



CONSERVING THE PEACE THROUGH VALUES DRIVEN SERVICE / SHERIFF PAT GARRETT

Require De-Escalation - *Require officers to de-escalate situations, where possible, by communicating with subjects, maintaining distance, and otherwise eliminating the need to use force.*

Deputies receive training in, and are required by policy, to use de-escalation techniques when time, opportunity, and circumstances allow ([Policy 1302](#) - *Use of Force Principles*).

For almost a decade, de-escalation techniques have been part of scenario-based training events. Due to COVID-19, in-service training was canceled in March and May; therefore, the last de-escalation trainings occurred as scenario-based in September 2019 and in the classroom in May of 2019.

In-service training is expected to resume in September of 2020 and will include scenario-based training and de-escalation.

Require Use of Force Continuum - *Establish a Force Continuum that restricts the most severe types of force to the most extreme situations and creates clear policy restrictions on the use of each police weapon and tactic.*

In the past, the Washington County Sheriff's Office (WCSO) trained on the *use of force continuum*; however, it is no longer considered best practice. The U.S. Supreme Court decision in *Graham v Connor* provides "reasonableness factors" that represent current best practice and is the foundation for use-of-force training nationally. The Graham factors consider whether, under the totality of the circumstances, an officer's actions were reasonable. WCSO adheres to the more restrictive 9th Circuit Civil Jury Instruction Model 9.25 on use-of-force.

Additionally, deputies must adhere to Oregon Revised Statutes (ORS) [161.239](#) - *Use of deadly physical force in making an arrest or in preventing an escape.*

Ban Chokeholds & Strangle Holds - *Allowing officers to choke or strangle civilians results in the unnecessary death or serious injury of civilians. Both chokeholds and all other neck restraints must be banned in all cases.*

We do not authorize the use of any type of neck restraint, unless deadly force is justified.

Require Warning Before Shooting - *Require officers to give a verbal warning in all situations before using deadly force.*

Policy requires deputies issue verbal warnings or commands, whenever feasible, prior to and during the application of any force ([Policy 1302](#) – *Use of Force Principles*). Additionally,

since 2001, 9th Circuit case law requires officers give a warning when reasonable prior to using force. *Deorle v. Rutherford*.

Ban Shooting at Moving Vehicles - *Ban officers from shooting at moving vehicles in all cases, which is regarded as a particularly dangerous and ineffective tactic. While some departments may restrict shooting at vehicles to particular situations, these loopholes allow for police to continue killing in situations that are all too common. 62 people were killed by police last year in these situations. This must be categorically banned.*

Policy does not allow deputies to shoot at a moving vehicle to disable it. Shooting at a moving vehicle is only allowed when deadly force is justified. The only exception is if a tactical team commander authorizes it in a critical incident and uses specific tools only accessible to the highly trained team.

Requires Exhaust All Alternatives Before Shooting - *Require officers to exhaust all other alternatives, including non-force and less lethal force options, prior to resorting to deadly force.*

Deputies are authorized to use deadly physical force consistent with WCSO Training in certain situations. In self-defense or defense of others, when the deputies have probable cause to believe that the subject of such force poses an imminent danger of death or serious physical injury to the deputies or others ([Policy 1303-R03](#) - *Use of Deadly Physical Force*).

Duty To Intervene - *Require officers to intervene and stop excessive force used by other officers and report these incidents immediately to a supervisor.*

Since 2007, deputies are trained to intervene when they witness excessive force. Additionally, deputies are required to report such incidents (and any other policy violations) to a supervisor. Under 9th Circuit law, a deputy may be found liable for a constitutional violation for failing to intervene in another officer's use of excessive force and there is a reasonable opportunity to intervene. *Cunningham v. Gates*, 229 F.3d 1271 (9th Cir 2000).

Require Comprehensive Reporting - *Require officers to report each time they use force or threaten to use force against civilians. Comprehensive reporting includes requiring officers to report whenever they point a firearm at someone, in addition to all other types of force.*

Since 2002, deputies are required to complete a comprehensive report for every use-of-force incident. The parameters of documenting use of force incidents are covered extensively in [Policy 1305](#) – *Writing Use-of-Force Reports* and the subsequent review process is discussed separately in [Policy 1306](#) – *Reviewing and Approving Use of Force Reports*. Policy requires a use of force report even if a deputy displays a weapon and does not actually use it. Annual Use of Force Reports are located on [WCSO's website](#).

Definitions

Critical Incident-

- Line of duty death or serious physical injury of any Sheriff's Office staff
- Application of deadly physical force toward another person
- Serious assault or attempted serious assault against any Sheriff's Office staff
- Death or serious physical injury of another person where law enforcement action or inaction by Sheriff's Office staff may have been a proximate cause
- In-custody death of another person witnessed by staff
- Serious physical injury or death of a person who is the passenger of vehicle operated by Sheriff's Office staff, such as a ride along or emergency transport
- Any line of duty death or serious physical injury of another public safety officer where Sheriff's Office staff were present at the scene

Deadly Use Force - *Physical force* that under the circumstances of its use creates a substantial risk of causing death or serious bodily injury.

De-escalation - The use of any tactic or technique, to include a level of force less than legally justified, that is intended to or may be useful in reducing tension, stress, or a potential for conflict or violence, in order to potentially manage a use of force incident.

In-service Training – Professional training and staff development program intended to continue the learning and skill development of staff. Critical in maintenance of state certifications to certified law enforcement officials.

Scenario Based Training - A tactically based simulated scenario set to test a deputy's skill in resolving the incident.