

3-1-00.00 USE OF FORCE

3.1-01.01 Definitions

- (1) Deadly force: any use of force reasonably likely to cause death.
- (2) Non-deadly force: any use of force other than deadly force.
- (3) Objectively reasonable: circumstances which, if another prudent peace officer would have been faced with in a similar situation or circumstance, would have acted in a similar manner.
- (4) Use of force: any physical force used against a non-compliant person.

3-1-01.02 Use of Force Authorized

- (1) Members are authorized to use force which reasonably appears necessary to effectively bring an incident under control, while protecting the safety of the members and others, in accordance with Utah Code 76 Chapter 2 Part 4 and Utah Code 77-7-7. The use of force must be objectively reasonable.
- (2) Members have an affirmative duty to take reasonable action to prevent or stop the use of unreasonable force by other members.
- (3) Chokeholds (sustained direct pressure to the neck, throat or carotid arteries) are not authorized, unless deadly force is justified.
- (4) Whenever feasible, deputies should attempt to de-escalate confrontations with the goal of resolving encounters without force. Deputies may only use force that is objectively reasonable, necessary and as a last resort.

3-1-01.03 Determining Reasonableness

- (1) A use of force is reasonable when it is determined to be a “good faith” effort to maintain the peace and discipline or to restore order (See U.S. Supreme Court case *Graham v. Conner* [490 U.S. 386 (1989)]).
- (2) A use of force is deemed unreasonable, excessive, or unjustified when it is done maliciously, sadistically, or if another reasonably prudent peace officer would recognize the level of force used was in excess of what was reasonably necessary to bring the situation safely under control (See U.S. Supreme Court case *Hudson v. McMillian* [503 U.S. 995 (1992)]).
- (3) In determining whether a member’s actions in a use of force incident are reasonable, the following factors shall be considered: documentation of the circumstances leading up to, during, and after the use of force incident (i.e. the nature of the incident, the actual or perceived threat, the actual or potential danger to the community, and the level of resistance being posed by the suspect(s)); determining the facts involved; stating what force was used; any known history of the suspect (i.e. prior history of violence, assaultive behavior, etc.); and the

relationship of the parties involved (if there is more than one party involved besides the member); In determining whether a member's use of force was reasonable, the member's responses and actions will be viewed in light of what facts were known to the member at the time of the incident.

3-1-01.04 Circumstances Justifying the Use of Non-Deadly Force

- (1) Non deadly force may be used in the following instances:
 - (a) Bringing an unlawful situation safely and effectively under control.
 - (b) Protecting a member or another person from physical harm.
 - (c) Restraining or subduing a person resistant to lawful commands.
 - (d) Effecting a lawful arrest upon a non-compliant or passive aggressive person.
 - (e) Enforcing compliance with lawful orders to prisoners.
 - (f) Any other circumstance where physical intervention is warranted and is permissible under Utah Code 76, Chapter 2, Part 4 or Utah Code 77-7-7.

3-1-01.05 Use of Deadly Force

- (1) "A peace officer, or any person acting by his command in his aid and assistance, is justified in using deadly force when:
 - (a) the officer is acting in obedience to and in accordance with the judgment of a competent court in executing a penalty of death under Subsection 77-18-5.5(3) or (4);
 - (b) effecting an arrest or preventing an escape from custody following an arrest, where the officer reasonably believes that deadly force is necessary to prevent the arrest from being defeated by escape; and
 - (i) the officer has probable cause to believe that the suspect has committed a felony involving the infliction or threatened infliction of death or serious bodily injury; or
 - (ii) the officer has probable cause to believe the suspect poses a threat of death or serious bodily injury to the officer or to others if apprehension is delayed;
 - (c) the officer reasonably believes that the use of the deadly force is necessary to prevent death or serious bodily injury to the officer or another person."
- (2) "If feasible, a verbal warning should be given by the officer prior to any use of deadly force under section (1)(b) or (1)(c)." (76-2-404, UCA)

- (3) The possession of a warrant of arrest does not provide the member any greater right to use deadly force than is authorized by 76-2-404, UCA.
- (4) Warning shots may only be fired if a member is authorized to use deadly force and only if a warning shot can be fired safely in light of all circumstances of the encounter.
- (5) Decisions to discharge a firearm at or from a vehicle are governed by this use of force policy and are prohibited if they present an unreasonable risk to the member or others.

3-1-01.06 Determining Use of Deadly Force

The following factors may be relevant in assessing whether a member's judgment meets the required deadly force standard.

(1) Alternatives to the Use of Deadly Force

There may be alternatives to deadly force available in a given situation. Such alternatives may include; use of non-deadly force, possible surrender of a suspect after eliminating possibility of escape, rapid response of other peace officer and/or civilian assistance, and the identification of the suspect(s) and likelihood of capture. Of course, a member must also consider the effect of delaying immediate action in cases of protection of self or others and act as such circumstances immediately require.

(2) Minors

Law does not limit the age of a suspect against whom deadly force can be used. Members may consider the apparent age of the suspect, along with any knowledge of the minor's identity, criminal record, the nature and seriousness of the offense, and the differing motivations, culpability, and court dispositions when making deadly force decisions.

(3) Comparative Risks to Public

Comparative risks to the public and other peace officers must be evaluated. It is not possible to list all possibilities of risk, but the following are illustrative:

- (a) Danger to hostages or uninvolved persons.
- (b) Deflection or ricocheting of gunfire.
- (c) Loss of control of vehicles, machinery, or other devices resulting from directing deadly force at suspects.
- (d) Effect of weather or light conditions on gunfire accuracy.
- (e) Effects of physical exertion, such as pursuit, and positioning on gunfire accuracy.

(f) Characteristics of the firearm, bullet, ballistics or other weapon used.

(4) Administrative Review

Administrative review of deadly force use will be based on the circumstances surrounding the decision to use deadly force and the facts of the incident known or reasonably inferred to be known, to the member at the time of the actual use of deadly force

3-1-01.07 Training

In addition to the training required for firearms qualification, deputies will receive authorized training designed to simulate actual shooting situations, conditions, and enhance discretion and judgment in using deadly and non-deadly force in accordance with this policy. Deputies will also receive training on the duty to intervene, mental health and crisis intervention responses, arrest control, de-escalation strategies and techniques

3-1-01.08 Requirements following a Use of Force

- (1) Any use of force resulting in any obvious or reported injury requires an immediate medical examination. When medical personnel are available onsite, every use of force requires an immediate medical examination.
- (2) Members will report all incidents involving the use of force, in accordance with bureau directives/policy.
 - (a) An initial report shall include all applicable elements for determining reasonableness including, but not limited to:
 - (i) circumstances leading up to, during, and after the use of force
 - (ii) the facts involved
 - (iii) type of force used
 - (iv) any medical and/or mental health aid provided
 - (v) any known history of the suspect
 - (vi) the relationship of the parties involved
- (3) A member involved in a use of force incident will notify his or her supervisor about the incident. If that supervisor is not on duty or available, then notification will be made to another on-duty supervisor. If no supervisor is on duty or available, then notification will be made to the on-duty Watch Commander.
- (4) If the involved member is unable to make the notification, then another member will provide a notification to the proper chain-of-command.

- (5) The designated supervisor will open an AIMs case and investigate to determine whether the force used by each member was justified, and notify the member of the results of the investigation.
- (6) If the force used was deemed to be unreasonable, excessive and/or unjustified, then Internal Affairs will be notified and an IA investigation may be initiated.

3-1-01.09 Reporting Use of Deadly Force

- (1) Whenever a member uses deadly force, the member will notify the on-duty supervisor and/or Watch Commander. The notification will be made as soon as practical, based on the tactical situation, with officer safety having priority. The supervisor notified will make the appropriate Dispatch and chain of command notifications.
- (2) Documentation of the use of deadly force will be in compliance with the Incidents Resulting in Death or Serious Injury of a Person policy.