



San Diego County Sheriff

Training Bulletin

William D. Gore, Sheriff

February 2017



Vehicle as a Deadly Weapon

While being observant and driving a vehicle, critical incidents can quickly emerge ahead of us. Deputies should keep in mind that the use of a patrol vehicle as an option in order to effect the seizure of a suspect could be deemed deadly force (See Scott v. Harris (2007)). As such, deputies should only use their patrol vehicle as a force option consistent with the Department's use of force policy.

Firearms / Deadly Force:

DEPUTIES SHALL USE DEADLY FORCE ONLY AFTER THE DEPUTY REASONABLY BELIEVES THAT THE FORCE USED IS NECESSARY:

- **In defense of human life, including the deputy's own**
- **In defense of any person in immediate danger of death, or the threat of serious physical injury**
- **To apprehend a fleeing felony suspect, if the felony involves death or serious physical injury or the threat thereof, or the deputy has reasonable cause to believe there is substantial risk that the suspect, if allowed to escape, would pose a significant threat of death or serious physical injury. (Detailed guidelines are found in Department P&P 8.1)**

Scenario: You are dispatched to a person armed with a baseball bat. The suspect assaulted numerous persons at a strip mall with the baseball bat. A crowd of witnesses gather in the strip mall. As you arrive on scene you observe the suspect walking toward the crowd with the baseball bat raised in a threatening manner. Ask yourself the following questions:

- 1) What level of force can I use?
- 2) What are my force options if the suspect(s) is not armed with a weapon?
- 3) If armed with a weapon but no crowd present, what would my response/options be?

The information in this Training Bulletin was provided by Corporal Daniel Gutierrez from In-Service Training and edited for distribution by the In-Service Training Unit. If you have expertise in a particular subject and would like to write a training bulletin, please contact Corporal Daniel Gutierrez at In-Service Training, [REDACTED]



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Vehicle as a Deadly Weapon (PART 2)

THE ANSWERS

Scenario: You are dispatched to a person armed with a baseball bat. The suspect assaulted numerous persons at a strip mall with the baseball bat. A crowd of witnesses gather in the strip mall. As you arrive on scene you observe the suspect walking toward the crowd with the baseball bat raised in a threatening manner.

Deputies are authorized to use that force which is necessary and objectively reasonable to affect an arrest, prevent escape or overcome resistance. When using force consider the totality of the circumstances. The facts that confront a deputy sheriff, including the level of resistance encountered, will establish the force that can be used.

The acceptable level of force that can be used by a deputy differs when the suspect is passively resisting versus a suspect who is actively engaged in assaultive behavior. Deputies should always utilize force options that employ maximum effectiveness with minimum force to effectively terminate or afford the deputy control of the incident.

As mentioned in Part 1, a vehicle has been considered a deadly weapon. As such, it should be used only when there is an imminent threat of death or great bodily injury. It should also be noted that the use of a vehicle as a weapon is not something that the Department trains as a force option.

In the hypothetical scenario above, you could, stop your vehicle a safe distance from the suspect and provide commands from the PA inside your vehicle. Depending on the level of resistance encountered, you could then utilize a variety of force options including:

Deputy presence is the psychological impact of an authority figure.

Verbal direction or redirection refers to verbiage or commands given by a deputy.

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Non-lethal chemical agents are used as a means of overcoming resistive or assaultive behavior. They may be used prior to hands-on control, if a physical confrontation appears to be unavoidable and injury may result.

Hands-on control is used as a means of overcoming resistive or assaultive behavior. Soft hand control may be used to control subjects whose behavior does not demand more severe tactics. Hard hands control, powerful hand or leg strikes, carotid restraint, etc., are techniques used to control more assaultive suspects.

Intermediate weapons fall into two categories. Soft intermediate weapon controls include the use of batons, Cord Cuff restraints, etc., when used for restraint, joint locks or come along tactics. Hard intermediate weapon control includes saps and batons when used to deliver strikes. Less lethal munitions used for long range impact and electronic immobilization devices also fall within the intermediate weapon's category.

Lethal force refers to the use of tactics that may result in serious injury or death.

The Use of Force Options Chart in Addendum F is a visual representation of various force options commonly available and is not intended to be all-inclusive.

Ultimately, evaluation of the situation, knowledge of options, and good judgment must prevail in determining the level of force that is reasonable and necessary for a given situation. When using force Deputies must be able to articulate why they felt it was necessary and reasonable to deploy the force that they used. All force used must be objectively reasonable under the totality of the circumstances.

Please refer to the San Diego Sheriff's Addendum F for the entire use of force policy.

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