



**Use of Force
POLICY NO.: E-2.0**

Revision date: January 2024

A. PURPOSE

Idaho Fish and Game (IDFG) conservation officers use only the amount of force that is reasonable and necessary to protect life, affect a lawful arrest and/or gain control of any unlawful circumstance. Arrests are authorized in Idaho Code [Title 19, Chapter 6](#).

The use of force by members of law enforcement is a matter of critical concern to the public and to the law enforcement community. Some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, conservation officers may be required to use force in the performance of their duties. IDFG recognizes that conservation officers derive their authority from the public and must be mindful that they are not only guardians but also servants of the public.

The Idaho Fish and Game's guiding principle in this policy is reverence for human life. Conservation officers shall attempt to control an incident using time, distance, communication, and available resources in an effort to de-escalate the situation, whenever it is safe, feasible and reasonable to do so. Conservation officers may use objectively reasonable force to carry out their duties. Conservation officers may use deadly force when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life or to prevent serious bodily injury.

B. DEFINITIONS

“Aerosol Weapons” are less-lethal airborne chemicals, such as Oleoresin Capsicum (OC) spray designed to temporarily incapacitate or render a subject unable to resist lawful police control.

“Arrest Techniques” are basic skills or procedures used by conservation officers to physically control a subject’s actions during an arrest.

“Combative” means a subject uses physical force or violence against the officer.

“Compliant” means a subject cooperates with the officer’s requests.

“Deadly Force” is any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to, the discharge of a firearm. The use of deadly force is authorized in and must be consistent with Idaho Code sections [19-610](#) and [18-4011](#).

“Excessive Force” is force applied without reasonable and lawful necessity.

“Feasible” means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

“Firearm” is any deadly weapon capable of ejecting or propelling one or more projectiles by the action of any explosive or combustible propellant.

“Force” means physical control measures used by an officer. These measures include, but are not limited to: aerosol weapons, arrest control techniques, impact weapons, and deadly force.



**Use of Force
POLICY NO.: E-2.0**

“Imminent” serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable conservation officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the conservation officer or another person. Imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.

“Necessary” is determined by looking at:

- a. the totality of the circumstances from the perspective of a reasonable conservation officer with similar training and experience;
- b. the factors used to evaluate whether force is objectively reasonable;
- c. an evaluation of whether the conservation officer exhausted the available and feasible alternatives to deadly force; and
- d. whether a warning was feasible and/or given.

“Non-Compliant” means a subject does not cooperate with the conservation officer’s requests but shows no aggression toward the conservation officer.

“Objectively Reasonable” means the legal standard used to determine the lawfulness of a use of force and is based on the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states, in part, 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...The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments in circumstances that are tense, uncertain and rapidly evolving about the amount of force that is necessary in a particular situation...The test of reasonableness is not capable of precise definition or mechanical application.” The use of force is examined from an objective standard rather than a subjective standard, and must be reasonable under the circumstances known to, or reasonably believed by the conservation officer at the time the force was used.

“Physical Intervention” is nonviolent touching and/or handling by the conservation officer, which includes controlling and/or escort holds.

“Resistive” means a subject physically resists the conservation officer or shows signs of aggression toward the conservation officer.

“Serious Bodily Injury” includes but is not limited to:

- a. loss of consciousness;
- b. concussion;
- c. bone fracture;
- d. protracted loss or impairment of function of any bodily member or organ;



**Use of Force
POLICY NO.: E-2.0**

- e. a wound requiring extensive suturing; or
- f. serious disfigurement.

“Totality of the Circumstances” is all facts known to or reasonably perceived by the officer at the time, including the conduct of the officer and the subject leading up to the use of force.

“Verbal Commands” are lawful orders and/or directives given by the officer.

“Warning Shots” are the intentional discharge of a firearm off target not intended to hit a person, to warn others that deadly force is imminent.

C. ALLOWABLE USE OF FORCE

The objective of any use of force is to overcome a subject’s resistance to a conservation officer’s lawful purpose. During all applications of force, conservation officers:

1. Employ only that amount of force reasonably necessary to accomplish a legal purpose.
2. Resort to more severe methods of force only to overcome either increasing resistance or an increasingly dangerous threat to the conservation officer and/or the public; and
3. Employ techniques and authorized weapons in accordance with department training.

Conservation officers may use any reasonable force necessary to gain control of a situation provided that trained techniques are not available or practical. When it is objectively reasonable that a subject is fully under law enforcement control, then force must terminate.

1. De-Escalation Techniques. When feasible, conservation officers shall use techniques and tools consistent with de-escalation training to reduce the intensity of an encounter with a suspect and enable a conservation officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.
2. Verbal Warnings. Where feasible, a conservation officer shall, prior to the use of any force, make reasonable efforts to identify themselves as the Police and to warn that force may be used, unless the conservation officer has objectively reasonable grounds to believe that the person is aware of those facts.
3. Proportionality. Conservation officers may use a level of force they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.
4. Fair and Unbiased Policing. Conservation officers shall carry out their duties, including use of force, in a fair and unbiased manner.
5. Use of Force - Non-Deadly. Conservation officers may use force that is objectively reasonable to:
 - a. defend themselves;
 - b. defend others;



**Use of Force
POLICY NO.: E-2.0**

- c. effect an arrest or detention;
 - d. prevent escape; or,
 - e. overcome resistance.
6. Objective Reasonableness and Allowable Use of Force. Pursuant to the opinion issued by the United States Supreme Court in *Graham v. Connor*, IDFG examines the reasonableness of any particular force used:
- a. from the perspective of a reasonable conservation officer with similar training and experience, in the same situation; and
 - b. based on the factors and circumstances of each particular case. Those factors may include, but are not limited to:
 - 1) the feasibility of using de-escalation tactics, crisis intervention or other alternatives to force;
 - 2) the seriousness of the crime or suspected offense;
 - 3) the level of threat or resistance presented by the subject;
 - 4) whether the subject was posing an imminent threat to conservation officers or a danger to the community;
 - 5) the potential for injury to citizens, conservation officers, or subjects.
 - 6) the risk or apparent attempt by the subject to escape;
 - 7) the conduct of the subject being confronted as reasonably perceived by the conservation officer at the time;
 - 8) the amount of time and any changing circumstances during which the conservation officer had to determine the type and amount of force that appeared to be reasonable;
 - 9) the availability of other resources;
 - 10) the training and experience of the conservation officer;
 - 11) the proximity or access of weapons to the subject;
 - 12) conservation officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus subjects; and,
 - 13) the environmental factors and/or other exigent circumstances.
7. Conservation officers shall not draw or exhibit a firearm unless the circumstances



IDAHO DEPARTMENT OF FISH AND GAME

Use of Force

POLICY NO.: E-2.0

surrounding the incident create a reasonable belief that it may be necessary to use the firearm. When a conservation officer determines that the use of deadly force is not necessary, the conservation officer shall, as soon as practicable, secure or holster the firearm.

8. Use of Neck or Choke Holds. IDFG prohibits neck or choke holds, except where deadly force is authorized.
9. Use of Force - Deadly. Conservation officers may use deadly force only when they reasonably believe, based on the totality of circumstances, such force is necessary for either of the following reasons:
 - a. to defend against an imminent threat of death or serious bodily injury to the conservation officer or to another person; or
 - b. to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the conservation officer reasonably believes the person will cause death or serious bodily injury to another unless immediately apprehended.

In determining whether deadly force is necessary, conservation officers will evaluate each situation in light of the particular circumstances of each case and may use other available resources and techniques if reasonably safe and feasible. Before discharging a firearm, conservation officers will consider their surroundings and potential risks to bystanders to the extent reasonable under the circumstances.

Because the application of deadly force is limited to the above scenarios, a conservation officer will not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable conservation officer would believe the person does not pose an imminent threat of death or serious bodily injury to the conservation officer or another person.

10. Evaluation of Deadly Force. IDFG will analyze a conservation officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with Idaho Code and the factors articulated in *Graham v. Connor*.
11. Rendering Aid. When feasible conservation officers will promptly provide basic and emergency medical assistance to all members of the community, including victims, witnesses, subjects, suspects, persons in custody, subjects of a use of force and fellow conservation officers:
 - a. to the extent of the officer's training and experience in first aid/CPR/AED;
 - b. to the level of equipment available to an officer at the time assistance is needed;
 - c. if restrained, persons are not to be positioned facedown as it may cause positional asphyxia, and placing restrained persons on their back may lead to radial nerve damage to the wrists and forearms; and
 - d. restrained persons are to be placed in a seated position or on their sides.



IDAHO DEPARTMENT OF FISH AND GAME

Use of Force

POLICY NO.: E-2.0

12. Warning Shots. Warning Shots are prohibited.
13. Shooting At or From Moving Vehicles. Conservation officers will not shoot at a moving vehicle unless a person in the vehicle is imminently threatening the conservation officer or another person with deadly force. The moving vehicle itself will not presumptively constitute a threat that justifies a conservation officer's use of deadly force. A conservation officer threatened by an oncoming vehicle should move out of its path instead of discharging a firearm at it or any of its occupants. Firearms will not be discharged from a moving vehicle, except in exigent circumstances and consistent with this policy regarding the use of Deadly Force.

The policy regarding discharging a firearm at or from a moving vehicle may not cover every situation that may arise. In all situations, conservation officers are expected to act with intelligence and exercise sound judgment, attending to the spirit of this policy. Any deviations from the provisions of this policy will be examined rigorously on a case-by-case basis. The involved conservation officer must clearly articulate the reasons for the use of deadly force. Factors that may be considered include whether the conservation officer's life or the lives of others were in imminent peril and there was no reasonable or apparent means of escape.

14. Requirement to Report Potential Excessive Force. A conservation officer who is present and observes another officer using force that the present and observing conservation officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information known to the officer, will report such force to a supervisor.
15. Requirement to Intervene When Excessive Force is Observed. A conservation officer with a reasonable opportunity to do so shall intervene when present and observing another using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, considering the possibility that other officers may have additional information regarding the threat posed by a subject.

D. EXCESSIVE FORCE

IDFG conservation officers acting without reasonable and lawful necessity can be held criminally and civilly responsible as an individual, for their actions.

E. DEADLY FORCE

1. Conservation officers may use deadly force when necessary to defend themselves and others when the conservation officer reasonably believes imminent danger of death or serious physical injury exists.
2. Conservation officers may use deadly force when necessary to affect the capture or prevent the escape of a suspect whose freedom is reasonably believed to present an imminent danger of death or serious physical injury to the officer or others.
3. When the use of deadly force is required, for maximum stopping effectiveness and minimum danger to others, conservation officers will, under most circumstances, shoot at the "center of visible body mass."



Use of Force

POLICY NO.: E-2.0

4. Conservation officers may fire their weapons to stop an assailant from completing a potentially deadly act.
5. Where feasible, conservation officers will identify themselves and state their intent to shoot, before using a firearm. Conservation officers do not need to compromise their personal safety to provide notification.

F. USE OF FIREARMS

1. A conservation officer may discharge a firearm pursuant to Idaho Code 18-4011 under the following circumstances:
 - a. in obedience to any judgment of a competent court;
 - b. when the officer has probable cause to believe that the resistance poses a threat of death or serious physical injury to the officer or to other persons; or
 - c. to prevent the escape of a fleeing felon whom the officer has probable cause to believe will pose a significant and imminent threat to human life, should escape occur.
2. Additionally, a conservation officer may discharge an IDFG issued or approved secondary firearm during:
 - a. range practice, agency sanctioned training/sporting events, or test firing; or
 - b. the killing of an animal as follows:
 - 1) for self-defense;
 - 2) to prevent harm to the conservation officer or others; or
 - 3) to stop the suffering of a badly injured animal. In the case of livestock, the conservation officer may take the necessary action if the owner cannot be contacted within a reasonable time.

G. USE OF FORCE INCIDENT REVIEW AND REPORTING

1. The appropriateness of a conservation officer's actions is determined by the totality of circumstances and by the reasonableness of the conservation officer's perceptions and responses at the time of the incident.
2. Conservation officers involved in a use-of-force incident will, as soon as possible, notify their immediate supervisor of the incident when:
 - a. They use deadly force, or they intentionally or unintentionally discharge a firearm while attempting to control/defend against resistance/aggression, regardless of physical injuries to persons, domestic animals and/or property damage.



IDAHO DEPARTMENT OF FISH AND GAME

Use of Force

POLICY NO.: E-2.0

- b. They use force that results in death or the infliction of serious physical injury to an employee (survivor), offender(s), other persons, or domestic animals.
 - c. They use arrest techniques or intermediate weapons (impact and/or aerosol weapon) on/against another person, or domestic animals regardless of resultant physical injuries and/or property damage.
 - d. A motorized vehicle is used as a use of force option/tool to contact/collide with an offender/vehicle.
3. Immediate supervisors (circumstances allowing) will:
- a. Notify the Regional Conservation Officer and Regional Supervisor.
 - b. Respond to the scene if the incident requires a mandatory administrative investigation.
 - 1) Ensure the local law enforcement agency with primary jurisdiction is notified and requested to respond. Local law enforcement agencies will coordinate criminal "Critical Incident Task Force" as outlined in any MOU's or as is appropriate to the incident.
 - 2) Only be required to respond to other use-of-force incidents as deemed appropriate to investigative civil liability and critical incident needs.
 - 3) Be responsible for initiating administrative investigations as outlined by this policy unless otherwise instructed by upper management.
 - 4) Initiate and administer policy HR – 24.0 – Critical Incident Stress, as it applies to the use of force incident encountered.
4. Conservation officers involved in a use of force incident will, as soon as reasonably possible, or as critical incident factors dictate, submit an Enforcement Action (CE-65) and a written narrative report to their immediate supervisor.
5. Immediate supervisors receiving use-of-force reports will review for policy compliance, completeness/accuracy, training/remedial issues, and potential liability issues. Immediate supervisors will prepare and attach appropriate comments/recommendations and will:
- a. Forward all reports and recommendations to upper regional management.
 - b. Upper regional management will forward all CE-65 and narrative reports to the Enforcement Bureau for review and filing.

H. ADMINISTRATIVE LEAVE RESULTING FROM A USE OF FORCE INCIDENT

1. When the use of force causes death or serious physical injury, the conservation officer may be placed on administrative leave with pay (see on duty critical incident stress policy HR-24.0.)



Use of Force
POLICY NO.: E-2.0

I. ADMINISTRATIVE INVESTIGATION AND REVIEW

1. Mandatory Administrative Investigations

- a. A mandatory administrative investigation will be initiated any time an employee applies the use of force and:
 - 1) Deadly force techniques have been applied against persons or domestic animals intentionally or unintentionally, regardless of resultant physical injury and/or property damage.
 - 2) Death or the infliction of serious physical injury occurs upon an employee, the offender(s), or another.
 - 3) A citizen/employee complaint is received alleging a conservation officer used excessive force.
- b. The mandatory administrative investigation will be supervised by the Deputy Director.

2. The Review Board

- a. Review boards will be activated for all use of force incidents requiring a mandatory administrative investigation. All other use of force incidents may be reviewed as directed by the Enforcement Bureau Chief or someone in the employee's chain of supervision.

3. Review Boards shall include the following:

- a. The Regional Supervisor from the involved officer/employee's region.
- b. The RCO from the involved officer/employee's region.
- c. The immediate supervisor of the involved officer/employee.
- d. An Enforcement Bureau representative.
- e. A Department employee designated by the employee.
- f. Employee's Bureau Chief if the involved employee is not from the Enforcement Bureau.
- g. Board members may serve in more than one capacity dependent upon their organizational relationship to the involved employee(s).

4. Review boards will evaluate all incident-related investigative materials to determine if:

- a. The use of force was in compliance with IDFG policy. Review board findings will be forwarded to the Deputy Director for consideration.

5. Supervisory and Optional Administrative Investigations:

- a. When a use-of-force incident occurs that does not require a mandatory administrative investigation, supervisors may, within the required use-of-force reporting and review



IDAHO DEPARTMENT OF FISH AND GAME

**Use of Force
POLICY NO.: E-2.0**

process, initiate an administrative investigation if they believe the involved employee(s) violated any Department policy.