

# Wayne County Sheriff's Office

## Training Brief 1-1

### Use of Force

General Order 1.3.1: Use of Reasonable Force

General Order 1.3.2: Use of Deadly Force

General Order 1.3.6: Use of Force

**Purpose:** The student shall be able to define types of use-of-force, policies, and laws regarding use-of-force.

#### A. Definitions

1. **Reasonable Force:** Reasonable force is that force which an ordinary, reasonable person with the same knowledge of the situation as the police officer would deem necessary.
2. **Deadly Force:** Any force that is likely to cause death or serious bodily injury. (I.C. 35-41-1-7)
3. **Serious Bodily Injury:** A bodily injury that creates substantial risk of death or that causes:
  - serious permanent disfigurement, extreme pain, unconsciousness, permanent or protracted
  - loss, impairment of the function of a bodily member or organ, or loss of a fetus. (IC 35-41-1-25)

#### B. How Force may be applied

1. Officer Presence
2. Verbal Direction
3. Hands, Feet, etc.
4. OC spray
5. Expandable Baton
6. Flashlight
7. Pepper ball gun
8. Firearm
9. Any implement that can be used to apply force against another person.

#### C. Resistance Control Continuum

##### Officer

ÉDeadly Force

ÉHard Intermediate Weapons

ÉHard empty Hand Techniques

ÉSoft empty Hand Techniques

ÉVerbal Direction

ÉOfficer Presence

##### Suspect

\*Deadly Force Assault

\*Active Aggression

\*Defensive Resistance

\*Passive Resistance

\*Verbal Non0Compliance

\*Psychological Intimidation

1. You do not have to start at Officer Presence and work your way step-by-step through the Continuum. You should equate your amount of force to the amount of resistance by the subject. I.E., you do not have to start with only verbal commands (no physical action) if the subject is actively physically aggressive. You will immediately take physical action against the subject.

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2. The One-Plus-One Theory: This is used in the control continuum to indicate when the officer would use force actually higher on the scale than the offender. When an officer can either articulate why a lower level of force would have failed (i.e. drug use) or lower level force has failed, the officer may go **one step** higher in the continuum than the subject. This does not necessarily apply to deadly force though.
3. The following variables may affect officers or deputy's decision in escalating or deescalating the level of control:
  - a. Officer or deputy and violator size, age, strength and skill factors
  - b. Multiple officers or deputies and violators
  - c. Environmental conditions/totality of circumstances
  - d. Reaction time
  - e. A weapon is present and not under the officer's or deputy's control
  - f. The violator has a known history of violent behavior
  - g. Back-up assistance is unavailable, or there are time constraints, such as the need for
  - h. Immediate protection of a third party, or when one must make an immediate arrest.
4. Wayne County Sheriff's Department policy allows use of OC spray as an Intermediate Weapon on the Force Continuum.
5. Remember that the subject does not have to be successful in their attempt at resistance. If a subject is using hostile language and raise his fist to punch you, you do not have to wait for the punch to hit or be thrown. This is the beginning of active aggression by the subject and should be dealt with appropriately by the officer.
6. Verbal commands should accompany any physical control tactics used by the officer. Verbal commands should be short, concise, and clear.
7. The officer should deescalate the amount of force as the amount of resistance is lowered.
8. Officers or deputies shall not use "hog-tying" tactics as a means of restraining an individual.
9. Officers or deputies may only use deadly force if they reasonably believe that they, or other persons are in imminent threat of death or serious bodily harm. This policy applies with equal effect to juveniles.

#### D. Deadly Force

1. It is the policy of the Wayne County Sheriff's Department that officers or deputies shall only use deadly force when there is a reasonable belief that the action is in defense of human life, or in defense of any person in imminent danger of serious physical injury. Officers and deputies' responsibilities for protection of life must include their own. All officers or deputies will act in good faith when using deadly force and conform to the provisions of the United States Constitution, the Indiana State Constitution and the Indiana Code.
2. If a decision has been made to employ deadly force, the officer or deputy shall, whenever practical identify themselves and demand that the violator stop (example: "stop police").

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3. Officers or deputies shall weigh the need to use deadly force against the potential harm to innocent bystanders that may result from such use of force.
4. Officers or deputies shall not discharge a firearm at the driver, occupants or a moving vehicle unless deadly force is being used against the officer or deputy, another person and there is imminent and ongoing danger from which there is no reasonable means of escape and the risks are outweighed by the need to use deadly force.
5. Officers or deputies shall not intentionally place themselves in a vehicle's path, either to the front or rear if they find themselves in danger from a moving vehicle.

### E. After Force is used.

1. Provide any medical treatment as necessary. This may include calling an ambulance or providing decontamination of OC spray. It is the policy of the Wayne County Sheriff's Department if anyone is exposed to OC spray they will be taken to the hospital for medical treatment and a jail evaluation.
2. Document all use of force and resistance by the subject. Go into detail when doing the case report as to what the subject did, the verbal commands given, the actions taken by the officers, and the reason for those actions. Remember if you don't articulate it in our case report it didn't occur. Articulate any of the variables that might have factor into your use-of-force judgment. Document any injuries that you received and any injuries that the subject received (even if they don't require medical treatment). This may include photographs.
3. Fill out the Wayne County Sheriff's Office's Use of Force Reporting Form.

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Probationary officer's signature and unit number

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Date

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FTO's Signature and unit number

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Date