

EVO COUNTY SHERIFF'S DEPARTMENT POLICY AND PROCEDURS MANUAL

SUBJECT: USE OF FORCE

POLICY:

It is the policy of the Evo County Sheriff's Department for deputies to comply with the laws of the State of Evo and use only the amount of physical force that is objectively reasonable to affect an arrest, prevent an escape, defend themselves or another from bodily harm, or preserve the peace. The sheriff's office recognizes that deputies will encounter infinitely variable situations in the performance of their duties. Variables in size, strength, and fighting skill will be encountered between officers and potential adversaries. Persons against whom force may be used can be under the influence of alcohol or drugs. They may suffer from mental illness. Their willingness to comply with an officer's directions will vary widely and can change quickly. In light of these factors, the sheriff's office recognizes that objectively reasonable force used by deputies cannot always begin with the lowest levels of force. Further, because of differences in size, strength, age, and gender between deputies, different levels of force may be objectively reasonable for different deputies in similar situations. The sheriff's office use of force training regimen instills in deputies the capability to assess the potential harm that might result from use of force actions. The sheriff's office teaches deputies a variety of tactics and skills including the use of verbal tactics, control holds, electronic control weapons (i.e. Taser®), chemical agents, strikes and kicks, less-lethal impact weapons and firearms. Additionally, canine and Special Weapons and Tactics units are maintained to provide further options for resolving use of force situations. Deputies assess situations and their own abilities and training, select the tactics and level of force that they believe is proportional to the need, and will successfully resolve the situation. These decisions are then subject to sheriff's office review and may also be reviewed by criminal and civil courts.

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Deadly Force: Any use of force that is reasonably likely to cause death.

De-Escalation: A decrease in the severity of force required or used in an incident in direct response to a decrease in the subject's level of resistance.

Defensive Resistance: Refusal to comply with instructions accompanied by resistance that does not yet rise to the level of active resistance but through word, or body posture, a person demonstrates an intention or willingness to cause or to attempt to cause injury to another person.

Empty-Hand Control: The use of bodily force to gain control of a subject. Hard-Hand or Strike Control: An empty-hand control technique involving the use of strikes by the human body to restrain and/or control a subject. This may include, but is not limited to, punches and kicks, or strikes by the head, knee, or elbow.

Non-deadly Force: Any use of force other than that which is considered deadly force. This includes any physical strike or instrumental contact with a person, any attempted or threatened physical strike or instrumental contact that does not take effect, or any significant physical contact that restricts the movement of a person beyond escorting or un-resisted handcuffing, intended to overcome the resistance of another.

Use of Force: Use of any control holds or restraint techniques beyond non-resisted handcuffing, which may include hand control, chemical sprays, electronic control weapons, strikes, kicks, canines, impact weapons, threatened use of deadly force (including the pointing of a firearm at an individual), and any on-duty, non-training related, discharge of a firearm. For purposes of this policy, use of force does not include any escort techniques or holds on a compliant, non-resistive subject.

Verbal non-compliance: An individual ignores instructions and/or refuses to comply with instructions, but does not offer any type of physical resistance.

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PROCEDURE:

1. Use of Deadly Force

- A. A deputy is authorized to use deadly force to:
1. Defend himself or herself or a third person from what is reasonably believed to be the use or imminent use of deadly force; or
 2. To effect an arrest, or to prevent the escape from custody, of a person whom the deputy reasonably believes has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon, or is attempting to escape by the use of a deadly weapon; or
 3. When the subject otherwise indicates, except through a motor vehicle violation, that he is likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay.
- II. Other Deadly Force Events
- A. Deputies may use deadly force to destroy an animal that represents a threat to public safety, or as a humanitarian measure when the animal is seriously injured and the deputy believes that the deadly force can be used without endangering others.
- B. Discharging a firearm at an occupant of a moving vehicle is only authorized when the deputy is authorized to use deadly force against that occupant and the deputy reasonably believes that the risk to the deputy or others created by discharging a firearm is outweighed by the need to apprehend the suspect(s) without delay.
- C. Discharging a firearm from a moving vehicle at any person outside of that vehicle is only authorized when the deputy is authorized to use deadly force against that person and the deputy reasonably believes that the risk created by discharging a firearm is outweighed by the need to apprehend the person without delay.

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III. Use of Non-deadly Force

- A. A deputy is authorized to use the level of force that is objectively reasonable and necessary to bring an incident under control.
- B. A deputy is authorized to use sheriff's office approved techniques and equipment to apply non-deadly force to situations where it is necessary to:
 - 1. Protect the deputy or others from physical harm;
 - 2. Effect an arrest or restrain or subdue a resistant person; or
 - 3. Bring any unlawful situation safely and effectively under control.

IV. Application of Force

- A. Deputies will use advisements, warnings, and verbal persuasion, when possible, before resorting to the application of force.
 - 1. A verbal warning is not required in circumstances where the deputy has to make a split-second decision, or if the deputy reasonably believes that issuing a warning would not be tactically advantageous and would place the deputy or others in jeopardy.
- B. Force shall be de-escalated immediately as the subject's resistance decreases.
- C. Immediately following the use of force and placing the subject into custody, deputies shall evaluate and/or observe the subject for injury or complaints of pain resulting from the use of force, and obtain any necessary medical care
 - 1. In instances where a serious injury occurs during a force encounter deputies are required to render aid, to the best of their physical ability, until relieved by professional medical providers.
- D. Force shall never be used as punishment.

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VI. Abuse Of Force

Any peace officer who witnesses another peace officer use a level of force that exceeds the level permitted by state statute is required to report that use of force to his or her immediate supervisor in accordance with C.R.S. § 18-8-802.

1. Therefore, any deputy - whether or not commissioned as a state peace officer - who witnesses the use of force by any other deputy or peace officer that exceeds the level of force permitted by state statute is required to attempt to intervene, to the extent possible, and then make a report to his/her immediate supervisor as soon as practical and no later than the witnessing deputy's end of shift.
2. Any deputy who receives information from any sheriff's employee regarding the witnessed use of force by a deputy or other peace officer that the employee believes exceeds the level of force permitted by state statute is required to make a report to his/her immediate supervisor.
 - a. The initial report may be verbal; however, in every case the
 - a. The initial report may be verbal; however, in every case the verbal report is to be followed up with a written report within 24 hours. The report is to include the date, time and place of the occurrence; the identity and/or description of the participants; and a description of the events and force used
 - b. The written report is submitted to the author's division chief within the 24 hour time period. The division chief will inform the undersheriff and sheriff of the report's existence and provide a copy to each as soon as practical.

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