


SOLANO COUNTY CALIFORNIA PROBATION DEPARTMENT	POLICY NUMBER: 602	EFFECTIVE DATE: November 15, 2015
	SUPERSEDES: June 30, 2007	
APPROVED BY:  CHIEF PROBATION OFFICER	TITLE: USE OF FORCE	

1. **Policy** Force will be used only when it reasonably appears to be necessary, given the facts and circumstances perceived by the probation officer at the time of the event, to effectively overcome resistance and/or control the situation.

For purposes of this policy, probation officer includes all sworn peace officer classifications, including Supervising Deputy Probation Officer, Probation Services Manager, as well as field group counselors.

2. **Definitions** (**Attachment A**)

3. **Procedures**

A. The use of force is authorized in the following situations:

- (1) Protection of a person from an immediate physical threat.
- (2) Effect an arrest.
- (3) Overcome resistance.
- (4) Prevention of the commission of a serious law violation.
- (5) Prevention of escape wherein the subject poses an immediate risk to community safety.

B. Factors used to determine the reasonableness of force:

- (1) Immediacy and severity of the threat to probation officers or others.
- (2) The conduct of the individual being confronted, as reasonably perceived by the probation officer at the time.
- (3) Probation officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, and the number of officers available vs. subjects).

- (4) The effects of drugs or alcohol.
- (5) Subject's mental state or capacity.
- (6) Proximity of weapons.
- (7) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (8) The availability of other options and their possible effectiveness.
- (9) Seriousness of the suspected offense or reason for contact with the subject.
- (10) Training and experience of the probation officer.
- (11) Risk of escape.
- (12) Potential for injury to probation officers, subject and others.
- (13) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
- (14) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (15) Whether the conduct of the suspect being confronted reasonably appears to continue to pose an imminent threat to the officer or others.
- (16) Prior contacts with the subject or awareness of any propensity for violence.
- (17) Any other exigent circumstances.

C. The various levels of use of force are described below. All force options may be utilized and will depend upon the circumstances and severity of a situation.

- (1) Non-Deadly
 - a. Officer Presence
 - b. Verbal Interventions
 - c. Control Holds
 - d. Taser (Drive Stun)

(2) Non-Deadly Intermediate Force

- a. Chemical agent (OC)
- b. Taser (Probe)
- c. Impact weapons

(3) Deadly Force

- D. The reasonableness of force will be judged from the perspective of a reasonable probation officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that probation officers are often forced to make split-second decisions about the amount of force that appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.
- E. Whenever possible, prior to using any force, the probation officer will identify him/herself as a Peace Officer.
- F. Prior to using physical force, probation officers should consider withdrawing from the situation if it is safe to do so and securing assistance when possible. When physical force is implemented, it should be only the degree of force reasonably necessary to overcome resistance and/or control the situation. The safety of staff and other individuals in the immediate area shall be of primary concern.

G. Deadly Force Applications

- (1) While the use of a firearm is expressly considered deadly force, other force might also be considered deadly force if the probation officer reasonably anticipates and intends that the force applied will create a substantial likelihood of causing death or very serious injury. Use of deadly force is justified in the following circumstances:
 - a. A probation officer may use deadly force to protect him/herself or others from what he/she reasonable believes would be an imminent threat of death or serious bodily injury.
 - b. A probation officer may use deadly force to stop a fleeing suspect when the officer has probable cause to believe that the suspect has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to any other person if the suspect is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, when feasible.

H. Reporting the Use of Force

- (1) Any use of physical force by a probation officer shall be documented as soon as possible, but no later than within 24 hours or the commencement of the next regularly scheduled work day in an incident report in accordance with the Incident Reporting policy (Policy #614).
- (2) Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:
 - a. The application of force appears to have caused physical injury.
 - b. The individual has expressed a complaint of pain or difficulty with breathing.
 - c. Any application of a control hold.
 - d. The individual has been rendered unconscious.
 - e. When an officer points a firearm at any person. Note: Notification to Supervisor is not required when "clearing a residence".
 - f. Any application of a restraint device other than handcuffs, shackles or belly chains.

I. Duty to Intercede

- (1) Any probation officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. A probation officer who observes another officer use force that exceeds the degree of force permitted by this policy shall promptly report these observations to a supervisor.

J. Medical Consideration

- (1) Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury, continuing pain or difficulty breathing, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

- (2) Based upon the probation officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another probation officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.
 - (3) The on-scene supervisor, or if not available, the most senior officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the probation officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).
 - (4) Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and resistance to pain (sometimes called "excited delirium"), or who require a prolonged physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.
4. **Exceptions** Any exceptions to the provisions set forth in this Policy shall require prior written approval from the Chief Probation Officer.

DEFINITIONS

The following definitions apply to Policy #602, entitled “Use of Force:”

- A. **Control Holds** Weaponless defense techniques. “Chokeholds” are not deemed an effective control hold and are not a Department-approved use of force. A lateral vascular neck restraint is a Department-approved control hold and may be used when warranted if a probation officer is trained and certified in its use.
- B. **Deadly Force** Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.
- C. **Force** A range of verbal, presence, and physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.
- D. **Probable Cause** Specific and articulate facts and circumstances that would lead a reasonable probation officer to believe that a crime has been, is being, or is about to be committed.
- E. **Probation Officer** For purposes of this policy, probation officer includes all sworn peace officer classifications, including Supervising Deputy Probation Officer, Probation Services Manager, as well as field group counselors.
- F. **Restraint Device** Any device used to limit, control, or stop a person’s movement;