

**SAN BERNARDINO COUNTY
PROBATION DEPARTMENT PROCEDURE**

FORCE OPTIONS: USE OF FORCE AND REPORTING REQUIREMENTS FOR COMMUNITY CORRECTIONS

Authority:

Tracy Reece, Chief Probation Officer

Purpose:

This procedure establishes the criteria and standards for reporting and documenting Use of Force (UOF) incidents.

The use of force by peace officers requires constant evaluation and often involves complex and dynamic circumstances. Officers should attempt to make all arrests and perform other enforcement actions in a manner that minimizes the need for force and maximizes voluntary compliance. However, in certain situations, it may be necessary for an officer to apply that method of force that is objectively reasonable to affect an arrest, prevent escape, overcome resistance, or to protect the safety of the officer or public. Officers are expected to evaluate both potential and actual uses of force against several factors, which include, but are not limited to:

- A. Whether there is an immediate threat to the safety of officers or to others.
- B. Seriousness of the offense or other circumstances.
- C. Proximity to potential weapons.
- D. Number of officers compared to the number of subjects.
- E. Prior knowledge.
- F. Age, size, relative strength.
- G. Special knowledge or skills.
- H. Officer exhaustion or injury.
- I. Mental illness or disorders.
- J. Drug use.
- K. Environmental conditions.
- L. Whether the person is actively resisting arrest or attempting to evade arrest by flight.
- M. The amount of time and any changing circumstances during which the officer has to determine the type and amount of force that appears to be necessary.
- N. The type and amount of force used.
- O. Available force options.

Definitions:

Active Resistance: The physical means willfully used to resist an officer.

Passive Resistance: Refusing to comply with an officer while showing no physical indications of resistance.

Reportable Use of Force: The use of the following force options requires the completion of an Incident Report (IR):

- A. Control Techniques
- B. Impact Weapon
- C. Strikes and Kicks
- D. Chemical Weapon

- E. Taser/CEW
- F. Firearm – Follow the Officer Involved Shooting & Discharge of Firearm (OIS) Procedure

Responsibilities:

I. Probation Officers:

- A. Advise Dispatch/Central Control that a UOF has occurred.
- B. Make the scene safe.
- C. Request medical aid in any incident where there is an injury, medical condition, or request for medical aid.
- D. Notify a Supervisor.
- E. Preserve evidence in accordance with departmental procedures.
- F. Video record/photo document the scene to include involved persons, whether injured or not, and damaged property.
- G. Complete an Incident Report (IR) prior to the end of shift to include a copy of the audio, video recording and any photo documentation, unless otherwise directed by a Supervisor or pursuant to the IR procedure.
 - 1. Officers that used and/or witnessed the UOF will complete an IR. Officers on scene, but not directly involved will complete an IR as directed by a Supervisor.
- H. Document the circumstances leading up to the incident to include, but not limited to:
 - 1. Threat perceived.
 - 2. Why force appeared to be reasonably necessary.
 - 3. Verbal warnings, interventions, techniques, tactics used or were attempted prior to and during the use of force.
 - 4. Articulate why other force options were either not successful or not practical under the circumstances.
- I. Participate in a debriefing as directed by a Supervisor.

II. Supervisors (SPO):

- A. Respond to the incident and provide direction, support, and assistance.
- B. Determine if there are a sufficient number of officers on scene; delegate duties and dismiss officers as needed.
- C. Ensure medical aid is summoned when necessary or as required by other procedures.
- D. Ensure video/photo documentation of the scene to include involved persons, whether injured or not, and damaged property.
- E. Determine if local law enforcement is needed.
- F. Conduct a debriefing with involved staff.
- G. Review all IRs, audio, video recordings and photo documentation by the end of shift, unless otherwise directed, and submit them to the Division Director (DD) within twenty-four (24) hours.

III. Division Director (DDI/II):

- A. Review all reports, audio/video recordings, and photo documentation.
- B. Submit reports to the DCPO within seventy-two (72) hours.

Guidelines:

- A. If the UOF incident involves an officer involved shooting (OIS) which results in the injury or death of a person, the officer(s) involved shall not write an IR. In this instance, the Homicide Unit of the San Bernardino County Sheriff's Department should submit a written report.
- B. Officers are expected to demonstrate the highest standards of ethics and conduct consistent with the requirements of the law and of their positions.

- C. In any incident involving UOF, every attempt will be made to preserve the integrity, respect, and dignity of all individuals involved in or near the incident.
- D. Force will not be used as a means of punishment, discipline, treatment nor will it be used in a wanton, malicious, or sadistic manner.
- E. Non-compliance does not constitute active resistance.
- F. Any officer present and observing another staff member using force that is clearly not within this procedure is expected, when reasonable to do so, to intercede to prevent the use of such force and in all cases report the use promptly to a Supervisor.
 - 1. An officer who fails to intercede could be disciplined up to and including the same manner as the officer who used excessive force.
 - 2. It is prohibited to retaliate against officers that report suspected violations of law or regulation of another officer to a Supervisor or other person with the authority to investigate the violation.
- G. Identify any training issues that may arise and ensure training is scheduled via authorization through the chain of command.
- H. All officers are to complete all required Force Options training as detailed in the Training Unit's *Required Training Plan*. Such training will include, but not limited to:
 - 1. Known medical and or mental health conditions that would contraindicate certain types of force.
 - 2. Acceptable chemical agents.
 - 3. Methods of application.
 - 4. Signs or symptoms that should result in immediate referral to medical or mental health staff.
 - 5. Requirements of the decontamination of chemical agents.
- I. Any injury or medical condition of staff or subject(s) requiring medical assistance that can only be addressed at a hospital shall be reported directly to the Chief Probation Officer by the Supervisor or their designee and subsequently reported to the chain of command via telephone.
- J. If safe and practical, officers should make reasonable efforts to identify any known medical conditions that would contraindicate the level of force used and be alert to any signs or symptoms that suggest mental illness or disorders.
- K. In some circumstances, when dealing with an emotionally disturbed or mentally ill individual, the use of force may exacerbate the situation. Where feasible, officer presence along with dialogue and counseling techniques may provide a viable means to ending the crisis.
- L. Pregnant youth or youth in recovery after delivery:
 - 1. Will not be restrained by the use of leg irons, waist chains, or handcuffs behind the body.
 - 2. Will not be restrained by the wrists or ankles, unless deemed necessary for the safety and security of the youth, staff, or the public.
 - 3. Restraints will be removed when a professional, who is currently responsible for the medical care of a pregnant inmate during a medical emergency, labor, delivery, or recovery after delivery, determines that the removal of restraints is medically necessary.
- M. All field contacts shall be recorded.
- N. Officers will have access to the recordings when required to complete an IR.
- O. Notify the Communications Director in the External Affairs Division when there is a possibility of media interest or inquiry.
- P. Generally, the services of the Peer Support Team and/or the Employee Support Services should be offered to staff involved in an incident.
- Q. Use of force by officers must be based on what the officer knew at the time the force was used.

Inspections:

Refer to the Policy and Procedure Inspection Matrix.

Foundation:

PC 835a

Graham v. Connor

Hudson v. McMillan

Whitley v. Albers

Deorle v. Rutherford, 272 F.3d 1272

References:

Policies:

Employee Responsibility

Safety

Training

Use of Force Guidelines

Procedures:

Incident Reports

Arming

Officer Involved Shooting & Discharge of a Firearm

Expandable Baton

Taser/Conducted Energy Weapon (CEW)

Use of Force Administrative Review

OC Spray (Oleoresin Capsicum) [Title 15, 1357]

External Affairs

Critical Incident Notification

Home Calls and Searches in the Field

Electronic Recordings

Issued by:



Tracy Reece, Chief Probation Officer

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September 5, 2018
July 15, 2020
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Attachments:

Attachment A – Force Options



TRACY REECE
Chief Probation Officer

JULIE FRANCIS
Assistant Chief Probation Officer

NON-DEADLY FORCE (Low)

Objectively Reasonable; Effect Arrest, Overcome Resistance, Prevent Escape (PC835a)

- Officer Presence
- Dialogue/Counseling
- Verbal Commands
- Control Techniques

NON-DEADLY INTERMEDIATE FORCE (Moderate)

Objectively Reasonable; PC835a + Active Resistance + Immediate Threat of Harm

- Impact Weapon
- Strikes and Kicks
- Chemical Weapon
- Taser/CEW

DEADLY FORCE (High)

Objectively reasonable; Prevent SBI/Death (PC to believe violent felon/imminent threat)

- Force with Substantial Risk of SBI/Death

FORCE OPTIONS