



GENERAL ORDER

Use of Force

Purpose and Scope

The purpose of this order is to provide peace officers with a standard for the reasonable use of force. The Sacramento County Probation Department recognizes and respects the value of all human life. In all circumstances, officers are expected to exercise sound judgment and critical decision-making when using force options.

The guidelines set forth in this order shall apply to all policies, procedures, and orders related to the potential use of force including, but not limited to, Arming and Firearms, Chemical Agent: Oleoresin Capsicum, Conducted Electrical Weapons, Discharged Firearms, and Forced Entry.

Affected Personnel

All sworn officers

Authority

Administrative Directive

California Government Code Sections 7286 et seq., 12525.2 et seq.

California Penal Code Sections 196, 243(f)(4), 835a, 13519.10

Case Law

Effective Date

Youth Detention Facility (YDF): Upon completion of training on this order and the revised YDF Operations Order-Use of Force and receipt of signed acknowledgement form

Non-YDF: Upon completion of training on this order and receipt of signed acknowledgment form

Definitions

Applications of Force: force used may or may not cause injury, depending on the action or resistance level of the subject.

Carotid Restraint: a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person's neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person. (Government Code § 7286.5)

Choke Hold: any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe. (Government Code § 7286.5)

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. (Penal Code § 835a)

Displays of Force: physical contact may occur, although physical injury is not likely.

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. (Government Code § 7286)

Imminent: A threat of death or serious bodily injury is "imminent" when, 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. (Penal Code § 835a)

Serious Bodily Injury: Pursuant to California Penal Code section 243(f)(4), serious bodily injury means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.

For purposes of this agency's requirement to report use of force incidents to the California Department of Justice, pursuant to Government Code Section 12525.2(d), serious bodily injury means a bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member or organ. (POST)

Totality of Circumstances: 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 deadly force. (Penal Code § 835a)

I. Guidelines

- A. The Department remains committed to the sanctity and preservation of life.
- B. Officers shall use only the force that is objectively reasonable, given the facts and circumstances perceived by the officer at the time of the event, to effectively and humanely bring an incident under control. (Case law)
- C. Officers shall only use a level of force they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance. (Government Code § 7286)

- D. Peace officers shall carry out their duties, including use of force, in a manner that is fair and unbiased. (Government Code § 7286)

II. Penal Code 835a - Use of Force

- A. Peace officers may use force in the performance of their duties pursuant to Penal Code section 835a, which states:
1. The authority to use physical force, conferred on peace officers, is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. Every person has a right to be free from excessive use of force by officers acting under color of law.
 2. The decision by a peace officer to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by peace officers, in order to ensure that officers use force consistent with law and agency policies.
 3. The decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.
 4. Individuals with physical, mental health, developmental, or intellectual disabilities are significantly more likely to experience greater levels of physical force during police interactions, as their disability may affect their ability to understand or comply with commands from peace officers. It is estimated that individuals with disabilities are involved in between one-third and one-half of all fatal encounters with law enforcement. Officers should refer to Section IX Alternatives to Force for additional guidance.
- B. Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance.
- C. An officer 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 peace officer shall not be deemed an aggressor or lose the right to self-defense by the use of objectively reasonable force in compliance with Section 835a to effect the arrest or to prevent escape or to overcome resistance. For purposes of this subdivision, "retreat" does not mean tactical repositioning or other de-escalation tactics.

III. Penal Code 835a - Deadly Force

- A. As set forth below, it is the intent of the Legislature that peace officers may use deadly force only when necessary in defense of human life. In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular

circumstances of each case, and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.

- B. A peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons:
 - 1. To defend against an imminent threat of death or serious bodily injury to the officer or to another person; or
 - 2. To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer 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 officer has objectively reasonable grounds to believe the person is aware of those facts.
- C. A peace officer 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.

IV. Use of Force - General Policy

- A. Officers may use objectively reasonable force in the performance of their duties when they reasonably believe any of the following conditions exist (POST):
 - 1. In self-defense, or in defense of another person;
 - 2. To prevent the commission of a public offense;
 - 3. To effect a lawful arrest, detention, or search;
 - 4. To overcome resistance or to prevent escape;
 - 5. To gain compliance with a lawful order; or
 - 6. To prevent harm to the officer or another person during intervention in a suicide or other attempt to self-inflict injury.

V. Factors in Determining the Use of Force (POST)

- A. The legal standard used to determine the lawfulness of a use of force is based on the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states, in part, “The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application.” The force must be reasonable under the circumstances known to, or reasonably believed by the officer at

the time the force was used. Therefore, an agency will examine all uses of force from an objective standard rather than a subjective standard. (POST/PC § 835a)

B. Other factors to consider:

1. Availability of other options, tactics, or techniques;
2. Whether there is a legal basis for the use of force;
3. Number of subjects/officers;
4. Characteristics of the officer(s)/subject(s) (e.g., age, stature, strength and skill level, injuries, fatigue or exhaustion);
5. The individual's apparent inability to understand and comply with directives due to physical or mental characteristics such as medical conditions, mental impairment, substance interaction, and developmental disabilities;
6. Proximity to weapons;
7. Seriousness of the suspected offense;
8. Potential for injury to civilians, officers, and subjects;
9. Whether the subject is actively resisting or attempting to evade arrest by flight;
10. Whether escape poses a safety risk;
11. Prior knowledge or prior contact with subject;
12. Environmental factors (e.g., lighting, footing, traffic, terrain, bodies of water, hostile crowds);
13. The training and experience of the officer(s); and
14. Other exigent circumstances.

VI. Displays and Applications of Force

A. The following approved displays and applications of force options are not intended to limit an officer's reasonable response to a perceived threat, nor do they imply a continuum of force. It is recognized officers may have to move between force options, depending on the circumstances.

- Displays of Force
 - Command presence
 - Display of chemical agents
 - Display of a conducted electrical weapon, display of the electrical arc, or display of the laser
 - Drawing of a firearm
 - Physical contact: directional touching or physical separation of persons, absent the use of a compliance hold
 - Verbal commands/instructions
- Applications of Force
 - Pointing of a firearm at a person
 - Use of chemical agents
 - Use of a conducted electrical weapon
 - Use of control/compliance holds

- Use of personal body weapons
 - Use of restraint devices
 - Discharge of Firearms and other Deadly Force
- B. Exigent circumstances may exist in situations of self-defense or defense of another, where approved methods and devices would be clearly ineffective, unreasonable, disproportionate, or unavailable, and officers may find it necessary to use unconventional force methods or devices to survive the incident. The policy recognizes the peace officer never loses the right to self-defense; however, the use of weapons other than those issued must be justified. (POST)
- C. In accordance with Government Code §7286.5, officers are not authorized to use a carotid restraint or choke hold. However, officers retain the right to self-defense or defense of others against serious bodily injury or death.
- D. The firing of warning shots is prohibited.¹
- E. Officers should assess a situation continuously and consider various options as circumstances change. If a force option proves ineffective, officers should continue to seek the most effective and safest response that is proportional to the threat. (POST)
- F. An officer may use force, including the discharge of a firearm, to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective. (POST)
- G. An officer may discharge a firearm at a moving vehicle only when the vehicle or its inhabitants are placing the officer or another person in imminent threat of death or serious bodily injury and the officer reasonably believes there are no other reasonable options to stop the imminent threat. (Government Code §7286) Officers should avoid positioning themselves or intentionally remaining in the path of a moving vehicle and should take reasonable steps to move out of the path of an approaching vehicle before discharging a firearm at the vehicle or occupants (POST).
- H. Officers shall consider their surroundings and potential risks to bystanders, to the extent reasonable under the circumstances, before discharging a firearm. (Government Code §7286)

VII. Drawing/Pointing of a Firearm (Government Code §7286/POST)

- A. Officers shall refer to the [Arming and Firearms General Order](#) for guidelines regarding the carrying, handling, storage, and use of firearms.

¹ [Arming and Firearms General Order](#)

- B. The pointing of a firearm at an individual is considered a non-deadly use of force and shall be reported in accordance with the [Event Reporting General Order](#).
- C. Officers shall draw their firearm only when:
 - 1. Circumstances create an objectively reasonable belief that it may be immediately necessary for the officer to use deadly force;
 - 2. Consistent with training, circumstances create a reasonable belief that display of a firearm will help establish or maintain control in a potentially dangerous situation (e.g., tactical or forced entry, armed encounter);
 - 3. Arresting or attempting to arrest any person the officer believes has committed, is in the process of committing, or is about to commit a felonious crime; or
 - 4. Entering a structure, area, or approaching a vehicle or situation in which there is a likelihood of danger to the officer(s) or other persons.
- D. If feasible, officers should keep the firearm in the low ready or other position not directed toward an individual.
- E. The careless or frivolous display of firearms is forbidden.
- F. The officer shall, as soon as it is safe and practicable to do so, secure or holster the firearm.
- G. Nothing in this policy shall preclude an officer from drawing a firearm when the officer reasonably believes it necessary for the safety of the officer or others.

VIII. Duty to Intercede (Government Code §7286/POST)

Any officer present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, shall intercede immediately by taking appropriate action to stop the unnecessary force. The officer shall report their observations and actions to a supervisor or manager as soon as practicable. The officer shall take into account the possibility other officers may have additional information regarding the threat posed by the subject.

IX. Alternatives to Force

- A. When safe and reasonably feasible, officers shall use tactics and techniques such as de-escalation, crisis intervention, and other alternatives to force that may persuade the subject to comply voluntarily or mitigate the need to use force to resolve the situation safely. (POST/Government Code §7286) Such alternatives may include, but are not limited to:
 - 1. When reasonably feasible, officers should approach a situation with the intent to de-escalate and consider the value of establishing time and distance in a confrontation where a use of force may be inherent;

2. Communication should be the first option, if the situation safely allows the time and distance for communication to occur. Officers should maintain communication throughout any encounter under such circumstances; and
 3. Officers should communicate and endeavor to persuade, advise, and provide clear instructions and warnings when safe and feasible to do so. Officers should consider the use of non-verbal methods to communicate when verbal directions may not be appropriate. This may include situations involving language barriers, or when people are unable to hear or understand verbal commands.
- B. When safe and reasonably feasible, de-escalation techniques and strategies apply throughout the course of any interaction with an individual, even after force is administered. (POST)

X. Medical Care

- A. Officers shall promptly provide, if properly trained, or otherwise promptly procure medical assistance for persons injured in a use of force incident, when reasonable and safe to do so. (Government Code §7286)
- B. All persons providing medical assistance or receiving custody of an individual on which force was used shall be informed the person was subjected to force. (POST)
- C. Officers should pay particular attention to vulnerable populations including, but not limited to, children, elderly persons, pregnant individuals and individuals with physical, mental and developmental disabilities, whose vulnerabilities could exacerbate the impact or risk of injury. (POST)
- D. An individual who appears extremely agitated or exhibits violent and irrational behavior, accompanied by other physical symptoms (e.g., profuse sweating, imperviousness to pain, extraordinary strength beyond their physical characteristics) or who was involved in a protracted physical encounter with multiple officers, should be treated with emergency medical attention as soon as is safe and reasonably feasible. (POST)
- E. If safety permits, an individual exhibiting signs of physical distress after an encounter shall be continuously monitored until the individual can be medically assessed.
- F. If an individual refuses medical attention, the refusal shall be documented in a written electronic report. (POST)

XI. Reporting Use of Force

- A. With the exception of training, an officer shall notify their supervisor verbally of the following on-duty uses of force as soon as reasonably practicable:
1. When an officer uses any physical effort, other than that which is required for compliance handcuffing, to overcome a subject's resistance;

2. CEW deployments, including accidental discharges²;
 3. Any discharge of a firearm, including accidental³;
 4. When a firearm is pointed at a subject; or
 5. Chemical agent deployment.
- B. Any injury sustained by an officer or subject during a use of force incident also shall be reported verbally to a supervisor as soon as reasonably practicable.
- C. The above events shall be documented promptly, completely, and accurately via a written electronic report and, if applicable, shall be documented in any associated arrest/offense report.

XII. Supervisor's Responsibilities

- A. Upon notification, the officer's supervisor or designee should respond to the location of a use of force involving:
1. On-duty firearm discharges and Conducted Electrical Weapon (CEW) deployments, other than during training scenarios;
 2. Use of force incidents where an officer or subject sustains an injury requiring emergency medical treatment; and
 3. Other incidents as directed or deemed appropriate.
- B. When reasonable under the circumstances, the responding supervisor or designee should:
1. Notify the Watch Commander of the incident;
 2. Obtain a public safety statement from an involved officer;
 3. Verify medical attention has been provided, if necessary;
 4. Ensure a canvass is conducted for witnesses, evidence, and surveillance video;
 5. Ensure witness statements are taken by supervisors or officers not involved in the use of force;
 6. Obtain a separately recorded interview if force was applied to a subject who is taken into custody and voluntarily waives *Miranda rights*;
 7. Ensure photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired;
 8. Review the written report and ensure all associated evidence is attached;
 9. If there is an indication of potential litigation, provide notification of a potential claim via the chain of command;
 10. Complete a Workers' Compensation Report of Injury (DWC-1), if appropriate; and
 11. Complete the supervisor review in the written electronic report.

² Refer to the reporting requirements in the [Conducted Electrical Weapons General Order](#).

³ Refer to the reporting requirements in the [Discharged Firearm General Order](#).

- C. The Watch Commander shall assess the use of force in accordance with the [Field Watch Commander Operations Order](#).
- D. Pursuant to Government Code section 12525.2, the Chief Deputy of Adult Field Services or designee shall report the following incidents to the Department of Justice (POST):
 - 1. The shooting of an individual by an officer;
 - 2. The shooting of an officer by an individual;
 - 3. The use of force by an officer against an individual results in serious bodily injury (as defined by Government Code section 12525.2(d)) or death; or
 - 4. The use of force by an individual against an officer results in serious bodily injury or death.

XIII. Training (Government Code §7286, Penal Code §13519.10)

- A. All officers shall receive initial and update training, at least annually, on this agency's use of force policy and related legal updates.
- B. The training should be ongoing, consistent with the standards set forth in section 13519.10 of the Penal Code, and include the following:
 - 1. A review of the Use of Force General Order;
 - 2. Information regarding laws pertaining to the use of force including developing practices, procedures, and evolving legal standards; and
 - 3. Information regarding vulnerable populations including, but not limited to, children, elderly persons, people who are pregnant, and persons with physical, mental, and developmental disabilities.

XIV. Policy Updates (Government Code §7286)

- A. This order shall be subject to regular review and undergo updates to reflect developing practices and procedures.
- B. This order shall be made accessible to the public.

XV. Citizen Complaints Regarding Use of Force (Government Code §7286)

- A. For information regarding citizen complaints, refer to the Sacramento County Probation Department [Citizen Complaints Administrative Policy and Procedure](#).
- B. Public information regarding citizen complaints may be found on the Probation public website: <https://saccoprobaton.saccounty.net/Pages/CitizenComplaints.aspx>. Citizen Complaint forms may be found on the website or at any Department office.

XVI. Disclosure of Public Records (Government Code §7286)

- A. The [California Public Records Act](#) (PRA) provides public access to state and local

government records, unless a specific exemption applies. ⁴

- B. All PRA requests received shall be processed according to the guidelines set forth in the [Public Records Act Requests Departmental Guidelines](#).
- C. For additional information regarding the disclosure of public records, refer to the Sacramento County Probation Department [Disclosure of Records, Reports, and Information General Order](#).
- D. Records relating to officer use of force shall be made available for disclosure if there is a report, investigation, or finding of any of the following:
 - 1. An incident involving the discharge of a firearm at a person by a peace officer; or
 - 2. An incident in which the use of force by a peace officer against a person resulted in death or serious bodily injury.

References

Arming and Firearms General Order
Citizen Complaints Administrative Policy and Procedure
Conducted Electrical Weapons General Order
Discharged Firearms General Order
Disclosure of Records, Reports and Information General Order
Event Reporting General Order
Field Watch Commander Operations Order
Public Records Act Requests Departmental Guidelines
Graham v. Connor, 490 U.S. 386 (1989)
Tennessee v. Garner, 471 U.S. 1 (1985)
[California Commission on Peace Officer Standards and Training \(2020\)\(POST\). POST Use of Force Standards and Guidelines](#)

Attachments

N/A

Amends/Replaces

Use of Force General Order, effective 5/1/2017

Authorized By _____



Marlon Yarber, Chief Probation Officer

Date 6/8/2021

⁴ California Government Code sections 6250-6276.48