PISCATAQUIS COUNTY SHERIFF'S OFFICE

SITUATIONAL USE OF FORCE

Policy: 1 Effective date: 05/06/2022

Replaces: 11/01/2020 Revised 7/12/2026

Division: Law Enforcement

I. PURPOSE

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

II. POLICY

The Piscataquis County Sheriff's Office [PCSO] recognizes and respects the intrinsic worth and integrity of each human life. Vesting deputies with the lawful authority to use physical force to protect public welfare requires a careful balancing of all human interests. At times, deputies are confronted with situations in which physical control is necessary to effect an arrest, to protect the public, or to ensure deputy safety. Every attempt will be made to achieve control through advice, warnings, or persuasion. When resistance to law enforcement action or a threat to life or safety is encountered, deputies have a duty to exercise their authority and use physical force to protect themselves and the public they serve. A deputy may use only that physical force the deputy reasonably and actually believes is necessary for self-defense or to effectively bring an incident under control while protecting the deputy or another person, including the use of an electronic weapon and less-lethal munitions.

Deputies will attempt to de-escalate a situation before using force; however, once force is necessary, they will use it in a manner that avoids excessive force. The purpose of this policy is to guide deputies in the justified and reasonable use of physical force, including the reporting of use-of-force incidents. This policy must be read and applied in conjunction with other PCSO policies on the use of physical force, including those regarding less-lethal equipment.

The use of physical force, whether deadly or non-deadly, shall at all times be in accordance with the requirements of Title 17-A of the Maine Revised Statutes. All deputies are responsible for being familiar with Title 17-A MRS §§ 15, 106(6), 107, 108, 110, and all other applicable statutes, as well as the Use of Force section in Chapter 3 of the current Edition of the Maine Law Enforcement Officer's Manual.

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 department-authorized dog, the training and certification of which includes handler protection and suspect apprehension. The use of a canine is considered the use of non-deadly force if used as intended and trained. (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, rendering individuals incapable of concerted effort. Chemical Agents may be in the form of a liquid, gas, or powder. The use of chemical agents is considered the use of non-deadly force if used as intended and trained. (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 that 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) [less-lethal], 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))

De-escalation: Using 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 repositioning, and communication to stabilize the situation, reduce the 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 deputy, the suspect, and others without the need to use additional force.

Electronic 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 effect upon human beings. The use of electronic weapons is considered the use of non-deadly force if used as intended and trained.

Excessive Force: Physical force that is unreasonable, 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 to evade arrest by flight. Facts or circumstances unknown to the deputy may not be considered later in determining whether the force was justified.

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 inserting a firing pin or other similar thing, or by repair, is a firearm. (17-A M.R.S.§2(12-A)).

Hyperactive Delirium with Severe Agitation: A subcategory of agitation with a potential for higher morbidity and mortality. It can be defined by a patient presenting with the following set of symptoms: exceptional/abnormal pain tolerance, tachypnea (rapid breathing), tactile hyperthermia, unusual strength, police noncompliance, lack of tiring against restraint, inappropriate clothing for environmental temperature, violent and paranoid behavior, rapid development of symptoms, and rapidly and fluctuating periods of calm and then delirium.

Imminent: Impending, about to happen, appearing certain to occur.

Impact Weapon: A device or weapon designed for use in close-quarter physical defense of a deputy or another, and/or control of an aggressive offender. Impact tools include a collapsible baton, a flashlight, or another similar device.

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

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

- Resistive (Passive): Non-compliant, defiance, or failure to cooperate with lawful verbal direction, but offering no resistive or evasive bodily movement to prevent a deputy's attempt at physical control (e.g., a passive demonstrator, a person going limp, prone, or refusing to stand up or lie down, entering or exiting a vehicle, leaving 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-assault 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, intended, or used to cause, and have less potential for causing, death or serious bodily injury, including but not limited to chemical agents, electronic weapons, noise/flash diversionary devices, or impact projectiles such as those fired by a PepperBall launcher, 40mm launcher, etc.

Less-lethal Grenade: A weapon that expels projectiles, including chemical agents and smoke. The use of less-lethal grenades is considered non-deadly force when used as intended and trained.

Less-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 and designed to have a disabling effect upon human beings. (See Appendix # 2.) The use of a less-lethal munition is the use of non-deadly force when used in the manner intended and trained.

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

Deputy [Officer] Presence: The presence of a law enforcement deputy or officer willing and able to handle a situation.

Deputy Response Options: Choices available to a deputy regarding the type of force to use in response to a given situation, including command presence, physical presence, voice commands, compliance techniques, takedowns, electronic weapons, chemical agents, impact weapons, canines, and deadly force.

Physical Force: The actual exercise of some form of kinetic energy (one person to another) of such a nature as to create an imminent and substantial risk of causing bodily harm.

Reasonable Belief: When facts or circumstances provided to or known by the law enforcement deputy are such as to cause an ordinary and prudent deputy to act or think similarly under similar circumstances.

Serious Bodily Injury: Bodily injury that creates a substantial risk of death or that 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 deputy safety and require the use of force and control. The process includes an assessment of the situation and circumstances immediately or imminently confronting the deputy, including but not limited to the severity of the crime or suspected offense, the level and imminency 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 (passive or active), 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, and adapts a plan and appropriate actions to bring it under control.

Weapon of Availability: Flashlights, vehicles, tools, implements, objects, or other devices that are not necessarily issued, intended, or typically 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 physical force shall be restricted to circumstances specified by law when necessary to accomplish a law enforcement task. No deputy is entitled to use physical force to accomplish a law enforcement purpose without first being trained in its use.

B. Deputies shall periodically 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 before being authorized to carry any weapon.

C. Non-deadly Force

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 or prevent an escape 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 whom the deputy reasonably believes is about to commit suicide or inflict bodily injury upon the deputy.

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

D. Deadly Force

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 unlawful deadly force. If feasible, the deputy must issue a warning before using deadly force, such as “drop the weapon” or a similar instruction to cease the threatening behavior.

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

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

b. the person otherwise indicates that the person is likely to seriously endanger human life or to inflict serious bodily injury unless apprehended without delay; and

c. The deputy has made reasonable efforts to advise the person that the deputy is a law enforcement deputy attempting to effect an arrest or prevent the escape from arrest, and the deputy has reasonable grounds to believe that the person is aware of this advice; or

d. The deputy reasonably believes that the person to be arrested otherwise knows that the deputy is a law enforcement deputy attempting to effect an arrest or prevent the escape from arrest.

A reasonable belief that another has committed a crime involving the use or threatened use of deadly force means such reasonable belief in facts, circumstances, and the law that, if true, would constitute such an offense by that person. If the facts and circumstances reasonably believed would not constitute such an offense, an erroneous but reasonable belief that the law otherwise justifies using deadly force to make an arrest or prevent an escape.

The mere fact that a person is a "fleeing felon" does not justify the use of deadly force.

3. Chokeholds, strangleholds, or other techniques that physically compromise the airway or blood flow to the head of a suspect are prohibited unless the use of deadly force is justified. These techniques are subject to the Office of the Attorney General's requirements for reporting the use of deadly force.

E. Medical Aid: Whenever a deputy uses any degree of physical force that results in injury, the deputy shall ensure that medical aid is rendered as soon as practicable. No deputy is to provide any level of medical aid that the deputy is not trained to administer. If necessary, the injured person will be transported to a hospital by a deputy or ambulance. If the individual refuses medical attention, this must be noted in the Use of Force Report.

V. SITUATIONAL USE OF FORCE

The dynamics of all encounters differ, and it would be impossible to categorize and define the appropriate control levels in any given situation. The degree of control

employed, however, should be directly related 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 take various forms, including advice, warnings, persuasion, verbal commands, passive control, physical contact, non-lethal weapons, or deadly force. The situational use of force options should be:

Verbal Commands: Using verbal directions to control or dictate an individual's actions.

Passive Control: Light, physical touching to guide an individual's movements and overcome low resistance levels.

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

Defensive Tactics: The use of impact weapons to gain compliance and control. This includes the baton or pepperball system, as well as pointing a firearm at a person. All of these tactics involve non-deadly force.

Deadly Force: Physical force of a nature where there is a substantial risk of causing death or serious bodily injury, for example, the discharge of a firearm or the delivery of a strike to an individual's head with an impact weapon.

There is no suggestion or requirement that a deputy use or initiate a level of control that is insufficient to address the level of resistance or threat the deputy is encountering.

Situational force options in correlation with the individual's actions are diagrammed in Appendix #1.

VI. DEADLY WEAPONS

A. Firearms

Deputies shall only carry firearms and ammunition authorized by this agency. Before being allowed to carry a firearm, all sworn personnel will be issued a copy of this Standard Operating Procedure and specifically instructed in the use of force section. A firearms instructor must inspect all weapons before they are issued to a deputy.

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.

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.

3. Reporting the discharge of a firearm

A use of force report shall be filed whenever a deputy discharges a firearm, other than in training, recreational use, or dispatching an animal.

VII. NON-DEADLY WEAPONS

A. Oleoresin Capsicum (OC) Spray

1. Deputies shall carry only department-issued OC spray canisters. OC spray may only be carried by deputies who have been trained in its proper use.

2. The use of OC spray is the use of non-deadly force. Therefore, it should be used only in situations where the use of non-deadly force is justified, and in the manner intended and trained.

3. A Use of Force Report must be filed whenever OC spray is used against a person.

4. A deputy should allow a person subjected to OC 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, for safety reasons, a deputy may find it impractical 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. In the Use of Force Report, the deputy should explain why decontamination was not possible at the scene.

If a person requests medical treatment after being sprayed, the deputy shall make such treatment available as soon as is practicable after decontamination. OC spray will not be used to threaten, to elicit information, or to persuade a person to comply with orders, nor will it be used on persons who are handcuffed, secured, and properly in custody.

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

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

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

B. Baton/Impact Tool

Only issued or authorized batons may be carried and may be used only by deputies who have been properly trained. Batons shall not be altered in any manner (for example, increased 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 on the head with a baton shall be considered the use of deadly force.

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

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

> LEVEL ONE AREAS (Green Zones)- targets selected for blocking and striking that 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 the upper arm and forearm, buttocks, thigh, shin, Achilles tendon, instep, and lower abdomen.
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> LEVEL TWO AREAS (Yellow Zones)- may be selected when blocks or strikes to a Level One target do not correspond to the level of danger perceived or fail to thwart an attempted assault. Level Two targets include the elbow joint, the inner wrist, the back of the hand, the knee joint, the shoulder, the shoulder blades, the rib cage, the collarbone, and the upper abdomen.
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> LEVEL THREE AREAS (Red Zones) - should be selected only when blocks or strikes at Level One or Level Two do not correspond to the level of danger perceived or fail on the first or second try. Deputies must be justified in using deadly force to use Level Three target areas to block or strike in self-defense. Level Three targets include the bridge of the nose, temple, eyes, ears, jaw, upper lip, face, back of the head, hollow behind the ear, throat, back of the neck, solar plexus, groin, kidney, spine, and tailbone.

3. Although the baton is an efficient and necessary weapon, it is not intended to replace the service sidearm. If deadly force is imminently threatened or actually used and human life is imminently endangered, deadly force should be considered as a countermeasure.

C. Flashlights

1. The flashlight may be used defensively to fend off an attack.

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

3. Sound judgment must be exercised when using 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 unless the use of deadly force is justified

under the circumstances. Intentionally striking a person on the head with a flashlight shall be considered the use of deadly force.

4. Although a deputy justifiably may use any available tool as a weapon in emergencies, the deputy shall make every reasonable effort to use approved weapons in the manner intended and trained.

VIII. LESS-LETHAL WEAPONS

A. Guidelines for use of less-lethal munitions

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

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

3. There is a broad range of scenarios in which the use of less-lethal munitions 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 the suspect may commit;

e. The ability of deputies to use a less-lethal munition against the suspect in accordance with policy and training;

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

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

5. Only deputies who have met this agency's training requirements for the use of the less-lethal munition are permitted to carry or deploy less-lethal munitions.

B. Deployment, Strike Areas, and Follow-Up

1. Specific deployment weapons shall be designated for deployment of less-lethal munitions and shall be definitively marked by paint or other conspicuous distinguishing features as authorized by this agency. These weapons shall not be used for any other

purpose, shall be loaded only with less lethal munitions, and shall be kept only by authorized personnel in a manner designated by the agency.

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

3. Less-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 authorized level of force.

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

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

C. Training

1. Deputies authorized to deploy less-lethal munitions shall receive designated training and certification as required by this agency and re-qualify with the weapon designated by this agency.

2. Deputies shall receive agency-authorized training designed to simulate actual deployment situations and conditions, as per this policy, to enhance their discretion and judgment in using less-lethal munitions.

IX. ELECTRONIC WEAPONS

Only deputies who have completed this agency's approved training are authorized to carry and use electronic weapons. Training shall be conducted annually by a certified instructor.

A. Electronic Weapon Readiness

1. The electronic weapon will be carried consistent with agency policy and training.

2. The electronic weapon shall be fully armed with the safety activated in preparation for immediate use.

3. The electronic weapon will use only agency-approved battery power sources.

4. No alterations, modifications, or substitutions may be made to an agency's electronic weapon.

5. At the beginning of each tour of duty, deputies shall perform a function check on the electronic weapon. The functions check shall be completed safely and, in a manner, consistent with agency training. Any malfunction of the electronic weapon shall be reported immediately to a supervisor.

Any defective electronic weapon shall immediately be placed out of service.

6. Only agency-approved cartridges may be used.

B. Permitted Use of an Electronic Weapon

1. When physical force is justified against a suspect who is actively resisting arrest or exhibiting active aggression through words or actions towards a deputy or a third-party present and poses an imminent threat to the deputy or third party.

2. To incapacitate a person who poses a threat of physical injury to self or others.

3. Against aggressive animals that pose a threat of physical injury to a deputy or another person.

4. During agency-authorized training programs or demonstrations.

C. Prohibited Use of an Electronic Weapon

1. Against a female whom the deputy knows or reasonably believes to be pregnant unless deadly force is justified.

2. Against a person who is at an elevated location where a fall could cause serious bodily injury or death unless deadly force is justified.

3. Against an operator of a motor vehicle if the use of an electronic weapon could reasonably result in the uncontrolled movement of a vehicle unless deadly force is justified.

4. Against a person near a flammable gas or a liquid.

5. In drive-stun or touch-stun mode as a prod or escort device.

6. To rouse an unconscious, impaired, or intoxicated person.

7. To experiment on a person or allow a person to experience the electronic weapon, even if the person requests it, when this policy would not otherwise permit the use. This does not apply to voluntary training exposures or demonstrations as authorized by the Sheriff on a case-by-case basis.

8. For any illegal purpose, for example, coercion, torture, etc.

D. Deployment of an Electronic Weapon

1. As with all uses of force, certain individuals may be more susceptible to injury. Deputies should be aware of the greater potential for injury when using an electronic weapon against children, the elderly, persons of small stature, irrespective of age, or those who the deputy has reason to believe are pregnant, equipped with a pacemaker, or in obvious ill health.

2. Upon firing the device, the deputy shall energize the individual the least number of times and no longer than necessary to accomplish the legitimate operational objective.

The electronic weapon shall not be energized without an observation period between firing cycles.

3. The individual should be secured as soon as practical while disabled by electronic control to minimize the number of deployment cycles. When determining the need for additional energy cycles, deputies should be aware that an energized individual may be unable to respond to commands during or immediately after exposure.

4. In preparation for firing, the electronic weapon shall be pointed in a safe direction. The safety/power mechanism shall be switched " on" and then aimed. The center of mass of the individual's back should be the primary target, where reasonably possible; the lower front center of mass or the legs are secondary targets.

5. Fixed sights should be used as the primary aiming device, and the laser dot as the secondary aiming device.

6. In certain circumstances, the device may also be used in a "drive stun" mode. This involves pressing the unit against the appropriate body area, as trained. It is important to note that when used in this way, the device is primarily a pain-compliance tool.

7. The electronic weapon shall be pointed at the ground in a safe direction with the switch mechanism turned off during loading, unloading, or when handled outside of an operational deployment.

E. All deputies are to be aware that police canines are present on scene. Except in the most exigent circumstances, the electronic weapon shall not be deployed if a canine is being actively employed at the scene.

F. Post-Deployment Aid Given

1. The deputy may remove the electronic weapon probes from an individual after the individual is restrained, following procedures outlined in training. Deputies shall use universal precautions against potential biohazard contamination when removing probes from a person.

2. Deputies shall attempt to take photographs of the affected area before and after the probes are removed.

3. All individuals incapacitated by an electronic weapon shall be evaluated by EMS personnel before being transported to jail. Deputies shall take particular notice and relay that specific information to the treating medical personnel of any person who:

a. Does not appear to recover properly after being exposed to an electronic weapon.

b. Has been exposed to more than three cycles.

c. Has had more than one electronic weapon effectively used against them in any given

incident.

d. Has been subjected to a continuous energy cycle of 15 seconds or more, or

e. Has exhibited signs of extreme uncontrolled agitation or hyperactivity before electronic weapon exposure.

f. Received secondary injury as a result of falling, etc.

4. The following persons shall be transported to a medical facility for evaluation and removal of probes following exposure to an electronic weapon. Any person who:

a. Requests medical attention for removal,

b. Is hit in a sensitive area (e.g., face, head, neck, female breast, groin, or barb embedded into bone),

c. From whom deputies have difficulty removing the probes (owing to probe or barb separation),

d. Does not appear to recover properly after being exposed to an electronic control weapon.

5. Using universal precautions, the deputy shall collect and dispose of the spent cartridge, wire leads, probes, and AFIDs in a biohazard container when the device has been used operationally.

6. In case of a device failure, the deputy shall collect the cartridge, wire leads, and probes as evidence.

X. RENDERING AID

Deputies shall monitor an individual in the deputy's custody for evidence of injury or medical distress. Deputies are required to request Emergency Medical Services (EMS) any time an individual is in custody:

1. Requests medical aid following the use of force.

2. Requests medical aid for an injury.

3. Displays signs or symptoms of medical distress, including but not limited to those associated with drug or alcohol overdose, hyperactive delirium with severe agitation, or positional asphyxia, and will immediately render appropriate medical aid.

4. Does not appear to recover following the use of less lethal force properly.

5. Displays signs or symptoms of bodily injury.

Deputies must offer medical aid to an individual in custody for minor injuries, unless the arrestee knowingly refuses such assistance; in that case, the refusal shall be documented in a report.

XI. DUTY TO INTERVENE AND REPORT

Any deputy who witnesses another deputy using what is reasonably believed to be an unreasonable and/or unnecessary use of force that, in itself, constitutes a substantial deviation from known standards of law enforcement training has a duty to intervene to protect the safety and rights of the individual involved. Any deputy who witnesses the use of force that the deputy believes to be unreasonable, unnecessary, or a substantial deviation from known standards of law enforcement training shall report those observations to the deputy's supervisor as soon as practicable and will complete a written report on the incident as soon as practicable.

XII. REPORTING USE OF FORCE

A. Deputies who use physical force as outlined above shall complete a Use of Force Report and submit it to their supervisor. The supervisor shall review the incident and, if it appears that the force applied was inappropriate, conduct the necessary investigation and immediately notify the Chief Deputy. All reports must be completed before the end of the shift. (The dispatching of an injured animal does not constitute deadly force and does not require a Use of Force Report, but it should be noted in the incident report.)

B. All visible injuries to a suspect or a deputy, whether or not the use of force caused the injuries, must be photographed. The photos must be attached to the Use of Force Report. If a person alleges an injury that 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 used physical force shall complete all blank spaces on the Use of Force Report. The deputy shall diligently seek all information necessary to complete the report. If information remains unknown to the deputy after such diligent effort, the deputy 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. The report shall be forwarded to the on-duty patrol supervisor upon completion. A deputy who witnesses the use of force must complete a supplemental narrative and attach it to the original Use of Force report. The Use of Force Report must be completed and submitted to a supervisor by the end of the shift during which the force was used.

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

E. 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.

XIII. 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 trends in the use of force by agency personnel, training and equipment needs, and policy revisions.

Sheriff Robert Young