



BEAUFORT COUNTY SHERIFF'S OFFICE

GENERAL ORDERS MANUAL

Subject: Use of Force

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Purpose

The purpose of this policy is to establish guidelines related to the use of force by all Sheriff's Office personnel and the reporting and review procedures to be followed once the use of force has occurred.

Policy

(CALEA 1.3.1) Deputy Sheriff's shall use only the amount of force that is reasonable to accomplish lawful objectives, while protecting their lives and the lives of others.

Definitions

Deadly Force: Any use of force that is likely to cause death or serious physical injury.

Less Than Deadly Force: Any use of force that is not considered to be deadly force.

Less Than Lethal Weapon: An instrument, object or substance not designed or used in a manner to cause death or serious physical injury.

Reasonable Belief: The facts or circumstances a Deputy knows, or should know, which would cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

Serious Physical Injury: An injury that creates a substantial risk of death; causes serious, permanent, disfigurement; or results in long-term loss or impairment of the functioning of any bodily member or organ.

Control: The methods a Deputy uses to influence or neutralize the unlawful, physical or verbal actions of a subject.

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A5- 02/13/2014; A6- 01/04/2017; A7-06/16/2020

Procedures:

A. Legal Authority: (CALEA 1.2.2) The Beaufort County Sheriff's Office will issue weapons to those employees who fit the legal description of a law enforcement officer under South Carolina Code of Law, 23-13-10 or a Reserve Deputy under code 23-28-10 through 20.

B. Guidelines and Restrictions On Use of Force:

1. Deputy Sheriffs shall use only the level of force necessary to accomplish lawful objectives. The use of force must be discontinued when it becomes apparent to the Deputy Sheriff that the force is no longer needed or the use of force poses a threat to innocent bystanders.
2. (CALEA 1.3.2) A Deputy Sheriff may use deadly force against a person only when the Deputy Sheriff reasonably believes such action is in defense of human life including the Deputy's own life or in defense of any person in immediate danger of serious physical injury or death.
3. A Deputy Sheriff shall render a verbal warning before shooting at a suspect if circumstances allow.
4. All chokeholds and/or strangleholds are only used as a last resort when all defensive options have been exhausted and the deputy's life or life of another are in jeopardy.
5. All Deputy Sheriffs are directly accountable for their actions. Deputies are required to intervene and challenge any law enforcement officer if they observe wrongful acts or excessive use of force by the law enforcement officer. All Deputy Sheriff's shall report any witnessed instances of misconduct, wrongdoing, or use of excessive force by any Deputy Sheriff and/or any other law enforcement officer.
6. It is the responsibility of the Sheriff's Office Training Unit to provide Use of Force training to all sworn personnel during rookie training with annual refresher training.
7. (CALEA 1.3.5) Medical aid and post incident response procedures. The Deputy will immediately:

- a. For the safety of the Deputy and others, the suspect will immediately be handcuffed, searched, and the suspect's weapon secured.
- b. Determine the physical condition through observation of the individual to detect obvious changes in conditions, assessment of injuries, asking questions of the individual, applying first aid, etc. The Deputy should protect themselves and others from blood or other fluids whereas universal precautions should apply.
- c. If there is any evidence of an injury or the Deputy believes the individual may be injured, he/she should immediately request necessary emergency assistance from EMS.
- d. Notify dispatch of the incident and location.
- e. Notify the shift supervisor.
- f. Protect his/her weapon for examination and submit the weapon to a supervisor upon request.
- g. Remain at the scene, unless injured, until instructed otherwise by the shift supervisor.
- h. (CALEA 1.3.6) Complete a use of force report.
- i. Anyone subjected to any of the SWAT less than lethal weapons will have a medical evaluation at an authorized medical facility prior to incarceration.
- j. Anyone subjected to a Taser will have a medical evaluation at an authorized medical facility prior to incarceration.
- k. **(See Section Q: Use of Force Reporting Procedures)**

C. Use of Deadly Force Restrictions:

1. The use of deadly force against a fleeing felon who does not pose a significant and imminent threat of death or serious physical injury to the Deputy or others is prohibited.

2. Deadly force will not be used when less force would be sufficient to affect an arrest.
3. Deadly force will not be used when there is a substantial danger of injury to innocent bystanders.
4. Deputies will not discharge a firearm from or at a moving vehicle unless the Deputy reasonably believes that the occupant(s) of the vehicle are or are about to use deadly physical force against the Deputy or another person.
5. (CALEA 1.3.3) Deputies will not fire warning shots.

D. Deputy Responsibility:

1. The use of a particular type of and amount of force must be judged from the Deputy Sheriff's perspective at the scene. The proper application of force requires careful attention to the facts and circumstances known or available to the Deputy Sheriff involved at that time, including:
 - a. Whether the suspect poses an immediate serious threat to the safety of the Deputy Sheriff or others;
 - b. Whether the suspect is physically resisting arrest or merely attempting to evade arrest by flight.
 - c. Require that Deputy Sheriff's attempt to de-escalate situations where possible, by communicating with subjects, maintaining a distance and otherwise attempting to eliminate the need for use of force.
2. Use of Force Continuum: In an effort to accomplish lawful objectives, a Deputy Sheriff may use a range of options to obtain compliance. Deputy Sheriffs are not restricted to these options or this sequence:
 - a. Deputy presence; Simple presence of a uniformed or identified Deputy Sheriff.
 - b. Verbal requests/commands, verbal direction given to subject(s) to gain compliance. A Deputy Sheriff need not verbally warn when doing so would increase the danger to the Deputy Sheriff or another person.

- c. Empty handed techniques: Soft Techniques includes “joint-locks”, “come-along” and other methods of physical restraint or control holds.
- d. Empty handed techniques: hard techniques include punches, strikes and kicks.
- e. Less than Lethal Intermediate Weapons: (e.g. baton, Oleoresin Capsicum and other impact weapons).
- f. Use of weapons such as the baton, ordinarily designed and intended to temporarily incapacitate the suspect without delivering a lethal blow.
- g. This also includes the use of Oleoresin Capsicum spray, other chemical agents, other impact weapons and “less than lethal” special ammunition delivered through a firearm such as drag stabilization rounds.
- h. Taser stun weapons have been issued to selected members of BCSO and are also included in the Less than Lethal Weapons inventory.
- i. The use of a canine (K-9) for apprehension work would also be included in “Less than Lethal” use of force.
- j. Deadly Force that would be necessary to protect the Deputy Sheriff’s life or the life of another from either death or serious bodily harm, not limited to the use of firearms, but includes any weapon available to the Deputy Sheriff at the time of the incident.

E. Authorized Weapons: (CALEA 1.3.4) It is the policy of the Beaufort County Sheriff’s Office to establish guidelines that govern the possession and use of weapons (less than lethal and lethal) in both on-duty and off-duty status. All Deputy Sheriffs must bear in mind the Beaufort County Sheriff’s Office Use of Force Policy in the use of either less than lethal or lethal weapons.

F. Less than Lethal Weapons:

1. Deputy Sheriffs, depending on division assignment, will be issued a Less than Lethal defensive baton that will be carried while on duty in accordance with their assignment. The style, type, model and manufacturer of the baton shall be determined by the Sheriff. A Deputy Sheriff may use this weapon when

necessary to defend themselves or another from physical harm, to overcome resistance to affect an arrest or to prevent the escape of an arrested person.

2. A Deputy Sheriff will use only the minimum amount of force necessary to accomplish lawful objectives. The Training Branch will conduct an annual in-service training program in the use of the defensive baton.
3. (CALEA 1.3.9,a)Deputy Sheriffs assigned to the SWAT team may be issued additional Less than Lethal weapons, such as tear gas and smoke grenades, which are to be used in special situations. The members of the SWAT team will be required to undergo training in the use of any weapon that they are issued and authorized to use. The training records are maintained by the SWAT commander.
4. Deputy Sheriffs will only possess and use those less than lethal weapons issued by the Beaufort County Sheriff's Office. The possession and use of any other type of Less than Lethal weapon is prohibited. From time to time Deputy Sheriffs may find themselves in a situation demanding immediate use of force to defend themselves and the usual Less than Lethal weapons are not readily available. The Deputy Sheriff may employ such impact weapons as are in their possession at that time to defend themselves. This could include but is not limited to a flashlight or other device not normally considered an impact weapon. When employing this weapon of opportunity in self-defense, the Deputy Sheriff is still required to abide by all use of force requirements mandating the minimum amount of force necessary to affect the arrest.

G. Task Force Officers:

1. (CALEA 1.3.9,a)The Beaufort County Sheriff's Office hosts task force units in various specified disciplines including Narcotics Enforcement, Traffic Enforcement and Immigration Law Enforcement. These task forces include officers from other agencies who have gone through various training syllabuses. These training differences include the issue of varying less than lethal weapons including Tasers, various batons and chemical weapons.
2. Task force officers from outside participating agencies shall receive training on the BCSO Use of Force policy prior to deploying with their respective task force. Each task force officer shall demonstrate to the Training Section their familiarity with Use of Force General Order. Documentation will be maintained by the training section.

3. Task Force officers from outside participating agencies are authorized to carry and deploy any less than lethal weapon approved and issued by their parent agency. The actual deployment of these weapons shall be in compliance with BCSO Use of Force General Order.
4. Task Force officers from outside participating agencies shall maintain current certifications and updated training on all less than lethal weapons in their inventory through their parent agencies. Certificates must be on file with the BCSO training section.

H. Firearms:

1. (CALEA 1.3.9, a) All Deputy Sheriffs of the Beaufort County Sheriff's Office will be issued a .40 caliber, 9mm or .45 caliber semi-automatic pistol of approved manufacturer (Glock) with the maximum number of rounds that the issued magazines will carry. The carrying of magazines is addressed in the general order pertaining to uniforms. Deputy Sheriffs assigned to plain clothes detail can modify the carrying of extra magazines as determined by Branch Commanders and supervisors. Certain assigned duties may necessitate Deputies being assigned a second handgun to perform the mission. Deputies will adhere to general order number 201 concerning back-up/off-duty weapons.
2. (CALEA 1.3.9, a) Issued Long Weapons: Marked patrol vehicles shall be equipped with a 12 gauge shotgun, issued to the individual Deputy Sheriff. The shotgun shall be kept secured in a gun rack either in the passenger compartment of the vehicle or in a gun rack in the trunk of the vehicle. The shotgun shall be kept in the "Rack Ready" configuration with four rounds of "00" buckshot in the weapon's magazine, the chamber empty and the safety "on". A round shall not be chambered until such time as the situation deems necessary for a shotgun to be deployed in the Use of Force continuum. If a patrol vehicle is taken out of service for maintenance or any other reason, the shotgun and all ammunition will be transferred to the replacement vehicle or stored and maintained by the Deputy Sheriff to whom it is assigned. From time to time certain officers as designated by the Sheriff may be issued semi-automatic rifles, sniper rifles or other long guns as may be deemed necessary for the successful completion of the mission. These Deputies shall successfully complete the appropriate firearms qualifications courses as prescribed. These Deputies shall deploy these weapons in accordance with established use of force procedures of the BCSO.

3. Non-issued Firearms Prohibited: All Deputy Sheriffs, while on duty, will possess only Sheriff's Office issued weapons and ammunition on their person or in any Sheriff's Office vehicle. Exceptions shall include seized weapons and ammunition that is being transported to the Evidence Section.

I. Qualification:

1. (CALEA 1.3.10, 1.3.11, a) All Deputy Sheriffs will be required to qualify at least annually with their agency authorized firearm. Only Deputies who have demonstrated proficiency in the use of agency authorized firearms will be approved to carry such firearms. Proficiency will include achieving minimum qualifying scores on a prescribed course. Qualifications will be conducted by certified weapons instructors.
2. All Deputy Sheriffs will be required to qualify at least annually with any personally owned off duty sidearm that has been approved and authorized by the agency as required by General Order number 201.
3. Members of the SWAT team shall be required to qualify at least annually with the weapons issued to them through the SWAT commander.
4. (CALEA 1.3.10) All Deputy Sheriffs will be required to attend a training class that will be conducted in conjunction with the annual firearms qualification training. The class will review Sheriff's Office policies and procedures that govern weapons, the use of force continuum; and being familiar with safe-handling procedures for the use of these weapons.
5. Deputy Sheriffs will be required to annually qualify with any Patrol Rifle, carbine, sniper rifle or other "long gun" if these weapons are assigned for their specific duties.
6. (CALEA 1.3.11) All Deputy Sheriffs are required to annually qualify with all Less Lethal weapons that they have been issued.
7. (CALEA 1.3.11,b) Training documentation will include:
 - a. Name of Deputy.
 - b. Date qualified.
 - c. Certified weapon instructor's name.

- d. Lists the issued weapon.
 - e. Qualification score.
 - f. Use of Force policy training.
8. (CALEA 1.3.12) Each Deputy will be issued a copy of the Use of Force policy when they are hired. The Use of Force policy will be reviewed with each Deputy during annual qualifications.

J. Failure to Maintain Weapon and Less Lethal Weapon Proficiency:

1. All Deputy Sheriffs shall be required to maintain competence and to demonstrate proficiency with their assigned duty weapons.
2. (CALEA 1.3.11,c) All Deputy Sheriffs who fail to maintain competency with their assigned duty sidearm, lethal and less lethal, as evidenced by the demonstrated inability to meet qualification requirements during their qualification will remain on the range with one-on-one instruction from one of the range instructors until the qualification score is achieved.
3. If a qualification score is not achieved by the end of the scheduled training day, the Deputy will return the following day (Mon thru Fri) and receive one-on-one instruction from a different firearms instructor, after doing so they will be given two additional opportunities to qualify. If they fail to qualify again they will return the next day following the same schedule as the day before, with a different firearms instructor. The Deputy will continue to return until a qualifications score is achieved. Exception: Those deputies who have not qualified with the past 12 months as required by SOP will be required to surrender their weapon prior to leaving the range. They will then follow the same procedure as outlined above until a qualification score is achieved.
4. (CALEA 1.3.11,c) While assigned to temporary duty additional daily on-duty counseling and training will be provided. Retesting will be conducted within two weeks of the failure to qualify.
5. (CALEA 1.3.11, c) The repeated failure to demonstrate competence with the duty weapon will be cause for dismissal.
6. (CALEA 1.3.11, c) Deputy Sheriffs who fail to maintain competence with the issued 12 gauge shotgun, as evidenced by the demonstrated inability to meet the shotgun qualification requirements will be required to surrender the shotgun to

the range officer in charge prior to leaving the firing range. The shotguns removed from the vehicle will be stored and maintained by the Sheriff's Office Training Branch in the Armory. They may be re-issued the shotgun upon successful completion of the qualification course.

7. (CALEA 1.3.11, c) Deputy Sheriffs who fail to maintain competence with the issued assault rifle, carbine, sniper rifle or other "long gun" as assigned, as evidenced by the demonstrated ability to meet the rifle qualification requirements will be required to surrender the rifle to the range officer in charge prior to departing the firing range. The rifles will be stored and maintained by the Sheriff's Office Training Branch in the Armory. They may be re-issued upon successful completion of the qualification course.

K. Servicing of Agency Weapons:

1. (CALEA 1.3.9,d) Any Deputy Sheriff who's issued weapon requires servicing, must deliver the weapon to the Armory with a written description of the problem or malfunction. The Armorer shall have the responsibility of repairing or shipping the weapon to an authorized service center for repair. Firearms found to be malfunctioning or otherwise unsafe will be immediately removed from service and replaced with a properly functioning weapon until repaired.
2. This does not relieve the individual Deputy Sheriff from the responsibility of maintaining the cleanliness of the weapon through a thorough field stripping at least once a month, and more often if the Deputy Sheriff is involved in activities in less than optimal environmental conditions (e.g. beach duty, boat duty, pursuit through a marsh or swamp etc.)

L. (CALEA 1.3.9, f) Safe and Proper Storage of Firearms:

1. Deputies issued a department firearm or have department approved firearms for off-duty or back-up weapons shall be responsible for safeguarding the firearm at all times.
2. Firearms shall be kept in a safe place in the residence, out of reach of children and others.
3. Deputies may secure their weapon(s) in a patrol vehicle if the vehicle is equipped with an agency owned weapon vault. In order for a weapon to be stored in an SUV or truck, the vehicle must have a vault. Weapons may also be

secured in the trunk of a sedan providing the trunk release switch has been disabled.

(Note: If issued a 1033 program long rifle, that weapon must be removed from the vehicle and secured in the officer's dwelling or residence at the end of shift when off duty, regardless of whether or not the assigned vehicle is equipped with a vault or a disabled trunk release switch)

4. Deputies on leave may secure their weapons in the department armory.
5. All Deputies issued rifles/carbines etc. will secure those weapons in the department armory or with another Deputy while out on leave or extended training.

M. Inspections:

1. The supervisor of each shift or special team shall conduct an inspection of each assigned firearm on their respective shift no less than once a month.
2. Any Deputy found with an unserviceable or dirty weapon shall be subject to disciplinary action according to the General Orders manual.

N. Batons:

1. (CALEA 1.3.9,a) Type of Baton: Each Deputy Sheriff depending on division assignment shall be issued a baton of the model and type as designated by the agency.
2. (CALEA 1.3.10) Certification: Each Deputy Sheriff shall be certified through the accepted certification process prior to using the baton.
3. Recertification: Each Deputy Sheriff shall undergo an annual recertification process according to the accepted standards for the particular baton.
4. Wearing of the Baton: Once certified with the assigned baton, each Deputy Sheriff assigned to a uniform duty shall wear the baton in its carrier whenever they exit the patrol vehicle.

O. Oleoresin Capsicum:

1. (CALEA 1.3.9,a, 1.3.10) Certification: Each Deputy Sheriff depending on their assignment shall undergo the accepted standard certification process for using Oleoresin Capsicum (O.C. pepper spray).
2. Wearing of the O.C. Spray: Deputy Sheriffs shall wear the O.C. spray on their duty belt. Deputy sheriffs assigned to a plainclothes detail shall have the O.C. spray readily available when on duty.
3. Decontamination Procedures: After using the O.C. spray on a suspect, the Deputy will follow the decontamination procedures as specified during training.

P. Special Weapons:

1. (CALEA 1.3.9,a,b, 1.3.10) Types of Weapons: A number of specialized weapons have been purchased and issued to SWAT personnel. Deputy Sheriffs, depending on division assignment, shall undergo the accepted standard training and or certification process prior to being issued any weapon. A current list of approved lethal weapons remains on file with the BCSO Supply Manager.
2. (CALEA 1.3.9, a) A current list of approved less than lethal weapons remains on file with the respective Branch Captain.
3. (CALEA 1.3.9, b) Ammunition: A current list of approved ammunition remains on file with the Supply Manager.
4. Training / Certification: All personnel assigned to SWAT or other Special Teams and have been authorized to use these weapons shall undergo such training and/or certifications as are necessary to become proficient with these weapons. These training records are maintained by the SWAT commander.
5. Deployment of Weapons: While primarily for use during SWAT operations, Deputies may deploy these weapons in situations where an immediate threat is present and the special weapon is the best option available to quickly and safely end the incident. Each Deputy must weigh the possible consequences of **deploying** these weapons, particularly when working with Deputies who are not familiar with those weapons.
6. Documentation: All use of these weapons must be documented through Use of Force forms and have their actions reviewed by the Sheriff's Office chain of command.

7. (CALEA 1.3.10) Deputies will not be issued any weapon to included Less Lethal weapons until the Deputy has been trained and demonstrates proficiency including achieving a minimum qualifying score with annual re-certification on the issued weapon

Q. Use of Force Reporting Procedures:

1. Documentation: Any Deputy Sheriff involved in a use of force incident will notify their supervisor immediately. A Use of Force report and accompanying incident report will be completed prior to the end of the duty shift unless the Deputy Sheriff was injured in the incident and is unable to complete the report. In that instance, it shall be the responsibility of the supervisor to complete both the incident report and the use of force report. Use of force reports and an incident report will be completed on incidents involving:
 - a. (CALEA 1.3.6,a) A Deputy Sheriff discharges a firearm in a duty-related capacity. This does not include practice, training, qualification or competition unless the discharge results in property damage or personal injury. A discharge of a Sheriff's Office owned weapon, on or off duty, will be documented with an incident report.
 - b. (CALEA 1.3.6,b) The Deputy Sheriff takes any action that results in, or is alleged to have resulted in, any injury or death of any officer or any other person.
 - c. (CALEA 1.3.6,c) Physical force was applied through the use of lethal or less than lethal weapons. This does not include physical touching merely to guide or assist another person.
 - d. (CALEA 1.3.6,d) Weaponless physical force is used by the deputy on an adult or juvenile. (A use of force report is not required for the use of physical force that has little or no chance of producing injuries and is being used to gain control of the suspect or restraining a non-combative individual, e.g., physical touching, gripping or holding, handcuffing, escorting, searching, etc.)
 - e. The Deputy Sheriff is injured as a result of being assaulted, even though the Deputy Sheriff may not have used force against the assailant.

- i)** (CALEA 1.3.7,1.3.13) Incident Review: Incidents involving the use of force and all discharges of firearms (except in authorized practice, training or the authorized killing of an animal) shall be reviewed by the Sheriff's Office command staff. The command staff has the authority to refer the report to the Office of Professional Responsibility for investigation depending on the circumstances. All reports will be analyzed at the end of the year to determine if:

 - (1)** A pattern or trend is apparent;
 - (2)** Whether additional training is necessary;
 - (3)** Whether equipment must be upgraded;
 - (4)** Whether the policy may need to be modified.
 - (5)** Whether the Deputy Sheriff exhausted all alternatives before discharging his/her firearm at a suspect.
- ii)** Notifications: When an employee discharges a firearm (except as noted above) or takes any action which results in injury or death the employee's supervisor shall notify the Branch and Division Commanders immediately. The Division Commander shall notify the Chief Deputy who will notify OPR and the Sheriff. The supervisor shall be responsible for submitting an Incident or appropriate supplemental incident report on the incident.
- iii)** Chain of Custody: The supervisor shall immediately secure the weapon used in the incident and initiate a chain of custody on the weapon. If the weapon is to be turned over to SLED, the supervisor will not unload or clear the weapon. The weapon will remain in the holster removed from the duty belt and both will be turned over to SLED. If the weapon is secured due to an accidental discharge, the supervisor will unload and clear the weapon prior to turning it over to the BCSO armorer.
- iv)** (CALEA 1.3.8) The supervisor shall immediately relieve the employee of all duties if the use of force resulted in the death or serious physical injury of another person. This shall be an administrative relief with all pay and benefits until directed otherwise by the Sheriff.

- v) Other agencies as requested by the Sheriff shall also conduct investigations into the incident.

Summary:

It shall be the policy of the Sheriffs' Office to use the minimal amount of force necessary to deal with any given set of circumstances. In no instance shall any Deputy Sheriff exercise the use of force without due consideration for the safety of the general public, other Deputies and the safety of the suspect. The mission of the Sheriff's Office is to apprehend lawbreakers and bring them before the proper court for the administration of justice according to law.

By Order Of:



P.J. Tanner
Sheriff