

	LANE COUNTY SHERIFF'S OFFICE POLICY	Number: G.O. 7.30
		Issue Date: March 21, 2005
		Revision Date: November 2, 2005; March 31, 2017; July 8, 2020; November 15, 2021
CHAPTER: Patrol		Related Policy: G.O. 1.05 (Authorized Weapons, Ammunition, and Carrying Devices), G.O. 1.12 (Use of Force), G.O. 3.06 (Use of Force/Firearms Discharge Review)
SUBJECT: Less Lethal Use of Force		Related Laws: ORS 161.015, ORS 161.200, ORS 161.205

POLICY: Sheriff's Office members are permitted to use force, which is reasonable and necessary, to protect others or themselves from bodily harm and or to affect an arrest. The use of deadly physical force (e.g., firearms) can be justified only by the existence of an immediate threat to human life. See G.O. 1.04 (General Rules Concerning Firearms) for specific rules governing firearms.

This policy addresses the training and the use of extended range, less lethal weapons and projectiles. The Lane County Sheriff's Office recognizes that combative, non-compliant, armed, and/or violent subjects cause handling and control problems that require special training and equipment. Thus, the Sheriff's Office allows for the use of Less Lethal force to assist with the de-escalation of these potentially violent confrontations.

RULE:

1. Every incident requiring any employee of the Sheriff's Office to exert or use physical force shall be documented and substantiated by written report. It is expected that an incident wherein physical force is required should, in almost every instance, result in arrest. The use of force shall be documented, explaining the need for and the degree of force used, prior to the conclusion of the shift, unless otherwise authorized by the on-duty supervisor.
2. The Sheriff's Office only authorizes one platform of the 12-gauge shotgun. If a Deputy has a less lethal 12-gauge then they are not authorized to also have a lethal shotgun and vice-versa.

PROCEDURE:

The desired effect of using extended range less lethal weapons is to achieve compliance from the subject, preferably without risk of unnecessary injury to Sheriff's Office members, involved citizens, or the subject.

The less lethal munitions gives the Sheriff's Office members another force option that is comparable to impact weapons, but may be used at a safe distance from the suspect. These types

of munitions can be referred to as extended range, less lethal weapons. The use of extended range, less lethal weapons will be in accordance with the Lane County Sheriff's Office force options.

I. Extended Range, Less Lethal Devices - There are many projectiles considered less lethal. All types of less lethal munitions must be from a nationally recognized manufacturer and approved by the Division Commander. Examples of types used by the Lane County Sheriff's Office are the:

- A. Flexible Baton - 12-gauge
- B. Sponge Foam Baton – 40-mm
- C. Ferret/Barricade OC/CS– 40-mm
- D. Launch-able PAVA Agents- Pepperball.
- E. Glass Breaking- Pepperball.

II. Deployment Techniques

- A. 12-Gauge, 37 mm, 40 mm and Pepperball
 - 1. The shotgun used will be one that has been designated and distinctly marked for the use of less lethal rounds only. This can only further eliminate any mixing of ammunition. A weapon that has been designated for less lethal will never be loaded or fired with anything but less lethal rounds.
 - 2. All less lethal launchers shall be completely empty and cleared before being loaded only with less lethal munitions.
 - 3. Less lethal should be used by an deputy with a plan and a cover deputy with a deadly force option. The deputy must be qualified in using the less lethal launcher platform and chosen munitions.

III. Deployment Areas

- A. The less lethal projectiles will be delivered to suspect target areas based on the circumstances, training, the established safety priorities, and the level of force authorized.

IV. Deployment Considerations

- A. Subject's size, age, and physical condition.

- B. The subject's type of clothing or bare skin.
- C. The distance from the subject and the level of threat the subject displays.
- D. Area of impact: less lethal munitions are not intended or designed to produce deadly effects.
- E. When practical, establish a tactical plan and notify all Sheriff's Office members present that less lethal is going to be used.
- F. When engaging a target, the deputy should evaluate the effectiveness of each round during the volley. Compliance and/or incapacitation are the desired goal, and an alternative target/area response should be considered when rounds are not effective. Alternative target area/response considerations will be based on the circumstances the deputy is encountering and the established Sheriff's Office safety priorities.

V. Force Options

- A. The Lane County Sheriff's Office recognizes that certain levels of suspect's resistance constitutes ominous or lethal threats towards Deputies or the public, and less lethal munitions can be an appropriate, justified force response.
- B. When deployed to areas of the individual's body that are considered less likely to cause death or serious physical injury, kinetic energy impact projectiles are considered physical force measure.
- C. When intentionally deployed at the head and neck, less lethal impact projectiles are considered deadly force.

VI. Medical Treatment

- A. If a deputy strikes a subject with a less lethal impact round, that deputy or scene supervisor will request EMS for a medical evaluation of the subject's injuries. The subject cannot be forced to accept medical treatment. All refusals for treatment must be documented in a report.

VII. Reporting

- A. The deputy who has used less lethal specialty munitions shall immediately cause the on duty supervisor to be notified that less lethal has been used.
- B. Prior to completing the tour of duty, the deputy who used less lethal specialty munitions shall complete a Use of Force After Action report in accordance with G.O. 1.12 Sect. IV (in addition to the Custody, or Incident Report), detailing the

incident, to include number of rounds fired, where they struck the subject, injuries received (if any), and effectiveness of the specialty ammunition in regards to the situation. Impact areas and injuries (if any) will be photographed.

- C. Any damage caused to property by a less lethal munition will need to be documented on the property damage report.
- D. If multiple deputy's use less lethal munitions only one Use of Force After Action report is required. All other deputy's will provide a memo detailing their use of less lethal.

VIII. Training and Equipment

- A. A qualified instructor in the use of less lethal munitions and their delivery systems will train designated deputies in the knowledge of applicable laws, proper deployment and use of less lethal launchers and munitions.
- B. Those that are qualified to use less lethal may, with permission of the Division Commander or designee, carry less lethal munitions/weapons in their vehicles and utilize them when appropriate.
- C. Training in the use of less lethal munitions will consist of approved Sheriff's Office training program and at minimum occur annually.

IX. Other uses

- A. Less lethal munitions may be used in tactical situations on personal property when appropriate to ensure the safety of staff. Examples include:
 - 1. Breaking windows or doors to insert throw phones
 - 2. Breaking windows or doors to facilitate verbal communication
 - 3. Breaking windows or doors to facilitate the delivery of chemical munitions inside a structure.
 - 4. Breaking lights or cameras to conceal approach