

- M. Proportional Response: The use of force must match the level of resistance in question. A deputy can only employ as much force as required to remove the threat of the resisting subject. If the subject's threat involves deadly force, the deputy defending themselves or others may use deadly force to counteract the threat. However, if the subject resisting involves low levels of resistance, the deputy may not use force that could cause serious bodily harm or death.
- N. Medical Treatment: Any action taken by Emergency Medical Service (EMS) or medical facility personnel to physically mend an injury (i.e., dress a wound, stitches, etc.) resulting from the use of force or accidental injury. Routine decontamination does not constitute medical treatment. Medical treatment for a pre-existing injury or condition shall be documented on an Incident Report, unless the use of force further compounds the pre-existing injury or condition.

IV. CONSIDERATIONS:

- A. Use-of-force incidents often require the deputy to transition to differing degrees or types of force, including attempts to de-escalate the situation, based on the suspect's actions and responses. Deputies must modify and control their levels of control and force in relation to the amount of resistance offered by the subject.
- B. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable deputy of similar training and experience.
- C. Using the guidelines established in *Graham v. Connor*, 490 U.S. 386 (1989), deputies may only use such force as is "objectively reasonable" under the totality of circumstances. Force should be used only when it is a necessity. The community expects and the Northumberland County Sheriff's Office requires that deputies use only reasonable force—the level of force objectively reasonable to perform their duties. The Sheriff's Office expects deputies to perform their duties and resolve confrontations effectively and safely. The Sheriff's Office also expects deputies to develop and display, over the course of their practice of law enforcement, the skills and abilities that allow them to regularly resolve confrontations without resorting to the higher levels of allowable force. The level of force applied must reflect the totality of circumstances surrounding the immediate situation, including but not limited to the following factors:
 - 1. The seriousness of the crime or suspected offense.
 - 2. The level of threat or resistance presented by the subject.
 - 3. Whether the subject was posing an immediate threat to deputy (s) or a danger to the community.
 - 4. The potential for injury to citizens, deputies or subjects.
 - 5. The risk or apparent attempt by the subject to escape.
 - 6. The conduct of the subject being confronted (as reasonably perceived by the deputy at the time).
 - 7. The time available to a deputy to make a decision.

8. The availability of other resources to deescalate the situation.
 9. The training and experience of the deputy.
 10. The proximity or access of weapons to the subject.
 11. Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects.
 12. The environmental factors and/or other exigent circumstances.
- C. The deputy need only select a level of force that is necessary and within the range of "objectively reasonable" options. Deputies must rely on training, experience and assessment of the situation to decide an appropriate level of force to be applied. Reasonable and sound judgment will dictate the force option to be employed. Therefore, the Sheriff's Office examines all uses of force from an objective standard rather than a subjective standard.
- D. Use of force that is not lawful, reasonable and appropriate will not be tolerated. Sheriff's Office Policy as well as relevant Federal, State, and Local laws shall govern use of force by officers. The deputy must have acted properly under the established federal, state and local law at the time.

V. TRAINING:

- A. All sworn deputies of the Northumberland County Sheriff's Office are required to attend an approved academy that provides initial use of force training and basic de-escalation skills training.
- B. Basic training should include discussion of, and scenario-based role-playing exercises that address the following:
1. The use of alternative less lethal methods of applying force and techniques that prevent the officer from escalating any situation where force is likely to be used.
 2. Verbal and physical tactics to minimize the need for the use of force, with an emphasis on communication, negotiation, de-escalation techniques, providing the time needed to resolve the incident safely for everyone.
 3. The use of the lowest level of force that is a possible and safe response to an identified threat, then re-evaluating the threat as it progresses.
 4. Techniques that provide all deputies with awareness and recognition of mental health and substance abuse issues with an emphasis on communication strategies, training deputies simultaneously in teams on de-escalation and use of force to improve group dynamics and diminish excessive use of force during critical incidents.
 5. Crisis intervention strategies to appropriately identify and respond to individuals suffering from mental health or substance abuse issues, with an emphasis on de-escalation tactics and promoting effective communication.

6. Strategies to de-escalate, calm and effectively manage individuals who are resistant to a deputy's commands.
7. Important Concepts in Law Enforcement:
 - a. The mission and role of law enforcement in a democratic society.
 - b. The sanctity of human life.
 - c. Overall use of force policies, de-escalation, and crisis intervention strategies.
8. Legal and constitutional issues regarding the use of force.
9. Lethal force, less-lethal force, and other options for disarming a person or making an arrest.
10. Crisis intervention strategies for responding effectively to persons with mental illness, mental or developmental disabilities, or other conditions that can cause them not to understand or respond reasonably to what a deputy is saying, such as deafness, Autism, and drug or alcohol addictions.
11. Protocols for better understanding the phenomenon of "suicide by cop".
12. De-escalation strategies, such as tactics for "slowing a situation down" in order to provide more time to assess a situation and summon assistance.
13. All deputies, **staff sergeants** and below will attend and successfully complete an annual four-hour de-escalation course.
14. The role implicit bias may play in evaluating the subject's behavior or level of resistance.
15. All deputies, **staff sergeants** and below will attend and successfully complete a forty-hour Crisis Intervention Training "CIT" course.

VI TYPES OF RESISTANCE:

- A. It is important that deputies are aware that there may be many reasons a suspect may resist arrest. The individual may not be capable of understanding the gravity of the situation as a result of a medical, mental, physical, language, or hearing impairment. This may not make the individual any less dangerous. However, if deputies recognize the situation for what it is, they may be able to use more effective tactics without jeopardizing deputy safety. Various types of resistance are identified as below:
 1. Compliant: A person who follows lawful orders and offers no passive or active resistance, aggressive resistance, or aggravated aggressive resistance.
 2. Passive Resistance: A person who is not complying with a deputy's commands and is uncooperative, but is only taking minimal physical action to prevent a deputy from placing the subject in custody and taking control. Examples

include standing in a stationary position and not moving when directed to, refusing to move under their own power, and locking arms to another during a protest or demonstration.

3. Active Resistance: A person whose verbal or physical actions are intended to prevent a deputy from placing the subject under control and in custody, but are not intended to harm the deputy. Examples include walking or running away and breaking away from the deputy's grip to flee.
4. Aggressive Resistance: A person who displays the intent to harm the deputy, the person himself or herself, or another person and prevent a deputy from placing the person under control and in custody. Examples include a person taking a fighting stance, punching, kicking, striking, and attacking with weapons or other actions which present an imminent threat of physical harm to the deputy or another.
5. Aggravated Resistance: A person whose actions are likely to result in death or serious bodily harm to the deputy, the person himself or herself, or another person.
 - a. Examples include the use of a firearm, use of blunt or bladed weapon, and extreme physical force.

B. Levels of Control in Response to Resistance:

1. When use of force is necessary, deputies will assess each incident, based on policy, training, and experience, to determine which use-of-force options are appropriate for the situation and bring it under control in safe manner. Deputies must use only the amount of force that is objectively reasonable to overcome resistance in order to take lawful action. Levels of control include the following:
 - a. Low-Level Control: The level of control necessary to interact with a person who is Compliant or displaying Passive or Active Resistance. This level of control is not intended to cause injury and has a low probability of actually causing injury. Examples include handcuffing a compliant arrestee or placing the suspect in a prone position during a high-risk vehicle stop. This level of control does not traditionally require use-of-force reporting, and includes but is not limited to:
 - 1) Deputy Presence,
 - 2) Verbal Communication,
 - 3) Handcuffs or other approved restraint device.
 - b. Less-lethal Force: The level of force necessary to compel compliance by a subject displaying Aggressive Resistance, which is neither likely nor intended to cause death. This level of force does require use-of-force reporting. This level of force includes but is not limited to:
 - 1) Impact weapons such as the baton,
 - 2) Oleoresin Capsicum spray (OC),
 - 3) Bean-bag shotgun. See Policy [09-02 "Firearms/ Weapons"](#)⁽⁶⁴⁵⁾ for further procedural information on the use of this weapon.

c. Deadly Force:

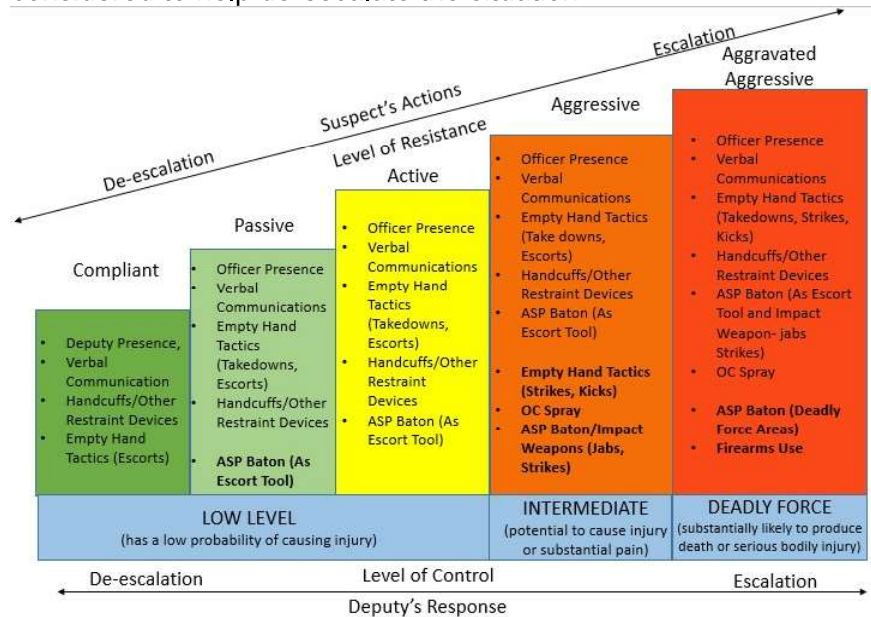
- 1) Deadly force is that degree of force, the intended, natural, and expected consequence of which, or the misapplication of which, is substantially likely to produce death or serious bodily injury. Deadly force is not limited to the use of firearms. Other forms of force that may rise to the level of deadly force include but are not limited to: strikes to the head or other vital areas with impact weapons, less lethal shotguns or impact munitions.
- 2) Any force which in the manner used creates a substantial likelihood of serious bodily injury or death. The elements that must be present for use of deadly force are: Ability, Opportunity, Imminent Jeopardy, and Preclusion:
 - a) Ability: The subject has the ability to either kill or seriously injure the officer(s) or a third party.
 - b) Opportunity: the subject has the opportunity to either kill or seriously injure the officer(s) or a third party.
 - c) Imminent Jeopardy: Based on all facts and circumstances confronting the officer and without regard to a deputies underlying intent or motivation, the deputy reasonably believes that the subject poses an immediate threat to the life of the deputy(s) or other third parties and the deputy must act immediately to prevent death or serious bodily injury.
 - d) Preclusion: All other options have been reasonably exhausted prior to the use of deadly force. Deadly force must be reasonable in response to the subject's actions.

VII. USE OF FORCE LEVELS:

- A. Presence: The deputy is present, identifying himself/herself by displaying their badge of authority and or other identification, utilizing proper stance, posture and exhibiting command presence.
- B. Dialogue/Verbal Direction: The deputy verbally directs or commands a person to engage in, or refrain from a specific action or non-action, utilizing clear, concise language.
- C. Physical Control: This is a level of control employed by deputies when faced with resistance.
- D. Intermediate Force: This is a level of control employed by deputies when faced with an active fighter or threatening to be an active fighter.
- E. Deadly Force: Any force applied in any manner, by any means that there is a substantial likelihood it will cause serious bodily injury or death.
 1. Deadly force shall not be used unless it is objectively reasonable. Any deputy who uses deadly force to subdue a resisting or active fighter will only do so under extreme circumstances when lesser uses of force have failed or were not reasonably able to be employed. Every arrest is different and in certain incidents, consecutively following the Use of Force Model may not be possible and a higher level of force may be used.

2. Use of Force Model:

Each bolded force option within the Levels of Control represents the highest levels of force options available; however, each other force option should be considered to help de-escalate the situation.



3. This graphic is intended as a general guideline for a deputy. The suspect(s) actions will dictate the deputy's use of force.
4. Force Transition: Force transition is the movement, escalation/de-escalation, from the application of one force type to another in conjunction with the "objectively reasonable" standard.
5. In use of force incidents, the deputy will transition to differing degrees or types of force, including attempts to de-escalate.
6. Force situations are dynamic and require a deputy to continually assess the suspect's actions to ensure a proportionate response. Deputies shall modify their Level of Control in relation to the amount of resistance offered by a subject.

VIII. DE-ESCALATION:

- A. Policing requires that a deputy must exercise control of a violent or resisting subject to make an arrest, to protect themselves, other deputies, law enforcement personnel or members of the community from threat of imminent harm. Clearly, not every potential violent confrontation can be de-escalated, but deputies do have the ability to impact the direction and the outcome of many situations they handle, based on their decision-making and the tactics they chose to employ.
- B. When reasonable under the totality of circumstances, deputies should gather information about the incident, asses the risks, assemble resources, attempt to slow momentum, and communicate and coordinate a response. In their