

USE OF FORCE

11.00.00 Use of Force

1. General Policy

Recognizing our legal and moral obligation to use force judiciously and wisely, it is the policy of the Sheriff's Office that deadly force shall never be resorted to until every other reasonable means of apprehension or defense has been exhausted.

The policy above requires only that a deputy use reasonable alternatives, if such are available. For example, a deputy need not hesitate to employ deadly force against an individual who is shooting at him/her. He/she should, of course, use his/her weapon in such a manner as not to needlessly endanger the lives of innocent bystanders or fellow officers, but he/she is not required to seek alternatives to deadly force if he/she or another is under immediate life threatening attack.

2. Definitions

- A. **Deadly Force:** The intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm. Justification of deadly force is behavior which has caused or imminently threatens to cause death or great bodily harm to you or another person or persons.
- B. **Non-deadly Force:** Non-deadly force is the use of a device or instrument or any other action on the part of an officer, which is not intended to cause death or great bodily harm, but may result in harm or injury to a person.
- C. **Reasonable Belief:** When fact or circumstances the deputy knows or should know would cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
- D. **Great Bodily Harm:** A bodily injury that creates a substantial risk of death or which causes serious, permanent disfigurement or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.
- E. **Imminent Threat Criteria:** Imminent means about to happen. The subject displays a weapon, intent, and delivery system.
- F. **Preclusion:** The deputy reasonably believes all other options have been exhausted or would be ineffective.
- G. **Greater Danger Exception:** Shooting without target isolation if the consequence of not stopping the threat would be worse than the possibility of hitting an innocent person.
- H. **Excessive Force:** The use of more force than is reasonable under the circumstances. While excessive force may not affect the validity of an arrest, it will expose the deputy to any and all of the following:
 - 1) Department discipline.
 - 2) Federal civil rights suits.
 - 3) Federal and State civil suits.
 - 4) In aggravated circumstances, possible criminal liability.

3. General Rules

- A. No deputy shall use force other than in accordance with the law and established Sheriff's Office policies and procedures.
- B. No deputy shall display as a threat any weapon unless its actual use in the situation would be proper.
- C. No deputy shall carry or use, under normal circumstances, any weapon unless it is approved by the Sheriff, and no deputy shall in any material way modify or alter the approved weapon.
- D. Under normal circumstances, only the methods or instruments listed in 11.00.05 may be utilized by a deputy to apply force, and these methods are listed in ascending order from least severe to the most severe.

11.00.05 Intervention Options

- 1. Deputy Presence (open stance, ready stance, defensive stance)
- 2. Verbal Dialog (search talk, persuasion, light control talk, heavy control talk)
- 3. Control Alternatives (escort holds, compliance holds, control devices [OC spray, ECD], passive counter measures)
- 4. Protective Alternatives (active counter measures, incapacitating techniques, intermediate weapon)
- 5. Deadly Force

11.00.10 Deadly Force

Deadly Force may be used under the following circumstances:

- 1. As a last resort in the defense of oneself or another person or persons when there is reasonable cause to believe that one is in imminent danger of death or great bodily harm.

2. Deadly force may be used, after all other reasonable means of capture are exhausted, to effect the arrest or prevent the escape of a suspect whom the deputy has reasonable cause to believe has committed or attempted to commit a felony involving the use or threatened use of deadly force.
This section allows the deputy to use deadly force when the suspect is engaged or has engaged in a felony or felonies involving violence, including but not limited to armed robbery, murder and felonious assaults; however, under no circumstances shall the commission of a non-violent felony, including but not limited to embezzlement or burglary justify the use of deadly force (unless above paragraph applies).
3. Deadly force shall never be used in any misdemeanor case (unless above paragraph applies) or when the deputy is in doubt as to whether or not deadly force is justified, or when its use would unreasonably endanger innocent bystanders. A warning shot shall not be fired under any circumstances.
4. A deputy shall not threaten to use deadly force unless he/she would be justified under this policy to, in fact, use such force.
5. Weapons shall not be discharged at or from a moving vehicle.
6. A deputy may have his/her firearm at ready when he/she has reasonable grounds to suspect that the use of deadly force may be necessary. The deputy need not be under attack, but only be reasonably apprehensive that the situation may lead to circumstances outlined in sections above.
7. This section is intended to allow the deputy to have his/her weapon ready in such circumstances as answering a silent alarm or confronting a suspect of whom there is reasonable grounds to believe may be armed, or who may otherwise cause the deputy to reasonably fear of death or great bodily harm.
8. Roadblock (no escape route)
Whenever a no escape roadblock is employed, it shall be established in a safe manner, taking into consideration the safety of the deputy and the general motoring public. Roadblocks may only be established in areas that provide good visibility of the block to all involved in the pursuit and other users of the highway. Roadblocks may not be set around curves, over hills or on bridges.
9. Ramming
Whenever a ramming is employed, it shall be established in a safe manner, taking into consideration the safety of the deputy and the general motoring public. Ramming may only be established in areas that provide good visibility of the block to all involved in the pursuit and other users of the highway. Ramming may not be set around curves, over hills or on bridges.

11.00.20 Non-Deadly Force

1. Recognizing our legal and moral responsibility to use force wisely and judiciously, it is the policy of the Sheriff's Office that force (even though non-deadly) will be used only when absolutely necessary in the performance of a deputy's legal duties.
2. As used in this policy, non-deadly force refers to the use of any weapon or instrument, or any other action on the part of the officer, which does not fall under the definition of deadly force, but which may result in bodily harm or injury to a person.
3. Use of Non-deadly Force in General
 - A. A deputy shall use only the minimum amount of force that is reasonably necessary to perform his/her lawful duties.
 - B. Under no circumstances may any deputy continue to use force (except mere physical restraint) against an individual who has ceased to resist, escape or otherwise violate the law.
 - C. When an individual offers only passive resistance to arrest, a deputy shall remove and transport such an individual with as much regard to the individual's safety and welfare as is reasonable, practical and possible.
4. Use of Police Baton
 - A. A police baton may be used by a deputy only when it is reasonably apparent that a lesser degree of force would be inadequate to control the situation.
 - B. A deputy shall not strike an individual above the shoulders, unless such an action would be justified under the "Use of Deadly Force" guidelines. This section is intended to prohibit the intentional striking of an individual above the shoulders. It is not intended to apply to an accidental striking—perhaps as a result of resistance.
5. Use of Oleoresin Capsicum (OC) spray/gas and Chlorobenzalmalononitrile (CS) gas
 - A. Policy
The Washburn County Sheriff's Office has adopted OC aerosol spray/gas and CS gas to be used by deputies of this department. OC/CS will be considered a control device on the Intervention Options. The deputies of the Sheriff's Office are being issued OC/CS so they can successfully control and take into custody combative, resisting and/or violent individuals while reducing the risk of inflicting or receiving injury. OC/CS spray may be used by a deputy when it is reasonably apparent that a lesser degree of force would be insufficient to control the situation.

B. Procedures

OC will be carried by sworn law enforcement officers and jail staff that have been trained in OC by any school recognized by the Wisconsin Department of Justice, Bureau of Training and Standards. OC/CS may be used in situations where verbal direction is ineffective or inappropriate, or where passive resistance techniques have failed and deputies may have to use physical force to maintain control.

- 1) Threat assessment - perceived threat.
- 2) Deputy/subject factors - size, skill level, etc.
- 3) Special circumstances - location, availability of backup, etc.
 - a. A deputy shall direct the pepper spray aerosol to the face of the subject. Specific target areas are the eyes, nose and mouth. The subject should be no closer than two feet.
 - b. When subject is under the deputy's control, the deputies should use belly chains and handcuffs during transport to a decontamination site.

C. Decontamination - The following decontamination procedures shall be followed:

- 1) Expose the subject to fresh air as soon as possible.
- 2) Advise the subject not to rub their face, unless it is with soap and water.
- 3) As soon as possible, transport the subject to the Washburn County Sheriff's Office Receiving Garage or to the nearest location where a copious amount of water is available, where the subject will be rinsed with cold water until symptoms subside.
- 4) Ask the subject if they are wearing contact lenses. If they are, provide them an opportunity to remove the contact lenses.
- 5) Do not apply salves, creams, oils, or lotions, which may trap the irritant.
- 6) A physician should be seen if any of the following occur:
 - a. If the subject requests to see a physician.
 - b. If the subject's symptoms do not appear to be improving after approximately 45 minutes.
- 7) When arresting deputy transfers custody of the subject to the jail, the subject should be advised:
 - a. Contaminated clothing should be removed as soon as possible and washed before being worn again.
 - b. Further relief may be experienced by showering and washing the affected area with soap and water.
- 8) Personnel may use pepper spray as an effective means of controlling animals when it is necessary. If water is available and it is practicable, spray animal with cold water to decontaminate. Keep your safety a priority.

D. All deputies shall document every time they use OC/CS on a person or animal. Document events leading to the use of OC/CS and define your reasons for using OC/CS. Document the treatment given to the exposed person/animal and any injuries suffered.

6. Use of Less-Lethal Impact Munitions (LLIM)

A. Policy

B. This policy addresses the training and use of extended range less-lethal weapons and projectiles. Washburn County Sheriff's Office recognizes that combative, non-compliant, armed and/or violent subjects cause handling and control problems that require special training and equipment. Thus, the Sheriff's Office has adopted the less-lethal force philosophy to assist with the de-escalation of these potentially violent confrontations.

C. Definitions

- 1) Less-Lethal Force Philosophy - A concept of planning and force application, which meets operational objectives, with less potential for causing death or serious physical injury than conventional police tactics.
- 2) Kinetic Energy Impact Projectiles - Non-flexible projectiles, which are intended to incapacitate a subject with a minimal potential for causing death or serious physical injury, when compared to conventional projectiles.

7. Safety Priorities - The Sheriff's Office priorities are established as follows:

- A. Hostages
- B. Civilians
- C. Law enforcement officers
- D. Suspects - The person who is the focus of the police operation.

8. Procedure

The "only" types of Less-Lethal Impact Munitions (LLIM) approved for use by the Washburn County Sheriff Office are: The 40mm LLIM, 12-gauge LLIM and the 37/40mm Indirect Impact Munitions (IIM).

9. Technical Aspects - Less-Lethal Impact Munitions

A. 40mm

- 1) Sponge round
- 2) Extended range round

B. 12-gauge

- 1) Fin stabilized round
- 2) Bean bag round

C. 37/40mm IIM

- 1) .60 caliber rubber ball rounds
- 2) .32 caliber rubber ball rounds

D. Deployment Areas

The less-lethal Impact Munition will be delivered to suspect target areas based on the circumstances, and the level of force authorized.

- 1) The following is a model for determining contact areas for less-lethal impact munitions, based on potential for injury.
 - a. Green Areas/Zone 1 - where threat level is appropriate and this zone is viable should be considered first: Buttocks, thigh calf. Groin area should not be intentionally targeted.
 - b. Yellow Areas/Zone 2 - where threat level is appropriate and this zone is viable should be considered second: Abdominal area; spine and kidney area should not be intentionally targeted.
 - c. Red Area/Zone 3 - should only be considered when threat level has escalated to deadly force; chest (center mass), spine, head and neck.

E. Intervention Options

The use of Less-Lethal Impact Munitions are considered a protective alternative when deployed to areas of the subject's body that are considered unlikely to cause death or serious physical injury. The use of kinetic energy impact projectiles is considered a level V-deadly force, if intentionally deployed at the head or neck or in distances closer than required standoff for Less-Lethal Impact Munitions.

E. Deployment

Only SRT/deputies, who have qualified with the Less-Lethal Impact Munitions, will deploy this system. This system will be deployed with a lethal cover. All less lethal weapons will be visually marked as less lethal.

F. Handling of Injured Subjects

Suspects who are struck by a less-lethal impact munition shall be transported to a medical facility for examination.

G. Investigation

An investigation will be conducted into any situation involving the firing of a less-lethal impact munition at a suspect. The depth of the investigation conducted will be decided by the Sheriff or Chief Deputy. The operational use of a less-lethal impact munition will be documented in the SRT/deputies incident reports.

10. Use of an Electronic Control Device (Conducted Energy Weapon-X26P)

A. All deputies, who are authorized to use the X26P ECD, shall be trained and certified by a certified Axon TASER instructor prior to carrying and or using the ECD. Annual recertification must be maintained as well.

B. Intervention Options: The following intervention option is to be used as a guide for the deployment of the X26P ECD.

C. Use of Intervention Options, Lowest Level of Force to Highest

- 1) Deputy Presence
- 2) Verbal Dialog
- 3) Control Alternatives (escort holds, compliance holds, passive counter measures, ECD(TASER))
- 4) Protective Alternatives (impact weapons, incapacitating techniques)
- 5) Deadly Force

D. Considerations

1) The ECD Shall Never Be Used As A Tool For Coercion

- a. The ECD will only be used to overcome continued passive resistance, active resistance or their threats. This would include, but not be limited to, threats to deputy safety, threats to others, and includes the threat of a suspect injuring himself/herself, and at the discretion of the deputy, where physical contact of the suspect would increase the likelihood of injury to the suspect, citizens, officers, deputies.
- b. Use preferred target zones on suspect's body. Avoid targeting sensitive areas of the body including; head, neck, chest and groin.
- c. Any subject who likely may receive secondary injury resulting from a substantial fall after the deployment of the X26P ECD (i.e., standing on a roof ledge).
- d. Deputies should consider a daily function test of the ECD to check battery life, spark test and fault icon check.
- e. Prior to deployment of an ECD, a deputy, when practicable, should announce, "TASER" in a clear audible tone. This is to prevent mistaking the deployment to be a gunshot.

2) Limitations for Use of the X26P ECD

Deputy discretion must be used and alternative force options considered prior to the use of the X26P ECD in the following situations:

- a. Any known or obviously pregnant female, small children/minors, elderly and sickly/low body mass individuals.

- b. Any subject who is saturated with or in the presence of highly flammable or combustible materials, liquids.
 - c. If ECD shows either a major fault icon (triangle exclamation symbol) or critical fault icon (circle exclamation) the ECD shall be taken out of service and an Axon TASER instructor shall be notified.
- 3) Treatment
- a. Once the suspect is in custody notify the dispatch center of the ECD deployment and evaluate the suspect. A deputy may NOT remove the probes if they are in joints and/or sensitive tissue area, i.e., face, neck, groin or female breast area. Removal from other areas will be at the discretion of the deputy on scene.
 - b. Every suspect, who receives puncture(s) or skin irritation as a result of the ECD probe(s), will be transported to a medical facility for examination and/or treatment if he/she so requests.
- 4) Blood Borne Pathogens
- Anytime the probe(s) have penetrated the skin of a suspect they should be considered as infectious and treated as any other potentially hazardous “sharps.” The used ECD cartridge can be used to store the probes for safe handling.
- 5) Reporting Procedures
- a. Whenever a deputy uses non-deadly force in the performance of his/her duty, he/she shall indicate in their report on the incident, the events leading to its use, the actual force used, the resulting injuries and treatment if any.
 - b. The ECD used by the Washburn County Sheriff’s Office has a built in “Data Port,” which enables a download to record the use of the ECD, and it will show the month, day, year, duration and time of deployment. This will be done for each deployment (in a non-training setting) and a copy of the record will be retained. Deputies who deploy ECD shall notify their Axon TASER instructor of deployment.
 - c. After the use of the ECD on a suspect during non-training functions, the deputy shall complete the “USE OF FORCE REPORT” form and “ECD TASER USE REPORT FORM” prior to finishing his/her duty shift.

Defensive and Arrest Tactics (DAAT): A system of verbalization skills coupled with physical alternatives.

DAAT Concepts:

- Control is a perception based on an officer's training, experience and the fact situation.
- Control is not a 50/50 proposition.
- Proper police action balances safety and efficiency.

DAAT Rules:

- No officers are injured.
- No subjects are injured needlessly.
- No one is accepted/detained or released improperly.

Safety Priorities:

- You
- Fellow Officers
- Civilians
- Suspects

When Can Officers Use Force?

- To achieve and maintain control of resistive subjects.
- To detain persons reasonably suspected of criminal behavior.
- To make lawful arrests.
- In defense of self or others.
- To prevent escapes.

Key Rules for Use of Force:

- The purpose is control.
- Escalation does not need to follow step by step through intervention options.
- You can always disengage and/or escalate.
- Once control is achieved, you must reduce the level of force to that needed to maintain control.
- You must always maintain a position of advantage.

Categories of Force:

- A trained technique.
- A dynamic application of a trained technique.
- Not trained by justified under the circumstances.

INCIDENT RESPONSE (RESPOND)

REPORT

- Become aware
- Plan response
- Arrive/Assess
- Alarm/Inform

EVALUATE

- Look for Dangers
- Determine back up needs
- Enter when appropriate/tactically sound

STABILIZE

- Subject/s
- Scene

PRESERVE

- Life
 - Conduct an initial medical assessment
 - Treat to level of training
 - Continue to monitor subject
- Evidence

ORGANIZE

- Coordinate additional responding units (if necessary)
- Communicate with dispatch and others
- Organize the collection of evidence (if appropriate)

NORMALIZE

- Provide for long term monitoring (as appropriate)
- Restore scene to normal
- Return radio communications to normal

DOCUMENT/DEBRIEF

- Debrief self, others, subjects
- Document incident appropriately

DISTURBANCE RESOLUTION

1. APPROACH CONSIDERATIONS

A. Decision-Making

- Justification
- Desirability

B. Tactical Deployment

- Control of Distance
- Relative Positioning
- Relative Positioning with Multiple Subjects
- Team Tactics

C. Tactical Evaluation

- Threat Assessment Opportunities

- Officer/Subject Factors

- Special Circumstances

- Level/Stage/Degree of Stabilization

2. INTERVENTION OPTIONS

3. FOLLOW THROUGH CONSIDERATIONS

CONTROL OF DISTANCE

- Public >12 ft
- Social 4-12 ft
- Personal 1.5-4 ft
- Intimate 0-1.5 ft

Danger Zones

Unarmed – Less than 10 ft

Club or Edged Weapon – Any distance where the officer reasonably perceives an imminent threat of death or great bodily harm

Firearm – In the line of sight unbroken by cover (something that would stop the bullet).

THREAT ASSESSMENT OPPORTUNITIES

- Level of Resistive Tension (agitation in a person's body)
- Early Warning Signs
- Pre-attack Postures
- Indications of mental illness, emotional disturbance, or medically significant behavior
- Weapon Control Factors

OFFICER/SUBJECT FACTORS

- Numbers
- Age
- Size
- Relative Strength
- Skill Level

SPECIAL CIRCUMSTANCES

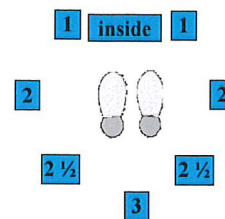
Factors or situation that may justify rapid escalation of force or selection of higher force options

- Reasonable perception of threat
- Special knowledge of subject
- Sudden assault
- Subject's ability to escalate force rapidly
- Your physical positioning
- Injury or exhaustion
- Equipment or training
- Availability of backup
- Other special circumstances

LEVEL/STAGE/DEGREE OF STABILIZATION

- Presence stabilization
- Verbal stabilization
- Standing stabilization
- Wall stabilization
- Ground stabilization
- Special restraints

Positioning



EARLY WARNING SIGNS

Signals or certain behaviors provided by the subject that are often associated with a high level of danger to officers

- Conspicuously ignoring
- Excessive emotional attention
- Exaggerated movement
- Ceases all movement
- Known violent history

PRE-ATTACK POSTURES

Behaviors that may indicate imminent danger of physical assault

- Boxer Stance
- Hand set
- Shoulder Shift
- Target Glance
- Thousand Yard Stare

INTERVENTION OPTIONS

MODE

A. Presence

1. Open Stance
2. Ready Stance
3. Defensive Stance

PURPOSE (in bold)
GOAL (in italics)

To present a visible display of authority

B. Dialogue

1. Search Talk
2. Persuasion
3. Light Control Talk
4. Heavy Control Talk

To verbally persuade

C. Control Alternatives

active resistance, or their threats

1. Escort Holds
 - Blanket the Arm
 - Escort Position
2. Compliance Holds
 - Come Along
 - Pressure Points
 - Mandibular Angle
 - Hypoglossal
3. Control Devices (OC/ECD)
 - Oleoresin Capsicum
 - Electronic Control Devices
4. Passive Countermeasures
 - Secure the Head
 - Hug Yourself
 - Lower Your Center
 - Pull in-Push Down

To overcome passive resistance,

To safely initiate physical contact

To overcome passive resistance

To overcome active resistance or its threat

To Decentralize

D. Protective Alternatives

1. Active Countermeasures
 - Vertical Stuns
 - Focused Strikes
 - Reaction Hand Strike
 - Reaction Forearm Strike
 - Strong Hand Strike
 - Strong Forearm Strike
 - Reaction Front Kick
 - Reaction Knee Strike
 - Strong Angle Knee Strike
 - Strong Angle Kick
2. Incapacitating Technique
 - Diffused Strike from the front
 - Diffused Strike from the rear
3. Intermediate Weapons
 - Baton
 - Baton Jab
 - Baton Jab-Multiple Strikes
 - Angle Strike
 - Angle-Cross Strike
 - Multiple/Overload Strikes

To overcome continued resistance, assaultive behavior, or their threats

To create dysfunction

To cause immediate temporary cessation of violent behavior

To impede

E. Deadly Force

To stop the threat

REACT

- Request Cooperation
- Explain Reason
- Allow Choice
- Check Decision (Is there anything I can say to?)
- Take Action

DONE

- Danger
- Overriding Concern
- No Progress
- Escape

Passive Resistance: Non-threatening and non-complaint behavior

Active Resistance: Behavior which physically counteracts an officers control efforts and which creates risk of bodily harm to the officer, subject and/or other person.

Continued Resistance: Maintaining a level of counteractive behavior that is not controlled by an officers current efforts.

Fighting Rules:

- Be effective from the beginning.
- Never spar with anyone.
- Hit as hard as you can.
- Attempt to create a dysfunction.
- Get the confrontation over quickly.

Assaultive Behavior: Direct actions or conduct that generate bodily harm

Deadly Force Definition: The intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.

Deadly Force Justification: Behavior which has caused or imminently threatens to cause death or great bodily harm to you or another person or persons.

Great Bodily Harm: Bodily injury that creates a substantial risk of death or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

Imminent Threat Criteria:
Imminent means "about to happen."
Suspect displays:
• Intent
• Weapon
• Delivery System

Target Requirements:

- **Acquisition:** The process of locating your adversary.
- **Identification:** The process of recognizing the subject as the adversary placing you/others in "Imminent Danger".
- **Isolation:** The process of separating the subject from innocent persons.

Preclusion: The officer reasonably believes all other options have been exhausted or would be ineffective.

Greater Danger Exception: Shooting without Target Isolation if the consequence of not stopping the threat would be *worse* than the possibility of hitting an innocent person..

Defense of Self or Others: You may use deadly force when a subject poses an imminent threat of death or great bodily harm to you or to another person or persons.

Defense of Society at Large: You may use deadly force to apprehend a criminal suspect who has used or threatened to use deadly force against someone, and presents a continued threat to the public, and you reasonably believe there is no other way to make the arrest or retain custody of the person once arrested. In all such cases, the officer should warn the subject, if feasible, prior to using deadly force.

FOLLOW-THROUGH CONSIDERATIONS

- | | |
|----------------------|---|
| A. Stabilize | Application of restraints, if necessary |
| B. Monitor/Debrief | |
| C. Search | If appropriate |
| D. Escort | If necessary |
| E. Transport | If necessary |
| F. Turn-Over/Release | Removal of restraints, if necessary |

STABILIZE

- Presence stabilization
- Verbal stabilization
- Standing stabilization
- Wall stabilization
- Ground stabilization
- Special restraints

Monitor/Debrief

- Calm self and partner
- Calm subject
- Provide initial medical assessment
- Reassure the subject
- Rebuild subjects self esteem

11.00.30 Use of Handcuffs

1. Policy

The general policy of the Sheriff's Office is to handcuff all persons under custodial arrest, being detained or in custody for purposes of involuntary commitment for drug abuse, alcohol abuse or mental health reasons. Deputy discretion can be used in unusual circumstances, i.e., the very old, very young or the injured. Deputies are encouraged to rely on handcuffs to protect themselves, other deputies/officers, the public and the arrested.

2. Guidelines

The following guidelines will be followed unless unusual circumstances exist

- A. The deputy shall use departmentally approved handcuffs or other restraints (no hinged cuffs).
- B. Handcuffs shall be applied to the person's wrists behind their back unless belly chain is used.
- C. If circumstances allow, handcuffs must be applied so that the keyholes are pointed outward.
- D. Handcuffs must be double-locked if possible.
- E. Handcuffs will not intentionally be closed so tightly as to cause physical pain or injury to the person.
- F. Handcuffs, or other restraint devices, shall be removed upon arrival to a secure area or upon transfer of custody to another person or agency unless such removal would be likely to result in physical harm to persons or property.
- G. Handcuffs will not be used when it appears the offender's wrists or hands are undersized or otherwise difficult or impossible to cuff. In such cases flex cuffs or other restraints may be used.
- H. The use of handcuffs shall not be viewed as an absolute provision of security. Deputies shall continue to exercise due care as to the safety and security of the offender.

11.00.40 Firearms Discharge Investigations

The following procedures may be used to investigate an incident of firearms discharge by a deputy in the performance of duty excluding range qualifications and disposing of injured or vicious animals.

- 1. Whenever an deputy discharges a firearm either accidentally or officially, he/she shall immediately, upon control of the situation:
 - A. Determine the physical condition of any injured person and render first aid when appropriate;
 - B. Request emergency aid if applicable; and
 - C. Notify the on-duty supervisor and communications of the incident and location;
 - D. Protect the scene for follow-up investigation.
- 2. The deputy will remain at the scene, unless injured, until the arrival of the appropriate supervisor.
 - A. However, if the circumstances are such that the continued presence of the deputy at the scene might cause a more hazardous situation to develop, i.e., a violent crowd, the supervisor on scene shall have the discretion to instruct the deputy to respond to another, more appropriate location.
 - B. As soon as the deputy's presence is no longer required at the scene, the deputy will be removed from the scene to a suitable location.
 - C. If, at the scene, the deputy is exhibiting signs of emotional stress and remaining at the scene appears to be harmful to the officer's psychological well-being, he/she may be removed from the scene.
- 3. The deputy will protect his/her weapon for examination and submit the weapon to the appropriate authority. The deputy will not be required to surrender his/her duty weapon at the scene. A replacement weapon will be provided to the deputy for the duration of the investigation.
- 4. Any deputy directly involved in a deadly force incident, which results in injury or death shall be placed on leave. This leave shall be with pay and benefits, pending results of the investigation.
 - A. The assignment of leave shall not imply or indicate the deputy has acted improperly or is being punished.
 - B. While on leave, the deputy shall remain available at all times for official interviews and statements regarding the shooting incident, and shall be subject to recall to duty at any time.
 - C. The deputy shall not discuss the incident with anyone except:
 - 1) The District Attorney or his/her designee;
 - 2) Assigned investigative personnel;
 - 3) The deputy's personal attorney;
 - 4) The deputy's psychologist or doctor;
 - 5) The deputy's chosen clergy;
 - 6) The deputy immediate family; and

- D. The supervisor shall:
- 1) Proceed immediately to the scene.
 - 2) Ensure the scene is secured and stabilized and request assistance in processing the scene for evidence.
 - 3) Assist the deputy involved.
 - 4) Obtain "public safety information" and make necessary notifications to the Sheriff and Investigators.
 - 5) Render command assistance at the scene.
 - 6) Ensure that in instances of accidental or intentional discharge with no injury that an administrative investigation is initiated.
 - 7) Prepare a detailed written administrative report.
5. A cognitive interview will be conducted of the deputy involved in a discharge resulting in injury or death. This interview will occur no less than 48 hours following the shooting incident. Deputy should be allowed to review all video or audio recordings and complete a walk-through of the incident scene, prior to the interview. The written report of the cognitive interview, will serve as the deputy's account of the shooting incident. The deputy will not complete a separate report.
6. A firearms review board may be convened at the discretion and direction of the Sheriff to review circumstances surrounding each discharge of a firearm by a deputy other than for training purposes.
- A. The firearms review board may consist of the following members, unless a member is involved in the shooting or subsequent investigation, in which case an alternate person of equal rank will be appointed at the discretion of the Sheriff.
- 1) The employee's immediate supervisor;
 - 2) An employee of equal rank;
 - 3) Firearms instructor;
 - 4) D.A.T. instructor;
 - 5) Officer from another agency.
- B. The firearms review board will evaluate in fact finding fashion each aspect of a deputy involved shooting. Such an evaluation shall include:
- 1) A thorough review of the investigation report;
 - 2) A thorough review of the administrative investigation report;
 - 3) The hearing of direct testimony from officers and witnesses, if necessary; and
 - 4) An examination of physical evidence.
- C. The firearms review board will develop findings and make recommendations to the Sheriff in the following area:
- 1) Whether the shooting was within policy, outside of policy or accidental;
 - 2) Tactical and training considerations;
 - 3) The quality of supervision prior to, during and after the shooting incident;
 - 4) Disciplinary considerations;
 - 5) The quality of the post shooting investigative process.
7. In all cases where any person has been injured or killed as a result of firearm discharge by a deputy, all officers closely involved or affected will be required to undergo a debriefing provided by the Sheriff's Office.
- A. The purpose of the debriefing will be to allow the deputy to express his/her feelings and to deal with the moral, ethical and psychological effects of the incident. The debriefing session will remain protected by the privileged physician-patient relationship.
- B. During the debriefing, if the examining authority determines a need for continued counseling, an employee will not be allowed to return to work until released by the examining authority. The spouse may also be interviewed by a psychologist as a support network mechanism.
- C. Upon returning to duty, the deputy may be assigned to administrative duty for a period of time deemed appropriate by the deputy, the psychologist and the Sheriff.