



ANDERSON COUNTY
SHERIFF'S OFFICE

GO - 205

GENERAL ORDERS

USE OF FORCE

PURPOSE:

Use of force is restricted to areas and levels authorized by statutory law, case law, and policy. A use of force must be appropriate to the situation, using only a minimum, reasonable, amount required to accomplish an enforcement duty. Unauthorized use of force is the term applied whenever force used is inappropriate to the situation, or excessive in its application. Unauthorized force is a violation of public trust, creates civil and criminal liability, damages professional image, collectively and individually, and may indicate unfitness to serve as a deputy sheriff.

USE OF FORCE CONTINUUM:

The Use of Force Continuum is a model demonstrating escalating levels of force used to compel compliance. **A deputy's subject control responses are to be based on:**

1. The subject's actions
2. The deputy's perception of threat
3. The deputy's knowledge of his/her own abilities

LEVELS OF RESISTANCE – There are six (6) levels of resistance:

1. **Psychological Intimidation** defined as non-verbal cues indicating subject's attitude, appearance, and physical readiness.
2. **Verbal Non-Compliance** defined as verbal responses indicating unwillingness or threats.
3. **Passive Resistance** defined as physical actions that do not prevent an attempt to control, but make movement difficult.
4. **Defensive Resistance** defined as physical actions that attempt to prevent a deputy's control, such as running away, but never attempts to harm the deputy.
5. **Active Aggression** defined as physical actions of assault.
6. **Aggravated Active Aggression** defined as deadly force encounter.

LEVELS OF CONTROL – There are five levels of control:

1. **Deputy Presence/Verbal Direction** - Verbal commands are the minimum means of halting an offense. Announcing your presence and intentions may result in the peaceful resolution of the situation. Any and all verbal commands should clearly relay exactly what, when, and how you want the individual to react. Keep all commands simple and short. This would be appropriate if no resistance is encountered and there are no life threatening circumstances. If a verbal command/challenge alone does not stop the offense, combine the commands with one of the appropriate steps below.

2. **Soft-Empty Hand Control** - Soft-empty hand techniques, such as holding your hand up in front of the assailant, placing your hands on the assailant to physically restrain and/or control the individual or lead the individual toward a desired location, using minimal force. Using joint locks and pressure point pain compliance techniques. This is appropriate when the individual is passively resisting and stronger force is not justified.
3. **Hard-Empty Hand Control** - Hard-empty hand techniques may be appropriate in situations where use of the ASP baton or other approved weapons would be inappropriate or impractical. In these incidents, the empty-hand striking of an individual who is resisting arrest, or attempting escape from lawful arrest, would be appropriate. The use of chemical agents, such as Oleoresin Capsicum spray, or electronic stun devices, would be appropriate to control a suspect and attempt to prevent an escalation of force. Officers using chemical agents and electronic stun devices must be properly trained and maintain current certification. The amount of force used is to be in direct proportion to the amount and type of resistance encountered. The age, sex, physical size, and condition of the individual are to be taken into consideration. Proper compliance techniques are to be used to ensure the subject receives no undue injuries.
4. **Intermediate Weapons** - Use of the ASP baton, approved kinetic energy impact projectiles (bean bag rounds), and a Police Canine are acceptable alternatives to the use of deadly force. The amount of force used is to be in direct proportion to the amount of resistance or force encountered. Only the force needed to effect control is to be used. Proper techniques are to be used with these type weapons and it should be remembered, improper use could lead to serious injury or death of the suspect. This level of force is the last resort before the use of deadly force. Deputies using intermediate weapons are to maintain current certification and demonstrate an acceptable degree of proficiency in their use.
5. **Deadly Force** - Used when imminent danger or death is about to occur and other methods to stop the event would be impractical or possible. When it is clear your life or another's life is in imminent danger and there are no other practical means at your disposal, then deadly force would be authorized under the guidelines of Sheriff's Office policy.

Force Continuum Variables – The following variables may affect a deputy's decision in escalating or de-escalating the level of control:

- Deputy and suspect size and gender
- Environmental conditions and totality of circumstances
- Reaction time

Competency Requirements – Except when confronted with deadly force, a deputy is not to intentionally use techniques and/or instruments of force he

has not been trained in and certified as competent by this Office. A deputy who believes his training is deficient or is not current is to notify his supervisor in writing of the perceived deficiency.

Other Instruments/Techniques – This agency recognizes that in exigent, tense, uncertain, and/or rapidly evolving deadly force confrontations, a deputy may need to (reasonably) use techniques and/or weapons not a part of this agency’s formal training curricula, or not specifically addressed by this policy. Additionally, a deputy may need to use a technique or weapon in a manner not consistent with training. It is further recognized that due to the unpredictable nature of a person’s movements and/or actions under these circumstances, that defensive technique(s) and/or weapon(s) may unintentionally (on the part of the deputy) impact a body area or produce an outcome, which does not parallel training.

See Appendix for information concerning transportation of certain high-risk prisoners and suspects at risk of in-custody death.

USE OF FORCE PROCEDURE:

FORCE DEFINED – For the purpose of this policy, force is defined as actual physical contact applied directly, or indirectly through the use of a weapon, causing one to submit because of pain or injury. **The pointing of a firearm at another person will be documented and reviewed as a use of force.**

The mere display of a weapon or verbal threats to use a weapon is not a use of force. These situations will be considered to be a show of force. For example, a deputy holding a firearm or other weapon in a non-threatening manner is not a use of force. Verbal threats to use force will be documented in a Signal 4 or Signal 5 incident report. Show of force incidents will not be reviewed as a use of force.

FORCE REVIEW/ANALYSIS – In order to maintain the respect and confidence of citizens and reinforce policy, each use of force is fully documented in the Incident Report. A copy of the report and a completed Use of Force/Response to Resistance form is submitted to the Division Commander who reviews the incident and submits the review to the Office of Professional Standards. Any deputy who uses force or any deputy that witnesses a use of force is required to submit supplemental reports to the Incident Report. Use of Force Review/Response to Resistance forms are filed by the Office of Professional Standards. Professional Standards conducts a documented annual analysis of the reports in order to identify trends, training needs, or potential patterns of abuse.

DEADLY FORCE – A weapon placed in the hands of a deputy is a defensive tool used to protect the public at large and the deputy himself. The use of a weapon by a deputy is to be based on demonstrated need, tempered with common sense, consistent with state law and Sheriff’s Office regulations, and employed under a spur of responsibility and informed professional judgment. Deadly force is to be used **only** in situations presenting a grave threat to the deputy or the public at large. Use of deadly force is strictly limited to a situation where the crime involved causes or threatens death or serious bodily harm, or where there is a substantial risk

that the person to be arrested will cause death or serious bodily harm if apprehension is delayed. Serious bodily harm is defined as **life threatening**.

ELEMENTS FOR DEADLY FORCE – There are two areas in which deadly force is justified:

1. Self-defense or defense of the public
2. Apprehension of suspects involved in certain felonies regarded as the “violent variety”

Self-defense or defense of the public – A deputy has reasonable cause to believe use of force is necessary to prevent death or serious bodily harm to self (self-defense) or others (defense of the public). In making this determination, the following three elements must be present:

1. **ABILITY** - The assailant must have some means to inflict death or harm to the victim, i.e., a dangerous weapon or physical ability to overpower and inflict death or serious bodily harm by means of hands or feet.
2. **OPPORTUNITY** - The assailant must be in close enough proximity to be able to inflict death or serious bodily harm. The means by which the assailant intends to inflict the harm will determine if he has the ability and opportunity. For example, an assailant with a knife must be close enough to throw the knife and inflict death or serious bodily harm. A firearm, of course, would significantly extend the danger zone.
3. **JEOPARDY** - Not only must the assailant have both means and opportunity to inflict death or serious bodily harm, he must also be putting the intended victim in jeopardy. In other words, the assailant must be giving some tangible indication he is about to use the means at his disposal to inflict death or serious bodily harm. A mere verbal threat with no observable action to use a weapon is usually not enough to constitute jeopardy.

USE OF DEADLY FORCE AS LAST RESORT – A deputy is to use every means at his disposal to prevent the assailant from committing the assault before resorting to the use of deadly force. A voice command, “Police—don’t move!” is the minimum means of halting an offense. Physical intrusion, use of a baton, and chemical agents are acceptable means of force to stop an assault, with deadly force used only as a last resort.

Rapidly evolving deadly force confrontations may require a deputy to resort to a deadly response as his/her first option when there is minimal to no reaction time. The delay to use deadly force while attempting to use other means of control can, in these cases, further place the deputy or the public in life-threatening jeopardy.

APPREHENSION OF A FLEEING FELON – Possible escape of a suspect wanted for a crime, even a violent crime, **does not** in itself authorize use of deadly force. Instead, escape of a violent suspect **must** pose a clearly

recognizable threat to human life; such as through demonstrated threat to, or wanton disregard for, human life.

Conditions justifying the use of deadly force to apprehend a fleeing felon would include the following circumstances:

1. A crime endangering human life, such as murder, armed robbery or other serious crime where human life is threatened.
2. Other means of apprehension of the person reasonably believed to have committed the life threatening crime are not available, and the deputy has a reasonable belief that such an escape would result in the commission of further violent crimes endangering human life.

WARNING SHOTS:

The discharge of a weapon for the purpose of warning someone presents a serious hazard to all concerned and to innocent bystanders; therefore, warning shots are not authorized as a use of force.

REPORTING FIREARMS DISCHARGE:

It is the responsibility of every deputy to immediately report to a supervisor any incident, involving him self or another deputy, when shots are fired, accidentally or intentionally. The supervisor is to immediately notify the Office of Professional Standards.

LOSS OF LIFE, INJURY OR PROPERTY DAMAGE:

A use of force incident resulting in personal injury or property damage is to be factually detailed in writing. A deputy whose use of force in an official capacity results in serious physical injury or death is to be removed from line-duty assignment, pending an administrative review.

During the period of administrative leave, the agency may offer counseling resources to employee(s) involved in the incident. These resources include the County Employee Assistance Program (EAP) and/or the agency's Chaplaincy Program.

PROCEDURE FOR LOSS OF LIFE OR INJURY:

1. When a use of force results in injury, first aid is to be rendered and/or EMS called as soon as feasible. In any circumstance where the use of deadly force results in loss of life, bodily injury, or property damage, the Uniform Patrol shift supervisor is to immediately respond to the scene. The Sheriff, Deputy Chief, Division Commander, and Office of Professional Standards are to be immediately notified.
2. The supervisor of CID, or his designee, is to coordinate and direct the activities of investigative teams to assure a comprehensive investigation of the incident. Additional team members may be assigned as required by the investigation itself.

3. The investigative team has the full responsibility for obtaining complete written reports, statements and documentation from the deputies, witnesses and other personnel present at the scene of the incident. All investigative reports, including material evidence and information when appropriate, are to be thorough and complete.
4. The platoon commander or section supervisor is to present reports of the incident, with comments, to the deputy's Division Commander no later than twenty-four (24) hours after the incident. The Division Commander forwards all documentation to the Sheriff.
5. The Sheriff makes final administrative disposition of the case.

Whenever a deputy employs any physical means to affect control, including the use of less-lethal and lethal weapons, unless physically incapacitated, the deputy is to:

1. Ensure arrestee is properly restrained or no longer poses an immediate threat to the safety of others
2. Ensure restrained subjects are placed in upright position
3. Ensure handcuffed, heavysset persons are not required to remain in a prone position (lying on chest)
4. Determine physical condition of the person(s) subjected to physical control
5. Ensure first aid and emergency medical assistance, if needed

PROCEDURE FOR USE OF PEPPER SPRAY:

1. Reassure subject that effects of Pepper Spray are temporary
2. Decontaminate subject with water
3. Monitor subject for physical conditions indicating the possible onset of a medical emergency

SYMPTOMS INDICATING ONSET OF A MEDICAL EMERGENCY INCLUDE:

- Profuse sweating
- Chest/neck pain
- Shallow or restricted breathing
- Loss of consciousness
- Manifestations of paranoia/panic
- Sudden tranquility after an outburst of bizarre or aggressive behavior

NECK

HOLDS/RESTRAINTS:

The use of physical neck holds or restraints is extremely dangerous. Such methods should be employed only when absolutely necessary.

REVIEW AND REMEDIAL TRAINING:

Any officer determined to have discharged a weapon as a result of an accident or negligence is required to immediately undergo remedial firearms

training, in addition to any disciplinary action. If necessary, a special class is to be scheduled to meet this requirement.

**POLICY AWARENESS
AND INSTRUCTION:**

Before being authorized to carry a weapon, a deputy trainee's immediate supervisor or Field Training Deputy is to ensure:

1. The trainee has a copy of this general order and GO-204 (Weapons Issue);
2. The trainee has been instructed in and understands this general order and GO-204 (Weapons Issue); and
3. The trainee has signed a Use of Deadly Force Statement.

Approved by:
John S. Skipper, Jr., Sheriff

APPENDIX

Excited delirium - a mental disturbance characterized by confusion, disordered speech and hallucinations, frenzied excitement.

Catecholamine stress - stress placed on the heart by increased blood pressure caused by hormones secreted by the adrenal glands.

Anatomic - body.

Positional Asphyxia - Positional asphyxia occurs when body position interferes with respiration, resulting in asphyxia. Positional asphyxia deaths tend to occur in a similar manner: maximally restrained subjects, unless seated upright in police vehicle, may become quiet and inactive after several minutes of transport. Respiratory difficulty is exhibited and the subject's subsequently stopped breathing.

Certain factors can render an individual more susceptible to sudden death due to positional asphyxia. Such predisposing factors include drug/alcohol intoxication, excited delirium and violent muscular activity. Acute alcohol intoxication is a major risk factor because respiratory drive is reduced, and subjects do not realize they are suffocating. Excited delirium combined with certain restraints (e.g. hog-tying) can also increase the susceptibility to sudden death by placing catecholamine stress on the heart. Subjects who have engaged in violent activities are rendered more vulnerable to subsequent respiratory muscle fatigue. Such fatigue may prove fatal to a restrained subject whose movement is restricted.

Experts contend that maximal; prone restraint techniques can have sudden lethal consequences. This potential is increased in intoxicated, delirious and/or violent individuals. Personnel should employ alternative restraint methods (e.g. upright, seated positioning) whenever feasible. In situations where prone restraints are necessary, subjects should be closely and continuously monitored.

Cocaine Abuse and Toxicity - Cocaine is an agent that stimulates both the central nervous and cardiovascular systems. Pharmacologically, cocaine constricts blood vessels, elevates heart rate, raises blood pressure, and increased body temperature. Such effects have produced lethal anatomic catastrophes in individuals without underlying pre-existing anatomic disease(s). Cocaine may also be the cause of death in cardiovascular incidents where there is no anatomic abnormality. Likewise, these effects can substantially compromise an already diseased heart or vascular system and potentially culminate in fatalities.

Of further concern is the fact that there is not an individual minimal lethal dose since fatalities have been associated with a wide range of concentrations including very low concentrations. For example, the sudden occurrence of seizures and death has been documented in recreational users who chronically use even small amount of cocaine. Apparently, this phenomenon is the result of a kindling effect, a reverse tolerance whereby the sensitivity of the brain to cocaine is increased, and the brain's seizure threshold is lowered. Such potentially lethal seizures may occur any time.

Alcohol substantially increases the risk of sudden death when combined with cocaine. Researchers suggest that the cardiotoxic affect of alcohol potentates the cardiotoxic effects of cocaine, thus increasing the risk of overdose death.

Recreational cocaine use may be lethal via its pharmacological effects. The role of cocaine in precipitating a hypertensive or cardiovascular crisis must be seriously considered when investigating sudden death in a population where cocaine abuse is prevalent.

Cocaine-Induced Excited Delirium - Excited delirium is an acute mental disorder characterized by impaired thinking, disorientation, visual hallucinations and illusion. Behavior is consistent, purposeless, and often violent. Significantly increased body temperature (hyperthermia) is part of the syndrome. Excited delirium may be part of the spectrum of manic-depressive psychosis, chronic schizophrenia and/or acute drug intoxication (cocaine, PCP, and amphetamines).

The most serious psychiatric consequence of cocaine abuse is cocaine-induced excited delirium (cocaine psychosis), which may be associated with sudden death. Although most individuals will respond to treatment, cocaine-induced excited delirium is usually regarded a potentially lethal medical emergency.

Cocaine-induced excited delirium fatalities tend to occur in a stereotypic manner, with subjects exhibiting similar behaviors. Generally, symptoms begin with an acute onset in intense paranoia, immediately followed by violent and/or bizarre behavior. Such behaviors include displaying violence toward inanimate objects (particularly glass), running, screaming and stripping off clothing. Subjects appear psychotic, exhibit great strength and appear to have significantly diminished sense of pain. Deputies must restrain such individuals, and a violent struggle generally ensues; however, force used by police often has minimal effects. Sudden death occurs either during or immediately after the struggle. The mechanism of death is uncertain, and autopsy findings are generally non-specific, revealing only injuries sustained from the struggle with the police.

Deputies should be aware of the potential for sudden unexpected death resulting from cocaine-induced excited delirium. Deputies should be able to immediately recognize attendant symptoms, including any one or more of the following:

- Bizarre and/or aggressive behavior
- Shouting
- Paranoia
- Panic
- Violence toward others
- Unexpected physical strength
- Sudden tranquility

Subjects exhibiting any of these symptoms should be promptly transported to a nearby medical facility. Close and constant monitoring during transit is warranted.

Neuroleptic Malignant Syndrome - Neuroleptic Malignant Syndrome (NMS) is another recognized cause of sudden, unexpected death. This syndrome presents characteristics in a manner very similar to excited delirium. Neuroleptic Malignant Syndrome generally occurs in psychiatric patients who are taking anti-psychotic medication (i.e. Neuroleptic). Physical exhaustion, dehydration and organic brain disease are additional predisposing factors. Symptoms include hypothermia, fluctuating levels of consciousness and hypotonicity (i.e. limpness) of skeletal muscles.

NMS may also occur in individuals who are not being treated with such medication. This specific form is often diagnosed as acute exhaustive mania. The condition is poorly understood and may be related to a cardiac event due to psychological stress. Hirsch and Adams contend that the common lay term “scared to death” is literally true, psychological stress can induce fatal cardiac arrhythmia. However, autopsy findings are generally negative, seldom revealing a pathological cause of death.

Anyone exhibiting symptoms of NMS or acute exhaustive mania should be taken immediately to a medical facility for evaluation. Optimally, this transport should involve two or more officers, thus allowing for the close and constant monitoring of the subject in custody.

CONCLUSION:

Sudden death in custody is neither a new phenomenon nor attributable directly to the use of force. Rather, sudden custody death can occur at any time for a variety of reasons. Any law enforcement agency may experience a sudden custody death, regardless of the use of force. Consequently, awareness and recognition of risk indicators are necessary to ensure subject safety and minimizes the risk of sudden custody death. These indicators generally include:

- Bizarre/violent activity
- Obesity – especially “big bellies”
- Drug and/or alcohol involvement
- Apparent ineffectiveness of spray

Diligent observation and contact monitoring of subjects displaying any one or a combination of the indicators are warranted. Furthermore, the use of maximal, prone restraint techniques should be avoided. If prone positioning is required, subjects will be closely and continuously monitored. By implementing such procedural protocols, the potential for custody deaths may be released.

Reference: IACP, Executive Brief, March 1994, Pepper Spray and In-Custody Deaths