



Dillon County Sheriff's Office Use of Force

I. PURPOSE

To provide guidelines on the appropriate use of force and to prevent unnecessary loss of life.

II. POLICY

It is the policy of the Sheriff's Office to use only the amount of force reasonably necessary and to effectively bring an incident under control while protecting the lives of the officers and others. Officers will not unnecessarily endanger themselves or others by their use of force.

Excessive force will not be tolerated.

Lethal force will only be used when an officer reasonably believes that the action is in defense of human life, that is, actions necessary to protect the officer or others from an imminent danger of death or serious physical injury. <4.1.1><4.1.2>

III. DEFINITIONS

A. Force: Physical contact or action taken that is considered a defensive/offensive tactic beyond mere restraint. Using handcuffs does not constitute use of force.

B. Excessive Force: Any force greater than a reasonable person in the same circumstances would find to be appropriate.

C. Lethal Force: Any force which a reasonable person in the same circumstances would consider likely to cause death or serious physical injury. <4.1.2>

D. Less Lethal Force: Any force other than that which is considered lethal force and involves physical effort to overcome resistance of another. <4.1.4>

E. Lethal Weapon: Any weapon which a reasonable person would consider likely to cause death or serious Bodily injury when used as it would normally be intended to be used. <4.1.2>

F. Less Lethal Weapon: Any weapon other than one which a reasonable person would consider likely to cause death or serious physical injury when used as it would normally be intended to be used. <4.1.4>

G. Objectively Reasonable: The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and what a reasonable officer would use under the same or similar circumstances. <4.1.2>

H. Serious Physical Injury: An injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in long-term loss or impairment. <4.1.2>

I. De-Escalation: Taking action or communicating (verbally and/or non-verbally) during a potential force encounter in an attempt to stabilize the situation, reduce the immediacy of the threat, and resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of command presence, advisements, warnings, verbal persuasion, and tactical positioning.

J. Exigent Circumstances: Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a subject, or some other consequence improperly restricting legitimate law enforcement efforts. <4.1.2>

K. Choke Hold: A physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation. This does not include vascular neck restraints, which impacts the circulatory system while leaving the airway unobstructed and protected.

IV. PROCEDURE

A. De-Escalation

An officer will use de-escalation techniques and other alternatives to higher levels of force consistent with training whenever possible and appropriate before resorting to force and to reduce the need for force.

B. Application of Force <4.1.1>

1. Only the amount and degree of force reasonably necessary and appropriate to achieve the lawful objectives of this Sheriff's Office is authorized.

2. Use of force will be discontinued when resistance ceases or when the incident is under control.

3. Less lethal force will be used after a determination of what method will best de-escalate the incident and bring it under control safely. Only officers who have received training and are qualified to properly handle and use less lethal weapons will be authorized to use Sheriff's Office approved less lethal force techniques, to include OC spray/foam, tasers, and specialty munitions for resolution of incidents as follows:<4.1.4>

a. To protect themselves or others from physical harm;

b. To restrain or subdue a person who is actively resisting arrest and posing an articulable immediate threat; or

c. To bring an unlawful situation safely and effectively under control.

Other weapons and equipment may be issued, depending on duty assignments.

4. Correctional Officers are authorized to use Sheriff's Office-approved OC spray/foam to protect themselves or others from physical harm. <4.1.4>

5. Choke holds are prohibited unless lethal force is authorized.

6. Lethal force is authorized when the officer reasonably believes that the action is in defense of human life: <4.1.2>

a. To protect the officer or another person from what is reasonably believed to be an immediate threat of serious bodily injury or death;

b. To prevent the escape of a fleeing subject when the officer has probable cause and can clearly articulate facts that indicate that the subject has committed, or intends to commit, a felony involving serious bodily injury or death, and the officer reasonably believes that there is an imminent risk to the officer or another if the subject is allowed to flee. See General Order Chapter 41 Section 1.04 (Vehicle Pursuits).

c. Officers are prohibited from discharging firearms at or from a moving vehicle except as an ultimate measure of self-defense or the defense of another when the subject is using a lethal weapon while in the vehicle or operating the vehicle in a manner to deliberately strike the officer or another person where moving out of the path is not possible.

d. Where feasible, Officers will identify themselves as a law enforcement officer and warn of their intent to use lethal force.

e. Lethal force will not be used against persons whose actions are a threat only to themselves or property.

7. Justification for the use of force will be limited to the facts known to or perceived by the officer at the time of

the decision.

8. Physical force will not be used against individuals in restraints, except as objectively reasonable to prevent further resistance, their escape, or prevent imminent bodily injury to the individual, the officer, or another person. In these situations, only the minimal amount of force necessary to control the situation will be used.

C. Medical Attention <4.1.5>

In all incidents of use of force, or when injuries occur during apprehension, appropriate medical treatment consistent with the injury sustained by the individual will be immediately provided in the form of first aid, request for EMS, or emergency room care.

D. Use of Force Reporting

1. When injury results from any use of force in any situation or a subject claims that such an injury has occurred, the officer will notify Communications of the incident and location; notify the Team Supervisor; and submit a Sheriff's Office Blue Team Report and supplemental through the chain of command. Blue Team reports are separate and apart from incident reports and are not public information. These reporting guidelines apply whether the officer is on duty or off duty. <4.2.1 a.><4.2.1 b.><4.2.1 c.><4.2.1 d.>

2. The officer will remain at the scene (unless injured) until the arrival of the appropriate investigators. However, if the circumstances are such that the continued presence of the officer at the scene might cause a more hazardous situation to develop (for example, a violent crowd or post traumatic stress to the officer), a supervisor may instruct the officer to move to a more appropriate location.

3. In use of force incidents in which no injury has resulted nor have allegations of injury been made, the requirement to notify Communications and remain at the scene for an investigator will not apply, but all other provisions of ¶1 above will apply. <4.2.1 c.><4.2.1 d.>

4. In the event of a use of force incident in another jurisdiction, the officer will immediately notify the appropriate law enforcement agency in that jurisdiction and contact an on-duty supervisor in the Sheriff's Office as soon as practical.

5. Failure to complete the required Blue Team Report will be cause for disciplinary action, whether or not the force was justified.

6. The Professional Standards Supervisor will perform an annual analysis of all use of force incidents and will report to the Chief of Police on policy revision and training need recommendations. <4.2.4 a.><4.2.4 b.><4.2.4 c.><4.2.4 d.><4.2.4 e.>

7. The Professional Standards Supervisor, or designee, will conduct an annual administrative review of all assaults on officers and will report to the Chief of Police on safety concerns, policy revisions, and training recommendations. <4.2.5>

E. Other Firearm Discharges <4.2.1 a.>

1. Firearms may be discharged during range practice, weapons qualification, and during competitive sporting events. Any other firearm discharge requires at least completion of a Blue Team Report and referral to the Use of Force Committee for administrative review.

2. A seriously sick or injured animal may be destroyed only after reasonable efforts have been made to request assistance from the owner or a responsible agency. The destruction of vicious animals will be guided by the same principles set forth for self-defense and the defense and safety of others. Such incidents will also be documented in Blue Team as a Weapons Discharge.

3. Warning shots are prohibited. <4.1.3>

F. Display of Firearms <4.2.1 c.>

1. Except for maintenance, training, or for recreational shooting, officers will not draw or exhibit a firearm unless circumstances create the reasonable belief that it may be necessary to use the weapon in conformance with this policy.

2. When an officer displays a firearm in accordance with policy, the officer's finger will remain off the trigger unless there is a threatening target. <1.3.6 c.>

G. Investigations Following Use of Force

1. The Supervisor of Internal Affairs is responsible for coordinating Use of Force investigations. The Sheriff's Office will conduct an administrative and/or collateral criminal investigation. The South Carolina Law Enforcement Division (SLED) will be requested to conduct a criminal investigation in the case of a serious injury or death. <1.3.7>

2. The US Justice Sheriff's Office may initiate an investigation when possible serious criminal civil rights violations have occurred. These investigations will be handled as independent criminal investigations and will be conducted by the Federal Bureau of Investigations in accordance with federal statutes. Sheriff's Office personnel may obtain legal counsel representation due to the serious nature of these investigations. <11.3.4 a.>

3. The South Carolina Law Enforcement Division (SLED) will be requested to conduct a criminal investigation in the case of a serious injury or death. The criminal investigation will focus on violations of SC Code of Laws. <4.2.2><11.3.4 a.>

4. The Professional Standards Division will conduct an administrative investigation of every use of force and any other law enforcement action that results in death or serious physical injury. For additional information on the Internal Affairs investigations process, please refer to General Order Chapter 52, Section #1.01 (Internal Affairs). <11.3.4 b.>

5. Any employee whose use of force results in serious injury or death will be removed from operational assignment with pay pending preliminary investigations of the incident. <4.2.2> This does not mean that the Sheriff's Office does not support an employee's justified use of force or that there is any indication that the use of force is improper. Support and assistance to the employee and the employee's family will be offered in accordance with General Order Chapter 22 Section #1.06 (Critical Incident Assistance Team). <4.2.3>

6. While on leave, the employee will remain available for Sheriff's Office interviews and will be subject to recall to duty. Upon returning to duty, the employee may be assigned to administrative duties, at the discretion of the Chief of Police.

7. After an incident in which an employee discharges a firearm, Professional Standards or SLED will take control of the employee's weapon and follow Sheriff's Office procedure for the care, custody, and control of evidence. The weapon will be handled in the same manner as any other firearm seized as evidence. A replacement weapon may be issued.

8. All press releases and other public information will be managed by the Public Information Officer and will include collaboration with all involved organizations as deemed necessary by the Chief of Police or designee. For additional information in reference to public information, please see General Order Chapter 54, Section #1.01 (Public Information and Media Relations). <11.3.4 d.>

9. Upon completion of the investigation by Internal Affairs, all investigative reports, statements, reports on evidence, diagrams and photographs will be submitted to the Chief of Police. <4.2.2>

10. Federal investigation reports will be forwarded to the appropriate prosecution office. SLED criminal investigation reports will be submitted to the 16th Circuit Solicitor's Office and the Professional Standards Division for review. The Solicitor's Office will determine whether to initiate criminal action against Sheriff's Office personnel whose actions are deemed unlawful. <11.3.4 c.>

H. Special Provisions <4.3.4>

1. The importance of this General Order cannot be overstated. Team Supervisors will ensure that all sworn officers under their command are fully familiar with its contents. <4.3.3 a.><4.3.3 b.><4.3.3 c.> Prior to authorization to work in any law enforcement capacity, all newly employed police officers will receive a copy of this General Order and appropriate training in the use of any weapons issued by the Sheriff's Office.

2. All officers have a duty to intervene to prevent or stop the use of excessive force by another officer.

I. Training

1. Training is provided in the proper use of any weapons issued by the Sheriff's Office and proficiency is demonstrated before being authorized to carry lethal and less lethal weapons. <4.3.3 a.>
2. All officers will receive training, at least annually, in the following areas:
 - a. Techniques for the use of and importance of de-escalation;
 - b. Simulated Active Shooter situations and conditions;
 - c. Enhancement of officers' discretion and judgment in using less lethal and lethal force in accordance with Sheriff's Office policy; and
 - d. Criminal and administrative investigation procedures for use of force and other law enforcement actions that result in death or serious physical injury <11.3.4 f.>
3. All Sheriff's Office personnel who are responsible for managing use of force incidents or other law enforcement actions that result in death or serious physical injury will receive training in conjunction with General Order Chapter 22, Section #1.06 (Critical Incident Assistance Team) <11.3.4 e.>
4. All use of force training will be documented by the Training Supervisor. <4.3.3 b.>

BY ORDER OF:

Douglas Pernell, Sheriff

References: General Order # 1.1.13 (Weapons), General Order # 22.1.06 (Critical Incident Assistance Team), General Order # 41.1.04 (Vehicle Pursuits), General Order Chapter 52, Section #1.01 (Internal Affairs) and General Order Chapter 54, Section #1.01 (Public Information and Media Relations)

<CALEA Standards: 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5, 4.3.3, 4.3.4 & 11.3.4>