



Charleston County Sheriff's Office Policy and Procedures Manual

Sheriff Carl Ritchie

7-03 Use of Less Lethal Force

- ☐ New
- ☒ Revised
- ☒ Reviewed

ACA Standards Reference:

CALEA Standards Reference: 1.2.2, 4.1.1, 4.1.4, 4.1.5, 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5, 4.3.1, 4.3.2, 4.3.3, 4.3.4

NCCHC Standards Reference:

SCLEA Standards Reference:

SC Minimum Standards:

This policy dated 1/28/2025 replaces prior policies cited above and supersedes all previously issued directives.

I. Purpose:

To provide deputies of the Charleston County Sheriff's Office with guidelines on the use of less lethal force by agency personnel. (Ref: CALEA 4.1.4)

II. Policy:

The Charleston County Sheriff's Office recognizes that the use of unnecessary force is unlawful, erodes the public's confidence and support and, in the long run, damages the effective delivery of law enforcement services. Therefore, it is the policy of this agency that sworn personnel use only the force necessary to accomplish lawful objectives. (Ref: CALEA 4.1.1)

III. Definitions:

A. For purposes of this procedure, the word "deputy" applies to all agency employees with a certification classification of Class I, Class II, Class III, or Reserve Deputy, as defined by the South Carolina Criminal Justice Academy.

The following terms are used interchangeably; however, they carry guidance to specific employees based on usage of the term:

1. Deputy, deputies, deputy sheriff, detention deputy, sworn employee, uniformed sworn employee, sworn administrative employee, etc., and
2. civilian, non-sworn employee.

B. *Employee*: When used without further clarification, the term employee is inclusive of all agency members (sworn and non-sworn).

C. *Force*: Conduct on the part of a deputy that is designed to assist the deputy in controlling a situation or the actions or behavior of a person or persons.

D. *Physical Force*: The escalation of force used by a deputy in order to control a situation or the actions of persons, from minimum to maximum, i.e., soft empty hand control to deadly force. (The term does not include escorting or handcuffing a person, who exhibits no or minimal resistance.)

E. *Deadly Force*: Any use of force that is likely to cause death or serious physical injury.

- F. *Less Lethal Weapon*: Weapon designed to incapacitate a subject or gain compliance from a subject to affect a safer transition of the subject into custody.
- G. *Serious Physical Injury*: Any bodily injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in long-term loss or impairment to any bodily member or organ. (Ref: CALEA 4.2.1 item d)
- H. *Show of Force*: Force shown by a deputy by unholstering/removing a firearm or an intermediate weapon and presenting it towards a subject; in an attempt to gain compliance or continued control of the situation at hand.

IV. Procedure:

- A. This directive establishes guidelines for the use of less lethal force by personnel of the Charleston County Sheriff's Office. Knowing when to use force and how much to use when it becomes necessary is an integral part of a deputy's job. The deputy must always remember that the use of force to detain any person is a seizure and is consequently governed by the Fourth Amendment to the Constitution of the United States of America. As such, that seizure must be reasonable; that is, the government interests served by it must outweigh the interest of the individual who has been seized. The use of excessive force, to any degree, in any situation, regardless of the provocation or action of the offender, may result in disciplinary action and criminal prosecution.
- B. Use of Force:
 - 1. In dealing with people, each deputy must attempt to inspire respect and generate cooperation and approval from the public. Deputies will be courteous and civil in their relationships with the public.
 - 2. Deputies will use only such force that is reasonable and necessary to lawfully and properly neutralize an unlawful assault or overcome resistance by a person being taken into custody.
 - 3. Deputies will use force in accordance with the use of force policies and procedures, as outlined in Charleston County Sheriff's Office [Policy 7-01 Use of Force](#) and related policies. (Ref: CALEA 4.1.1)
 - 4. If a deputy removes a firearm or an intermediate weapon from its holster and only presents it towards a subject, in a Show of Force, the deputy will document the Show of Force on an incident/supplemental report but not on a Use of Force Report Form. A Show of Force will not be reviewed as a Use of Force.

C. Less Lethal Weapons:

1. For the purpose of this directive, the Taser Energy Weapon 10 (TEW), ASP expandable baton and Oleoresin Capsicum (OC) spray are less lethal weapons issued and approved by the Sheriff's Office. These weapons are available to authorized deputies for use in accordance with the force continuum, provided the deputy is trained in the proper use of the less lethal weapon carried.
2. S.W.A.T., Civil Disturbance Team, and the Emergency Response Team less lethal weapons include chemical munitions such as OC and CS (Cap Stun) or a combination of both, and 37mm and 40 mm impact rounds, noise flash diversionary devices (NFDD), rubber ball and wooden baton munitions, and riot batons. (Ref: CALEA 4.3.1 item a)

D. Training and Qualifications:

1. Only deputies who have demonstrated proficiency in the use of agency-authorized less lethal weapons will be approved to carry such weapons. (Ref: CALEA 4.3.2)
2. All deputies are required to receive in-service training on the agency's use of force procedures annually and demonstrate proficiency with any approved less lethal weapon they are authorized to carry at a minimum of once every two years with the exception of the TEW, which will be conducted annually. (Ref: CALEA 4.3.3 item b)
3. Instruction and qualification for all agency-authorized less lethal weapons will be provided by a certified weapons or defensive tactics instructor. (Ref: CALEA 4.3.3 item a)
4. Deputies who fail to demonstrate proficiency with assigned less lethal weapons will not be authorized to carry such weapons until they have successfully completed remedial training under the instruction of a certified instructor. (Ref: CALEA 1.2.2; and 4.3.3 item c)
5. It will be the responsibility of the Sheriff's Office Training Unit to schedule proficiency training for all deputies in accordance with this procedure and to appropriately document such training. (Ref: CALEA 4.3.3 item b)

6. All deputies will be issued a copy of this *Use of Less Lethal Force* procedure. Training in the content and intent of this procedure will be accomplished and acknowledged in writing prior to personnel being authorized to carry those less lethal weapons covered by this directive.
(Ref: CALEA 4.3.4)

E. Prohibited Weapons:

1. Brass knuckles, slappers, slap gloves, billy clubs, blackjacks and the like are prohibited less lethal weapons and will not be carried.
2. In exigent circumstances, weapons of opportunity may be used to defend the deputy or others from injury. Examples include, but are not limited to: the portable radio, flashlight, stick, rock and similar items.
(Ref: CALEA 4.3.1 item a)

F. Rendering Aid After Use of Force:

It is the duty of every deputy sheriff to render, within individual capabilities, and/or arrange for the immediate, appropriate, and necessary medical aid for any person upon whom force, or any law enforcement action, was used. The deputy sheriff utilizing force, or any law enforcement action, will notify their immediate supervisor when that force and/or action results in injury.

(Ref: CALEA 4.1.5)

G. Reporting Use of Force:

1. A written *Incident Report* and a *Use of Force Report* will be prepared according to agency procedures and is required in the following situations:
 - a. when a deputy takes an action that results in, or is alleged to have resulted in, injury or death of another person;
(Ref: CALEA 4.2.1 item b)
 - b. applies force through the use of lethal or less lethal weapons;
(Ref: CALEA 4.2.1 item c)
 - c. discharges a less lethal weapon intentionally or accidentally;
 - d. applies physical force as defined in Section III, paragraph D, supra; and/or
(Ref: CALEA 4.2.1 item d)

- e. only an Incident Report will be completed when presenting a lethal or less lethal weapon to cause compliance of another person(s).
 - 2. A supervisor will be immediately summoned to the scene and will comply with investigative procedures as required by this agency in the following situations:
 - a. when the use of force or any law enforcement action results in death or serious physical injury;
 - b. when a subject complains that an injury was inflicted; or
 - c. when misconduct is alleged or suspected.
- H. Agency Response:
- 1. Use of Force Incident:
 - a. When a deputy's use of force results in a death or serious physical injury, the deputy will be placed on administrative leave pending an administrative review. (Ref: CALEA 4.2.3)
 - b. The Sheriff's Office will ensure both a criminal and administrative investigation of the incident is conducted. As a general rule, the administrative investigation will be conducted subsequent to a criminal investigation and upon authorization from the Solicitor's Office to proceed with such an administrative inquiry.
 - 2. Administrative Review of Critical Incidents:
 - a. All reported uses of less lethal and/or physical force will be reviewed by the agency's Office of Professional Standards to determine whether:
 - i. agency rules, policies, or procedures were violated;
 - ii. the relevant policy was clearly understandable and effective to cover the situation; and
 - iii. agency training is currently adequate.

- b. All findings of policy violations or training inadequacies will be reported to the appropriate department for resolution and/or disciplinary action. (Ref: CALEA 4.2.2)
- c. At least annually, the Office of Professional Standards will conduct a documented analysis of use of force (i.e., less lethal, physical, and deadly force) incidents to determine training needs and/or policy modifications.

The analysis should identify:

- i. day and time of incidents;
 - ii. types of encounters resulting in use of force;
 - iii. trends or patterns related to race, age and gender of subjects involved;
 - iv. trends or patterns resulting in injury to any person including employees; and
 - v. impact of findings on policies, practices, equipment, and training. (Ref: CALEA 4.2.4 items a-e)
- d. Annually, the Office of Professional Standards will conduct a documented review of all assaults on deputies to determine trends or patterns, with recommendations to enhance officer safety, revise policy, or address training issues. (Ref: CALEA 4.2.5)
 - e. An annual summary report of *use of force* incidents will be published and made available to the public upon request.