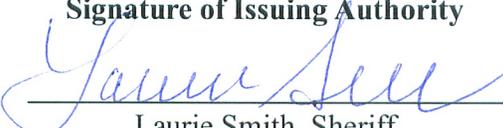


<p style="text-align: center;">Office of the Sheriff Custody Bureau Policy and Procedure Manual</p>	<p>Policy Number: 9.01 No. of Pages: 23 Date of Origin: 1992-03-11 Date Revised: 2021-02-22</p>
<p>Chapter: Security and Control</p>	<p>Subject: Use of Force</p>
<p>Supersedes: <i>Policy 9.01, Use of Force and Restraints</i>, revised 2017-08-29, 2014-10-20, 2010-05-24, and 2008-08-19</p>	<p>Distribution: Unrestricted</p>
<p>References: <i>Whitely v. Albers</i>, 475 U.S. 312 (1986); <i>Hudson v. McMillian</i>, 503 U.S. 1 (1992); <i>Kingsley v. Hendrickson</i>, 135 S. Ct. 2466, 2472 (2015); C.C.R., Title 15, §§ 1029(a)(3), 1059; California Penal Code §§ 149, 296, 298.1, 831.5, 835a, 836.5, 3407, 6030(f); Government Code § 7286, 7286.5; <i>Chavez v County of Santa Clara</i>, Case No. 1:15-cv-05277-RMI (Remedial Plan March 2019); Policy 9.02 - Use of Force Investigation, Reporting, and Review; Policy 9.04 - De-Escalation; Policy 9.49 - Use of Restraints; Policy 13.05 - Penal Code § 296 Compliance; Policy 9.05 - Security Searches; Policy 9.21 - Use of Firearms; Sheriff's Office General Order 9.02 - Use of Firearms; Sheriff's Office General Order 10.06 - Body Worn Camera System; Sheriff's Office General Order 16.01 - Release of Information</p>	
<p style="text-align: center;">Signature of Issuing Authority</p>  <p style="text-align: center;">Laurie Smith, Sheriff</p>	<p style="text-align: center;">Current Policy Review</p> <p>Date of Review: 2021-02-22 Revisions Made: Yes</p>

I. Purpose and Scope

The purpose of this policy is to provide guidance and direction to staff in the use of force during the lawful performance of their duties. This policy applies to all Office of the Sheriff Custody Bureau sworn staff in the use of force against any person, which includes inmates and non-inmates.

II. Policy

The Office of the Sheriff is committed to providing a safe custodial environment for staff, inmates, and others and promote the following core principles:

A. The Sanctity of Human Life and Serving the Community

In serving the community, deputies shall make every effort to preserve and protect human life and the safety of all persons. Deputies shall respect and uphold the dignity of all persons at all times in a non-discriminatory manner.

B. Force as a Last Resort and Duty to De-Escalate

Force shall only be used as a last resort when necessary to accomplish lawful objectives that cannot reasonably be achieved through verbal commands, critical decision making, tactical deployment or de-escalation techniques. Force shall never be used as a retaliatory or punitive measure.

C. Duty to Use Only Objectively Reasonable, Necessary, and Proportional Force

Deputies shall use the least amount of force that is objectively reasonable, necessary and proportional to safely achieve the legitimate law enforcement objective under the circumstances.

D. Duty to Use Deadly Force Only as an Absolute Last Resort and Duty to Avoid Actions Which Create a Substantial Risk of Death or Serious Bodily Injury

Deadly force shall only be used as an absolute last resort and in strict compliance with this policy. Other actions by deputies that create a substantial risk of death or serious bodily injury must be avoided or employed only under the strictest of conditions.

E. Duty to Intervene and Report

Every deputy, regardless of rank, title, seniority, or status, has an affirmative duty to take steps to prevent any use of force that is illegal, excessive, or otherwise inconsistent with such policies, regulations, and laws, if possible, before a fellow deputy uses excessive, illegal, or otherwise inappropriate force. Every deputy has a duty to immediately report any improper use of force.

F. Duty to Render Medical Assistance

After any use of force, and when the environment is safe, deputies shall promptly render medical assistance to any injured person consistent with the deputy's training and shall promptly request emergency medical assistance for that person, if needed or requested. Deputies also have a duty to monitor individuals for potential medical intervention after any deputy uses force.

G. Duty to Report and Review Uses of Force

Every use of force must be reported and receive a meaningful command level review as set forth in a written department policy that includes review by the law enforcement executive. The law enforcement executive shall also conduct an annual review and analysis of the overall use of force by the department.

It is the policy of the Office of the Sheriff to value and preserve human life, defend the civil rights and dignity of all persons, and to accomplish its custodial mission with the cooperation of persons in

custody and with minimal reliance on the use of force. The minimization of the use of force starts with the routine, daily conduct by staff with persons in custody. Staff are expected to treat persons under the custody and care of the Office of the Sheriff with respect, maintain professionalism, and reduce the necessity for the use of force to the maximum extent possible through positive interactions.

Despite the best efforts of staff to establish and maintain a culture of cooperation, staff will be confronted with persons presenting varying degrees of Resistance. In these situations, staff shall make reasonable efforts, as time and circumstances permit, to avoid using force and gain voluntary compliance through De-escalation consistent with ***Policy 9.04 – De-escalation***.

If the degree of Resistance presented by the person makes De-escalation impracticable or De-escalation Techniques and Tactics have been tried and were ineffective, staff are authorized to use Appropriate Force. The authority to use force is a serious responsibility that staff must exercise judiciously and with respect for human rights, dignity, and the sanctity of human life. Staff shall use only the least amount of force necessary to bring the incident under control. Staff shall not create the need to use force. Force must be objectively reasonable, necessary, and proportional.

III. Definitions

For the purposes of this policy, the following terms are defined as follows:

Appropriate Force: Force that is objectively reasonable, necessary, proportional and consistent with this policy.

Cooling Off Period: A period of at least ten minutes, during which Custody Bureau staff will not verbally interact with the person prior to a planned course of action. During this time period, Custody Bureau staff should back away from the immediate presence of the person.

De-escalation: The process of using strategies and techniques intended to decrease the intensity of the situation. The goal of De-escalation is to gain the voluntary compliance of the person and thereby reduce or eliminate the necessity to use physical force.

De-escalation Techniques and Tactics: Actions used by staff that minimize the likelihood of the need to use force during an incident and increase the likelihood of gaining voluntary compliance from the person.

De Minimis Force: De Minimis Force is a physical interaction meant to separate, guide, and/or control the person in a manner that does not cause any pain, and is not reasonably likely to cause any pain, including, control holds or joint manipulation techniques without pain, hands or equipment used to stop, push back, separate, guide, or escort a person, or holding or displaying a firearm or less-lethal weapon without pointing it at a person.

Intermediate Force: Force that is more than De Minimis Force and less than Deadly Force. This includes force that causes temporary pain, a complaint of temporary pain, or force likely to cause injuries less than a Serious Bodily Injury. Intermediate Force includes the use of chemical agents, control holds with pain, personal body weapons, impact weapons, and less lethal weapons.

Deadly Force: Any use of force that creates a substantial risk of causing death or serious bodily injury. Deadly force includes, but is not limited to, the discharge of a firearm.

Force Options: Force Options are choices identified by staff and agency policy to overcome Resistance, effect an arrest, prevent an escape, or gain control of an incident.

Imminent Threat: A threat is "imminent" when, based on the totality of the circumstances, a reasonable deputy in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause injury to another person. An Imminent Threat 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.

Inappropriate Force: Any use of force that is not objectively reasonable, necessary, proportional, or consistent with this policy.

Necessary Force: "Necessary" means that a reasonably effective alternative to the use of force did not appear to exist and that the amount of force used was reasonable to effect the lawful purpose intended.

Objectively Reasonable Force: An objective standard viewed from the perspective of a reasonable officer on the scene, without the benefit of 20/20 hindsight, and within the limitation of the Totality of the Circumstances presented at the time of incident.

Planned Force: A force event where time and circumstances allow staff the opportunity to strategize an approach to an incident that might require force (e.g., to remove a person from a confined space or to otherwise enter that confined space within the jail).

Proportional Force: The amount of force applied shall be consistent with the Totality of Circumstances surrounding the situation at hand, including the nature and immediacy of any threats posed to staff or other persons.

Reactive Force: A situation that requires the immediate use of force because the person is engaged in conduct that poses an Imminent Threat to safety or security.

Reportable Force: The following categories of force or circumstances as a result of the use of force require mandatory reporting both verbally and in writing to a supervisor:

- A. The use of Intermediate Force or Deadly Force
- B. Force that results in complaints of sustained pain or injury
- C. Force that results in injury, Serious Bodily Injury, or death
- D. An event that is designated by a supervisor as reportable

The use of De Minimis Force is not required to be reported.

Resistance: Conduct by a person that indicates a level of unwillingness to comply with a legitimate correctional objective, obstructs staff attempts to have a person comply with orders, or physically attacks staff. The five levels of Resistance in order of increasing severity are:

- A. ***Compliant:*** Offers no Resistance and complies with what is requested and/or ordered.
- B. ***Passive Resistance / Passive Non-Compliant:*** Does not respond to verbal commands but also offers no physical Resistance. Refuses to comply with verbal directives and/or physical contact.
- C. ***Active Resistance:*** Physically evasive and/or engages in movements to defeat staff members attempt at control.
- D. ***Assaultive Resistance:*** The subject is physically attacking staff or another person in a way that is likely to cause some bodily harm.
- E. ***Life-Threatening Resistance:*** The subject is physically attacking staff or another person in a way that is likely to cause serious bodily injury or death.

Self Harm: Self-injurious harm that the person is inflicting upon themselves but is not likely to cause Serious Bodily Injury.

Serious Bodily Injury: Bodily injury that creates a substantial risk of death or causes permanent disfigurement or protracted loss or impairment of the function of a critical body part or organ.

Seriously Mentally Ill (SMI): a designation given to a person by mental health staff.

Substantial Self Harm: Harm that the person is inflicting upon themselves that is likely to cause Serious Bodily Injury or death.

Supervisor: Sergeants and higher-ranking sworn staff are supervisors. Non-sworn custody staff are not included as supervisors for the purposes of this policy even though they may perform supervisory or management functions.

Totality of the Circumstances: All facts known to the staff member at the time, including the conduct of staff and the involved person leading up to the use of force.

IV. Relationship with Other Policies

- A. De-escalation: When faced with a situation that has the potential for a person to be non-compliant, resistant, or assaultive, staff shall use De-escalation Techniques and Tactics in an effort to eliminate the need for force consistent with ***Policy 9.04 – De-escalation.***
- B. Restraints: The use of restraints shall be consistent with ***Policy 9.49 - Restraints.***
- C. Use of Firearm: Custody Bureau staff that are authorized to carry a firearm and use a firearm are governed by ***Sheriff's Office General Order 12.02 – Use of Firearm.***
- D. Investigating, Reporting, and Review of Force: All Reportable Force shall be investigated, documented, and reviewed consistent with ***Policy 9.02 –Use of Force Investigation, Reporting, and Review.***
- E. Body Worn Cameras: Use of force events shall be recorded consistent with ***Sheriff's Office General Order 10.06 - Body Worn Camera System.***
- F. Request for Peace Officer Records: Disclosure of use of force records is governed by ***Sheriff's Office General Order 16.01 - Release of Information.***

V. Use of Force Principles

- A. Use of Force Shall Be Fair and Unbiased

Staff shall use force in a manner that is fair and unbiased. Staff are prohibited from using force to punish, degrade, humiliate, discipline, retaliate against, improperly coerce, discriminate against, or unnecessarily cause pain or injury to a person.

- B. Staff Shall Not Create the Need for Force

Staff shall treat persons with respect and shall not provoke or taunt persons thereby creating a need to use force. Staff shall not do or say anything that intentionally escalates a situation unless necessary to achieve a legitimate correctional objective. Staff shall take reasonable care that their actions do not create an unnecessary, unreasonable, or disproportionate need to use force.

- C. Staff are Prohibited from Using Force in Response to Verbal Threats

Staff shall not use force in response to a person's verbal swearing, insults, or threats unless the person is an Imminent Threat.

- D. Staff Have an Affirmative Duty to Intervene in Inappropriate Force

Staff have an affirmative duty to prevent and report Inappropriate Force. Staff who observe another staff member using tactics that, under the circumstances, are clearly unsafe, unlawful, or outside of policy shall intervene to stop, reduce, or control the use of force or prevent the unnecessary creation of danger.

E. Staff Shall Stop Using Force When Resistance Ends

The use of force requires constant re-evaluation. The amount of force being applied should be continually adjusted to match the changing needs of the situation. With the exception of De Minimis Force, the use of force shall stop when Resistance ceases or when the incident is brought under control.

F. Staff Shall Use Force Tools Consistent with Training

Unless Deadly Force is authorized, staff shall use tools (e.g., chemical agents, less lethal weapons) that are authorized by the Office of the Sheriff in a manner that is consistent with training provided or authorized by the Sheriff's Office.

Unless Deadly Force is authorized, staff are prohibited from using items that are not designed as instruments of force (e.g., flashlights, radios, etc.) as a Force Option.

G. Staff Shall Not Use a Carotid Restraint or Apply Pressure to a Person's Neck

The Sheriff's Office does not train staff in the use of the carotid restraint/chokehold. The carotid restraint/chokehold is prohibited. Staff shall not apply pressure to a person's neck.

H. Special Considerations When Using Force on Restrained Persons

A person that is restrained is limited in their ability to move and likely presents a reduced safety or security threat to staff and others. Staff shall reassess the Force Option to be used because a restraint lessens the opportunity and/or severity of the Imminent Threat. Persons in restraints may be unable to break their fall and can sustain greater injury when taken to the ground.

I. Special Considerations When Using Force on Vulnerable Populations

Because of a medical condition, physical disability, or pregnancy, some persons may be more vulnerable to injury and less force will generally be permitted to address the person's Resistance. These vulnerabilities may not always be known or apparent to staff. When these vulnerabilities are known or apparent to staff (e.g., the person is housed in the infirmary, advanced age, or visibly pregnant), staff should factor in the person's vulnerability in determining the Appropriate Force. A person's vulnerability may also impact the selection of Force Options (See Part VIII, Force Avoidance and Options).

Persons who are SMI or cognitively impaired (e.g., autism, dementia) may behave erratically,

disruptively, or have difficulty responding to direction from staff. It is important for staff to recognize that a person's behavior or refusal to follow direction may be a result of one of these conditions. De-escalation Techniques and Tools are of particular importance for this population. Where time and circumstances permit, staff shall engage in Cooling-Off Periods, use De-escalation Techniques and Tools, and involve medical/mental health staff.

Persons with vision/hearing/speech impairments or physical impairments may have limited ability to understand or comply with staff commands. When possible, staff shall consider whether an impairment explains the person's refusal to follow direction and use effective communication strategies to interact with persons who have a vision/hearing/speech impairment and evaluate whether the person is able to comply with staff directions.

J. Special Considerations When Using Force in the Collection of Identifying Information or Evidence.

Staff are prohibited from using force to search for evidence inside a person's body unless one of the conditions below are satisfied. Any such searches shall be consistent with **Policy 9.05 - Security Searches**.

Staff are permitted to use force to extract a substance or item from a person's body as follows:

1. Staff may use Appropriate Force to collect evidence required by Penal Code section 296 consistent with **Policy 13.05 – Penal Code section 296 Compliance**.
2. Staff may use Appropriate Force to obtain identifying information required by law to complete required administrative booking steps before release. The use of Appropriate Force shall be preceded by efforts to secure voluntary compliance. Staff must obtain prior written authorization of the supervising officer on duty. The authorization shall include information that reflects the fact that the person was asked to provide identifying information and refused.
3. Staff may use Appropriate Force to prevent a person from swallowing a substance that is in their mouth if the safety of the person is at risk (e.g., applying a mastoid hold to prevent swallowing of an object).

If staff suspects that a person has swallowed a harmful substance or is secreting evidence in a body cavity, staff shall summon medical staff.

K. Staff Shall Take Steps to Reduce the Risk of Positional Asphyxia

Positional asphyxiation is insufficient intake of oxygen as a result of body position that interferes with the person's ability to breathe. It can occur during the process of subduing and restraining a person by placing the person in a posture that prevents or impedes the mechanism of normal breathing. If the person cannot escape from the position, death may

occur very rapidly. Restraint in the prone position presents a significant risk of asphyxia, particularly when a person is handcuffed and left in a face-down position.

Staff shall take steps to reduce the risk of positional asphyxia by doing the following:

1. As soon as safe and feasible, move a person in the prone position to their side in the recovery position or assist the person to an upright position.
2. Do not use restraints in a way that restricts the person's ability to breathe.
3. To the extent possible under the circumstances, staff shall avoid applying pressure to the person's chest, abdomen, or back during an attempt to control a person who is resisting. Staff shall immediately stop using their body weight as soon as staff overcomes a person's Assaultive or Life-Threatening Resistance.

Even though a person can talk during or after a struggle, the person may still be experiencing problems breathing. When a person reports difficulty breathing or has difficulty breathing, staff shall request medical staff to respond immediately. Staff shall monitor the person carefully while waiting for medical staff to arrive and, when necessary, provide emergency medical aid.

L. Staff Shall Request Medical Care after a Force Event

Adult Custody Health Staff (ACHS) are always available at both jail facilities to provide medical care to inmates. This provision of the policy (Part V.L.) applies to seeking care for inmates because ACHS does not provide non-emergency medical care to non-inmates.

Staff shall ensure all inmates are seen by medical staff as soon as practical after a force event unless only De Minimis Force was used, and the person is not complaining of pain.

When more than De Minimis Force is used on a person within a jail facility, staff shall utilize the following procedures for obtaining medical care:

1. Staff shall immediately notify ACHS medical staff of the incident.
2. Until an ACHS medical staff member evaluates the person, staff shall continue to monitor the person's condition and, if necessary, provide life-saving measures.
3. If the situation does not allow for the person to be escorted to medical staff, staff shall immediately request ACHS medical staff to respond to the person's location.
4. If medical care is not immediately available for a person who has been exposed to a chemical agent, staff shall take action to attempt to relieve the symptoms following the decontamination protocol (See Part IX.A).

5. If ACHS medical staff or a supervisor determines that more extensive medical care is necessary, the person will be transported to an outside facility for medical care.

When force is used outside of a jail facility (e.g., transporting persons), staff shall utilize the following procedures for obtaining medical care:

6. Staff shall notify a supervisor of the person's medical condition.
7. If the injuries are not serious and appropriate medical care can be provided at the destination, staff shall continue to monitor the person's condition, where possible, while transporting the persons to the destination. If the destination is the jail, staff shall immediately seek out medical care.
8. If appropriate medical care cannot be provided at the destination or staff determines that immediate medical care is necessary, staff shall request emergency medical services to respond to the location and shall document the time the emergency medical service response was requested and when it arrived.
9. Staff shall immediately notify a supervisor if the person was medically cleared or required additional medical care at an outside medical facility.

VI. Force Must Be Objectively Reasonable, Necessary, and Proportional

A. Force Must Be Objectively Reasonable

The reasonableness inquiry in a use of force event is an objective one that considers the facts and circumstances confronting staff. The reasonableness of a particular use of force is based on the Totality of the Circumstances known by staff at the time of the use of force and weighs the actions of staff against the rights of the person, in light of the circumstances surrounding the event.

Force must be judged from the perspective of a reasonable staff member, rather than with the 20/20 vision of hindsight. The assessment of reasonableness must allow for the fact that staff are often forced to make split-second decisions – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.

Factors to be considered in determining the objective reasonableness of force include, but are not limited to:

1. The opportunity to avoid the use of force by attempting to safely De-escalate the incident without the need for force.
2. Whether the person is actively resisting a lawful command/order or attempting to evade by flight.
3. The severity of the crime or act at issue.

4. Level of threat or Resistance presented by the person, including the person's proximity to weapons.
5. Whether the person is restrained and, if so, the nature of the restraint.
6. Whether the person poses an Imminent Threat of injury to other persons or self.
7. The physical location where force might be used, including characteristics such as lighting, physical layout, proximity of others, and other factors such as weather and time of day.
8. Information available to staff about the person's ability to understand and comply with the order.
9. The person's apparent or known mental capacity or physical condition, such as level of intoxication, physical or cognitive impairment, level of stress/agitation, or altered mental state.
10. The physical characteristics or abilities of the person, such as age, weight, size, or other known capabilities that impact the level of force that may be necessary to control the inmate.
11. Availability of other resources (e.g., other staff).
12. Whether the person has the opportunity to hear, understand, and comply with commands.

B. Force Must Be Necessary

Staff will use force only when no reasonably effective alternative appears to exist including De-escalation Techniques and Tactics, and then only the amount of force that is reasonable to achieve a legitimate correctional objective.

C. Force Must Be Proportional

To be proportional, the amount of force applied must reflect the Totality of Circumstances surrounding the situation at hand, including the nature and immediacy of any threats posed to staff or others. Staff must rely on training, experience, and assessment of the situation to decide an appropriate level of force to be applied.

Staff are permitted to overcome Resistance. Proportional Force is not intended to mean a type and intensity of force that is exactly equal to the type and intensity of force being used by the person. The term Proportional Force is intended to highlight that the level of force staff use shall be no more than is necessary to overcome the unlawful force or Resistance being confronted by the staff member.

D. When Intermediate Force is Reasonable, Necessary, and Proportional

Staff are authorized to use Intermediate Force that is objectively reasonable, necessary, and proportional. Examples of when Intermediate Force may be used include:

1. To prevent physical harm to any person.
2. To enforce rules, policies, regulations, statutory provisions, and/or court orders, where non-Force Options have proven ineffective, and there is an immediate need for compliance to avoid serious disruption to correctional operations.
3. When a person is actively assaulting another person.
4. To prevent the destruction of property that raises a significant safety or security risk.
5. To prevent or stop the throwing or projection of any bodily substance including but not limited to saliva, blood, seminal fluid, urine, and feces.
6. To prevent a person from inflicting Self-Harm or Substantial Self-Harm.
7. To prevent the destruction of evidence of a crime except as provided in Part V.J.
8. To collect biological samples pursuant to Penal Code § 296 consistent with ***Policy 13.05 – Penal Code section 296.***

E. When Deadly Force is Reasonable, Necessary, and Proportional

Staff are authorized to use Deadly Force upon another person only when staff reasonably believes, based on the Totality of the Circumstances, that Deadly Force is necessary for either of the following reasons:

1. To defend against an Imminent Threat of death or Serious Bodily Injury to the staff member or to another person.
2. To apprehend a fleeing person for a felony that threatened or resulted in death or Serious Bodily Injury, if the staff member reasonably believes that the person will cause death or Serious Bodily Injury to another unless immediately apprehended. Where feasible, the staff member shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that Deadly Force may be used, unless the staff member has objectively reasonable grounds to believe the person is aware of those facts.

Staff shall not use Deadly Force against a person based on the danger that the person poses to themselves, if an objectively reasonable staff member would believe the person does not pose an Imminent Threat of death or Serious Bodily Injury to the staff member or to another person.

A staff member who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the Resistance by the person being arrested. A staff member shall not be

deemed an aggressor or lose the right to self-defense using objectively reasonable force in compliance to effect the arrest or to prevent escape or to overcome Resistance.

VII. Reactive Force and Planned Force

Staff are frequently faced with decisions about how to respond to potential threats from persons. Some of those situations provide an opportunity for Planned Force and other situations require staff to use Reactive Force.

A. Reactive Force

Staff are authorized to use Appropriate Force when the circumstances necessitate Reactive Force. Supervisor approval is not required for Reactive Force.

B. Planned Force

1. When Staff Should Plan for a Force Event

Staff shall plan for a force event when:

- a. A person is in a confined area (e.g., cell, pod, dayroom, or dorm), and
- b. Staff need to remove the person from the confined area or enter the confined area, and
- c. The person's past or present conduct makes it likely that person will engage in Resistance.

2. Specific Types of Events Where Staff Should Plan the Force Event

The following types of events occur require the following additional measures during a Planned Force event:

- a. Court Order for Person to Appear in Court: Where a court has ordered a person to physically appear in court and the person is refusing to go to court, a supervisor shall make reasonable efforts to contact the judge issuing the order (or an alternate judge, if the issuing judge is not available) and advise the court that force may be necessary to enforce the court order, and allow the court an opportunity to enforce, rescind, or delay the court order. If the judge elects to enforce the existing order, the planned course of action may proceed after receipt of written confirmation of the judge's decision to enforce the order to appear. The court's written confirmation shall be included with the use of force report.
- b. Involuntary Medication Orders: At times, a court or medical provider may authorize the involuntary administration of medication. When a medical provider determines that a person requires medication and the patient is refusing to voluntarily accept the

medication, staff shall assist medical staff in the involuntary administration of medication using Appropriate Force.

- c. Involuntary Mental Health Holds ("5150 Holds"): In the event that an authorized person (e.g., law enforcement or mental health staff) institutes a Welfare and Institutions Code section 5150 hold, the person will be moved to the acute psychiatric unit. If the person refuses to move to the acute psychiatric unit and staff anticipate the need to use force, staff shall notify a mental health staff member to discuss the planned use of force as follows:
 1. Danger to Self: If the hold is for danger to self and the inmate does not want to comply with the move, staff shall consult with mental health staff to determine if the person must be moved immediately for their safety. Custody Bureau Staff and mental health staff shall discuss if the move is necessary to prevent self-harm and warrants extracting the person from their cell by force or if the person can be safely maintained in the current housing (e.g. with 15 minute checks, etc.) until they are calm enough to be moved without force.
 2. Danger to Others/Grave Disability: If the hold is for danger to others or grave disability, staff will not move the person using force unless a mental health provider advises that the risk to the patient remaining in the housing unit outweighs the potential use of force.

C. Supervisor's Responsibilities in Planned Force Event:

Supervisors shall oversee a Planned Force event and develop a plan that evaluates the following:

1. Consider the exigency and importance of the need to use force prior to approving and executing any Planned Force event.
2. Identify one or more staff members to attempt to obtain the person's voluntary cooperation using the De-escalation Techniques and Tools consistent with ***Policy 9.04 – De-escalation***.
3. Consult the person's behavior management plan, if any, for strategies about how to engage the person.
4. Provide the person with a Cooling Off Period.
5. Request the presence of mental health staff. Inform mental health staff of the Planned Force, the nature of the force to be potentially used, and, where possible, allow mental health staff an opportunity to delay the implementation of the Planned Force in an effort to resolve the situation through mental health intervention techniques.

6. Consult with medical staff to determine whether the person has any medical conditions that may impact staff's decisions about the Force Option to be used.
7. Evaluate whether to use the Emergency Response Team (ERT) who, if activated, will plan the response.
8. Evaluate the most appropriate Force Option to achieve immediate control of the person if voluntary cooperation cannot be obtained through non-force alternatives.
9. Request the presence of ACHS medical staff to provide medical care to affected persons immediately after the Planned Force.

VIII. Force Avoidance and Force Options

The order of force avoidance strategies and Force Options listed below are not intended to suggest that staff use them in this order. In most force events, there will be a range of options rather than a single acceptable choice.

A. De-escalation

Where time and circumstances permit, staff shall avoid or minimize the use of force by using De-escalation Tactics and Techniques consistent with *Policy 9.04 – De-escalation*.

B. Physical Presence

The presence of sworn personnel in authorized uniform and/or badge and safety equipment should be displayed to the person. The physical presence of staff may be enough to resolve or minimize the need for force during a force event.

C. Verbal Commands

Staff shall use verbal commands that consist of a warning and opportunity to comply. Staff should generally not use force immediately when encountering noncompliance with verbal directions. Instead, whenever feasible, before using force, staff shall:

1. Provide clear instructions and warnings;
2. Attempt to determine whether the person has a special need, mental condition, physical limitation, developmental disability, or language barrier (see section V.I);
3. State the consequences of refusing to comply with a mandatory directive, including that force will be used unless the person complies; and
4. Give the person a reasonable opportunity to comply.

Verbal commands should be used before and, where possible, during the use of Force Options. Verbal commands should be given by as few staff as possible to avoid confusing the person.

D. Control Holds and Techniques Without Pain Compliance

Where possible in response to a person's Resistance, staff shall use control holds, joint manipulation techniques, and other physical contact with the person used to separate, guide, and/or control the person in a manner that does not cause any pain, and is not reasonably likely to cause any pain. The use of these techniques constitutes De Minimis Force. This Force Option is appropriate for a person displaying Compliant or Passive Resistant/Noncompliant Resistance.

E. Pain Compliance Control Holds

Description	Control holds are a technique that consists of holds on the hands, arms, shoulders, or legs of a resisting person designed to cause temporary pain and encourage compliance by the application of pressure.
User	All staff are authorized to use control holds with pain compliance.
Approval	No supervisor approval is required to use control holds with pain compliance.
Force Event	Control holds with pain compliance are authorized during Reactive or Planned Force events.
Resistance Types	Control holds with pain compliance are authorized in response to Passive Resistance/Passive Non-Compliant, Active Resistance, Assaultive Resistance, and Life-Threatening Resistance and prevent Self-Harm or Substantial Self Harm.
Special Instructions	The pressure used for a control hold should be lessened when a person is no longer resisting but the control hold may be maintained until it is no longer needed to control the person.

F. Chemical Agents

Description	Chemical agents can be deployed through a handheld canister or through delivery devices that forcefully deploy chemical agents toward a person but are not used as impact weapon. Examples of these delivery devices include Clear Out, incendiary CS/OC agents, and air-delivery system like a pepperball launcher used as a chemical agent delivery system.
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User	Any staff member who has completed training on the chemical agent device is authorized to use the device.
Approval	No supervisor approval is required to use hand-held chemical agents. Use of a chemical delivery device requires supervisor approval.
Force Event	<p>Hand-held chemical agents are authorized during Reactive or Planned Force events.</p> <p>Chemical agent delivery devices are only authorized during Planned Force events.</p>
Resistance Type	<p>Hand-held chemical agents are authorized in response to Passive Resistance/Passive Non-Compliant in a Planned Use of force only, Active, Assaultive, or Life-Threatening Resistance and to prevent Self-Harm or Substantial Self Harm.</p> <p>The use of chemical agent delivery devices is only authorized under circumstances authorized by a supervisor.</p>
Special Instructions	<p><i>Medical Contraindications:</i> For Planned Force events, staff shall consult with medical staff about whether the person has a medical condition that will be negatively impacted by using chemical agents.</p> <p><i>Pregnant Inmates:</i> Chemical Agents shall not be used on pregnant inmates.</p> <p><i>Fall Risk:</i> Staff shall consider the possibility of unintended injury because of the application of the chemical agent (e.g., increased possibility of falling down the stairs due to disorientation).</p> <p><i>Warnings:</i> If safe and feasible, staff shall announce a warning to the person and other staff of the intent to use the chemical agent and give the person a reasonable opportunity to voluntarily comply.</p> <p><i>Uninvolved Persons:</i> Staff will make reasonable efforts to avoid exposing uninvolved persons to chemical agents during deployment.</p> <p><i>Repeated Use:</i> Staff shall not continue the use chemical agents when repeated deployment appears ineffective in the situation.</p> <p><i>Decontamination Process:</i> Follow the decontamination process outlined in Part IX.I.A below.</p>

G. Pressure Point Controls

Description	Physical methods of control using nerve pressure points or nerve motor points. These include the use of pressure points, which may generate pain if the offender continues to resist, but which are not reasonably expected to cause serious injury. Examples of pressure point controls include mastoid, inter-elbows, collarbone/clavicle (avoid throat).
User	All staff are authorized to use pressure point controls.
Approval	Pressure point controls do not require supervisor approval.
Force Event	Pressure point controls are authorized during Reactive or Planned Force events.
Resistance Type	Pressure point controls are only authorized in response to Active, Assaultive, or Life-Threatening Resistance and to prevent Self-Harm or Substantial Self Harm.
Special Instructions	When using pressure point controls, increased pressure from staff generally produces increased pain. Staff shall use only the amount of pressure necessary to control or restrain a person consistent with the objective being achieved.

H. Takedowns

Description	A takedown is a maneuver where a person is swiftly brought to the ground from a standing or seated position.
User	All staff are authorized to use takedowns.
Approval	No supervisor approval is required for a takedown.
Force Event	A takedown is authorized during Reactive or Planned Force events.
Resistance Type	Takedowns are only authorized in response to Active, Assaultive, or Life-Threatening Resistance and to prevent Self-Harm or Substantial Self Harm.
Special Instructions	<i>Fall Risk:</i> Staff shall recognize the risk of injury to a person in a takedown, particularly when the person is handcuffed or shackled, which limits the person's ability to break their fall. Takedowns as part of an ERT extraction are permitted.

I. Personal Body Weapon Strikes

Description	Personal body weapon strikes consist of forceful strikes by staff using their hand/fist, forearm, elbow, foot, knee, and/or shin.
User	All staff are authorized to use personal body weapon strikes.
Approval	No supervisor approval is required to use personal body weapon strikes.
Force Event	Personal body weapon strikes are authorized in Reactive or Planned force events.
Resistance Type	Personal body weapons strikes are only authorized in response to Assaultive or Life-Threatening Resistance and to prevent Substantial Self Harm.
Special Instructions	Unless Deadly Force is authorized, staff are prohibited from striking a person with a personal body weapon in the head, neck, spine, kidney, or groin.

J. Impact Weapons

Description	Impact weapons are devices used (a) to prevent a person's movement (e.g. crowd control, riot); or (b) to strike a person. Examples of impact weapons include devices such as batons, collapsible batons, and Yawara sticks.
User	Gun-bearers are authorized to carry and use agency-issued batons while on a gun-bearing assignment after being trained on their use by the Office of the Sheriff or authorized training. Trained staff are authorized to carry batons and Yawara sticks during ERT activations or critical incidents including, but not limited to, escapes, and riots.
Approval	No supervisor approval is required to use impact weapons.
Force Event	Impact weapons are authorized during Reactive or Planned Force events.

Resistance Type	<p>Impact weapons used to prevent a person’s movement (non-striking actions) may be used in response to Active, Assaultive, or Life-Threatening Resistance and to prevent Substantial Self Harm.</p> <p>Impact weapons used to strike a person are only authorized in response to Assaultive or Life-Threatening Resistance and to prevent Substantial Self Harm.</p>
Use Conditions	<p>Unless Deadly Force is authorized, staff are prohibited from striking a person with an impact weapon in the head, neck, spine, kidney, or groin.</p>

K. Less-Lethal Weapons and Munitions

Description	<p>Devices that expel or propel less-lethal ammunition by any action, mechanism, or process for the purpose of incapacitating, immobilizing, or stunning a person through the infliction of any less than lethal impairment of physical condition, function, or sense, including physical pain or discomfort. Examples include the FN303 and Defense Tech 40 mm Launcher. Less-lethal weapons and munitions include weapons that utilize compressed air to launch projectiles that may be filled with chemical agents.</p>
User	<p>Trained staff are authorized to use less lethal weapons.</p>
Approval	<p>Supervisor approval is required to use less lethal weapons.</p>
Force Event	<p>Less lethal weapons are authorized during a Planned Force event.</p>
Resistance Type	<p>Less lethal weapons are only authorized in response to Assaultive or Life-Threatening Resistance; to prevent Substantial Self Harm; or when necessary for restoration or maintenance of order during a dorm extraction/ significant jail disturbance involving multiple persons as determined by the supervisor.</p>

**Use
Conditions**

During use of the less lethal weapons, staff shall observe stand-off distances applicable to the less lethal weapon and deploy the weapon using the effective range consistent with Sheriff's Office authorized training for the specific less lethal weapon.

Unless Deadly Force is authorized, less lethal munition shall not be directed at the person's head, neck, groin, or spine.

During the use of less lethal weapons that contains a chemical agent, staff shall follow the use conditions of chemical agents above in section VIII.F regarding decontaminating after use of chemical agents, checking for medical contraindications where possible, preventing fall risk, providing warnings, avoiding uninvolved persons, and decontamination.

Special consideration will be given when information indicates that the subject has a physical condition that could increase the effect of less-lethal munitions. Less-lethal shall not be used on a person who is known to be pregnant except when life-threatening situations exists, and other Force Options are not possible.

L. Electronic Control Devices [Reserved]: The Sheriff's Office does not have Electronic Control Devices at this time.

M. Firearms

1. Sheriff's Office staff working in a gun-bearing assignment are authorized to carry a firearm.
2. Staff are prohibited from carrying a firearm while in the jail facilities consistent with ***Policy 9.21 - Use of Firearms.***
3. Staff are authorized to use a firearm under the circumstances set forth in ***General Order 12.02 - Use of Firearms.***

IX. Scene Management Following a Use of Force Incident

A. Decontamination Process for Force Event Involving Chemical Agents

1. Staff shall offer the subject of the force event and any other person that was exposed to chemical agents the opportunity to decontaminate as soon as practical outside their cell. The person has the right to refuse decontamination.
2. Decontamination is accomplished by exposing the person to fresh air or flushing the affected body area with copious amounts of cool water (e.g, shower, sink).

3. Staff shall offer anyone who is decontaminated clean clothing and, where necessary, change of bedding. Staff shall not return the person to a contaminated cell until sufficient time has elapsed for the chemical agent to dissipate.
4. Staff shall provide reasonable accommodations to disabled persons who require assistance during the decontamination process. Staff shall document their decontamination efforts.

B. Staff Responsibilities: As soon as reasonably practical, staff shall:

1. Secure any uninvolved persons who are in the area where the incident took place.
2. Summon a supervisor to the scene if one is not already present.
3. If a supervisor was physically involved in the use of force, another supervisor who was not involved shall be summoned to the scene and assume control of the incident. In such cases, provisions in this policy requiring action on the part of the supervisor will refer to the uninvolved supervisor.
4. Separate and secure the involved persons.
5. Where sufficient staff is present, staff involved in the use of force shall not escort the person involved in the force event away from the scene unless:
6. A supervisor determines there are no other staff available for the escort. Supervisors making such a determination shall document in the use of force report the reason for that decision.
7. The event was an ERT activation.
8. Report the incident to the supervisor.

C. Supervisor Responsibilities: As soon as practical after the incident, the supervisor shall:

1. Ensure that Central Control is notified of the incident.
2. Central Control shall document the date, time, and location of the incident, assign an incident number to it, and record a brief synopsis of the event.
3. Notify the watch commander of the incident.
4. Advise staff that communications with staff members who were involved or witnessed the use of force incident are prohibited until any required reports are complete and submitted.
5. Identify persons who were involved in or witnessed the use of force and isolate those persons from others to be interviewed.
6. Ensure that the scene is preserved to protect any evidence that exists.

7. Initiate the investigation and reporting process pursuant to *Policy 9.02 - Use of Force Investigation, Reporting, and Review*.

X. Policy Review

This policy shall be reviewed every year and, where necessary, the Sheriff's Office will undertake efforts to revise the policy.

~~~ *End* ~~~