



FLORENCE COUNTY SHERIFF'S OFFICE – POLICY AND PROCEDURES		
POLICY # 600.00	USE OF FORCE AND THE CONTROL OF RESISTANCE	
<input type="checkbox"/> New Date:	<input type="checkbox"/> Revised Date:	<input type="checkbox"/> Reviewed Date:
	Florence County Sheriff's Office 6719 Friendfield Road Effingham, SC 29541 843-665-2121 www.fcsso.org	
CALEA Standards Ref. Numbers:		
Approved: 		
Sheriff Kenney Boone		Date

POLICY: USE OF FORCE AND THE CONTROL OF RESISTANCE # 600.00

I. Purpose

The purpose of this policy is to provide clear standards for the use of force and control of resistive behavior. This directive is for FCSO use only and does not apply in any criminal or civil proceeding. The Florence County Sheriff's Office Use of Force Policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for FCSO administrative sanctions. Violations of law may form the basis for civil and criminal sanctions in a recognized judicial setting.

II. Policy

The Florence County Sheriff's Office recognizes the value of human life. Law enforcement officers are tasked with the awesome responsibility to protect life and property and to apprehend criminal offenders. The responsibility for a deputy to protect human life must include his own. It is the policy of the Florence County Sheriff's Office to use only the force reasonable and necessary to accomplish lawful objectives.

III. Definitions of Terms (as used in this directive)

Non-Lethal Force: use of force that has a minimal likelihood of causing serious physical injury or death.

Impact Weapon: a weapon used to control a suspect's resistance through the application of strikes and blocking techniques.

Lethal Force: that 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.

- Physical Force:* the striking of a person by the use of a club, baton, PR-24, fist, hand, foot, or other object; or the application of any type of irritant or gas; or the application of any hold or grip that tends to render the subject unconscious, prevents the normal flow of blood, results in the breaking of the skin, bruising, or results in the swelling of any part of the body.
- Reasonable Belief:* a degree of risk that a reasonable and prudent person would consider a strong possibility.
- Recreational Purposes:* use of a weapon for hunting, target shooting, or other recreational event where the firing of a weapon is justified for non-law enforcement personnel or civilians.
- Serious Physical Injury:* great bodily injury that creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.
- Deputy:* any sworn law enforcement officer of the Florence County Sheriff's Office, including, but not limited to, full-time, part-time, reserves, and correctional officers.

IV. Procedure

A. Receipt of Policy

All sworn personnel shall be issued a copy of this directive and advised of the Sheriff's Office policy on the use of force. All sworn personnel must demonstrate proficiency with all weapons issued before being assigned to line-duty or being authorized to carry those weapons in the line of duty. Policy instruction and receipt shall be documented.

B. Defensive Tactics / Use of Force Training

At least annually, each deputy shall receive in-service training pertaining to the Office's Use of Force Policy. Only deputies demonstrating proficiency in the use of authorized weapons shall be permitted to carry such weapons. Proficiency training shall be documented and conducted by a certified instructor. Those deputies unable to demonstrate proficiency shall be required to undergo remedial training in accordance with the Departmental training policy. Proficiency with authorized weapons is a necessity to successfully perform the job of a law enforcement officer. If a deputy is unable to demonstrate proficiency after remedial training, the deputy will be brought before the Sheriff for subsequent action, which may include but not limited to termination.

C. Use of Lethal Force

1. Sworn personnel are authorized to fire their weapons and use deadly force in order to:
 - ◇ Protect the deputy or another person from what is reasonably believed to be an immediate threat of death or serious physical injury; or
 - ◇ Prevent the escape of a fleeing felon whom the deputy has probable cause to believe will pose a significant threat to human life should escape occur. Such action requires supporting facts such as previously demonstrated threat to, or wanton disregard for, human life or commission of a crime involving the infliction or threatened infliction of serious bodily harm or death.
2. Deadly force may not be used solely to prevent escape or make an arrest for non-violent felonies or misdemeanor offenses.
3. When it becomes necessary for a deputy to use a firearm, it shall be fired for maximum effect to eliminate the threat.
4. The use of warning shots by a deputy is prohibited.
5. Deputies shall not discharge a firearm at, or from, a moving vehicle unless the use of deadly force is justified and both of the following requirements are met:
 - ◇ There is a substantial likelihood that the projectile will not strike any person other than the suspect; and
 - ◇ The risk of the suspect vehicle going out of control after being hit is less than the risk of the suspect not being captured immediately.
6. Firearms shall not be drawn or displayed unless it is tactically necessary based upon considerations of personal safety and the safety of others. The following exceptions are allowed:
 - ◇ During cleaning, maintenance, approved training, recreational activity, or participation in activities approved in the policy of the Florence County Sheriff's Office; or
 - ◇ Upon the direction of a supervisor or commanding officer.
7. The killing of an animal is justified:
 - ◇ For self-defense;
 - ◇ To prevent substantial harm to the deputy or another; or
 - ◇ When the animal is so badly injured that humanity requires its relief from further suffering.

A seriously wounded or injured animal may be destroyed only after attempts have been made to summon Florence County Animal Control. If possible, permission

shall be obtained from the owner (if any) of the animal, and a supervisor before it is destroyed for humane reasons.

D. Force Continuum

1. Deputies shall adhere, whenever possible, to the force continuum which represents the levels of control from lowest to highest. It is anticipated that some situations will require deputies to immediately use a higher level of control without first attempting a lower level of control. Below is a listing of the levels of control:

- ◇ **Officer Presence:** Identification of authority (uniform, etc.)
 - ◇ **Verbal Direction:** Commands of arrest or control given by the deputy
 - ◇ **Empty Hand Control:**
 - ◆ Soft Empty Hand Control - Control techniques with minimal chance of injury (use of pressure points, joint locks, handcuffing, etc.)
 - ◆ Use of Chemical Agents (OC spray, pepper spray, etc.)
 - ◆ M-26 Air Taser
 - ◆ Hard Empty Hand Control - Control techniques that have a probability of causing injury (punches, kicks, etc.)
 - ◇ **Lethal Force:** Force used by the deputy that is likely to cause great bodily injury or death
2. Numerous factors affect the level of force necessary to control resistive behavior. These factors may affect a deputy's decision to escalate or de-escalate the level of control necessary to overcome resistive behavior. Such variables may include:
 - ◇ The deputy's size or gender relative to the subject;
 - ◇ Environmental conditions - the number of deputies and the number of subjects present, the use or display of weapons by subjects, the time of day or night, etc.;
 - ◇ The totality of the circumstances - variables as they relate to the incident at hand; and
 - ◇ The deputy's reaction time - the amount of time necessary to perceive a threat and physically react to counter the threat.

E. Rendering Medical Assistance

1. An individual complaining of, or suffering from, an injury as a result of a use of force by a deputy shall receive appropriate medical attention as soon as possible after the scene has been brought under control.
2. Personnel shall render medical assistance within the limit and scope of their training.
3. If medical attention is needed, the deputy shall immediately notify Emergency Medical Services to respond to a secure incident location. Medical staff at the detention center may treat minor injuries. The deputy shall attempt to protect the injured person(s) from further injury.

F. Documentation / Use of Force Report

1. A written "Use of Force" report shall be submitted by the involved deputy's supervisor if the deputy:
 - ◇ Discharges a firearm for any purpose other than training or recreation;
 - ◇ Takes an action that results in, or is alleged to have resulted in, injury or death of another person;
 - ◇ Applies force through the use of lethal or non-lethal weapons; or
 - ◇ Applies physical force (lethal or non-lethal except soft empty hand control).
2. The Use of Force Report shall be completed by the deputy prior to end of the deputy's tour of duty. A copy of the use of force report shall be distributed to:
 - ◆ Patrol Captain
 - ◆ Training Lieutenant
3. A thorough administrative review may be conducted at the direction of the Sheriff, Chief Deputy, or any command staff officer at the rank of Captain. An administrative review shall always be conducted if a subject is admitted to a hospital or killed as a result of a use of force or if a firearm is discharged other than for training or recreational purposes.

V. Handling of Deputies at a Shooting Scene

- A Responding supervisors and deputies should show concern to a deputy involved in a shooting. The deputy involved should be escorted away from the body and some distance from the scene. The deputy should be kept secure from the media and other curious officers. The deputy may stay with a supportive peer or supervisor and should be allowed to return to the scene only if necessary.
- B. The deputy should be advised what will happen administratively during the next few hours and why it should not be regarded as a personal attack. If the deputy's weapon is taken

as evidence, it shall be replaced immediately, or when appropriate, depending upon how aggravated the circumstances of the incident are, and the psychological condition of the deputy (e.g., agitated, very depressed, suicidal, etc.).

- C. The family of the involved deputy should be contacted as soon as possible, before being contacted by the media or others. If the deputy is uninjured, the involved deputy or a Senior Staff member should contact the family (phone call or personal visit). If the deputy is injured, a member of the Office known to the family should escort the family to the hospital. A supervisor should make sure that the family has any needed support (e.g., friends, clergy, etc.).
- D. The Sheriff shall provide face-to-face communication with the deputy as soon as practical.

VI. Post-Shooting / Investigative Process

When a firearm is discharged, and the shooting results in injury or death, it is important for deputies to understand the investigative process. There are three possible investigations that may be conducted, and each investigation differs in scope and procedure.

A. Federal Civil Rights Criminal Investigation

The Federal government may initiate an investigation into possible criminal civil rights violations. The US Justice Office will likely conduct an investigation and it should be viewed as a criminal investigation, with the deputy being the “subject”.

1. The Florence County Sheriff's Office shall respect the rights of the federal government to conduct an independent investigation to identify any civil rights violations that may have occurred.
2. **No supervisor or any member of the Florence County Sheriff's Office will order or request any deputy who may be suspect, to confer with federal investigators without the advice of counsel.**
3. Criminal civil rights investigations should be recognized as criminal investigations having potentially severe consequences for the involved deputy (ies).

B. State Criminal Investigation

Investigators from the investigative division may be instructed to conduct the criminal investigation or the investigation may be turned over to the South Carolina Law Enforcement Division. The criminal investigation shall focus on the violations of the state criminal code. Violations of departmental policy or conflicts with training shall not be the focus of the criminal investigation.

C. Internal Affairs / Administrative Investigation

The administration may conduct an administrative investigation of every incident of firearm discharge by a FCSO member, except when such discharge was for training, recreation, or destroying of an animal.

3. Removal from Line-Duty Assignment

A deputy involved with a shooting, resulting in a serious physical injury or death, shall be removed from line-duty assignment pending administrative review. The Sheriff shall determine whether the deputy is put on administrative leave with pay or assigned to administrative duty. The removal from line-duty serves two purposes:

- ◇ To protect the community's interest when a deputy may have exceeded the scope of their authority in their actions or in their use of force; or
- ◇ To shield the deputy who has not exceeded the scope of their authority from possible confrontations with the community.

4. Deputies involved in a use of force incident, which results in serious physical injury or death, **shall be required to attend mandatory psychological counseling** or "debriefing" at the expense of the Office. The Sheriff's Office shall support employees involved in critical incidents.