



**LANCASTER COUNTY SHERIFF'S OFFICE
POLICIES AND PROCEDURES**

Subject RESPONSE TO RESISTANCE AND CONTROL OF RESISTANCE	Date 08/24/2020	Section No. 300	Page No. 1 of 17
Amends Section No. 300 Dated 05/15/2020	Rescinds	Re-evaluation Date 07/01/2021	
Reviewed			

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE A CONTRACT BETWEEN THE EMPLOYEE AND THE LANCASTER COUNTY SHERIFF'S OFFICE. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THE FOLLOWING PARAGRAPHS CREATE ANY CONTRACTUAL RIGHTS.

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 Official use only and does not apply in any criminal or civil proceeding. The Lancaster County Sheriff's Office Response to Resistance and Control of Resistance 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 official administrative sanctions. Violations of law may form the basis for civil and criminal sanctions in a recognized judicial setting.

II. POLICY

The Lancaster 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 Lancaster County Sheriff's Office to use only the force reasonable and necessary to accomplish lawful objectives.¹

Agency employees who use excessive or unauthorized force shall be subject to discipline, possible criminal prosecution, and/or civil liability. Use of force is only authorized when it is objectively reasonable and for a lawful purpose. Accordingly, the Agency will thoroughly review and/or investigate all uses of force by officers to assure compliance with all legal requirements and this policy.

¹ CALEA 4.1.1

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III. DEFINITION OF TERMS (as used in this directive)

Active Aggression: Physical actions or assaults against a deputy or another person with less than deadly force, such as advancing, challenging, punching, kicking, grabbing, wrestling, etc.

Chokehold(s): A physical maneuver that restricts an individual's ability to breathe for the purpose of incapacitation. This does not include vascular neck restraints.

De-Escalation: Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion and tactical repositioning.

Defensive Resistance: An attempt by a subject to prevent a deputy from gaining control of them. This is not a physical attack but an attempt to resist being handcuffed or some other lawful attempt by a deputy to restrain their movement.

Deputy: Any sworn law enforcement officer of the Lancaster County Sheriff's Office, including, but not limited to, full-time, part-time, reserves, and correctional officers.

Effective: A use of force is considered effective if the resisting person's voluntary compliance is gained and/or they are safely restrained without the need for any additional force.

Force: Any physical strike or instrumental contact with a person; any intentional attempted physical strike or instrumental contact that does not take effect; or any significant physical contact that restricts the movement of a person. The term includes the discharge of a firearm, use of chemical spray, electronic control devices (ECD), or hard or soft empty hand techniques, taking of a subject to the ground, or the deployment of a canine for the purpose of a bite or intimidation. The term does not include escorting or handcuffing a person with minimal or no resistance. Use of force is lawful if it is objectively reasonable under the circumstances, and the minimum amount of force that is necessary to accomplish a lawful objective, or protect the officer or other person, is used.

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

Less lethal Force: Any force employed using specialized equipment that is designed to temporarily incapacitate a person and is not reasonably likely to produce death or serious injury, including, but not limited to Oleoresin Capsicum (OC spray), impact weapons, Electronic Control Device (ECD)s, and impact munitions.

Lethal Force: That force which may 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. This includes chokeholds and vascular restraints.

Non-Verbal and Verbal Non-Compliance: When a subject expresses his/her intentions not to comply with an officer's directive through verbal and non-verbal means. An officer may encounter statements ranging from pleading to physical threats. Such statements may also include physical gestures, stances, and subconscious mannerisms.

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.

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IV. PROCEDURE

A. Receipt of Policy²

All sworn personnel shall be issued a digital 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 / Response to Resistance Training

At least annually, each deputy shall receive in-service training pertaining to the office's Response to Resistance Policy. Only deputies demonstrating proficiency in the use of authorized weapons shall be permitted to carry such weapons.³ 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 official 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 termination. The use of de-escalation techniques will be considered an integral part of any training concerning defensive tactics or less-lethal weapons.

C. Use of Force Authorization and Limitations

Employees and agents of the Lancaster County Sheriff's Office are authorized to use force in the pursuit of lawful objectives, however they are only authorized to use no more force than the amount necessary to accomplish those lawful objectives.⁴ Force may be used to:

1. To effect an arrest or prevent the escape from custody of a person whom the officer reasonably believes has committed an offense.
2. To defend the officer or others from the use, or imminent use, of physical force.
3. To take persons into protective custody when authorized by law, such as persons who are a danger to themselves or others due to their mental status being altered by chemical substance or physiological defect.

² CALEA 1.3.12

³ CALEA 1.3.10

⁴ CALEA 4.1.1

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4. To prevent someone from committing suicide or inflicting serious physical injury upon themselves.
5. To control a situation, and to overcome passive or active resistance to a lawful order.
6. To neutralize an unlawful assault and defend themselves or others from harm.

The authorization for use of physical force ends when resistance ceases and/or the officer has accomplished the purpose necessitating the use of force. Justification for the use of force is limited to the facts known or perceived by the officer at the time such force is used, including levels of resistance, suspect's behavioral cues, the number of officers and/or offenders present, and the availability of other options. Force shall never be used to subject a person to torture and/or other cruel or inhumane or degrading treatment or punishment.

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:
 - a. **Officer Presence:** Identification of authority (uniform, etc.)
 - b. **Verbal Direction:** Commands of arrest or control given by the deputy.
 - c. **Empty Hand Control:**
 - i. *Soft Empty Hand Control* - Control techniques that are not impact oriented with minimal chance of injury examples include, but are not limited to the following:
 - Use of Pressure Points
 - Joint Locks
 - PPCT Distraction Strike Techniques
 - PPCT Takedown Techniques
 - Grabbing a Person
 - Non-Impact Balance Displacement Techniques, i.e. pushing or pulling someone to offset their balance
 - Handcuffing

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These techniques should typically be used to counter passive or defensive resistance. The techniques should be used with loud, clear verbal commands and control techniques that lead to handcuffing.

- ii. Hard Empty Hand Control - Control techniques that have a probability of causing injury such as bruises, lacerations or contusions. These techniques are primarily punches, kicks, knee and elbow strikes or takedown techniques delivered with a degree of force intended to cause motor dysfunction, a stunning effect or possibly even unconsciousness to overcome or prevent aggressive resistance or an assault.

The techniques should typically be used to counter aggressive action and overcome violent resistance or when soft empty hand control techniques have not been effective or it is reasonably believed that they would not be effective. Defensive strikes are used by a Deputy to protect him or herself from attack and may include strikes to body parts including the abdomen and head. However, care should be exercised when striking areas that could have an increased likelihood of injury to the subject or the Deputy.

The use of hard empty hand control techniques should be immediately discontinued when it is apparent to the Deputy that a lower level of force could be reasonably effective. Loud, clear verbal commands should be used and, when feasible, a control technique leading to handcuffing should be employed.

- d. **Intermediate Weapon Control:** Use of Oleoresin Capsicum (OC Spray), approved Electronic Control Device (ECD) or approved impact weapon.

Intermediate weapons have been deemed to be serious weapons and should be treated as such. Intermediate weapons shall only be used when a reasonable officer would perceive some immediate danger or safety risk that could be mitigated by the use of the intermediate weapon.

Noncompliance with verbal commands and nonviolent physical resistance do not, necessarily, present an immediate danger. However, a physical assault is not necessary for a Deputy to be in immediate danger. For example, a person who is not compliant with verbal commands, exhibits a combative posture and/or verbally threatens aggressive resistance could reasonably be considered an immediate threat depending on the environment and circumstances.

Intermediate weapon control may also be used when lesser forms of force have been ineffective or a reasonable officer would believe that lesser forms may be ineffective and the risk of injury to the person is outweighed by the risks created by their continued resistance.

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- e. **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 deescalate 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 subject's 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.
3. If feasible, a Deputy shall ensure that his/her identification as a law enforcement officer is evident and issue a verbal warning before using force⁵. If feasible, the Deputy will allow the subject an opportunity to comply with verbal commands prior to any use of force. A verbal warning is not required in a split-second situation or if the Deputy reasonably believes that issuing the warning would place the safety of the Deputy or another person in jeopardy.

Whenever possible, a Deputy shall utilize de-escalation techniques consistent with his/her training before resorting to using force or to reduce the need for force⁶. This will often provide the Deputy with additional time to assess the situation, request additional resources, and better formulate an appropriate response to the resistant individual, including the use of communication skills to diffuse the situation. However, de-escalation may not be reasonable in every scenario, and a Deputy should not place himself or others in danger by delaying the use of force when warranted.

4. Deputies shall deescalate their level of force if a reasonable officer would believe that a lower level of force would be effective.

⁵ CALEA 4.1.2

⁶ CALEA 4.1.1

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5. If a Deputy sees that a technique or means of force is ineffective, they should change their tactics. This may consist of one of the following, as may be reasonable and necessary:
 - Escalation to a higher level of force.
 - Increased intensity of the initial technique, i.e., increased pressure during pain compliance or a strike intending motor dysfunction if a distractionary strike was ineffective.
 - Transition to another technique at the same level that may be more effective.
 - Disengagement from the situation, if the Deputy believes additional measures may be ineffective and it is reasonable to do so.
6. Deputies shall intervene in any situation where another Deputy, or a law enforcement officer from another agency, is using a level of force that a reasonable officer would not believe is necessary or appropriate. In some instances, this may mean suggesting or initiating a lower level of force to assist in controlling the subject, while in other instances it may be necessary to physically intervene in order to stop an unnecessary and unlawful use of force.

E. Use of Lethal Force⁷

1. Sworn personnel are only 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.

See, *Tennessee v. Garner*, 471 U.S.1, 85 (1985.): The United States Supreme Court ruled that the use of deadly force to prevent the escape of a suspected felon violates the Fourth

⁷ CALEA 4.1.2

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Amendment prohibition against unreasonable seizure if used against an apparently unarmed, non-violent suspect (the case involved a burglary suspect). The Supreme Court further stated that deadly force may be used against an offender who has attempted or committed an offense involving the infliction or threatened infliction of great bodily harm. **Deadly force may not be used against an unarmed, non-violent, property crime offender.** The United States Supreme Court decision went on to state that when an officer is justified in the use of deadly force he will, **if feasible**, first give a verbal warning.

2. Deadly force may not be used solely to prevent escape or make an arrest for non-violent felonies or misdemeanor offenses and should only be used as a last resort⁸.
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.⁹
5. It shall be the policy of this office for deputies to keep their trigger finger located outside of the trigger guard of any firearm until a lawful and moral decision to fire has been made.
6. 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.

When confronted with an oncoming, moving vehicle, officers must attempt to move out of its path and should generally avoid placing themselves in situations where the use of deadly force is more likely.

7. When officers are about to discharge their firearms they should be aware of their field of fire, including the backstop, so as to not unnecessarily create a substantial risk of harm to innocent persons. Officers are prohibited from discharging their firearms when, based on the totality of the circumstances, discharging a firearm would constitute a greater risk to innocent human life than the subject's actions. *(I.e. discharging a firearm into a crowd, or shooting into a building or through a*

⁸ CALEA 4.1.2

⁹ CALEA 4.1.3

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wall, where the subject is not clearly identified and it is unknown if there are other occupants present.)

8. Firearms shall not be drawn or displayed unless it is tactically necessary based upon considerations of personal safety and the safety of others. Deputies should only draw and point their firearms at another person if there is an objectively reasonable determination that the situation may escalate to the point where deadly force would be authorized under this policy. When it is determined that the use of deadly force is not necessary, officers shall, as soon as practicable, secure or holster their firearms. It is the rule of this department that drawing a firearm and pointing it at a target is considered a use of force.

The following exceptions are allowed:

- During cleaning, maintenance, approved training, recreational activity, or participation in activities approved in the policy of the Lancaster County Sheriff's Office; or
 - Upon the direction of a supervisor or commanding officer.
9. Officers shall not carry or use any firearms or weapons while impaired by alcohol, drugs, or any other medical condition that might interfere with their judgment or proficiency.
 10. 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. If possible, permission shall be obtained from the owner (if any) of the animal, and a supervisor before it is destroyed for humane reasons. There shall be a written incident report and Response to Resistance form.

F. Use of Non-Deadly Force

Deputies shall only use weapons and control techniques that are issued and/or approved for use by the Agency. The use of non-deadly force shall be limited to defensive and control purposes. Officers shall use only the reasonable amount of force necessary to overcome resistance or accomplish the lawful objective. The use of non-deadly force shall conform to applicable Agency Standards of Conduct, policies, procedures, and training.

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1. Authorization

- a. Both State and Federal law requires that all uses of force be reasonable. The test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application. Its proper application, however, requires careful attention to the facts and circumstances of each particular case including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others and whether he is actively resisting arrest or attempting to evade arrest by flight. (*Graham v. Connor*) In addition, an officer should take into account his or her abilities.
- b. Disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements, or calling in specialized units may be appropriate responses to a situation, and should always be considered.

2. Officers are authorized to use Department approved, non-deadly force techniques and authorized weapons to:

- a. Prevent the escape from custody, or to effect a lawful arrest, of a person whom the officer reasonably believes has committed an offense or was about to commit an offense; or
- b. Protect or defend the officer or others from what he/she reasonably believes to be active resistance while effecting or attempting to effect an arrest, or while preventing or attempting to prevent an escape.

3. In limited circumstances when a confrontation escalates suddenly, an officer may use any means or device at hand such as a flashlight, radio, and other issued equipment, to defend him/herself, as long as the level of defensive action is objectively reasonable given the existing circumstances.

4. Chokeholds and vascular restraints are extremely dangerous maneuvers that can easily result in serious bodily injury or death. Therefore, officers are prohibited from using a chokehold, or any type of vascular restraint, unless deadly force would otherwise be authorized¹⁰. This prohibition includes actions that would restrict a person's airflow taken to prevent an individual from swallowing drugs or other contraband/evidence.

¹⁰ CALEA 4.1.6 & 4.1.7

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5. Minimal force shall be used against persons in handcuffs or otherwise restrained, except as objectively reasonable to prevent imminent bodily harm to the officer of another person or persons, or, as objectively reasonable, where physical removal is necessary to overcome passive resistance.

NOTE: Nothing in this policy is intended to discourage officers from using a higher level of force whenever such force is necessary and objectively reasonable under the circumstances.

G. Rendering Medical Assistance¹¹

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 a severe injury is suspected, medical distress is apparent or the individual is unconscious, the deputy shall immediately notify Emergency Medical Services to respond to a secure incident location. The deputy shall attempt to protect the injured person(s) from further injury.
4. If there is conflict or tension following a use of force, consideration should be given to using another deputy not involved in the incident for transport or escort of the involved individual.

H. Documentation / Blue Team Entry¹²

The Lancaster County Sheriff's Office utilizes Blue Team field reporting software to document uses of force by officers.

1. A Blue Team Use of Force entry shall be submitted by the involved deputy or deputies if the deputy or deputies:¹³
 - Discharges a firearm for any purpose other than training or recreation;
 - Draws a firearm and takes aim at any person;
 - Takes an action that results in, or is alleged to have resulted in, injury or death of another person;

¹¹ CALEA 4.1.5

¹² CALEA 4.2.1

¹³ CALEA 4.2.2

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- Applies force through the use of lethal or non-lethal weapons; or
 - Applies physical force (lethal or less lethal) except routine handcuffing.
2. The Blue Team entry shall be completed by the deputy or deputies prior to the end of the shift. If, for any reason, the system cannot be accessed, the involved deputy shall notify the Support Services Captain with the case number for the incident and the reason the system could not be accessed.
 3. The involved deputy or deputies shall forward the Blue Team entry to their immediate supervisor. They should also CC the entry to the Training Coordinator and the Sheriff's Office's Staff Attorney. The supervisor receiving the entry should review the entry prior to the end of the shift. They may then either return it to the submitting deputy for corrections or approve the entry and forward it through subsequent members of their respective chain-of-command. Once the Sheriff has reviewed the entry, he will forward it to the Professional Standards Unit where it will be downloaded to the IA Pro software.
 4. The Professional Standards Unit will review the entry and attach any other items of documentation that may be pertinent, e.g. pictures, statements, etc. The entry will then be marked as "Justified" and closed or it may be marked as "Not Justified". If it is determined to be "Not Justified", an internal affairs investigation will be initiated or the matter may be referred directly to the Sheriff to be handled at his discretion.
 5. Anyone involved in the incident review process may direct a thorough administrative review to be conducted by the Captain's Review Board on any incident. 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.
 6. Captain's Review Board / Scope and Authority

The Board shall be composed of the following members:

 - Undersheriff
 - Captain of any Division with a member involved in the incident
 - Training Coordinator or designee
 - Staff Attorney
 - Professional Standards Manager
 7. An employee shall not serve on the Captain's Review Board if he/she was present during the incident being reviewed.

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8. The Captain's Review Board shall evaluate any referred use of force incident. Such evaluation shall include:
 - Whether the use of force was within policy, out of policy, or accidental;
 - Tactical considerations;
 - Training considerations;
 - Quality of supervision;
 - Discipline considerations; and
 - Evaluation of the use of force investigative process
9. The Captain's Review Board shall review the facts of the incident, which may include any of the following:
 - The internal affairs investigation;
 - The criminal investigation, if any;
 - Statements from witnesses, defensive tactics instructors, firearms instructors;
 - Audiotapes provided by the communications center;
 - Legal opinion from the Staff Attorney; and/or
 - Direct testimony from witnesses, if requested.
10. The findings of the Captain's Review Board shall be forwarded to the Sheriff with any proposed disciplinary action.
11. Annually, the Professional Standards Manager or designee shall conduct a documented analysis of use of force incidents.¹⁴ The purpose of this analysis is to review any patterns or trends that could indicate training needs and/or need for policy modification. The annual analysis shall be forwarded to the Sheriff.
12. A Deputy involved in any sort of use of force while off-duty, including in the performance of extra-duty employment, shall immediately notify the supervisor in the appropriate District where the incident occurred. The Blue Team Use of Force entry shall be completed and forwarded to the on-duty supervisor in the same manner as outlined above.
13. The Lancaster County Sheriff's Office shall comply with any use of force reporting requirements mandated by state or federal legislation or controlling court rulings.

¹⁴ CALEA 4.2.4

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I. Handling of Deputies at a Shooting Scene

1. Responding supervisors and deputies should show concern to a deputy involved in a shooting. The deputy involved should be escorted away 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.
2. 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 as soon as appropriate, with consideration to be given to the aggravated circumstances of the incident and the psychological condition of the deputy (e.g., agitated, very depressed, suicidal, etc.).
3. 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.).
4. The Sheriff or his designee shall provide in person communication with the deputy as soon as practical.

J. 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.

1. Federal Civil Rights Criminal Investigation

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

- a. The Lancaster 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.
- b. No supervisor or any member of the Lancaster County Sheriff's Office will order or request any deputy, who may be a suspect, to confer with federal investigators without the advice of counsel.

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- c. Criminal civil rights investigations should be recognized as criminal investigations having potentially severe consequences for the involved deputy.

2. State Criminal Investigation

All officer-involved shootings or other actions by a member of this agency resulting in death or serious bodily injury to another person shall be referred to the State Law Enforcement Division (SLED) for an investigation to determine any criminal activity pursuant to that agency's policies and procedures.

No supervisor or any member of the Lancaster County Sheriff's Office will order or request any deputy, who may be a suspect, to confer with state investigators without the advice of counsel.

3. Internal Affairs / Administrative Investigation

An administrative investigation of every incident of firearm discharge by an official member shall be conducted, except when such discharge was for training, recreation, or destroying of an animal. Administrative investigations will also be completed for any other use of force resulting in death or serious bodily injury.

- a. Scope and Authority

The Investigator shall conduct the investigation and submit a report to the Captain's Review Board. The investigation shall focus on three areas:

- Whether the actions of the deputy or deputies involved were within the parameters of official policy;
- The level of supervision provided prior to, during, and subsequent to the shooting incident; and
- If training considerations have been met.

In addition to the investigation of the shooting incident, the Investigator shall assemble the Training Coordinator or designee 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

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- Tactics during and following discharge.

b. Internal Affairs Report

The Investigator shall prepare a report based on their findings and forward the report to the Sheriff. The Sheriff shall consider the internal affairs report as one piece of evidence for review.

c. Removal from Line-Duty Assignment¹⁵

A deputy directly involved in an action or use of force 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 Sheriff, at his discretion, may also remove other deputies from line-duty assignment who were indirectly involved in the action or use of force.

The removal from line-duty serves two purposes:

- i. 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
- ii. To shield the deputy who has not exceeded the scope of their authority from possible confrontations with the community.

Deputies placed on administrative leave or administrative duty pursuant to this section of policy shall only be returned to full duty status with approval of the Sheriff or his designee. Under no circumstances, will this approval be given without the advice and consent of a medical professional as part of section "d" below.

d. Mandatory Counseling--Use of Force

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.

¹⁵ CALEA 4.2.3