

PROCEDURE

A. DEFINITIONS

Deadly Force: 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.

De-escalation Techniques: Actions used by deputies, when safe and feasible without compromising law-enforcement priorities, that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of gaining voluntary compliance from a subject.

De-escalation: De-escalation is the process of using strategies and techniques intended to decrease the intensity of the situation.

Feasible: 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.

Imminent threat of death or serious bodily injury: Is one where, based on the totality of the circumstances, a reasonable 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 peace officer or another person. An 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 Force: That amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose.

Proportional: To be proportional, the level of force applied must reflect the totality of circumstances surrounding the situation at hand, including the nature and immediacy of any threats posed to deputies and others. Deputies must rely on training, experience, and assessment of the situation to decide an appropriate level of force to be applied. Reasonable and sound judgment will dictate the force option to be employed. Proportional force does not require deputies to use the same type or amount of force as the subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be proportional, objectively reasonable, and necessary to counter it.

Totality of the circumstances: Means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of force.

B. USE OF FORCE

Deputies are authorized to use only that degree of force which is necessary as determined by an objectively reasonable deputy under the circumstances to protect themselves or others, or to overcome resistance to their lawful authority. Deputies may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or reasonably perceived level of actual or threatened resistance. Deputies may use force in the performance of their duties in the following circumstances: to prevent the commission of a public offense; to prevent a person from injuring himself or others; to make a lawful arrest or detention of persons resisting or attempting to evade that arrest or detention; or in self-defense or the defense of another person.

A deputy who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested. A deputy shall not be deemed an aggressor or lose the right to self-defense by the use of objectively reasonable force. Deputies should consider alternatives such as de-escalation tactics or tactical repositioning where feasible and safe to do so.

C. FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

The reasonableness of a particular use of force is based on the totality of circumstances known by the deputy at the time of the use of force and weighs the actions of the deputy against the rights of the subject, in light of the circumstances surrounding the event. It must be judged from the perspective of a reasonable deputy on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must allow for the fact that deputies are often forced to make split-second decisions regarding the amount of force that is necessary - in circumstances that are tense, uncertain, dynamic, and rapidly evolving.

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

1. The seriousness of the crime or suspected offense.
2. The level of threat or resistance presented by the subject.
3. Whether the subject was posing an immediate threat to deputies or a danger to the community.
4. The potential for injury to citizens, deputies, or subjects.
5. The risk or apparent attempt by the subject to escape.
6. The conduct of the subject being confronted (as reasonably perceived by the deputy at the time).
7. The time available to a deputy to make a decision.
8. The availability of other reasonable and feasible options and their possible effectiveness.
9. The training and experience of the deputy.
10. The subject's proximity or access to weapons.

11. The size, relative strength, and injury/exhaustion of the deputy relative to the subject.
12. The number of deputies versus number of subject(s).
13. Environmental factors and/or other exigent circumstances.
14. Whether the subject has any perceived physical disability.

D. USE OF FORCE CONTINUUM

When use of force is necessary and appropriate, deputies shall, when reasonably possible, use an escalating scale of force and will not progress to a more forceful measure unless a lower level of force is inadequate or inappropriate under the circumstances. Nothing in this Order shall preclude deputies from skipping steps when circumstances indicate that a higher level of force is necessary. Deputies should consider tactics and techniques that may persuade the subject to voluntarily comply or mitigate the need to use a higher level of force to safely resolve the situation. The continuum of force shall occur as follows:

- * physical presence
- * verbal commands / de-escalation
- * hands-on restraint
- * control holds
- * chemical agents
- * pain compliance control holds
- * baton
- * less lethal munitions (See General Order --#12.04 Use of Less Lethal Munitions)
- * deadly force, including any means necessary to protect against imminent threat to life to include use of firearms (See General Order --#12.02 Use of Firearms)

Deputies shall carry or use only those weapons authorized by the Sheriff's Office while on duty. A deputy must obtain written permission from the Training and Compliance Division Captain to carry or use in the course and scope of his or her duties any weapon not authorized by these General Orders.

Use of a canine for biting a suspect constitutes use of force and shall be used only by a deputy who has received training approved by the Sheriff's Office and who acts in accordance with Sheriff's Office written policies and procedures.

E. PHYSICAL PRESENCE

Physical presence means the presence of a deputy, in uniform, with badge and safety equipment, or if in civilian clothes, with badge and identification.

F. VERBAL COMMANDS / DE-ESCALATION

Verbal commands mean to make a spoken request or command to obtain compliance or control or to give direction. De-escalation is the process of using strategies and techniques intended to decrease the intensity of the situation. De-escalation strategies and techniques include but are not limited to, interpersonal/strategic communication, crisis intervention techniques, and tactical methods that use time, distances, cover, and concealment that may allow deputies additional time to assess the situation, request additional resources, and/or better formulate an appropriate response that may diffuse the situation and/or help gain voluntary compliance when feasible.

G. HANDS-ON RESTRAINT

Hands-on restraint means physically touching, directing, or guiding a person to obtain response or compliance.

H. CONTROL HOLDS

A control hold is a method for physically controlling a subject by manually applying pressure to a particular part of the body until the deputy has control over the subject without the application of pain.

I. USE OF CHEMICAL AGENTS

1. Chemical agents may be used only under the following circumstances: when necessary to overcome resistance to a lawful arrest; when necessary to protect a deputy or another person from an assault; and when necessary to defend or protect a deputy or another against vicious animals. The use of chemical agents on non-violent protesters, or non-resisting prisoners, to assist in separating them or making an arrest, is not authorized.
2. Chemical agents shall not be used against handcuffed or restrained suspects **unless** the suspect continues to present a serious threat to the safety of the deputy or others or still presents a serious and significant threat to property.

3. Deputies using chemical agents must evaluate the medical condition of the sprayed suspect. If a chemical agent was used, after initial exposure, the subject must be checked and interviewed for discomfort from the chemical agent as soon as possible and also not less than 30 minutes after the exposure nor more than one hour from the time the agent was used. If O.C. (Oleoresin Capsicum) agent was used, decontamination may need to be continued for approximately 45 minutes after exposure to the agent. If symptoms persist from the use of O.C. more than 45 minutes after it was used, the deputy must take the subject to a medical facility for examination and treatment. A medical clearance at the jail shall be obtained for any suspect in custody who is sprayed with a chemical agent.
4. A person who has been sprayed with chemical agent shall not be transported face down on his or her stomach. The deputy shall closely monitor the subject for any visible signs of distress, which appears to require medical evaluation and/or treatment.
5. Should the subject become ill after an exposure to the chemical agent, he or she must be taken to a medical facility for examination and treatment. If the sprayed suspect loses consciousness or has difficulty breathing, the deputy shall render first aid and summon medical aid as soon as feasible (refer to "Rendering Medical Aid" below).
6. **Oleoresin Capsicum - O.C.**
 - a. All sworn personnel in the Office of the Sheriff, after satisfactory completion of a training course approved by Peace Officer Standards and Training (POST), are authorized to carry and use O.C. All sworn personnel who have completed the certified course shall carry, while on duty in uniform, O.C. in the approved holder.
 - b. O.C. dispensers should be discharged directly into the subject's face at a distance of greater than three feet absent exigent circumstances. O.C. may be ineffective on persons suffering from certain mental disorders or who are under the influence of certain drugs.
 - c. As soon as practical, the person exposed to O.C. should be given fresh air. Whenever possible, cool water should be used to rinse the contaminated area. If the exposed person is wearing contact lenses, he or she should be taken to a medical facility to have the lenses removed. However, if the person exposed to O.C. is not in custody, the deputy shall ensure that emergency medical services are summoned to render aid. EMS is responsible for determining whether it is appropriate to transport an exposed person not in custody to a medical facility.
7. **C.S., C.N. and Tear Gas**

C.S., C.N. and Tear Gas are authorized for use only by the Sheriff's Emergency Response Team (SERT) and Crowd Control Units. They may only be used by those individuals who have completed the course approved by POST and who have approval by their unit commander to use those agents.

J. PAIN COMPLIANCE HOLDS

Pain compliance holds means physical touch exerting pressure on body parts to inflict pain. Pain compliance holds should be applied in a manner consistent with department training.

K. USE OF BATON

1. The Sheriff's Office has authorized the following types of batons for use by sworn personnel: 42" wooden baton for crowd control situations, 26" or 29" wooden or plastic baton, and approved collapsible/expandable baton. When a deputy does not have access to his or her baton, and the use of a baton is necessary to avoid the use of a greater degree of force, the deputy may use a plastic or metal flashlight not to exceed 16 inches in length, in place of a baton.
2. Deputies shall not use a baton unless they have received mandatory training as approved by the Training and Compliance Division.
3. The use of the 42" wooden baton requires supplemental crowd control training as approved by the Training and Compliance Division.
4. The baton may be used only to overcome a violent individual whose conduct threatens the safety of the deputy or others, or to effect the arrest of combative persons when a lesser degree of force is unavailable or fails to overcome resistance.
5. The baton shall not be used against handcuffed or non-combative persons unless circumstances exist where use of the baton is reasonable and necessary to protect the deputy or others.
6. Baton blows shall not intentionally be delivered to a person's head, neck, or throat, **except** under circumstances where deadly force is justified, and lesser actions are ineffective or inappropriate.
7. Any subject injured by use of the baton shall be taken to a medical facility for examination and treatment, prior to any booking into a jail facility.
8. All members of the Crowd Control Unit will be issued 42" wooden batons and will receive the appropriate training. The bokken is no longer authorized for use by the

Crowd Control Unit. The 42” wooden baton may only be used during crowd control situations by those individuals who have completed training approved by the Sheriff’s Office and who have received approval of the Unit Commander or his/her designee.

L. MENTAL HEALTH / CRISIS INTERVENTION

1. Individuals with physical, mental health, developmental, or intellectual disabilities may have a diminished ability to understand or comply with commands. Deputies shall take this into consideration and utilize Crisis Intervention techniques when feasible to ensure this vulnerable population is not subjected to unnecessary or unreasonable amount of force.

M. USE OF DEADLY FORCE

1. Deadly force means 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. Although use of firearms is the most common example of the use of deadly force, deputies can use deadly force by other means as well. Deputies should refer to General Order #12.02 (“Use of Firearms”) regarding use of firearms.
2. A deputy may use deadly force, other than by the use of a firearm, only when the deputy reasonably believes, based on the totality of the circumstances, that such force is necessary for one of the following reasons:
 - a. To defend against an imminent threat of death or serious bodily injury to the deputy or to another person.
 - b. To apprehend a fleeing person for any **felony** that threatened or resulted in death or serious bodily injury, if the deputy reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a deputy 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 deputy has objectively reasonable grounds to believe the person is aware of those facts.
 - c. As a member of the Sheriff’s Emergency Response Team (SERT) and the deputy is directed to use deadly force by the commander in charge of the team based on the totality of the circumstances known to the commander and consistent with this General Order.
3. A deputy shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person

does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person.

4. All reasonable means of apprehension and control shall be exhausted prior to the use of deadly force. A deputy may reasonably exercise his/her discretion to determine that deadly force is inadvisable after all methods short of the use of deadly force have been exhausted, even if a suspect is not apprehended as a result.

N. VERBAL WARNING OF USE OF FORCE

1. Whenever feasible, a deputy prior to the use of any force, should make reasonable efforts to identify themselves as a peace officer and to warn that force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts.

O. DUTY TO INTERCEDE AND REPORT EXCESSIVE FORCE

1. Any deputy who witnesses any potential unnecessary or excessive use of force shall immediately intervene and prevent such force from being applied, taking into consideration the possibility that the involved deputies may have additional information regarding the threat posed by the subject. When potential unnecessary or excessive use of force is witnessed, the witnessing deputy is required to notify the supervisor as soon as safely practical, regardless of whether the witnessing employee intervened.

P. RENDERING MEDICAL AID

1. After any use of force, deputies shall when feasible and safe, promptly provide or procure medical assistance for any person injured or claiming to have been injured in any use of force incident and in all cases where the subject has a loss of consciousness or difficulty breathing. Deputies will provide basic and emergency medical assistance to subjects of a use of force to the extent of the deputy's training and experience in first aid/CPR/AED and to the level of equipment and resources available to a deputy at the time assistance is needed. Deputies who reasonably suspect a medical emergency, should request medical assistance as soon as feasible and practicable and have medical personnel stage, if appropriate, until the scene is safe and secure.

Q. RESPONSIBILITIES/REPORTING AND REVIEW

1. Deputies using reportable force shall:

- a. Promptly notify their supervisor unless exigent circumstances delay the notification.
 - b. Document the use of force in an Incident Report and a Blue Team Report.
2. Reporting the use of force:
- a. Duty personnel shall, as soon as possible, furnish an oral report to their immediate supervisor in all cases in which they exercise the use of reportable force. For the purposes of this section, “reportable force” means: physical control when the person is injured or claims to be injured, use of chemical agent, use of baton or flashlight when a person is struck or jabbed, use of deadly force, when the deputy finds it necessary to strike a subject with any object, or when resistance is such that force is necessary to control the subject.
 - b. Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. If the incident involved criminal conduct, the deputy shall document the use of force in the Incident Report (IR). A reference to the oral report shall be made in the report.
 - c. The deputy should articulate in the report the factors perceived and why he/she believed the use of force was reasonable under the circumstances, including but not limited to, the factors listed in “reasonableness of force” section of this Order, verbal commands and statements, a physical description of the scene, de-escalation techniques utilized and/or attempted (or an explanation of why de-escalation was not feasible), and first aid rendered.
 - d. Each assisting employee involved in the use of reportable force shall submit a supplemental report and a Blue Team report accounting for his or her actions.
 - e. Employees witnessing the use of reportable force shall submit a supplemental report and a Blue Team report describing the actions witnessed.
 - f. All use of force reports must be an accurate account of what the deputy knew, observed, or believed at the time of the incident and be written based on their own perspective and knowledge of the incident. Any additional information, including facts learned after the incident, should be clearly designated as such in any reports.

- g.** The supervisor shall inform the appropriate Division Captain of all use of force incidents by memorandum or by the patrol supervisor's daily activity log. If the immediate supervisor determines that circumstances surrounding the incident include any of the following criteria, the notification must be immediate; the Division Captain may then notify the Assistant Sheriff in their chain of command. These criteria are:

 - 1.** Any injury requiring medical treatment at a hospital.
 - 2.** Any situation where the deputy may have committed misconduct or neglect of duty.
 - 3.** Any significant application of force beyond control holds.
- h.** The Assistant Sheriff in the deputy's chain of command shall be notified by the Division Captain of any use of deadly force. If use of force occurs as part of a major critical incident, the notifications required by this Order will be supplemented by the notification procedure for the Operations Desk at Headquarters Patrol.
- i.** In any situation involving the three criteria above, the immediate supervisor shall be notified as soon as practical by the involved deputy and the supervisor shall respond to the scene with priority whenever possible. If conditions permit, the immediate supervisor should personally examine the subject on whom force was used, and should interview the subject regarding the incident, providing that such interview does not violate any rights of the subject or compromise any criminal investigation. The supervisor should complete a supplemental use of force report documenting the investigative steps taken.
- j.** Any employee who fails to report use of force as required will be subject to disciplinary action.
- l.** Deputies observing the use of reportable force who do not believe the spirit and intent of the reporting requirements are being met shall advise their supervisor immediately or as soon as practical.
- m.** The immediate supervisor shall submit a detailed Blue Team Report to the Division Captain in any case where they have reason to believe that unnecessary or excessive force may have been used, or that further investigation of the use of force may be necessary.
- n.** Whenever a person is handcuffed and not arrested, the deputy shall notify his or her supervisor stating the details of the incident as soon as practical.

- o.** Whenever a deputy points a firearm at an individual, the deputy shall notify his or her supervisor stating the details of the incident as soon as practical.
- p.** The supervisor shall evaluate and review all reports of any use of force incident to ensure policy was followed and circumstances and actions were properly documented and forward the completed report to the division Captain through the chain of command with recommendations for action, if any.

R. REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

- 1.** Statistical data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is to be reported to the California Department of Justice as required by Government Code § 12525.2.

S. TRAINING / GENERAL ORDER REVIEW

- 1.** The Training and Compliance Division will provide Use of Force training as part of the POST perishable skills training cycle, which will include alternatives to force and de-escalation techniques.
- 2.** This General Order will be referenced and reviewed during Use of Force training classes.
- 3.** Deputies required to attend perishable skills Use of Force training classes will demonstrate knowledge, understanding, and competency of this General Order.
- 4.** Deputies will receive training on the following subjects:

 - a.** Guidelines regarding the use of force with respect to vulnerable populations, including, but not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.
 - b.** Coursework required by and consistent with POST guidelines set forth in Penal Code § 13519.10, and other legislatively mandated training.
 - c.** POST approved training in Arrest and Control, Force Options Simulator, Crisis Intervention Training (CIT), interpersonal/strategic communication, and de-escalation techniques.

5. This General Order shall be reviewed by the Training and Compliance Division annually or as required due to legislative or tactical changes to Law Enforcement use of force applications.

A handwritten signature in black ink, appearing to read "Laurie Smith". The signature is written in a cursive, flowing style.

**LAURIE SMITH
SHERIFF**