



Lexington County Sheriff's Department

Policy and Procedures



3.29 Use of Force and the Control of Resistance

This policy provides clear standards for the use of force and control of resistive behavior. This directive is for departmental use only and has no application in any criminal or civil proceeding. The LCSD 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 departmental administrative sanctions. Violations of law may form the basis for civil and criminal sanctions in a recognized judicial setting.

The LCSD 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. The LCSD uses only the force reasonable and necessary to accomplish lawful objectives and applies de-escalation techniques when possible. (4.1.1)

Definitions (4.1.2)

Deputy: any sworn law enforcement officer of the LCSD, including, but not limited to, full-time, part-time, reserves, and correctional officers.

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 baton, fist, hand, foot, specialty impact weapon 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 events 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



Lexington County Sheriff's Department

Policy and Procedures



causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Vascular Neck Restraint: any use of force application intended to gain control of a subject by restricting blood flow to the brain for the purpose of incapacitation. (4.1.6)

Receipt of Policy (4.3.4)

All sworn personnel shall be issued a copy of this directive and advised of the LCSD 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. The Training Unit shall document policy instruction and receipt.

Defensive Tactics / Use of Force Training (4.3.2)

At least annually, each deputy shall receive in-service training pertaining to the department's Use of Force Policy. Only deputies demonstrating proficiency in the use of authorized weapons shall be permitted to carry such weapons. Training and demonstration of proficiency 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 re-assignment or termination. (4.3.3a,b,c)

Use of Lethal Force

A deputy may use deadly force only when the deputy *reasonably* believes that the action is reasonable and necessary in defense of human life, including the deputy's own life, or in defense of any person in imminent danger of serious physical injury or death. (4.1.2)

A deputy may not use deadly force to apprehend non-dangerous, apparently unarmed fleeing suspects. However, where the deputy has probable cause to believe that a suspect poses a significant threat of death or serious physical injury to the deputy or others, the deputy may use deadly force if necessary to stop the fleeing suspect. (4.1.2)

Deadly force may not be used solely to prevent escape or make an arrest for non-violent felonies or misdemeanor offenses.

When it becomes necessary for a deputy to use a firearm, it shall be fired for maximum effect to eliminate the threat.

The use of warning shots by a deputy is prohibited. (4.1.3)

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:



Lexington County Sheriff's Department Policy and Procedures



- 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.

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 LCSD; or
- Upon the direction of a supervisor or commanding officer.

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 Lexington 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. An incident report will also be completed.

Force Continuum (4.1.1)

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.)

Hard Empty Hand Control - Control techniques that have a probability of causing injury (punches, kicks, etc.)

- **Intermediate Weapon Control:** Uses of a deputy's impact weapon, OC spray, Electronic Control Devices (ECD) or Specialty Impact Munitions to control a subject who exhibits combative or potentially combative behavior. These weapons must be



Lexington County Sheriff's Department

Policy and Procedures



used only in accordance with the training received on the particular weapon i.e.; an ECD would not be used to incapacitate a subject exhibiting passive resistance.

A deputy may resort to intermediate weapon control when the use of lower levels of control is not likely to succeed, or have been ineffective and lethal force is not authorized.

- **Lethal Force:** Force used by the deputy that is likely to cause great bodily injury or death. In the event lethal force is justified, and the deputy is unable to employ conventional means (firearm), a deputy is authorized to use any available option in defense of their or another individual's life.

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.

Vascular Neck Restraint

Deputies may use a vascular neck restraint, the restriction of blood flow to the brain, if they have been trained in its proper application. The vascular neck restraint may be used on persons who are actively resisting or who are assaultive when, under the totality of the circumstances, its use constitutes reasonable and necessary force. It will only be used to render the person unconscious in order to allow you to gain control of that person. If you render a person unconscious with a vascular neck restraint, notify emergency medical services and a supervisor to respond as soon as you may safely do so. (4.1.6)

Deputies will receive initial and biennial training on vascular neck restraint techniques and policy. (4.1.6)

The use of choke hold (i.e. a technique which cuts off the person's air supply by applying direct pressure to the trachea) is prohibited except in cases where deadly force would be authorized. (4.1.7)

Rendering Medical Assistance (4.1.5)

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.



Lexington County Sheriff's Department

Policy and Procedures



Personnel shall render medical assistance within the limit and scope of their training.

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.

Documentation / Use of Force Report

A written "Use of Force" report shall be submitted by a supervisor if the deputy:

- Discharges a firearm for any purpose other than training, recreation or the humane destruction of an animal; (4.2.1a)
- Takes an action that results in, or is alleged to have resulted in, injury or death of another person; (4.2.1b)
- Applies force to a person through the use of lethal or non-lethal weapons; or (4.2.1c)
- Applies physical force (lethal or non-lethal except soft empty hand control). (4.2.1)

Use of Force After-Action Reporting / Critique Responsibility of Involved Deputy(s)

A deputy who is involved in a use of force shall:

- Complete an incident or supplemental report documenting their involvement in the use of force.
- Assist the **supervisor in gathering any witness statements or other necessary evidence.**

Responsibility of the Supervisor

As soon as practical after the conclusion of a use of force incident, a supervisor with the rank of Master Deputy or above shall:

- Ensure all involved deputies submit supplemental reports.
- Request written statements from involved law enforcement officers from other jurisdictions.
- Obtain a copy of the CAD log.
- If the use of force results in serious injury or death, audio recordings of the incident should be obtained from the Communications Center.
- Scan and attach all evidence to the Use of Force Module (i.e. Taser report, statements and other documentation)
- Notify Training Division of the incident.

Use of Force Review Process (4.2.2)

The circumstances of a use of force incident shall be reviewed by:

- The supervisor, by reviewing all submitted reports and completing the Use of Force Module.
- The Training Division, by completing the Use of Force Module and marking it for



Lexington County Sheriff's Department Policy and Procedures



review by Region Command.

- The Region Commander, or his designee, of the region where the use of force occurred, by completing the Use of Force Module. If the use of force involved employees of the detention center, it will be reviewed by their respective chain of command.

The Criminal Intelligence Unit will conduct a documented analysis of use of force incidents annually. The purpose of this analysis is to review any patterns or trends that could indicate training needs and/or need for policy modification. (4.2.4)

Managing a Deputy Involved Shooting

Responding supervisors and deputies should show concern to a deputy involved in a shooting. The deputy involved should be escorted away from the immediate scene, if possible. 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.

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.).

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 injured, a member of the department 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.).

The Sheriff shall provide face-to-face communication with the deputy as soon as practical.

Use of Force that Results in Death or Serious Physical Injury

When a police action results in death or serious physical injury, it is important to understand the investigative process. There are three **possible** investigations that may be conducted, and each investigation differs in scope and procedure.

Federal Civil Rights Criminal Investigation (11.3.4a)

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

The LCSD shall respect the rights of the federal government to conduct an independent investigation to identify any civil rights violations that may have occurred.

No supervisor or any member of the LCSD will order or request any deputy who may be suspect, to confer with federal or state criminal investigators without the



Lexington County Sheriff's Department

Policy and Procedures



advice of counsel.

Criminal civil rights investigations should be recognized as criminal investigations having potentially severe consequences for the involved deputy(s).

State Criminal Investigation (11.3.4a)

Investigators from the detective division may be instructed to conduct the criminal investigation or the investigation may be turned over to the South Carolina Law Enforcement Division or other outside agency. 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.

A report of the criminal investigation will be submitted to the State Attorney General's Office and the Professional Standards Division for review. The State's Attorney will decide whether to initiate criminal action against deputies whose actions are deemed unlawful. (11.3.4c)

Internal Affairs / Administrative Investigation (11.3.4b)

The Professional Standards Division shall conduct an administrative investigation of every use of force incident that results in death or serious physical injury.

Scope and Authority - The internal affairs investigator shall conduct the investigation and submit a report to the Critical Incident Review Board. The investigation shall focus on three areas:

- Whether the actions of the deputy(s) involved were within the parameters of departmental policy;
- The level of supervision provided prior to, during, and subsequent to the ~~shooting~~ incident; and
- If training considerations have been met.

In the event of Officer involved shooting, the Inspector shall assemble the Training Division Manager and at least two firearms instructors to review any training or tactical considerations. The report shall address, at a minimum, the following:

- Drawing and exhibiting the weapon;
- Firing of the weapon
- Tactics prior to drawing and discharging the weapon; and
- Tactics during and following discharge.

Internal Affairs Report

The internal affairs investigator shall prepare a report based on the findings and forward the report to the Critical Incident Review Board. The Critical Incident Review Board shall consider the internal affairs report as one piece of evidence for review.



Lexington County Sheriff's Department

Policy and Procedures



Removal from Regular Assignment (4.2.3)

Any employee, whose action(s) or use of force in an official capacity, results in a serious physical injury or death, shall be removed from their regular assignment pending an administrative review. The Sheriff shall determine whether the employee is placed on administrative leave with pay or assigned to administrative duty. The removal of an employee from their regular assignment serves two purposes:

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

The name(s) of involved members will not be released by any member of the Department unless authorized by the Sheriff.

All subsequent press releases made by the department relative to a police action death or serious injury will be handled by the Sheriff through the Public Information Officer and in collaboration with all involved organizations as deemed necessary by the Sheriff or his designee. (11.3.4d)

Any employee, whose action(s) or use of force in an official capacity, results in a serious physical injury or death, shall be required to attend mandatory psychological counseling or "debriefing" at the expense of the Department. Such counseling or "debriefing" shall be coordinated by the Human Resources Manager.

Based on the needs and/or request of the deputy or family of the deputy, the Lexington County Employee Assistance Program will be made available to the officer and the officer's family to aid them in dealing with potential moral and ethical after-effects of a deadly force incident and the effects of Post-Traumatic Stress.

All department members who may be responsible for managing use of force incidents or other law enforcement actions that result in death or serious bodily injury will receive process training for managing such incidents (11.3.4e)

All potentially impacted members of the department will receive awareness level training regarding use of force incidents and the process applied; including but not limited to, structured delays in interviews of those involved and strategies that will be applied in preserving and collecting items of evidentiary value. (11.3.4f)