

# Reclamation Manual

## Directives and Standards

<b>Subject:</b>	Use of Force
<b>Purpose:</b>	Establishes uniform procedures regarding the use of force by Bureau of Reclamation (Reclamation) security personnel. The benefit of this Directive and Standard (D&S) is that it establishes protocols for using force by Reclamation security personnel, explains the legal basis for using force, and describes the Reclamation procedures to employ 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, Mission Assurance and Protection Organization (MAPO)
<b>Contact:</b>	Security Office, Chief Security Officer (CSO) (84-57000)

### 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, MAPO 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

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- B. supervisors and managers of Reclamation employees who are security personnel.

### 3. Use of Force.

SRF use of force must be objectively reasonable considering the totality of the circumstances when force is used:

#### 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 another person.

#### B. Use of Less-Lethal Force.

Less-lethal force is used to stop an unlawful action or induce control or compliance. SRF may consider using less-lethal force, including, but not limited to, protecting the officer or others from immediate physical harm or bringing an unlawful situation safely under control.

- (1) Chokeholds and carotid restraints are prohibited unless the legal standard for the use of deadly force is satisfied.

#### 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) When feasible, a verbal warning to comply with the security officers' instructions will be given before using deadly force.
- (3) Discharging a firearm solely to disable a moving vehicle or watercraft is prohibited. Discharging firearms at a moving vehicle, vessel, aircraft, or other conveyance is permitted only under the following limited circumstances: (1) a person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; (2) the vehicle is operated in a manner that threatens to cause death or serious physical injury to the officer or others, and no other objectively reasonable means of defense appear to exist, which includes moving out of the path of the vehicle; (3) exigent circumstances exist justifying the use of deadly force under this policy. In these situations, an officer must have an articulable reason for using deadly force.

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- (4) Deadly force shall not be used against persons whose actions are a threat solely to themselves or property unless an individual poses an imminent danger of death or serious physical injury to the officer or others in close proximity.
- (5) The act of establishing a grip, unholstering, or pointing a firearm does not constitute the use of deadly force.
- (6) Warning shots are not permitted.
- (7) Deadly force may be directed against animals when they pose an imminent threat/danger to the security officers or others.

#### **4. Medical Aid.**

As soon as practical following a use of force and the end of any perceived public safety threat, SRF officers shall obtain appropriate medical assistance for any subject with visible or apparent injuries, complains of being injured, or requests medical attention. This may include rendering first aid up to the officer's level of training, requesting emergency medical services, and arranging transportation to an appropriate medical facility.

#### **5. Training.**

SRF officers shall receive use of force and less-lethal training using standards established by the Federal Law Enforcement Training Center and during annual in-service training. RM D&S, *Protection Services* (SLE 04-03) lists the use of force and less-lethal annual training requirements for SRF officers.

#### **6. Duty to Intervene and Report Improper Use of Force.**

SRF officers will intervene to prevent or stop an objectively unreasonable use of force by another SRF officer-except when doing so would place the intervening SRF officer in articulable, reasonable fear of death or serious bodily injury.

- (1) SRF officers, without unreasonable delay, will report the incident to their chain of command and/or the Protection Services Program Manager (PSPM).
- (2) The SRF manager will ensure all SRF officers are aware of these obligations and reporting procedures.

#### **7. Reporting Requirements.**

All SRF sites will have a local notification and reporting procedure in place. The local procedure will be included in the SRF administrative standard operating procedures.

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- (1) All use of force incidents will be reported to the PSPM.
- (2) Follow the requirements of 446 DM 17 - Serious Incident Reporting and 446 DM 25 - Boards of Review and Serious Incident Review Groups.

### **8. Rights of Third Parties.**

This D&S is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, Reclamation, or other entities, its officers or employees, or any other person.

### **9. Definitions.**

#### **A. Chokeholds.**

A physical maneuver or restraint technique that applies pressure to the throat or windpipe that restricts an individual's ability to breathe and may cause unconsciousness or death.

#### **B. Deadly Force.**

Any use of force that carries a substantial risk of causing death or serious bodily injury. Deadly force does not include force that is not likely to cause death or serious bodily injury but unexpectedly results in such death or injury.

#### **C. Less Lethal Force.**

Any use of force that is neither likely nor intended to cause death or serious bodily injury. Also known as "non-deadly," "intermediate," or "less-than-lethal" force.

#### **D. Serious Physical Injury.**

Any bodily injury that 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.

#### **E. SRF.**

A Reclamation security guard who has completed the SRF Basic Training Program and is authorized to carry firearms to protect life only within legal authority, agency policy, and training.

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### **F. Use of Force.**

The intentional application a weapon, instrument, device, or physical power by an SRF officer to control, restrain, or overcome resistance, or gain compliance or custody, of another.

### **10. Review Period.**

The originating office will review this release every two years.