General Order

2-1 SITUATIONAL USE OF FORCE

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Approved by: Sheriff Todd B. Brackett

I. POLICY

The Lincoln County Sheriff's Office respects the value and integrity of each human life. In vesting deputy sheriffs with the lawful authority to use physical force to protect the public welfare, a careful balancing of all human interests is required. At times deputies are confronted with situations in which control is required to affect an arrest, protect the public, and/or to ensure the safety of the deputy(s).

In all cases where force is required, every attempt will be made to de-escalate the situation and achieve control through verbal communication such as advice, warnings, direction, or persuasion. When unlawful resistance to police action or a threat to life or safety is encountered, however, deputies have a duty to exercise their authority and may use physical force to protect themselves and the public they serve. A deputy may use only that physical force he or she reasonably and actually believes is necessary to effectively bring an incident under control while protecting himself or herself or another. The use of force may include the use of an electronic weapon (LCSO Policy 2-1B) and less-than-lethal munitions, if applicable. *BOT 1-1 (a)(b)(c) MLEAP 6.01*

The use of force, whether deadly or non-deadly, shall at all times be in accordance with the requirements of Title 17-A. All deputies are responsible for being familiar with Title 17-A MRSA § 15, 106 (6) 107, 108, 110 and all other applicable statutes, as well as Chapter 2 of the Maine Law Enforcement Officer's Manual. *BOT 1-1 (d).* At no time is a deputy authorized to use excessive force.

II. PURPOSE

To provide deputies with guidelines on the limits of their authority and the use of deadly and non-deadly force and its reporting requirements.

III. DEFINITIONS

Actual Belief: A subjective state of mind in which the actor holds a genuine or honest conviction.

Bodily Injury: Physical pain, physical illness or any impairment of physical condition (17-A M.R.S. §2(5)).

Canine (K-9): A Sheriff's Office authorized dog, the training and certification of which may include handler protection and suspect apprehension. This is considered the use of non-deadly force (17-A M.R.S. §101(5)).

Chemical Agents or OC: Chemical mace. Oleoresin Capsicum (commonly referred to as "pepper spray" or "OC" or any similar substance composed of a mixture of gas, chemicals, inflammatory agents, irritants or similar substances that has or is designed to have a disabling effect upon human beings. Incapacitating agents are designed to produce temporary physiological or mental effects, or both, which may render individual's incapable of concerted effort. Chemical Agents can be in the form of a liquid, gas or powder. This is considered the use of non-deadly force (17-A M.R.S. § 101(5)).

Command Presence: The ability to speak clearly and authoritatively, issuing concise commands using a tone that reflects control and professionalism.

Compliance Techniques: The methods of arrest, restraint, and control that include manipulation of joints, pressure point applications and take-down techniques to control an aggressive offender.

Deadly Force: Physical force, which a person uses with the intent of causing, or which the person knows to create a substantial risk of causing, death or serious bodily injury. Except as provided in 17-A M.R.S. §101(5), intentionally, knowingly, or recklessly discharging a firearm in the direction of another person or at a moving vehicle constitutes deadly force. (17-A M.R.S. §2(8) (See AG's Protocol for the Reporting and Investigation of the use of deadly force – Appendix 3)

De-escalation: the use of verbal or non-verbal actions and tactics, whenever feasible and possible, preceding a potential force encounter. This may include, but is not limited to, the use of distance, cover, tactical re-positioning, and communication in order to stabilize the situation, reduce immediacy of the threat, and allow for more time and options for resolution. The goal of these tactics is to slow down the situation, allowing access to additional resources (e.g., personnel, supervisors, specialized officers or teams) that may mitigate the intensity of the encounter, help gain voluntary compliance, or otherwise allow for control of the situation and the safety of the officer, subject and others without the need to use additional force.

Deputy Presence: The presence of a deputy sheriff who is willing and able to handle a situation.

Deputy Response Options: Choices available to a deputy concerning the type of force to be used in response to a given situation, including but not limited to command presence, physical presence, voice commands, compliance techniques,

takedowns, electronic control weapons, chemical agents, impact weapons, canines, and deadly force.

Electronic Control Weapon: A portable device or weapon from which an electrical current, impulse, wave or beam may be directed, which current, impulse, wave or beam is designed to have a disabling affect upon human beings. (The use of an electronic weapon is the use of non-deadly force.)

Excessive Force: Physical force that is unreasonable or unnecessary or inappropriate for the particular circumstances. Determining whether the application of physical force was reasonable and appropriate requires consideration of the severity of the crime, the nature and extent of the threat posed by the suspect, the degree to which the suspect resists arrest or detention, and any attempts by the suspect to evade arrest by flight. Facts or circumstances unknown to the officer may not be considered later in determining whether the force was justified.

Excited Delirium Syndrome: While "Excited Delirium" is not easily defined Deputies need to be aware of these symptoms that in totality might be associated with "Excited Delirium":

1. extreme paranoia

2. hallucinations

3. incoherent speech/shouting

4. incredible strength and/or endurance

5. hyperthermia-overheating with profuse sweating even in the cold

Firearm: Any weapon whether loaded or unloaded, which is designed to expel a projectile by the action of an explosive and includes any such weapon commonly referred to as a pistol, revolver, rifle, gun, machine gun, or shotgun. Any weapon that can be made into a firearm by the insertion of a firing pin, or other similar thing, or by repair, is a firearm. (17-A M.R.S.§2(12-A)).

Imminent: Impending, immediate or appearing as if about to happen.

Impact Weapon: A device or weapon designed for use by an officer in close quarter physical defense of the officer or another and/or control of an aggressive offender. Examples of an impact tool are a collapsible baton, or other similar device.

Individual Actions: As a part of the Situational Use of Force assessment process, the categories below can be used to describe an individual subject's behavior:

- Cooperative: Compliant and willing to obey, posing minimal threat to the officer(s) or others.

- Resistive (Passive): Non-compliance, defiance or failure to cooperate with lawful verbal direction, but offering no resistive or evasive bodily movement to prevent the deputy's attempt at physical control (e.g., a passive demonstrator, a person going limp, prone or refusing to stand up, lie down, enter / exit vehicle, leave the scene, etc.).
- Resistive (Active): Physically resistive or evasive bodily movement, including but not limited to muscle tension, bracing, pushing, pulling, flailing or flight, to avoid or defeat a deputy's attempt at physical control, or to prevent being taken into or retained in custody. Verbal statements, defiance and belligerence alone do not constitute active resistance.
- Active Aggression: A threat of an assault, coupled with any pre-attack indicators (e.g., clenched fists, flanking, fighting stance, etc.) and the present ability to carry out the threat or assault, reasonably indicating that an assault or injury to the deputy or another person is imminent.
- Assaultive (High Risk): An overt act of an assault, or highly agitated or combative actions or behavior posing an imminent threat of injury to the deputy or another. Such actions may include but are not limited to hostile physical or active resistance, kicking, punching, or spitting, whether an assault occurs or not.
- Life Threatening: Actions or behavior that could cause death or serious bodily injury, potentially justifying the use of deadly force.

Less Lethal Force: Response options that are not designed or used with the intention of causing (and have less potential for causing) death or serious bodily injury, including but not limited to chemical agents, electronic control weapon, noise/flash diversionary device, or impact projectiles such as those fired by a PepperBall launcher, 40mm launcher; etc.

Less Lethal Grenade: A weapon designed to expel projectiles, chemical agents and/or smoke. This is considered the use of non-deadly force

Less-than-Lethal Munitions: A low-kinetic energy projectile designed to be discharged from a firearm that is approved by the Board of Trustees of the Maine Criminal Justice Academy that has been designed to have a disabling effect upon human beings. (See Appendix 1) The use of a less-than-lethal munitions weapon is the use of non-deadly force.

Non-deadly Force: Any physical force which is not deadly force. (17-A M.R.S. §2(18))

Physical Force: The actual exercise of force when and to the extent a deputy reasonably believes it necessary to effect an arrest or to prevent the escape from custody of an arrested person unless the deputy knows that the arrest or detention is illegal; and/or in self-defense or to defend a 3rd person from what the deputy reasonably believes to be the imminent use of unlawful non-deadly force encountered while attempting to effect such an arrest or while seeking to prevent such an escape.(17-A § 107)

Reasonable Belief: When facts or circumstances provided to or known to the deputy(s) are such as to cause an ordinary and prudent officer to act or think in a similar way under similar circumstances.

Serious Bodily Injury: Bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or loss or substantial impairment of the function of any bodily member or organ, or extended convalescence necessary for recovery of physical health. (17-A M.R.S. §2(23))

Situational Use-of-Force Options: A dynamic process by which a deputy assesses, plans, and responds to situations that threaten public and/or his or her safety and requires the use of force and control. The process includes an assessment of the situation and circumstances immediately confronting the deputy, including but not limited to the severity of the crime or suspected offense, the level and imminence of any threat to the deputy(s) or public, the level of resistance, the risk or apparent attempt to flee or escape; the suspect's behavior and individual actions (cooperative, resistive (passively or actively), assaultive / high risk, or life-threatening (posing a threat of death or serious bodily injury), and the deputy's perceptions and tactical considerations. Based on this assessment, the deputy selects from the available response options while continuing to evaluate the evolving situation, adapting a plan and actions that are appropriate and effective in bringing the situation under control. (See Appendix 2)

Soft Hand Control: The use of physical strength and skill in defensive tactics to control arrestees who are reluctant to be taken into custody and offer some degree of physical resistance. Such techniques are not impact oriented and include pain compliance pressure points, takedowns, joint locks, and simply grabbing a subject. Touching or escort holds may be appropriate for use against levels of passive physical resistance.

Verbal Commands: The use of advice, persuasion, warnings, and or clear directions prior to resorting to actual physical force. In an arrest situation, officers shall, when feasible, give the arrestee simple directions with which the arrestee is encouraged to comply. Verbal commands are the most desirable method of dealing with an arrest situation.

Weapon of Availability: Flashlights, vehicles, tools, implements, objects or other devices that are not necessarily issued, intended or normally authorized as weapons, but that may be used in extraordinary circumstances when their use would be justifiable and no other adequate or suitable defensive tool is immediately available.

IV. PROCEDURES

A. The use of force shall be restricted to circumstances specified by law when necessary to accomplish a police task. No deputy is entitled to use force to effectuate a police purpose without first being trained in the use of that force.

B. Deputies shall annually be issued up-to-date copies of the Maine Criminal Code (Title 17-A). Additionally, deputies must be issued copies of this directive and instructed in its application prior to being authorized to carry any weapon.

C. Non-deadly Force *BOT 1-4*

A deputy is justified in using a reasonable degree of non-deadly force upon another person when the deputy reasonably believes it is:

1. Necessary to effect a lawful arrest/detention or prevent an escape/detention from a lawful arrest;

2. Necessary to defend the deputy or a third person from what is believed to be the imminent use of non-deadly force against the deputy or a third person; or

3. Necessary to restrain a person who the deputy reasonably believes is about to commit suicide or inflict bodily injury upon the deputy or a third person;

If a deputy knows that an arrest or detention is illegal, then no use of force is justified.

The use of any strangulation, chokehold, or similar hold that intentionally restricts a persons airway or blood flow is prohibited as a form of non-deadly force and is considered deadly force.

D. Deadly Force *BOT 1-3 MLEAP 6.02*

A deputy is justified in using deadly force only when the deputy reasonably believes it is necessary:

1. To defend the deputy or a third person from what the deputy reasonably believes is the imminent use of deadly force. If feasible, the deputy must issue a warning prior to using deadly force, e.g., "drop the weapon," or a similar instruction to cease the threatening behavior.

2. To effect an arrest or prevent the escape of a person and the deputy reasonably believes that:

   a. the person has committed a crime involving the use or threatened use of deadly force, or is using a dangerous weapon in an attempt to escape; and

   b. there is an immediate danger that the person to be arrested will cause death or serious bodily injury to the deputy or a third person unless apprehended without delay; and

c. the person against whom the force is being used has reason to know the deputy is a law enforcement officer.

d. The force used must be a reasonable necessity to prevent the escape. In other words, there must be no other means reasonably available to prevent the escape.

e. Deputies should be aware that the mere fact that a person is a "fleeing felon" does not justify the use of deadly force.

E. Medical Aid *BOT 1-5 MLEAP 6.07*

Whenever a deputy uses a degree of force, either deadly or non-deadly, which results in injury, the deputy shall ensure that medical aid is rendered as soon as is practicable. This includes when an individual displays signs or symptoms of serious bodily injury, medical distress, including but not limited to those associated with drug or alcohol overdose, excited delirium, positional asphyxia, or does not appear to properly recover from the use of less than lethal force.

If there is no sign or evidence of physical injury, it remains the Deputies responsibility to monitor any individual in custody for signs of injury or medical distress and to immediately render or cause to be rendered the appropriate medical aid if needed.

No deputy is to provide any level of medical aid which the deputy is not trained to administer. If necessary, the injured person should be transported to a hospital, either by a deputy or by ambulance in cases of more serious injury. If the individual refuses medical attention this must be noted on the Use of Force Report.

V. SITUATIONAL USE OF FORCE

A. The dynamics of all encounters are different, and it would be impossible to attempt to categorize and define all the levels of control appropriate in any given situation. The degree of control employed, however, should be in direct relationship to the amount of resistance employed against the deputy or the level of threat that a person poses to the deputy or others. The use of control may be in the form of advice, warnings, persuasion, verbal commands, passive control, the use of OC spray, physical contact, the use of non-lethal weapons, or the use of deadly force. The situational use of force options should be:

B. Normal Verbal Communications: The use of general conversation to build confidence and trust with the individual(s).

C. Verbal Commands: The use of verbal directions to control or dictate an individual's actions.

D. Passive Control: Light, physical touching to guide a subject's movements and

overcome low levels of resistance.

E. Compliance Techniques: Actual, physical bodily contact with a subject and forcibly controlling a subject until resistance is overcome. This includes control and defensive tactics, striking a subject with your body, using OC spray, using electronic control weapons or taking a subject to the ground. These tactics are the use of non-deadly force.

F. Defensive Tactics: The use of impact weapons to gain compliance and control. This includes the baton and may include the pepperball system. This also includes the pointing of a firearm at a person. All of these tactics are the use of non-deadly force.

G. Deadly Force: Force that may cause death or serious bodily injury including but not limited to: the discharge of a firearm or the delivery of a strike to a subject's head with an impact weapon. Any use of deadly force must be reported to and may be investigated by the Attorney General's Office. (See AG's Protocol for the Reporting and Investigation of the use of deadly force – Appendix 3)

H. This section shall not be used to suggest or require deputies to use or start at a level of control that is insufficient to address the level of resistance or threat that the deputy is encountering.

I. Situational force options in correlation with the individual's actions are diagrammed in Appendix Two.

VI. DEADLY WEAPONS

A. Firearms: Deputy Sheriffs shall only carry firearms and ammunition authorized by the Sheriff. All sworn personnel will be issued a copy of this policy and be specifically instructed in the use of force section before being allowed to carry a firearm. All weapons must be inspected by a firearms instructor prior to being issued.

1. Permissible Use of a Firearm

   a. For training at an approved range or recreational shooting.

   b. To kill an animal that humanely requires its removal from further suffering when other dispositions are impractical;

   c. As a means of applying deadly force as defined by state law.

2. Prohibited Use of a Firearm

   a. As a warning shot; ***MLEAP 6.09***

   b. At or from a moving vehicle, unless the circumstances justify the

use of deadly force;

c. When there is a clear and obvious danger of hitting bystanders, who may be in or near the line of fire;

d. As an impact weapon, unless the circumstances justify the use of deadly force.

3. Reporting the Discharge of a Firearm: Under normal circumstances when a deputy discharges a firearm, other than in training, recreational use, or dispatching an animal, a use of force report shall be filed, unless otherwise directed by the Sheriff or Chief Deputy. For example, in an officer involved shooting incident, the deputy will likely give a verbal report to the investigating agency, therefore the submission of written reports may be delayed or waived. ***MLEAP 6.06***

B. Motor Vehicles

Deputy Sheriff's must be aware that motor vehicles may be considered a deadly weapon or may be considered the use of deadly force in certain circumstances. Any use of a motor vehicle as force must comply with policy and requires the prior approval of a supervisor if possible. See policy 2-2 Operation of Police Vehicle and 2-11A Road blocks.

VII. NON-DEADLY WEAPONS

A. Oleoresin Capsicum (O.C.) Spray

1. Deputies shall carry only Department-issued O.C. Spray canisters. O.C. Spray may only be carried by deputies who have been trained in its proper use. O.C. Spray is the only authorized non-impact weapon to be used in the application of non-deadly force.

2. The use of O.C. Spray is the use of non-deadly force. Therefore, it should be used only in those situations in which the use of non-deadly force is justified.

3. A Use of Force Report must be filed whenever O.C. Spray is used against a person.

4. A deputy should allow a person who has received a dose of O.C. Spray to decontaminate as soon as possible after the use of the spray. Decontamination should not wait until the person is transported to jail. At times, a deputy may find it impractical, for safety reasons, to decontaminate an individual at the scene of an incident. In such a case, a deputy should decontaminate the person as soon as possible after the person's removal from the scene. The deputy should explain in the Use of Force Report the fact that decontamination was not

possible at the scene and the reason it was not possible.

5. If a person requests medical treatment after being sprayed, the officer shall make such treatment available as soon as is practicable after decontamination. O.C. Spray will not be used to threaten persons in an attempt to elicit information or persuade people to comply with unlawful orders, nor will it be used on people who are handcuffed, secured and properly in custody, unless otherwise authorized by policy.

6. However, handcuffed persons may be sprayed after being warned and under the following conditions:

    a. During an attempt to or damaging department property; or

    b. During an attempt to or injuring an officer and/or a third party.

B. Baton (Currently not issued at LCSO)

Only issued or authorized batons will be carried, and batons shall not be altered in any manner (i.e., increase in weight). Sound judgment must be exercised in the use of the baton due to its potential for causing death or serious bodily injury. The head, face and neck area of a person shall not be targeted when the baton is used. Intentionally striking a person in the head with a baton shall be considered the use of deadly force.

When the use of the baton is necessary, the guidelines are as follows:

1. The baton should not be raised above the head to deliver a blow; overhead swings of the baton are easily blocked, enhance the possibility for the baton to be taken away from the deputy and used against the officer.

2. Blows from the police baton shall be made in a sharp and deliberate motion and shall be directed to the appropriate target area, as follows:

    LEVEL ONE AREAS - are targets selected for blocking and striking, which are the least likely to result in serious injury to a person; whenever possible, deputies shall select a minimum level of force target when blocking or striking a suspect. These targets include forearm, buttocks, thigh, shin, Achilles tendon, instep, and lower abdomen.

    LEVEL TWO AREAS - may be selected when blocks or strikes to a Level One blocking or striking target fail to conclude an attempted assault. Level Two targets include: upper arm, elbow joint, inside of wrist, back of hand, knee joint, shoulder, shoulder blades, rib cage, collarbone, and upper abdomen.

LEVEL THREE AREAS - should be selected only when blocks or strikes at Level One or Level Two fail on the first or second try, or do not correspond to the level of danger perceived. Deputies must have reason to fear that they are in danger of great bodily harm or death if Level Three target areas are used to block or strike in self-defense. Level Three targets include: bridge of nose, temple, eyes, ears, jaw, upper lip, face, back of head, hollow behind the ear, throat, back of neck, solar plexus, groin, kidney, spine, and tail bone

3. Although the baton is an efficient and necessary weapon, it is not intended to replace the service sidearm. If deadly force is used or threatened and human life is imminently endangered, deadly force should be considered as a countermeasure. The baton may only be used by deputies who have been properly trained in its use.

C. Flashlights

1. In such circumstances, when the flashlight is already in hand, it may be used defensively to fend off an attack.

2. Flashlights carried on duty will be no larger than a 4-cell flashlight.

3. All policies and procedures that apply to the Baton in Section B, above also apply to the flashlight when used as an impact weapon.

4. Sound judgment must be exercised in the use of the flashlight due to its potential for causing death or serious bodily injury. The head, face and neck area of a person shall not be targeted when the flashlight is used. Intentionally striking a person in the head with a flashlight shall be considered the use of deadly force.

5. Although a deputy justifiably may use any available tool as a weapon in emergencies, he shall make every reasonable effort to use approved weapons when lawfully required.

VIII. LESS THAN LETHAL WEAPONS

A. Guidelines for Use of Less than Lethal munitions

1. Less than lethal munitions may be used as one of many weapons if consistent with the situational use of force model.

2. All uses of less than lethal munitions shall be consistent with this agency's policy on use of force and principles of situational force.

3. Use of less than lethal munitions is below that of deadly force.

4. Less than lethal munitions are primarily designed for use against subjects who appear to pose a threat of death or serious bodily injury to themselves or others.

5. There is a broad range of scenarios in which use of an impact projectile (less than lethal munition) may be justified. Major factors to consider when deciding whether such use is justified include the following:

    a. Seriousness of any crime committed by the individual;

    b. Whether the individual is armed and, if so, the potential lethality/threat;

    c. Propensity of the individual to be violent;

    d. The urgency of the situation and potential impact of actions that may be committed by the suspect;

    e. The ability of deputies to use an impact projectile against the suspect in accordance with policy and training;

    f. The potential for collateral damage to deputies, other persons, or property should the impact projectile incapacitate the suspect (e.g., the suspect is or is allegedly holding a triggering device connected to explosives or other destructive devices).

6. Deployment of less than lethal munitions should be at the direction of a supervisor or another senior officer unless it is reasonably likely that failure to take immediate action would result in injury, death, or serious property damage.

7. Only deputies who have met this agency's training requirements for use of the impact projectile are permitted to carry or deploy less than lethal munitions.

B. Deployment, Strike Areas, and Follow Up

1. Specific deployment weapons shall be designated for deployment of less than lethal munitions and shall be definitively marked by paint or other conspicuous distinguishing features as authorized by the Sheriff. These weapons shall not be used for any other purpose, and shall be loaded only with less-than-lethal munitions, and shall be kept only by authorized personnel in a manner designated by the Sheriff.

2. When possible, deputies should inform other police personnel in the immediate vicinity that impact projectiles will be deployed in order that the shot will not precipitate the use of firearms by other officers.

3. Less than lethal munitions shall be directed at suspect target areas based on the circumstances at hand, established safety priorities, the exigency of the situation, and the level of force that is authorized.

4. Suspects who are struck with a projectile should be restrained as necessary and transported to a medical facility for examination.

5. Use of less than lethal munitions is a use of force and is subject to the same reporting and investigative policy requirements as other types of force incidents.

C. Training

8. Deputies authorized to deploy less than lethal munitions shall receive designated training and certification as required by the Lincoln County Sheriff's Office and shall re-qualify with the weapon as designated by the Sheriff.

9. Deputies shall receive agency-authorized training specifically designed to simulate actual deployment situations and conditions to enhance deputies' discretion and judgment in using less than lethal munitions in accordance with this policy.

IX. ELECTRONIC CONTROL WEAPONS

Only deputies who have successfully completed this agency's approved training shall be authorized to carry and use Electronic Control Weapons (ECW). Training shall be conducted annually, by a certified instructor. The use, training, care, and maintenance of ECW's is governed by **Lincoln County Sheriff's Office Policy 2-1B.**

X. REPORTING USE OF FORCE

A. Deputies applying force as outlined above shall complete a Use of Force Report (See Appendix 4) and submit it to their supervisor. This includes any time force beyond cooperative, non-resistive handcuffing is used. The supervisor shall review the incident and if it appears the force applied was not appropriate, the supervisor shall immediately notify the Sheriff or Chief Deputy. All reports must be completed prior to the end of shift. (It should be noted that the dispatching of an injured animal does not constitute deadly force and does not require a Use of Force Report, but a Firearms Discharge Report or memorandum shall be forwarded to the Chain of Command for review and approval) MLEAP 6.03

B. All visible injuries to a suspect or a deputy, whether or not the injuries are caused by the use of force, must be photographed. The photos must be attached to the Use of Force Report. If a person alleges an injury, but it is not visible to the deputy, photograph the area that the person claims is injured.

Document the allegation and the fact that no injury was visible.

C. The deputy who has used force in the incident shall complete all blank spaces on the Use of Force Report. He or She shall make a diligent attempt to obtain all information necessary to complete the report. If information remains unknown to the deputy after such diligent attempt, he or she shall mark such space "unknown". The report shall include a description of the incident, the particular application of physical force, and first-aid or medical services rendered. The deputy will attach a copy of the arrest report narrative to the Use of Force Report. Upon completion of the report, it shall be forwarded to the on-duty patrol supervisor. A deputy who is a witness to a use of force must complete a supplement narrative and attach it to the original Use of Force report. The Use of Force Report must be completed, attached to the related case, and submitted to a supervisor by the end of the shift in which the force is used.

D. Any deputy who witnesses another deputy; any law enforcement officer; or any person using force of any kind that, in the judgement of that deputy, is not reasonable, warranted, and/or is excessive in anyway; based upon the information available to them at the time; must immediately intervene verbally and/or physically in the same manner they would if the individuals involved were not law enforcement officers. Any deputy who witnesses such action must report them immediately to the on duty or on call supervisor. The on duty and or on call supervisor shall them immediately contact the Sheriff or Chief Deputy of the incident.

E. The supervisor shall review the report for accuracy and detail and will approve the Use of Force Report. The report will be forwarded through the Chain of Command to the Sheriff for review and approval.

F. After review of the report by the Sheriff, if it is believed that the deputy may have engaged in criminal conduct, the Sheriff will notify the Office of the District Attorney or the Office of the Attorney General, and the Director of the Maine Criminal Justice Academy.

G. Exception to reporting requirement: The Sheriff or Chief Deputy may delay or waive the reporting requirement in specific circumstances. For example, in an officer involved shooting incident, the deputy will likely give a verbal report to the investigating agency on scene, therefore the submission of written reports may be delayed or waived. In this circumstance the Sheriff or Chief Deputy shall document the delay or waiver in the administrative review of the incident.

XI. USE OF DEADLY FORCE REQUIREMENTS

In the case of the use of deadly force by any member of the Lincoln County Sheriff's Office, there are a number of steps that must be taken to ensure that proper

notifications are made and that proper investigatory steps are initiated. The use of deadly force includes:

- circumstances when force is used that actually causes death or serious bodily injury;
- creates a substantial risk of the same, whether or not injury or death is a result;
- when the deputy(s) intent was to cause death or serious bodily injury, whether or not injury or death is a result; when a firearm is discharged in the general direction of another person or at a moving vehicle, whether or not the projectile actually strikes a person or vehicle;
- ramming an occupied vehicle; and,
- when a roadblock is set to terminate a vehicular pursuit, when the roadblock in fact creates a substantial risk of causing death or serious bodily injury to the occupants or others, and that roadblock results in injury or death.

A. Notifications:

In any case, when deadly force is used by any member of the Sheriff's Office, the on duty supervisor or senior deputy shall be notified as soon as possible, either by personnel at the scene or by the Lincoln County Communications Center. The on duty supervisor or senior deputy will notify the Division Commander or Chief Deputy, who in turn shall notify the Sheriff immediately.

The on duty supervisor or senior deputy shall notify the on duty or on call CID supervisor who shall respond and/or assign response to the scene. The Chief Deputy or Division Commander will also notify the Office of the Attorney General investigative division of the incident as soon as possible.

In the event that a death has occurred, the Chief Deputy or Division Commander shall also notify the Office of the Chief Medical Examiner, if appropriate.

B. Use of Deadly Force and In-Custody Death, Post Incident Procedures:

The physical and mental health of deputies involved in these types of incidents is a primary consideration. See Policy 2-35 "Post Incident Procedures for Use of Deadly Force and In-Custody Deaths" and or Policy 2-36 "Peer to Peer Support Team".

C. Investigations:

The Office of the Attorney General has statutory authority to investigate the use of deadly force, by any member of the Lincoln County Sheriff's Office. The AG's Office will conduct and or coordinate any criminal investigation into the use of force as well make any determination regarding compliance or

noncompliance with Maine statute pertaining to the use of deadly force by a law enforcement officer.

In addition to the AG's investigation, the Sheriff shall require an administrative review into the incident, for the purpose of ensuring compliance with internal policy, procedure, and related administrative considerations. The Sheriff may use an outside agency to conduct the investigation on his/her behalf. While the administrative review may occur concurrently with any investigation required by the AG's Office, it must remain separate and without interference with any other investigation.

D. Incident Review:

In any incident, involving the use of deadly force the Sheriff shall convene an Incident Review Team, who independent from any investigation shall review the incident.

The purpose of the Incident Review Team is as follows:

- Review any investigative materials available to determine the facts of the incident;
- Determine whether relevant policy was clearly understandable and effective to cover the situation involved;
- Review any policy, procedure, or practice and recommend changes necessary to improve public or officer safety and or to incorporate any best practice recommendations;
- Review any training records, protocols, and practices and recommend changes or revisions;
- Determine whether any equipment or other resources should be modified; and
- Observe any collective bargaining agreement or other county personnel policy rights afforded to any employee involved during its review.

The Sheriff shall appoint members of the team to include at least one of each of the following: a commissioned officer of the Maine State Police; a member of the public who is not and who has not previously served as a law enforcement officer; a Police Chief or Sheriff from an outside agency; and a member who is a licensed mental health or substance abuse clinician.

The Incident Review Team shall generate a written report of its findings. That report is a public document as provided by 5 M.R.S. § 7070-A, 30-A M.R.S. §

503-1A, 30-A M.R.S. §2702-1A. However, the team may brief the Sheriff or his/her designee, on the teams work at any time before the written report is complete.

XII. ANNUAL REVIEW

The Sheriff or designee will maintain a file of all departmental Use of Force Reports and prepare an annual report on the use of force occurrences no later than January 31st of the following year. The report should identify any trends in the use of force by agency personnel, training needs, equipment needs, or policy revisions. MLEAP 6.10

Appendix #1

Maine Criminal Justice Academy Board of Trustees
Approved Less-Than Lethal Munitions

Manufacturer: CTS – Combined Tactical Systems:

12 gauge – Fired from a 12 gauge shotgun:

1. CN, CS, OC Liquid & Powder Projectiles
2. .31 caliber Sting-Balls
3. Door Breaching
4. Super Sock Bean Bag

37mm, 38mm and/or 40mm Cartridges – Fired from a 37mm, 38mm or 40mm Launcher:

1. Pyrotechnic, smoke, single projectile
2. Pyrotechnic, smoke , three projectiles
3. Pyrotechnic, CN or CS, single projectile
4. Pyrotechnic, CN or CS, three projectiles
5. Powder or Liquid Barricade - CN, OC, CS Powder projectile
6. Heavy Barricade Projectile – CN, OC, CS Powder projectile
7. Muzzle Blast Projectile – CN, OC, CS
8. Kinetic Projectiles:
    a. Foam baton
    b. Rubber baton
    c. .31 cal. Sting Balls
    d. .60 cal. Sting Balls
    e. Wood Baton
    f. Super Sock Bean Bag

9. Pyrotechnic 40mm Cartridges – Smoke, CN or CS
10. Liquid Barricade Projectile 40mm cartridges – CN, CS or OC (Spin Stabilized)
11. Kinetic Projectile 40mm cartridges:
    a. Sponge, Spin Stabilized
    b. Foam Baton, Multi
    c. .31 cal. Sting Balls
    d. .60 cal. Sting Balls
    e. Wood Baton, Multi

12. Powder Barricade Projectile 40mm cartridges:
    a. CS or OC

13. Kinetic Projectile 4

Manufacturer: Taser International:

1. 12 gauge X-REP rounds – Extended Range Electric Projectile

Manufacturer: Def-Tec (Defense Technology):

12 gauge Projectiles:

1. Liquid Ferret – Non-pyrotechnic (Indoor use) OC, CS, CN
2. Powder Ferret – Non-pyrotechnic (Indoor use) OC, CS CN
3. Stinger – 32 cal. Stinger Rubber balls
4. Bean Bag rounds
5. Fin Stabilized – rubber fin stabilized
6. Drag Stabilized – Bean point of aim, point of impact round

37mm & 40mm Projectiles - Pyrotechnic (Outdoor use):

1. CN or CS Long Range (Speedheat)
2. CN or CS Short Range (Speedheat)
3. Colored Long Range (Speedheat) – smoke
4. Skat Shell – CN, or CS Multiple projectile
5. Flite Rite Heavy Duty Barricade – CN or CS

37mm & 40mm Projectiles – Non Pyrotechnic (Indoor Use):

1. Muzzle Blast – Powder blast dispersion – OC, CN, CS
2. Liquid Ferret – Liquid barricade penetrator – OC, CN, CS
3. Powder Ferret – Powder barricade penetrator – OC, CN CS

37mm – Black Powder Rounds

1. Stinger – 32 cal. Rubber balls
2. Stinger – 60 cal. Rubber balls
3. Wood Baton
4. Rubber Baton
5. Foam Baton
6. Bean Bag

40mm – Smokeless Powder Rounds

1. Stinger – 32 cal. Rubber balls
2. Stinger – 60 cal. Rubber balls
3. Wood Baton
4. Foam Baton
5. Rubber Baton
6. Bean Bag
7. Sponge – Exact Impact Sponge Round

37/40mm – Smokeless Powder

1. Stinger – 32 cal. Rubber balls
2. Stinger – 60 cal. Rubber balls
3. Wood Baton

4. **Foam Baton**
5. **Bean Bag**

Manufacturer: Less-Lethal.com:

12 gauge Projectiles:

1. **2550 Single Rubber Baton**
2. **2581 Sock**

37mm Projectiles

1. **3581 Sock**

Manufacturer: Alstechnology.com:

12 gauge Projectiles:

1. **ALS 1200 Sock**
2. **ALS1212 Drag Sock**

37mm Projectiles

1. **ALS 3702 Sock**
2. **ALS 3704 Drag Sock**

Manufacturer: Light Filed Less Lethal:

12 gauge Projectiles:

1. **LSSR 12**
2. **LSLR 12**
3. **Mid Range Rubber Slug**
4. **LERS 12**

NOTE: This should also be a "working list" for when new technology comes into distribution, it can be added.
NOTE: In addition to these rounds, most manufacturers offer Training Rounds as well.

Situational Use of Force Options

Individual's Actions

Resistive

Officer's Options – Non Deadly Force

Intermediate Weapons

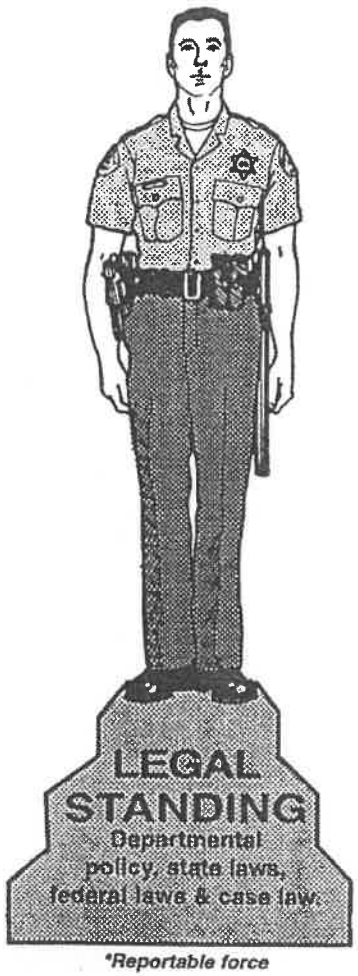
- Control Techniques
- O/C Spray / Chemical Agents
- Electronic Weapons
- Come-Along Techniques
- Control Holds
- Impact Weapons

Individual's Actions

Assaultive/High Risk

Officer's Options – Non Deadly Force

- Less Lethal Weapons
- Personal Weapons
- Electronic Weapons
- Impact Weapons
- K-9



*Reportable force

Individual's Actions

Cooperative

Officer's Options

- Professional Presence
- Control, Handcuff and Search
- Verbal
- Non Verbal

Individual's Actions

Life Threatening – Serious Bodily Injury

Officer's Options – Deadly Force

- Firearms
- Impacting Vital Areas

Use-of-Force Report

A. Incident Information

Date	Time	Day of Week	Location	Incident Number
Date.	Time	Choose an item.	Location	Incident Number

Type of Incident

☐ Crime in progress ☐ Domestic ☐ Other dispute ☐ Traffic stop

☐ Other Specify: Click or tap here to enter text.

B. Officer Information

Name and Unit #	Agency	Sex	Race	Age	Injured	Killed
Last,First, MI Unit #	Agency	M/F	Race	enter a date.	☐ Yes ☐ No	☐ Yes ☐ No

Rank	Duty Assignment	Years of Service	On-Duty	Uniform
Rank	Assignment	Years	☐ Yes ☐ No	☐ Yes ☐ No

C1. Subject 1 (list only the person who was the subject of the use of force by the officer listed in section B)

Name	Sex	Race	Age	Weapon	Injured	Killed
Last, First MI	M/F	Race	date.	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No

☐ Under the influence ☐ Alcohol ☐ Drugs ☐ Both
☐ Other unusual condition (specify)
Click or tap here to enter text.

Arrested ☐ Yes ☐ No

Charges
Click or tap here to enter text.

Subject's actions (check all that apply)
- ☐ Resisted police officer control
- ☐ Physical threat/attack on officer or another
- ☐ Threatened/attacked officer or another with blunt object
- ☐ Threatened/attacked officer or another with knife/cutting object
- ☐ Threatened/attacked officer or another with motor vehicle
- ☐ Threatened officer or another with firearm
- ☐ Fired at officer or another
- ☐ Other (specify)

Officer's use of force toward this subject (check all that apply)
- ☐ Compliance hold
- ☐ Hands/fists
- ☐ Kicks/feet
- ☐ Chemical/natural agent
- ☐ Strike/use baton or other object
- ☐ Canine
- ☐ Tazer
- ☐ Less Lethal (specify) Click or tap here to enter text.
- ☐ Other (specify) Click or tap here to enter text.

Firearms Discharge
- ☐ Intentional
- ☐ Accidental

[Use "UNK" if unknown]
Number of shots fired: #
Number of Hits: #

C2. Subject 2 (list only the person who was the subject of the use of force by the officer listed in Section B)

Name	Sex	Race	Age	Weapon	Injured	Killed
Last, First MI	M/F	Race	date.	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No

☐ Under the influence ☐ Alcohol ☐ Drugs ☐ Both
☐ Other unusual condition (specify)
Click or tap here to enter text.

Arrested ☐ Yes ☐ No

Charges
Click or tap here to enter text.

Subject's actions (check all that apply)
- ☐ Resisted police officer control
- ☐ Physical threat/attack on officer or another
- ☐ Threatened/attacked officer or another with blunt object
- ☐ Threatened/attacked officer or another with knife/cutting object
- ☐ Threatened/attacked officer or another with motor vehicle
- ☐ Threatened officer or another with firearm
- ☐ Fired at officer or another
- ☐ Other (specify)

Officer's use of force toward this subject (check all that apply)
- ☐ Compliance hold
- ☐ Hands/fists
- ☐ Kicks/feet
- ☐ Chemical/natural agent
- ☐ Strike/use baton or other object
- ☐ Canine
- ☐ Tazer
- ☐ Less Lethal (specify) Click or tap here to enter text.
- ☐ Other (specify) Click or tap here to enter text.

Firearms Discharge
- ☐ Intentional
- ☐ Accidental

[Use "UNK" if unknown]
Number of shots fired: #
Number of Hits: #

D. Narrative

Type narrative here

► **If this officer used force against more than two subjects in this incident, attach additional USE OF FORCE REPORTS.**

Signature:	**Date:**
Print Supervisors Name:	**Supervisors Signature:**