

# **SAN BERNARDINO COUNTY PROBATION DEPARTMENT**

## **POLICY MANUAL**

Each policy establishes the overall operational rules and regulations that govern the Department. They state the precepts which management considers important for formal documentation. The Chief Probation Officer will exercise approval authority for policies.

Each bureau has established and published procedures under separate individual *Procedure Manuals*. The procedures establish the methods for implementing policies. The Chief Probation Officer will exercise approval authority for procedures.

Each Department employee—full time, part-time, contract, Associate Probation Officer and volunteer—is responsible for reading and understanding each policy and their bureau's procedures. They shall perform their duties and tasks in compliance with these policies and procedures and shall be subject to discipline for violation of policies and/or procedures.

### **20. Use of Force Guidelines**

#### **Purpose:**

The purpose of this policy is to provide members of this Department with general guidelines with respect to the reasonable use of force.

#### **Scope:**

This policy recognizes that the use of force by law enforcement officers requires constant evaluation. Even at its lowest level, the use of force is a serious responsibility. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, each officer is expected to use these guidelines to make such decisions in a professional, impartial and safe manner.

#### **Foundation:**

PENAL CODE § 835a

“Any peace officer that has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to affect the arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.”

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#### **Philosophy:**

This department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting officers with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interests.

The "Use of Force" by peace officers is based on the determination of reasonableness in the particular circumstance. "Reasonableness" of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. The interpretation of reasonableness must allow for the fact that peace 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. As a result, it is recognized that officers' decisions may be impacted by the time available to evaluate and respond to changing circumstances. The amount or degree of force appropriate in any given situation cannot be defined to satisfy every possible situation that an officer may encounter.

#### **Factors Used to Determine the Reasonableness of Force:**

When determining whether or not to apply any level of force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration.

These factors include, but are not limited to:

- (a) The conduct of the individual being confronted (as reasonably perceived by the officer at the time).
- (b) Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion and number of officers vs. subjects).
- (c) Influence of drugs/alcohol (mental capacity).
- (d) Proximity of weapons.
- (e) Time and circumstances permitting, the availability of other options (What resources are reasonably available to the officer under the circumstances);
- (f) Seriousness of the suspected offense or reason for contact with the individual.
- (g) Training and experience of the officer.
- (h) Potential for injury to citizens, officers and suspects.
- (i) Risk of escape.

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(j) Other exigent circumstance.

It is recognized that officers are expected to make split-second decisions and that the amount of an officer's time available to evaluate and respond to changing circumstances may impact his/her decision.

While various degrees of force exist, each officer is expected to use only that degree of force reasonable under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

Force shall never be used as a discipline, punishment or treatment.

#### **Level of Force:**

The level of force selected is always based on what is objectively reasonable and appropriate to the officer given the subject (client/person) and the situation/circumstances faced by an officer. The appropriate level of force used by an officer may escalate or deescalate on the continuum of force as the officer counters changing circumstances and/or changes in behavior of the subject(s) (client(s)/person(s)). Thus, the process is fluid, requiring officers to constantly evaluate, react and counter the behavior and changes in behavior of the subject(s) in a professional manner.

#### **Force Applications:**

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.

In certain situations, due to the immediacy with which an officer must apply force, together with the absence of time and/or physical ability of the officer to select alternative methods, it may be necessary for the officer to apply that method of force most readily available that will effect the desired results.

#### **Non-Deadly Force Applications:**

Any application of force that is not reasonably anticipated to result in death shall be considered non-deadly force. Each officer is provided with equipment, training and skills to assist in the apprehension and control of subjects as well as protection of officers and the public. Given that no

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policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force.

#### **Passive Resistance in a Custodial Situation:**

Overcoming resistance may include maintaining safety and security in an institutional or treatment setting. Appropriate force is authorized in such situations wherein a passively resisting subject's behavior interferes with the safe operation of the facility and the safety of the staff and/or other detainees of said facility. The force applied should be in a good faith effort to maintain or restore safety. Video documentation is appropriate of such an application of force when practical and as required by established procedure.

#### **Deadly Force Applications:**

Lethal force is that force which may cause grave bodily harm or death.

An officer may use deadly force to protect him or herself or others from what they reasonably believe would be an immediate threat of death or serious bodily injury. This may include using lethal force to prevent the escape of a fleeing felon whose escape presents a substantial risk of death or serious bodily injury to others.

Lethal force shall never be used only to protect property.

#### **Justification:**

The decision to use force must be made based solely on the facts known to the officer at the time force is used. Justification for the use of force shall be based on the situation as it reasonably appeared to the officer(s) directly involved in its application.

#### **Medical Attention For Injuries Sustained Using Force:**

Medical assistance shall be obtained for any person who has sustained visible injury, expressed a complaint of pain or who has been rendered unconscious as a result of a use of force.

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#### **Reporting the Use of Force:**

Specific uses of force, as defined in established Departmental Procedures, shall be documented in accordance with these Procedures. All other uses of force, not specifically addressed by departmental procedure, that result in injury or complaint of pain shall be documented by the involved officer and said documentation shall be submitted to a supervisor by the end of shift, or as directed by the supervisor, for review.

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Jerry L. Harper  
Chief Probation Officer

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