff's Office Issued Chemical incapacitants**

Deputies will carry only Sheriff's Office issued chemical incapacitants.

1. Those deputies whose normal duties/assignments may require them to make arrests or supervise arrestees shall be required, while on duty, to carry agency authorized Oleoresin Capsicum aerosol restraint spray.
2. The Sheriff's Office may deploy, by various means, chemical incapacitants, such as Oleoresin Capsicum and CS, during riot or emergency situations. The use of these agents will be determined and controlled by the Special Weapons and Tactics team (SWAT) commander based on training, situation, tactical doctrine and Oregon statute. In addition to the above described chemical incapacitants, in a tactical environment, SWAT members will have the following chemical incapacitants available for use to lessen the risk of injury to those involved (Refer to [Policy 3.43 Special Operations Team](#)):
  - a. *Indoor Barricade Penetrating Projectiles*. These projectiles are powder and liquid filled, non-burning, fin-stabilized rounds designed to penetrate light to intermediate barriers such as windows and hollow core doors. The projectiles break upon impact and deliver agent payloads of powder or liquid throughout the adjacent target area.
  - b. *Outdoor Short Range Projectiles*. These are a burning projectile round that dispenses smoke or chemical agents via rapid burning. Used effectively during riots at safe stand-off distances to disperse groups or deny areas.
  - c. *Indoor/Outdoor Flameless Expulsion Grenades*. A flameless grenade that discharges a high volume of agent through multiple emission ports that can be used indoor or outdoor.
  - d. *Tear-Ball Multi-Effect Grenades*. An explosive grenade used to control indoor and outdoor situations, ejecting rubber-balls and a powder payload of chemical incapacitants or talc into a radius surrounding the device.

#### **B. Training**

Only deputies who have completed the prescribed course of instruction on the use of Oleoresin Capsicum (OC) and Use of Force are authorized to carry the device.

1. Deputies will be instructed in and issued copies of the Sheriff's Office use of force policies and applicable laws prior to being issued a chemical incapacitant. Issuance of the policies, as well as the instruction, shall be documented.
2. Deputies will receive orientation and training regarding the use of OC, its effects, ingredients, means of delivery, and first aid to be administered which will be included in the deputy's training file prior to being issued OC.
3. Deputies will receive training, at least annually, on the Sheriff's Office use of force policies and the proper use of chemical incapacitants, and will demonstrate a proficient knowledge of their use. This proficiency will be documented in the deputy's training file.
4. A deputy failing to demonstrate proficiency shall not be authorized to use chemical incapacitants until remedial training has been completed and proficiency has been demonstrated and documented in the deputy's training file.
5. Deputies and technicians will be trained in both basic first aid and CPR. Any additional medical treatment will be provided by trained medical providers.

#### **C. Use of Chemical Incapacitants**

1. Oleoresin Capsicum (OC) may be used:
  - a. when verbal commands have failed to bring about the individual's compliance and the individual has indicated his intention to actively resist the deputy's efforts to make the arrest.
  - b. on animals as a deterrent to aggressive behavior when a deputy reasonably believes that such aggression may cause injury to the deputy or any other person who is present.
2. The effects of OC vary among individuals. All individuals shall be handcuffed as soon as safe to do so. Deputies should also be prepared to employ other means to control the individual, to include, if necessary, other force options consistent with agency policy if the individual is not sufficiently subdued by the spray and cannot otherwise be safely restrained.
3. A deputy may use deadly force to protect himself from the use or threatened use of OC when the deputy reasonably believes that deadly force will be used against him if he becomes incapacitated.
4. Once an individual is incapacitated or restrained, the use of OC is no longer justified unless the deputy reasonably believes the individual is a continuing threat because of the tactical situation or some other articulable reason.

#### **D. Additional Considerations**

Within several seconds of being sprayed by OC, a person will normally display symptoms of temporary blindness, coughing, shortness of breath, and tightness in the chest. Consistent with Sheriff's Office training in the use of OC, the deputy using the chemical incapacitant should be aware of additional considerations including, but not limited to:

1. Collateral effects:
  - a. Whenever possible, deputies should be upwind from the individual before using OC and should avoid entering the spray area.
  - b. A deputy should maintain a safe distance from the individual of between three and fifteen feet.
  - c. Use of OC should be avoided, if possible, under conditions where it may affect innocent bystanders.
  - d. Assistance shall be offered to any individuals accidentally exposed to OC spray who feel the effects of the agent.
2. Treatment of affected persons:
  - a. Once the individual has been restrained, deputies shall assist him by rinsing with clean water and drying the exposed area.
  - b. Any vehicles or interiors of buildings should be ventilated.

- c. Individuals who have been sprayed shall be monitored continuously for indications of medical problems and shall not be left alone while in Sheriff's Office custody;
- d. Immediately after spraying an individual, deputies shall be alert to any indications that the individual needs medical care; and
- e. Upon observing any medical problems or if the individual requests medical assistance, the deputy shall immediately summon emergency medical aid.
- f. Corrections staff shall be notified when a subject has been exposed to OC

#### **E. Maintenance**

- 1. All OC spray devices shall be maintained in an operational state.
- 2. Replacements of OC spray canisters shall occur when the unit has been discharged in any significant amount.
- 3. OC canisters shall be inspected periodically by the deputy it is issued to, and turned in for replacement when expired, damaged, inoperable, or depleted.

## **VIII. TASER**

TASER is a Conducted Electrical Weapon (CEW). When deployed the TASER is intended to cause Neuro-Muscular Incapacitation (NMI). When NMI is achieved it causes uncontrollable muscle contractions and reduces the individual's ability to perform voluntary motor skill movements.

#### **Definitions**

*Digital AFID System:* TASER cartridges are assigned to the handle and each probe has an individual serial number. When probes are deployed, information pertaining to what TASER handle deployed each probe is maintained electronically by the system.

a. Note: Deployment data is stored electronically on the cartridge as well as the weapon.

*Central Information Display (CID):* Digital displays the firmware version, battery condition, cartridge bay status and duration of pulse discharge.

*Battery Pack:* This non rechargeable power source tracks all activity of the TASER handle and cartridge and allows for firmware updates. During set up, the handle and cartridge information is synced with the battery pack. When the battery pack is synced, all activity is maintained in Axon evidence management software.

*Drive Stun:* A secondary function of the TASER is to stun an individual by making direct contact with the body and activating the ARC switch. Contact is made by pressing the front of the TASER into the body of an individual resisting lawful orders, and activating the TASER utilizing the ARC switch. The Drive Stun causes significant localized pain in the area touched by the TASER but does not usually cause incapacitation unless it is used in conjunction with probe deployment. A drive stun may also be delivered by pressing the front of the TASER into the body and activating an ARC switch.

*Probe:* The TASER is most effective when the cartridge is fired and both probes make direct contact with the individual. Proper application may result in temporary neuro-muscular incapacitation of the individual and provide the officer a "window of opportunity" in which to take the individual safely into custody. Optimum range for probe deployment is 3 to 12 feet. Deployment of the TASER cartridge at distances of less than 3 feet may not result in neuromuscular incapacitation (NMI) in a focused or combative individual.

*Function Test:* A test completed at the start of every shift to verify that the TASER is working; that the batteries are performing and are adequately charged, and to energize (condition) the high voltage components of the TASER.

*TASER:* A Conducted Electrical Weapon (CEW). When deployed the TASER is intended to cause Neuro-Muscular Incapacitation (NMI) or pain compliance using the drive stun technique in limited situations. When

NMI is achieved it causes uncontrollable muscle contractions and reduces the individual's ability to perform voluntary motor skill movements.

*TASER Cartridge:* A replaceable cartridge for the TASER which uses compressed nitrogen to fire two barbed probes on steel insulated connecting wires sending a high voltage/low current signal into an individual. The TASER 7 Close Quarters (CQ) cartridge is identifiable by black blast doors, black body and has 12 degrees printed on the top.

#### **A. Training**

The training staff instructors who have been certified as TASER instructors are the only authorized persons to instruct on the TASER. Training will be conducted in accordance with Sheriff's Office [Policy 3.12 Training: Requests, Processing and Documentation](#).

#### **B. Authorization to Carry TASERs**

Deputies authorized to use a TASER must successfully complete an initial certification training course, including written and practical tests. Once certified, deputies must attend annual re-certification training and demonstrate appropriate care and handling of the equipment

#### **C. Equipment Care and Handling**

Deputies will use only authorized TASER equipment issued by the Deschutes County Sheriff's Office. The TASER will be inspected for damage and cleanliness, and batteries and cartridges replaced when required by the inspecting deputy. The battery display will be checked on the CID at the beginning of each shift by pressing both ARC switches. When off-duty, TASERs must be stored and secured in a climate-controlled area, not in a vehicle.

Deputies must conduct a spark check at the beginning of shift to ensure the TASER is functioning properly. A function check is an equipment check conducted outside of public view or inmate view to ensure the TASER is operable. To functions test; leave the handle on safe, press both ARC switches simultaneously, observe CID for battery information, release the arc switches prior to 3 seconds elapsing (if held down for longer than 3 seconds, the TASER will enter stealth mode), turn the handle to arm and press one of the ARC switches. The TASER will cycle for a full five seconds. The deputy should observe the arcing electrical current and hear a consistent cadence in the sound it produces. This function check does not require completion of a use of force report. All deputies will carry the TASER in a Sheriff's Office issued holster or holster approved by the Training Unit. The TASER may be carried;

- a. On the duty belt on the side opposite the duty firearm in a cross draw position.
- b. On the duty belt on the side opposite the duty firearm in a straight draw position.
- c. Mounted on the vest carrier with molle attachment in either strong side or support side draw orientation.

Deputies are not authorized to draw or display the TASER, except for training, unless the circumstances create reasonable belief it may be necessary to use it.

If the use of TASER is justifiable, deputies may conduct a "Warning Arc" by drawing the TASER, pointing it in a safe direction and activating the ARC switches as a demonstration and warning of impending use.

The TASER will be handled in the same manner as a firearm.

#### **D. Accidental Discharge**

In the event of an accidental TASER cartridge discharge, the deputy shall promptly notify their supervisor. The supervisor will investigate the incident and prepare a written report documenting the incident and forward a copy to the Training Unit. The supervisor will also make appropriate notifications and/or take other appropriate actions.

#### **E. Use of the TASER**

The use of the TASER is a "serious physical control" force option and is one of the available options when the use of serious physical control force option is reasonable. Deputies should minimize the number and

duration of Taser exposure cycles given to an individual, and avoid simultaneous Taser exposures from other deputies.

The TASER, as with any other force option, may not be effective in every situation. Deputies must assess the effectiveness of each application and determine if there is the necessary justification for each additional application or a different tactic should be employed. The decision to use the TASER will be dependent upon the actions of the threat and the totality of circumstances surrounding the incident.

The TASER may be used when an individual is displaying active, aggressive, or aggravated aggressive resistance to a deputy attempting to conduct legal law enforcement activities (see [Policy 5.01 Use of Force](#), Section VI, Guidelines Governing the Use of Force).

The TASER will not be used when:

1. The deputy knows an individual has come in contact with flammable liquids or is in a flammable atmosphere.
2. Punitively for purposes of coercion or in an unjustified manner.
3. To escort or jab individuals.
4. To discipline, harass, or punish an individual,
5. In a playful, malicious or sadistic manner, or intentionally misused;
6. To awaken unconscious individuals.

The TASER will not be used in the following circumstances unless the deputy can articulate that the situation warranted using a Taser in spite of the increased level of risk associated with using a Taser and the deputy believes that there are no other viable force options available other than deadly force:

1. When the individual is operating or riding in a motor vehicle, bicycle, motorcycle, bus or train, or the individual is operating machinery or riding a skateboard, rollerblades or similar device.
2. When the individual is in a position where a fall will cause substantial injury or death (such as a tree, roof, ladder, ledge, balcony or bridge)
3. When the individual is holding a firearm.
4. If the individual is in a body of water or could fall into a body of water or onto a sharp object or surface (such as holding a knife or falling on glass).
5. When the individual is handcuffed or restrained.
6. When the individual is known to have impaired reflexes (alcohol or drugs)
7. In a situation where deadly force is clearly justified unless another officer is present and capable of providing deadly force to protect deputies and/or civilians as necessary.
8. When the individual is visibly or known to be pregnant, unless deadly force is the only other option.
9. When the individual has a known medical condition which may be adversely affected by the use of the TASER, unless deadly force is the only other option.
10. When the individual is very young or elderly, has very low body mass (thin) or has a known physical disability unless deadly force is the only other option.

At the time of deployment the deputy will:

1. Consider alternatives to using force if feasible and practical, such as obtaining additional resources, waiting, or using verbal de-escalation. When practical, provide a warning to the individual and other deputies before firing the TASER at the subject.
2. Prior to deploying the TASER the deploying deputy should announce: "TASER! TASER! TASER!" The announcement should be made only if it would not further endanger any deputies, other persons, or the suspect.

3. When practical, deputies should consider targeting the individual from the rear, below the base of the neck. This is the preferred target zone, because it increases effectiveness by targeting these larger muscle groups, reduces the risk of hitting sensitive body areas and reduces cardiac risks.
4. When targeting the front area, deputies should aim below the nipple line and attempt to split the beltline. This reduces the risk of hitting sensitive body areas and increases “probe-to-heart” safety margin.
5. To reduce cardiac risks, deputies should target the back, avoid hitting the chest, heart region and avoid repeated or continuous exposures when practical.
6. When encountering individuals wearing heavy or loose clothing on the upper body, the legs or areas where the clothing is fitted more tightly should be considered as a target.
7. Due to the adaptive cross connect technology, deputies may choose to deploy a second cartridge to increase effectiveness of the neuro-muscular incapacitation.
8. If possible, avoid hitting the individual in sensitive tissue areas such as head, face, neck, groin, or female breast area. Probes penetrating these areas shall be removed by medical personnel at a medical facility.
9. Use of the “Drive Stun” can be used in situations where the “probe” deployment is not possible and the immediate application of the “Drive Stun” will bring an individual displaying active, aggressive, or aggravated aggressive resistance safely under control. Multiple “Drive Stuns” are discouraged and each use must be justified and articulated in the incident report. If initial application is ineffective, the deputy will reassess the situation and may consider other available options or the deployment of a second cartridge.
10. Deputies should begin control and restraint procedures (cuffing under power) as soon as reasonably safe and practical to minimize the need for additional Taser exposure cycles and to reduce the duration of the exertion and stress on the person being restrained. Immediately after getting the person restrained, the person will be moved on to their side to assist them with breathing.

After TASER deployment:

1. Notify their immediate supervisor as soon as possible whenever the TASER has been used deployed.
2. Probes should be removed by a TASER certified deputy unless medical assistance is required as stated above. The TASER certified deputy should utilize the cartridge safety clip to assist in safely removing probes when available.
3. Notify jail personnel at the time of booking and note on the Custody Intake form that the subject has been struck with TASER probes and/or received a “Drive Stun.”

Supervisors will:

1. Respond to the scene when a TASER has been used.
2. Notify the lieutenant and/or division commander when a TASER has been used and there are special circumstances surrounding the use of the TASER.
3. Ensure photographs are taken of the site of the probe impacts and any related injuries by a gender appropriate deputy.

#### **F. Use of TASER in Jail Facilities**

Deployment of a TASER in the jail or work center will be authorized by corrections shift supervisor.

All law enforcement officers are required to secure their weapons prior to entering the intake areas of the jail facilities. Firearms, ammunition, TASER, and knives are not allowed and will be secured prior to entering the facility.

The objectives in the use of the TASER in the Corrections setting are:

1. Prevention of violence and minimization of injury to staff, inmates, and the public.

2. Incapacitation and restraint of violent inmate(s) who are endangering life, property, and the safety and security of the facility.
3. Prevention of an escape from the corrections facility or during transport.
4. To restore or maintain security and order.

The supervisor will follow DCAJ Policy: [CD-8-11 Use of Force in a Corrections Setting](#). The supervisor may authorize a deputy to retrieve a TASER for emergency purposes.

## **G. Post Deployment**

In compliance with this policy, following a TASER deployment, deputies will additionally perform the following:

### **1. Medical**

- a. If deputies reasonably believe the individual upon whom the TASER was used exhibits any sign of medical distress, such as in the case of striking the area of sensitive tissue, the deputy will render aid and summon emergency medical care.
- b. If needed, reasonable and appropriate, medical personnel will be summoned to the scene to assess the individual struck with the TASER. If medical personnel or other circumstances indicate the individual requires further medical treatment the individual will be transported by reasonable means to a suitable medical facility per Sheriff's Office [Policy 6.22 Transportation of Prisoners](#).
- c. If safety circumstances dictate moving the individual to another location, deputies may arrange to have emergency medical personnel meet the deputies and the individual at another location to assess the individual and render care.
- d. If emergency medical care or transport is not available, or if the delay appears excessive, then, per Sheriff's Office policies, the individual may be transported by the deputy for medical evaluation. The deputy will attempt to transport the individual without causing further injury. During transport the officers shall reasonably monitor the individual's observable physical condition.

### **2. Documentation**

The deputy deploying the TASER will:

- a. Remove the TASER from service until it is presented to the Training Unit for data download and inspection. The Training Unit will complete the download and provide the device data to the deputy to attach to the incident report.
- b. Complete a detailed incident report, whenever a TASER is presented or fired, whether an individual is struck or not, or when drive stunned.
- c. Complete a use of force report.
- d. Forward a copy of the report to the appropriate division commander.

### **3. Evidence**

- a. Deputies will handle the probes the same as contaminated needles and sharps in accordance with Sheriff's Office biohazard policy.
- b. The probes, wires and the expended cartridge(s) will be maintained as evidence appropriately secured, tagged, and identified as a bio-hazard(s).
- c. If the probes strike sensitive tissue they will be removed at a medical facility to be placed into evidence at the Sheriff's Office with the cartridge they were fired from.
- d. If available, the probes shall be placed in a single use sharps container and sealed. The sealed sharps container shall then be placed in the same evidence bag with the expended cartridge and wire.

- e. If no single use sharps container is available, deputies should package the wires loosely to maintain their evidentiary value and wrap the probes into protective gloves before placing into an evidence bag. Deputies will then place this bundle into evidence, utilizing a biohazard sticker.

Supervisors will:

- a. Ensure the deputy completes reports and required photographs are taken.
- b. Verify the probes and expended cartridges are placed into evidence and arrange for replacement cartridges with the Training Unit.
- c. Ensure data is downloaded from the TASER as soon as possible and the data downloaded report from the Training Unit is attached to either the primary report or a supplemental report.

## **IX. FIREARMS**

Use of firearms constitutes a "deadly force" option and shall be used only in situations where the use of deadly force is justified. (Refer to [Policy 5.01 Use of Force](#).)

### **A. Sheriff's Office Issued Firearms**

Deputies will carry only agency issued firearms or those specifically authorized in the Sheriff's Office firearms policy. Ammunition will likewise conform to that authorized in the Sheriff's Office firearms [Policy 8.20 Firearms](#), [Appendix A](#), [B](#) and [C](#).

*Handgun:* The agency issues or allows personally owned Glock in 9mm, as duty handguns. Deputies may carry duty handguns off-duty. Models vary and must be approved by the Training Unit.

*Shotgun/Extended Range Impact Weapon:* The Sheriff's Office issues the Remington 870 pump action and the Mossberg 590A pump action shotgun chambered in 12 gauge. The shotgun may be used as a delivery system for a breaching round in order to access a location. Such rounds may cause serious physical injury or death when fired at a human being and are for the exclusive use by SWAT members. Duty shotguns are not authorized for use off duty. For additional information see [Policy 8.20, Firearms](#).

*Special Purpose Firearms:* The Sheriff's Office issues Tippman Pneumatics, Inc, Jaycor compressed air launchers of .68 caliber. These are used for extended range impact and/or chemical agent applications. Pepperball launcher is not authorized for off-duty use.

A 37mm Harrington and Richardson Arms Co., Gas Projectile Gun commonly used to propel tear gas cartridges is also available in the armory. A 37mm Defense Tech Gas Projectile Gun used for the delivery of gas or less lethal munitions is available to SWAT members only. The 37mm is not authorized for off-duty use.

A 40mm Combined Tactical System (CTS) projectile launcher is commonly used to propel gas, smoke and impact munitions. On patrol, deputies may only carry the CTS Foam Baton round. Other gas, smoke or impact munitions are available to SWAT or Mobile Field Force members only. The 40mm is not authorized for off-duty use.

*Rifle:* The Sheriff's Office issues semi-automatic rifles chambered for the 5.56/.223 round. The duty rifle is not authorized for use off-duty.

*Long-Rifle:* .308 caliber bolt action or semi-automatic scoped rifles are available for SWAT members only. The specialized rifle is not authorized for use off-duty.

Special Purpose Devices:

- a. Tactical "Flash Bang" hand delivered diversionary device of a steel body construction for SWAT members only. This device is not authorized for off-duty use and must be stored in accordance with best practices.

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*Other Firearms:* The Sheriff's Office may issue other firearms necessary the purposes of law enforcement as authorized by the Sheriff including, but not limited to, those whose specific purpose or design is delivery of

chemical incapacitants, or precision long-range shot placement. Other firearms may be carried off-duty only with the authorization of the Sheriff.

## **B. Training**

(Refer to [Policy 3.14 Firearms Training](#)). Deputies may carry and use only those firearms that they have received training and demonstrated proficiency in the use of.

1. Deputies will be instructed in all applicable laws on the use of deadly force and Sheriff's Office use of force policy prior to being issued any firearm.
2. Deputies will be issued copies of the Use of force policies prior to authorization to carry a weapon. Both the issuance and instruction shall be documented.
3. Deputies will successfully complete the DPSST Basic Academies course on firearms instruction or its accepted equivalent prior to being authorized to carry a firearm.
4. Deputies will receive firearms training at least bi-annually. They will demonstrate a current knowledge of the Sheriff's Office Use of force policy received during annual training, and an acceptable level of proficiency with each firearm they are authorized to carry.
5. Levels of proficiency and frequency of qualifications with each weapon will be set by the Sheriff's Office Training Unit and the deputy's performance will be maintained by the Training Unit.
6. A deputy failing to demonstrate proficiency shall not be authorized to carry the firearm until remedial training has been completed; and current proficiency demonstrated and documented by the Training Unit.

## **C. Use of Firearms**

Use of firearms by law enforcement deputies in the performance of their duties constitutes one of the most closely scrutinized aspects of the profession. Deputies are authorized to use firearms when necessary:

1. To protect the deputy or another from serious physical injury or death.
2. To prevent the escape of an individual when the deputy has probable cause to believe the individual committed a crime involving an immediate threat of death or serious physical injury to the deputy or others.
3. To destroy or deter a dangerous animal or, with permission from a supervisor, to destroy a badly injured wild animal or livestock to prevent further suffering. For domestic animals, including livestock, all veterinarian options will be sought first.
4. At a firing range pursuant to all safety rules and regulations.

## **D. Unauthorized Firearms Uses**

1. Deputies are prohibited from discharging firearms from a moving vehicle unless deadly force is justified.
2. Discharging a firearm is not authorized as a signal, warning or communication method.
3. Any accidental discharge of a firearm by a deputy occurring on duty or an accidental discharge of agency firearm off-duty will be reported immediately to the on-duty supervisor. An incident report will be generated and copies forwarded to the Division Commander and Sheriff.
4. Deputies shall not display their weapons for casual civilian observation.

## **E. Maintenance**

Any firearm authorized by this agency to be carried by a deputy will be maintained in a clean and operational condition. Deputies are subject to unannounced inspections by a supervisor or a Firearms Instructor at any time.

Firearms will be inspected as part of each scheduled firearms range training session.

## **X. IMPACT WEAPONS**

When a deputy uses an impact weapon to perform a physical control hold, the deputy must be aware the force is equivalent to "physical control hold" but could elevate to "deadly force." Use of impact weapons to block, jab, or strike constitutes a "serious physical control" force option. (Refer to [Policy 5.01 Use of Force](#).)

### **A. Sheriff's Office Issued Impact Weapons**

Deputies will carry only Sheriff's Office issued impact weapons. The agency issued impact weapons are not authorized for off-duty use.

1. *Monadnock Collapsible Baton:* The Sheriff's Office issues, for standard deployment, a Monadnock collapsible baton which will be in the deputy's possession when assigned to the patrol, traffic, or investigation functions. Deputies may use the baton in the jail setting, including transports, cell extractions, or riots when reasonable to do so.

### **Impromptu Impact Weapons**

Nothing in this section precludes a deputy from using an impromptu impact weapon, such as the police issue flashlight, if the deputy is justified in its use to protect self or another from serious physical injury or death.

The Training Coordinator will record the type and assignee of all impact weapons.

### **B. Training**

Only deputies who have received training and have demonstrated proficiency in the use of impact weapons may carry and use them.

1. Deputies will be issued copies of and be instructed in the agency's Use of Force policy and applicable laws prior to being issued an impact weapon. Issuance of and instruction in the policies shall be documented.
2. Deputies will receive training in the proper use of impact weapons prior to the weapon being deployed by the deputy. Documentation of training will be maintained by the Training Unit.
3. Deputies will receive annual training in the Sheriff's Office Use of force policy and the proper use of impact weapons, and will demonstrate proficiency in their use. Documentation of training will be maintained by the Training Unit.
4. A deputy failing to demonstrate proficiency shall not be authorized to use impact weapons until remedial training has been completed, current proficiency demonstrated, and documented by the Training Unit.

### **C. Use of Impact Weapons**

Only that amount of force reasonably believed necessary to protect persons from bodily harm or to affect a lawful police action may be used.

1. Impact weapons may be used as an extension of a deputy's ability to apply a control hold to overcome "static" or higher resistance. This includes, but is not limited to, leverage applications, wrist or other joint locks, arm bars, come along holds, and takedowns.
2. Impact weapons may be used as a blocking, jabbing, or striking weapon to overcome "active" or higher resistance. This includes, but is not limited to, jabs and rakes intended to stun or gain compliance, strikes to major muscle groups for the same purpose, or strikes to areas such as wrists or shins designed to disarm or incapacitate.
3. Impact weapons may be used on targets identified as potentially lethal, such as the head only in situations where the use of deadly force is justified.

### **D. Unauthorized use**

1. Impact weapons shall not be used to threaten, intimidate or punish any person. Reasonable use by displaying an impact weapon for legal law enforcement purposes is allowed.
2. Impact weapons shall not be used for other than law enforcement purposes.

3. Deputies should exercise restraint and consideration before demonstrating or displaying their impact weapons. They should not normally be subject to casual civilian observation.

#### **E. Maintenance**

Sheriff's Office issued impact weapons will be kept in a clean, operational condition at all times.

## **XI. EXTENDED RANGE IMPACT WEAPON PROJECTILES**

Use of extended range impact weapon projectiles constitutes a "serious physical control" force option. (Refer to [Policy 5.01 Use of Force](#).)

#### **A. Sheriff's Office Authorized Extended Range Impact Weapon Projectiles**

Deputies will carry and deploy only Sheriff's Office issued extended range impact weapon projectiles. In general terms, extended range impact weapon projectiles are launched from three types of firearms: pepperball launchers, and larger caliber launchers. (See Section VIII. A and D)

#### **Gas Gun Launched Extended Range Impact Weapon Projectiles**

SWAT will have available for deployment 37mm and 40mm gas gun launched extended range impact weapon projectiles for singular or multiple subject targeting at a tactical incident level. ([See Policy 8.20, Appendix C](#))

Patrol and Corrections will have available for deployment 40mm Combined Tactical System (CTS) projectile launcher gas gun, with extended range CTS 4557 40mm Foam Baton impact weapon projectiles for singular or multiple subject targeting, deployed at an operational level.

#### **B. Training**

Deputies assigned to extended range impact weapons will have weapons available for the specific purpose of launching extended range impact weapon projectiles. The weapons will be assigned at operational, squad or tactical level, and shall not be used for or loaded with lethal rounds.

1. Deputies will be issued copies of and be instructed in the agency's use of force policy and applicable laws prior to being issued an extended range impact weapon. Issuance of and instruction in the policies shall be documented.
2. Only deputies trained in the use of the extended range impact weapons are authorized to use them.
3. Deputies will be trained in and demonstrate knowledge of applicable laws and Sheriff's Office use of force policy when assigned to extended range impact weapon projectile duty.
4. Deputies will receive training in the proper deployment and use of extended range impact weapon projectile weapons prior to being authorized to carry them on-duty.
5. At least biennially, deputies will demonstrate knowledge of the current Sheriff's Office use of force policy received during annual training, and demonstrate proficiency in the use of extended range impact projectile weapons assigned to them.
6. Training and demonstrations of proficiency shall be documented by the training unit.
7. A deputy failing to demonstrate proficiency shall not be authorized to carry extended range impact weapon projectiles until remedial training has been completed, and current proficiency demonstrated and documented by the training unit.

#### **C. Use of Extended Range Impact Weapons**

Extended range impact weapons are used in situations where a serious physical control or higher force option is justified or other means have not been effective or are not practical.

Extended range impact weapon projectiles are directed at large muscle groups or center body mass to temporarily stun or incapacitate an individual so that he or she may be taken safely into custody, or to persuade the individual to surrender without physical resistance.

Situations justifying the use of an extended range impact weapon may include, but are not limited to:

1. As an alternative to the use of deadly physical force if the tactical situation allows for the option.
2. To induce a cornered, dangerous individual into custody without necessitating deputies approaching into the danger area.
3. To stop the escape of a fleeing fugitive, where pursuit is likely to endanger the deputy or others.
4. To accomplish a lawful law enforcement action in situations where lesser levels of force have been ineffective and a substantial danger exists for the deputies if the action is not taken.
5. To deter a dangerous or aggressive animal.

#### **D. Unauthorized Uses**

Unless the use of deadly force is justified, deputies should avoid deploying extended range impact weapons against:

1. Extremely frail or elderly individuals.
2. Very young or very small individuals.
3. Individuals known to be pregnant.
4. Injured or sick individuals whose known injury or sickness may cause them to be more subject to injury.
5. Any individual at ranges so close as to be likely to produce a serious or fatal wound.
6. Deputies should not target any part of the body that could be reasonably expected to produce a serious injury or lethal wound unless deadly force is justified.

#### **E. Maintenance**

The same maintenance and inspection standards apply to extended range impact weapons as are applied to other firearms.

## **XII. RESTRAINTS/HANDCUFFS**

Use of restraints, such as handcuffs, leg irons, flex cuffs, or hobbles, constitutes a "physical contact" force option. (Refer to [Policy 5.01 Use of Force](#), Section IV, Levels of Force)

#### **A. Sheriff's Office Authorized Restraints**

Deputies will carry only Sheriff's Office issued or authorized restraints.

1. *Handcuffs:* The Sheriff's Office issues handcuffs to deputies whose normal duties/assignments may require them to make arrests or supervise arrestees. Deputies may carry additional personally owned sets of handcuffs so long as they are of a similar design and quality to those issued.
2. *The WRAP:* A specifically designed device that secures the arms and legs of an individual.
3. *Other restraints:* The Sheriff's Office equips each patrol vehicle which may be used by deputies to make arrests, transport, or supervise prisoners, with:
  - a. Leg irons, for the restraint of violent offenders or escape risks.
  - b. Hobbles, for the purpose of preventing a violent prisoner from kicking persons or damaging property.
  - c. Belly chains, for the purpose of further restraining the arms of prisoners who are unusually flexible, violent, or dangerous.
4. *Flex-cuffs:* Flex-cuffs may be used by deputies as a temporary means to secure additional suspects. Deputies should be aware of the danger of an individual cutting, burning, or slipping out of flex-cuffs and exercise additional caution, checking the flex-cuffs frequently.

## **B. The WRAP**

1. Deputies should use WRAP only when other restraints or methods have been or are likely to be ineffective. Whenever possible a shift supervisor will approve of the use and make the determination whether the WRAP is appropriate for the situation. Whenever practical, a shift supervisor will be present when deputies put an individual in the WRAP. The supervisor will ensure proper documentation.
2. Once an individual is properly restrained in the WRAP, they can be placed on their side or in a sitting position. This will increase the oxygen recovery rate and reduce the incidence of respiratory fatigue.
3. Once an individual is properly restrained in the WRAP, a soft helmet will be applied to protect the head of the individual.
4. An individual restrained in the WRAP will not be left unattended. A deputy shall be assigned to continuously observe the individual. See precautions below.
5. The WRAP can be applied by two people if the individual is passive, but for violent/combative individuals, three to four people should be used. Only deputies who have received training in the use of the WRAP should use this restraint device.
6. Deputies must do the following when putting an individual in the WRAP. a. Make sure the handcuffs on each hand are properly secured behind the individual's back, double locked and are properly fastened to the upper harness carabiner. b. Secure the upper harness; ensuring cam buckles are properly fastened. c. Secure the upper leg restraint; ensuring cam buckles are properly fastened. d. secure shoulder harness. e. Secure the ankle restraint strap. f. Make sure all WRAP restraints do not restrict blood flow or the ability to breathe.
7. Movement of the individual can be accomplished in several ways depending on their cooperation. The individual can be either carried, placed in a wheelchair, placed in the WRAP cart, or allowed to stand and shuffle step to the destination.
  - a. To carry the individual, it is recommended between 2 and 4 deputies be used depending on the size and weight of the individual. Lift the individual under the arms and the ankles. A "log lift" carrying technique may be used when moving the individual. Proper lifting techniques should be followed to prevent unnecessary injury to deputies.
  - b. As an option to lifting, the individual may be moved by means of a shuffle. If the individual has calmed down and is cooperative, the ankle strap can be removed and the two lower WRAP leg bands loosened to allow some leg movement below the knees without compromising safety and security. By loosening the tether to the shoulder harness, the individual can be brought to a standing position with the help of the deputies and then allowed to shuffle to or from the destination. If this method is used, deputies will maintain a physical hold of the individual to prevent falling and possible injury.
8. When transporting in a vehicle, re-check all belts to ensure that they are securely fastened, prior to entering the vehicle. The individual shall be in a seated in an upright position and secured with a seatbelt. This procedure is to limit movement and reduce the risk of injury to the individual. When using a transport van, a deputy shall ride in the back as an observer with the individual to ensure all straps remain tight; the individual remains in the upright position and has no medical problems. If an individual is transported via ambulance, a minimum of two deputies shall accomplish the escort.

## **9. Precautions**

- a. The individual shall be monitored constantly for the first 15 minutes after the WRAP has been applied and will remain on constant observation. 15 minute restraint checks will be performed and documented in the narrative of the report after the initial observation period.
- b. The shoulder harness should never be tightened to the point that it interferes with the individual's ability to breathe.
- c. The leg bands and shoulder harness must be checked every 15 minutes for tightness and re-tightened or loosened as necessary until the WRAP is removed.
- d. If the restrained individual complains of or show signs of breathing or cardiac distress (shortness of breath, sudden calmness, a change in facial color, severe chest pain, etc.), the deputy must immediately call for emergency medical services if tactically safe to do so and communications are available..
- e. An individual should be placed in an upright sitting position or on his or her side as soon as possible to allow for respiratory recovery.
- f. The WRAP is a temporary restraint device and is not escape proof.
- g. The WRAP is to be used by trained members only.

## **10. Care and Maintenance**

The WRAP should be inspected at the beginning of each shift and after each use for signs of wear or damage and to ensure it is clean and ready to use at all times. If any damage is discovered, forward the WRAP to the Training Unit for repair or replacement. Cleaning is necessary after each use. Use a mild soapy solution or disinfectant approved for use on vinyl and nylon materials. Thoroughly rinse all disinfectant from the unit prior to drying. After cleaning the WRAP, allow it to thoroughly air dry before returned to its carrying bag. If any part of the WRAP cannot be cleaned, replacement of that part should be considered.

## **11. Storage**

The WRAP will be stored in a designated secure area. The WRAP shall be stored prepared and ready for immediate use:

- a. Place the body of the WRAP on a flat surface with the leg bands on top (outside facing upward). Have the harness detached from the WRAP. Extend all three leg straps. This prepares for the next application and saves time.
- b. Fold the leg bands in alignment with the bands located on the outside body of the WRAP.
- c. Be sure the "D" rings (carabiners) are unlocked and ready for use.
- d. With the bands folded in place, roll up the WRAP tightly (bands on inside) and secure with the ankle strap. Now place the WRAP into the WRAP bag.
- e. Lastly fold the harness together in a compact manner, making sure the buckles are fully extended and undone. Place the harness into the pouch sewn inside the bag. This separates it from the WRAP to avoid confusion.

## **C. Training**

Deputies shall train annually during defensive tactics in-service training on the proper use of restraints.

1. The training shall include instruction in the agency's use of force policy.
2. Documentation of the training shall be maintained by the Training Unit.

## **D. Use of Restraints**

Every individual taken into custody shall be handcuffed with their hands behind their back, unless such handcuffing is impossible (e.g., an amputee) or impractical. In such an event, a deputy shall use appropriate safeguards to secure the individual. Additional restraints shall be used, as needed, if the deputy reasonably believes they are necessary because:

1. The individual is violent and constitutes a continuing threat to the deputy even though handcuffed.
2. The individual constitutes an escape risk unless further restrained.

3. The individual damages or attempts to damage property even though restrained.
4. The individual acts in a manner that is likely to injure self or others.
5. The individual is accused of crimes of a serious nature that merit additional security.
6. The individual has a past record of violent behavior or escapes.

#### **E. Unauthorized Uses of Restraints**

Restraints shall not be used as punishment, or to humiliate or degrade any person

#### **F. Maintenance**

All restraints carried by or in the care of deputies shall be maintained in a clean and operational condition.

### **XIII. CANINE AS USE OF FORCE**

Sheriff's Office canines can be deployed as a "use of force," depending on the task being performed. When they are utilized as such, they are considered to be a "serious physical control" level of force. (Refer to [Policy 5.01 Use of Force](#).)

Canines as a use of force are located in the Law Enforcement Canine section of this chapter. (Refer to [Policy 5.50 Law Enforcement Canines](#).)

### **XIV. VEHICULAR USE OF FORCE**

Vehicles are not designed as, nor are they normally deployed as, a "use of force". When they are utilized as such, vehicular use of force will be consistent with the Vehicular Use of Force Options located in [Policy 5.15 Vehicular Use of Force](#).

### **WARNING**

Violations of this policy may form the basis for Sheriff's Office administrative sanctions.