



CLACKAMAS COUNTY SHERIFF'S OFFICE

Policy # 39

**Printed copies are for reference only.
Please refer to the electronic copy for the latest version.**
Originating Policy: Published (12/16/2019); Revised (2/11/2021)
Next Review: 2/2022

Reference: ORS Chapter 161

USE OF FORCE

General

1. If a person refuses to comply with the lawful orders of a deputy sheriff and/or presents a threat of violence, the deputy may use force to gain control of the situation. Deputies are expected to use only that force which is objectively reasonable to bring an incident under control, effect arrest, prevent an escape, or protect life in accordance with [ORS Chapter 161](#).
2. CCSO sworn personnel have the authority to respond to resistance from a person by using physical force, and if necessary using deadly force, consistent with the Constitution of the United States, Oregon law, and applicable case law and consistent with CCSO policies and procedures, including CCSO [Policy # 29. Carry and Use of Weapons](#).
3. The Training Division will ensure deputies receive training at least annually on this procedure.

Response to Resistance (Use of Force)

4. Response to resistance by CCSO deputies shall be:
 - a. justified under applicable state and/or federal law;
 - b. consistent with CCSO policy and procedure;
 - c. done to accomplish a legitimate law enforcement objective; and
 - d. limited to that degree and duration necessary to accomplish a lawful objective (no more than necessary to gain control of the situation).
5. A deputy shall not threaten to use force that is not justified.



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6. All force must be proportional to the level of the person's resistance. To be proportional, the level of force applied must reflect the totality of the circumstances known to the deputy at the time force was applied. Generally, only the amount of force required to control the person will be used by the deputy.
7. Deputies will issue verbal warnings or commands, whenever feasible, prior to and during the application of physical force. Any force used upon a person will be limited to the degree and duration necessary to accomplish a lawful objective by the deputy.
8. The use of physical force that knowingly impedes normal breathing or circulation of the blood by applying pressure on the throat or neck may only be used when the circumstance is one in which deadly physical force may be used, as provided in [ORS 161.239](#). A use of force of this nature will be investigated as a use of deadly physical force.
9. Even when justified, a deputy may refrain from using force, up to and including deadly physical force, if the deputy believes the use of such force is not warranted by the circumstances.
10. A deputy who uses force requiring a Use of Force Report, will advise a sergeant as soon as possible. Sergeants will respond to the scene to investigate any injuries to either a member of the public or a deputy when they are the result of a use of force.
11. Unless it is unsafe to do so, a deputy who observes unjustified or excessive force that is objectively unreasonable under the circumstances, or is in violation of this policy, shall intervene to prevent or stop another officer, without regard to rank or assignment.
12. Employees must immediately report to a supervisor when they become aware of, or witness a deputy using excessive or inappropriate force. Following a complaint on a deputy's use of force, the sergeant/supervisor must take appropriate action, in accordance with CCSO [Policy # 18 \(Professional Standards\)](#).



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Use of Deadly Physical Force

13. Deputies are authorized to use deadly physical force consistent with Oregon law and CCSO training in certain situations:
- in self-defense or defense of others, when the deputy reasonably believes that the subject of such force poses an imminent danger of death or serious physical injury to the deputy or others; or
 - to prevent the escape or make an arrest of a person that the deputy reasonably believes is an imminent threat to cause serious physical injury or death to the public.
14. When using deadly physical force to prevent an escape or make an arrest, if practical, a verbal warning will be issued prior to the use of deadly physical force.
15. When deadly physical force is justified, circumstances may be such that the use of firearms is neither the most readily available nor efficient means of effecting rapid or instant removal of the threat. The totality of the circumstances may dictate the use of an alternative weapon or means to neutralize a threat.

Investigation of the Use of Deadly Physical Force

16. All deputy-involved use of physical force resulting in death or serious physical injury of a person will result in immediate call out of the Clackamas County Major Crimes Team unit coordinator or designee, who is responsible for investigative coordination of the incident(s). All Investigative response to a use of deadly force by a CCSO deputy shall be guided by:
- the [Plan for Response to Deadly Force Incidents by Clackamas County Law Enforcement Agencies](#); and
 - the [Interagency Major Crimes Team Investigative Protocol](#).



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17. The Major Crimes Team will prepare the Use of Force Report for a deputy directly involved in a use of force incident that results in serious physical injury or death.

Use of Deadly Physical Force, Post-Incident Response & Public Safety Questions

18. Deputies involved in the use of force shall be afforded by the CCSO:
- a. benefits outlined in Section 2 – Post-Incident [Plan for Response to Deadly Force Incidents by Clackamas County Law Enforcement Agencies](#);
 - b. consideration of CCSO Policy # 24 [Traumatic Incident Support](#); and
 - c. consideration of CCSO Policy # 25 [PEER Support and Employee Assistance Program](#).
19. To maintain the safety and security of the public or members of law enforcement, deputies involved in use of force, resulting in death or serious physical injury, may be ordered to answer the following post-incident public safety questions (as identified in the [Public Safety Statement Questionnaire for Supervisors](#)):
- a. Were you involved in an officer-involved shooting?
 - b. Are you injured?
 - c. Is anyone else injured?
 - d. In what direction did you fire your weapon(s)?
 - e. Is it possible the suspect fired rounds at you?
 - (1). If so, from what direction were the rounds fired?



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- f. If any suspects are at large, what are their descriptions?
 - (1). What was their direction of travel?
 - (2). How long ago did they flee?
 - (3). For what crimes are they wanted?
 - (4). What weapons are they armed with?
 - g. Does any evidence need to be preserved?
 - (1). If so, where is it located?
 - h. Did you know of any potential witness(es)?
 - (1). If so, where are they?
 - i. Do you know if any other deputies/officers fired any rounds?
20. Notwithstanding public safety statements, deputies shall not discuss the incident with anyone prior to the arrival of the assigned investigator, with the exception of the deputy's legal representative.
- Duty to Provide Medical Care**
21. Deputies will provide and/or facilitate medical care to persons injured as a result of a use of force:
- a. medical personnel will also examine the person whenever a deputy uses electrical control devices or chemical agents;
 - b. If the electrical control device (taser) is used that employs darts or probes that enter the skin, the darts will be removed by medical personnel. Taser operators will ensure that used probes are rendered safe, and packaged for biohazard disposal. If the probe(s) will be used as evidence, it will be logged as such after proper biohazard packaging; and



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- c. prior or during transport, medical personnel will examine any person that has lost consciousness, appears to lose consciousness, or needs emergency medical care.

Writing Use of Force Reports

22. Except when a deputy is directly involved in a use of force that results in serious physical injury or death, anytime a deputy responds to resistance with physical force or the display of lethal or less-lethal weapon systems (i.e. Taser, impact weapons, pepper spray), the deputy involved must complete a Use of Force Report.

23. Deputies will document injuries or a lack of injuries to persons in their Use of Force Report. Documentation may include but is not limited to, written reports, diagrams, photographs, videotape, and recorded statements.

24. For a deputy directly involved in a use of force that results in serious physical injury or death, the on-duty Sergeant will ensure that the Use of Force Report is completed by the Clackamas County Major Crimes Team.

Reviewing and Approving Use of Force Reports

25. Except for a deputy directly involved in a use of force that results in serious physical injury or death, a Use of Force Report must be completed prior to the end of the deputy's shift, and reviewed by the on-duty sergeant. When circumstances require, a Use of Force Report may be written the next day with the on-duty sergeant's approval.

26. Use of Force Reports are distributed to the following:
 - a. Division Commander;
 - b. CCSO Risk Manager; and
 - c. Training Division.



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27. Use of Force Reports are reviewed to consider:
 - a. appropriate level of force used;
 - b. consistent with law, CCSO policy and procedure;
 - c. consistent with training; and
 - d. whether changes are needed in terms of equipment, training or procedure.
28. The Firearms Training Unit will review on-duty discharges of firearms that do not involve the use of deadly force.
29. The CCSO Incident Review Board may review any use of force resulting in serious injury or death of a person, at the request of the Sheriff.
30. Division Commanders may further designate the review, approval and distribution of Use of Force Reports.
31. At least annually, an analysis of all use of force incidents will be provided to Sheriff for the previous year.

Use of Force Report Writing Guide

32. Guidelines to consider when writing a Use of Force Report are provided in the [CCSO Reporting and Investigation \(RIM\) Manual](#).