

# Reclamation Manual

## Directives and Standards

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<b>Subject:</b>	Use of Force
<b>Purpose:</b>	Establishes uniform procedures regarding the use of force by Bureau of Reclamation security personnel. The benefit of this Directive and Standard (D&S) is that it establishes protocols for the use of force by Reclamation security personnel, explains the legal basis for use of force and explains the Reclamation procedures to use following a use of force incident or weapons discharge.
<b>Authority:</b>	Reclamation Act of 1902 (June 17, 1902; ch.1093; 32 Stat. 388; 43 U.S.C. § 391 et. seq.), as amended and supplemented; Law Enforcement Authority at Bureau of Reclamation Facilities Act of 2001 (November 12, 2001; Pub. L. 107-69; 115 Stat. 593; 43 U.S.C. §§ 373b and 373c); Homeland Security Act of 2002 (November 25, 2002; Pub. L. 107-296, Title XVII, § 1706(b); 116 Stat. 2316 (partially codified at 40 U.S.C. § 1315)); Departmental Manual (DM) Part 446, <i>Law Enforcement</i> ; U.S. Supreme Court Case <i>Graham v. Connor</i> , 490 U.S. 386 (1989)
<b>Approving Official:</b>	Director, Security, Safety and Law Enforcement (SSLE)
<b>Contact:</b>	Chief Security Officer (CSO) (84-45000)

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1. **Introduction.** Use of force is constitutionally permissible when justifiable and where legal circumstances exist. The U.S. Supreme Court decision, *Graham v. Connor*, 490 U.S. 386 (1989) established “objective reasonableness” as the standard for judging whether the Fourth Amendment has been violated in association with a use of force incident. Per 490 U.S. at 396 “The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” Pursuant to requirements of the Department of the Interior in 446 DM 1.5.E and F, the Director, SSLE has been designated by the Commissioner as the Bureau Director of Law Enforcement (BDLE) and therefore is Reclamation’s Official to promulgate and implement this D&S.
2. **Applicability.** This D&S applies to:
  - A. Security Response Force (SRF) who are employees of Reclamation; and
  - B. supervisors and managers of Reclamation employees who are security personnel.
3. **Use of Force.** SRF use of force must be objectively reasonable:

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- A. **Use of Deadly Force.** Deadly force is used when the security officer has a reasonable belief that the subject poses an imminent danger of death or serious physical injury to the security officer or to another person.
  - B. **Use of Less Lethal Force.** Less lethal force as defined is used to stop an unlawful action or to induce control or compliance.
  - C. **Deadly Force.** Use of deadly force parameters include:
    - (1) Deadly force may not be used solely to prevent the escape of a fleeing felon.
    - (2) If feasible, a verbal warning to submit to the authority of the RLEO or security officer will be given prior to the use of deadly force.
    - (3) Firearms may not be fired solely to disable a moving vehicle or watercraft.
    - (4) Warning shots are not permitted.
    - (5) Deadly force may be directed against animals when they pose an imminent threat/danger to the security officers or others.
  - D. **Rights of Third Parties.** This D&S is not intended to create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, the Department, Reclamation, or other entities, its officers or employees, or any other person.
4. **Definitions.**
- A. **Deadly Force.** As defined by the Review of the Department of Justice's Use of Less-Lethal Weapons, deadly force is an amount of force that is likely to cause either serious bodily injury or death to another person.
  - B. **Less Lethal Force.** Any use of force less than deadly force.
  - C. **Serious Physical Injury.** Any bodily injury which involves a substantial risk of death; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
  - D. **SRF.** A Reclamation security guard who has successfully completed the SRF Training Academy and is authorized to carry firearms for the protection of life only within the framework of legal authority, agency policy, and training.
5. **Review Period.** The originating office will review this release every 2 years.

## RECLAMATION MANUAL TRANSMITTAL SHEET

Effective Date: \_\_\_\_\_

Release No. \_\_\_\_\_

Ensure all employees needing this information are provided a copy of this release.

### Reclamation Manual Release Number and Subject

### Summary of Changes

NOTE: This Reclamation Manual release applies to all Reclamation employees. When an exclusive bargaining unit exists, changes to this release may be subject to the provisions of collective bargaining agreements.

### Filing instructions

Remove Sheets

Insert Sheets

All Reclamation Manual releases are available at <http://www.usbr.gov/recman/>

Filed by: \_\_\_\_\_

Date: \_\_\_\_\_