Use of Force

Purpose

This policy establishes uniform standards regarding the use of force by deputies of the Cecil County Sheriff’s Office. The goal of this policy is to maintain a balance of self-protection for the deputy while securing the right of every citizen to be safe in his person and property.

It is nearly impossible, impractical and unrealistic to effectively predict every possible scenario a deputy might encounter in a use of force situation. Deputies are expected and trusted to use discretion based on training, experience and the facts and circumstances the deputies are faced with to determine a reasonable response in each use of force encounter.

If a deputy uses an improvised technique or tactic, in a dynamic and rapidly evolving situation, the deputy will specifically articulate the need to do so. In addition, the deputy shall articulate and describe the improvised technique or tactic.

We recognize that deputies need to make split-second, life or death decisions that are not capable of precise definition or mechanical application.

Deputies thus need not to avail themselves of the least intrusive means of responding to an exigent situation, they need only act within the range of conduct that is reasonable.

Policy

A. Value of Human Life. The value of human life is immeasurable in our community. We have been delegated the considerable responsibility to protect life and property and to apprehend criminal offenders. The apprehension of criminal offenders and the protection of property must, at all times, be subservient to the protection of life. The deputy's responsibility for protecting life must include their own. We place a greater value on the preservation of human life than on the solution of criminal offenses or punishment for their commission. For this reason, we must be extremely selective in using force that could result in death.

B. Deputy Protection. Deputies are never expected to allow an assault upon their person or a third party before using force. Deputies may need to use objectively reasonable force in situations, which they cannot control otherwise; however, a deputy may not resort to force unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. Deputies should act with compassion toward others and be courageous in the face of danger.

C. A deputy shall use only force, which is objectively reasonable under the circumstances to overcome resistance and effect a lawful arrest. The use of physical force is authorized when a deputy must subdue a resisting subject, in self-defense, or in defense of a third party if all other lawful commands fail. Deputies
may also use force to move or arrest an individual who is impeding lawful police action.

D. **Force Considerations.** When they must use force, deputies shall utilize an escalating scale of options and will not employ a more forceful measure unless they have determined that lower levels of force would not be adequate. The scale of options, in order of increasing severity, is set forth below:

1. Verbal persuasion.
2. Verbal command.
3. Hands-on and baton control tactics (e.g. come-along holds).
4. Oleoresin Capsicum (OC) Chemical Agent or Electronic Control Device (ECD).
5. Baton as a striking instrument.
6. Firearm removed from holster and suspect warned (when feasible).
7. Firearm discharged.

**De-escalation training.** Deputies receive training to cultivate skills that defuse but still maintain control and to bring situations to a safe conclusion. Focus on communication skills, crisis intervention techniques, minimizing force, and tactical repositioning. Deputies should try to slow an incident down and think their way through a high-risk situation. Deputies should attempt to recognize warning signs of individuals experiencing a mental health crisis. Deputies should use all available resources and training to attempt to resolve incidents and minimize the need to use force.

**Definitions**

A. **Deadly Force.** Force which is intended to cause death or serious physical injury, or which creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or serious physical injury.

B. **Imminent Threat.** An appearance of threatened and impending injury as would put a reasonable and prudent person to their immediate defense or a danger which must be instantly met.

C. **Reasonable Belief.** The facts or circumstances the deputy knows, or should have known, at the time, are such as to cause an ordinary and prudent deputy with the same or similar training and experience to act or think in a similar way under similar circumstances.

D. **Serious Physical Injury.** Physical injury which creates a substantial risk of death, or which causes serious and prolonged impairment of health, or prolonged loss or impairment of the use of any bodily function.
E. **Excessive Force.** Force beyond that which is necessary to subdue a suspect or force that is applied summarily in fashion. In determining excessive force, the Agency will consider the following factors:

1. The nature of the offense.
2. The need for force.
3. The distance between deputy and suspect, representing any critical threat area.
4. Extent of injury inflicted.
5. Whether the force was applied in a "good faith" effort.
6. Behavior of the suspect against whom force was utilized.
7. Physical odds against the deputy including suspect size and weapons.
8. The feasibility or availability of alternative action.

F. **Duty to intervene.** Deputies who have an opportunity to intervene in another deputy’s excessive use of force must do so or risk potential liability, including a potential civil rights violation allegation, based upon their failure to intervene. Agencies may likewise be liable where there is a custom or failure in training, supervision or discipline that leads to the constitutional violation.

G. Deputies shall be cognizant of the medical condition of excited delirium and the injuries and/or death that could result from positional asphyxia. This is especially true when dealing with defendants that are large in stature. Every attempt shall be made to move defendants to a seated position as soon as practical and safe to do so.

Positional asphyxia is a death that occurs when a subject's body position interferes with breathing. Positional asphyxia can occur when a subject's chest is restricted from expanding properly or the position of the subject's head obstructs the airway. Deputies shall never: restrain a subject's hands and legs together; leave a subject in control restraints lying on his/her back or stomach for an amount of time longer than necessary to get them into a better position; put weight on the subject's back/chest for a prolonged period; or keep a subject waiting for transportation in a restrained position without proper monitoring. The risk of positional asphyxia increases in the presence of alcohol intoxication, drugs, physical ailments, delirium, or respiratory diseases. When feasible, deputies should handcuff an arrestee with both hands behind his/her back, palms outward. Although most deputies have no reason to expect death to result from restraining a subject, it can happen.
The Use of Deadly Force

A. **Defense of Life/Deadly Force.** Deputies may use deadly force to protect themselves or others from what is reasonably believed to be an imminent threat of death or serious physical injury.

B. **Misdemeanant.** No distinction shall be made in relation to the original crime. If a suspect or arrestee places a deputy or innocent bystander(s) in danger of death or serious physical injury, the use of deadly force is warranted regardless of the nature of the initial crime.

C. **Juveniles/Females.** No distinction shall be made because of the age or sex of an intended target of deadly force. Imminent threat of death or serious physical injury shall be the policy guideline for utilizing deadly force.

D. **Choke Hold.** The use of a choke hold, whether applied by the baton, hands, or other body part is prohibited unless deadly force is warranted, since death can occur from this procedure.

E. **Animals.** A deputy may use deadly force on a dangerous animal or one so seriously injured that its removal from suffering is required.

F. A deputy may use deadly force to apprehend a fleeing felon, when other means are insufficient, and the deputy has probable cause to believe:

1. The crime committed was a felony of a violent type (one which involved the infliction or threatened infliction of serious physical injury or death), and

2. The suspect fleeing poses a significant threat of death or serious physical injury to the member or others.

3. A deputy’s decision to use deadly force against a fleeing felon will be judged by the objective reasonableness of the deputy’s actions given the facts and circumstances available to the deputy at the time the force is employed. It will be judged more on the circumstances of the immediate situation presented to the deputy than the crime committed.

G. **Shooting at Vehicles.** Deputies are discouraged from shooting at vehicles. A deputy may only shoot at the operator of a vehicle if the person is using that vehicle as a deadly weapon toward the deputy or another person and deadly force is the only objectively reasonable means available to stop that threat. Training should emphasize the dangers associated with shooting at a moving vehicle.
AUTHORIZED WEAPONS

Deputies must demonstrate proficiency in the use of each weapon and receive approval from the Sheriff before carrying each weapon.

A. Taser/Electronic Control Device (ECD)
B. OC Spray
C. Baton
D. Service Handgun
E. Service Rifle
F. Service Shotgun (12 GA.)
G. Flashlights are not designed to be used as police batons and shall not be used to strike blows unless a life or death situation exists. However, nothing shall prevent deputies from using a flashlight as a defensive weapon if the situation so dictates and no other weapon is available.
H. Hands/fists/feet may be used as weapons when applicable.
I. Knives are not issued by the agency; however, deputies may carry a folding-blade pocket knife at their option. The blade shall not be longer than four (4) inches. The knife is not intended to be used as a weapon, but may be used defensive purposes when the deputy has no other immediate weapon at his disposal and the use of deadly force is justified.
J. Handcuffs. Handcuffs are issued to all deputies and are to be used to restrain and secure persons in police custody. Handcuffs are not to be used as weapons except for defensive purposes when the officer has no other immediate weapon at his disposal and the use of deadly force is justified.

PROHIBITED WEAPONS

Deputies shall only use those weapons and ammunition issued by this Agency except as noted in I above. Sap gloves, brass knuckles, slapjacks, blackjacks, personally owned electronic defense weapons (stun guns) and mace are specifically prohibited.

Training

All employees who are authorized to carry weapons shall be issued a copy of and instructed in this policy before being authorized to carry such weapon(s). All weapons shall be handled in a safe manner that is consistent with training. Any use or handling of a weapon not instructed during a training session is prohibited. Training will emphasize the use of minimal force, the proper situations in which to use force, and the conditions necessary to use deadly force.
**Reporting Procedures for Use of Force**

1. When the level of force used during an arrest, or while a suspect is in custody, is greater than that normally required to handcuff a suspect, each deputy who used such force will complete CCSO Form SO-18. If the suspect is injured, or requests EMS, first aid will be rendered immediately and the supervisor will respond to the scene to investigate the use of force for the policy review.

2. Deputies who discharge their firearm to kill an animal either sick, injured, or a threat to the general public need only submit an Incident Report.

3. All documentation shall be accompanied by a Supervisor Review.

4. Photographs will be included of defendant(s) regardless of lack of injury.

**Reporting Procedures for Injury to Prisoner**

1. Each time any injury has occurred to a prisoner, as a result of the use of force, the involved deputy will submit a CCSO Form SO-18 to the Director of Law Enforcement. If a person in the custody of Cecil County Sheriff’s Office incurs a self-inflicted injury, the involved deputy will submit a detailed report. If the suspect is injured, or requests EMS, first aid will be rendered immediately and the supervisor will respond to the scene to investigate the use of force for the policy review.

2. All reports shall contain specific facts and circumstances relating to the incident and supervisors shall ensure the collection of photographs of all persons involved to capture both injuries and non-injuries.

3. In all injury to prisoner incidents, detailed reports explaining the use of force shall be submitted before the close of the tour of duty during which it occurred unless approved by the Director of Law Enforcement.

4. All documentation shall be accompanied by a Supervisor Review.
**Reporting Procedures for Use of Deadly Force**

1. Whenever deputies use force resulting in a life threatening injury or death, the Command Staff will be notified immediately.

2. The Criminal Investigation Division or outside law enforcement agency will conduct the investigation as directed by the Director of Law Enforcement.

3. In areas outside Cecil County Sheriff’s Office jurisdiction, the criminal investigation will be conducted by the law enforcement agency having jurisdiction. A member of Cecil County Sheriff’s Office Criminal Investigation Unit will be assigned and act as a liaison.

4. Deputies involved in a use of force or deadly force incident should refrain from discussing the incident with anyone other than the investigators assigned to conduct the criminal and administrative investigations of the incident, or their selected counsel, until authorized to do so by the Director of Law Enforcement.

5. Deputies involved in deadly force incidents will be afforded their rights provided by law. Particular attention must be paid to ensure that involved personnel are allowed legal representation, should it be desired.

**Intentional or Accidental Discharge of Firearms**

1. With the exception of practicing on the firing range and the dispatching of an animal, every discharge of a firearm, whether intentional or accidental, is subject to administrative review to determine whether such action was in conformance with Cecil County Sheriff’s Office policy and procedures.

2. Deputies who discharge a firearm will notify a supervisor that the incident occurred and the supervisor will:

   a. Notify the Operations Commander.
   b. Respond to the scene and begin to gather the facts surrounding the discharge.
   c. When the scene is safe, secure the firearm involved in the discharge for further investigation.
   d. Ensure evidence is identified and secured.
   e. Review with the Operations Commander the facts surrounding the incident to determine who will conduct the investigation.