

## Use of Force

### 632.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

#### 632.1.1 DEFINITIONS

Definitions related to this policy include:

**Lethal Force** - Force reasonably anticipated and intended to create a substantial likelihood of causing death or grave injury, or which creates some specific degree of risk that a reasonable and prudent person would consider likely to cause death or grave injury to a person.

**Non-Lethal Force** - The level of force necessary to accomplish a lawful probation task and/or effectively counter an individual physical threat. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

### 632.2 AUTHORITY AND REFERENCES

- 835 PC;
- Executive Committee.

### 632.3 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

The use of force is restricted to circumstances authorized by law and only to the level necessary to accomplish a lawful probation task in accordance with established policies.

#### 632.3.1 DUTY TO INTERCEDE

Any 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. An officer who observes another employee use force

## *Use of Force*

---

that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

### **632.4 USE OF FORCE**

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

#### **632.4.1 USE OF FORCE TO EFFECT AN ARREST**

Any peace officer may use reasonable force to effect an 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/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape or to overcome resistance (Penal Code § 835).

#### **632.4.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE**

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

- (a) Training and experience of the officer.
- (b) Immediacy and severity of the threat to officers or others.

## *Use of Force*

---

- (c) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (d) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, and/or the number of officers available vs. subjects).
- (e) The effects of drugs or alcohol.
- (f) Subject's mental state or capacity.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Potential for injury to officers, suspects and others.
- (l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
- (m) The risk and reasonably foreseeable consequences of escape.
- (n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (p) Prior contacts with the subject or awareness of any propensity for violence.
- (q) Any other exigent circumstances.

### **632.4.3 PAIN COMPLIANCE TECHNIQUES FORCE OPTIONS**

The use of force options for officers listed below are restricted to those in which the officer has been successfully trained and authorized.

- (a) Officer presence: command presence, professional demeanor;
- (b) Verbal commands: communication skills, dialogue, negotiating;
- (c) Physical restraint/leverage: control holds, mechanical restraints;
- (d) Chemical agents;
- (e) Defensive strikes and kicks;
- (f) Rapid Containment Baton (RCB);
- (g) Energy Conducted Weapon System – X26 TASER;
- (h) Lethal force

### **632.5 LETHAL FORCE APPLICATIONS**

Use of deadly force is justified in the following circumstances:

## *Use of Force*

---

- (a) An officer may use lethal force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) An officer may use lethal force to stop a fleeing subject when the officer has probable cause to believe that the person 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 risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

### **632.6 REPORTING THE USE OF FORCE**

Any use of force by a member of this department shall be documented promptly, completely and accurately in an incident report. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

Use of force incident reporting shall be consistent with departmental incident reporting and critical incident response policies.

#### **632.6.1 NOTIFICATION TO SUPERVISORS**

Regardless of the circumstances of a use of force, employees who witness or are involved in any use of force incident shall verbally notify their supervisor immediately or as soon thereafter as it is safe and practicable to do so. Upon notification, the supervisor shall immediately notify division management via the chain of command.

### **632.7 MEDICAL CONSIDERATION**

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 or continuing pain, 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.

Based upon the 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 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.

The on-scene supervisor, or if not available, the primary handling 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 officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to

## *Use of Force*

---

pain (sometimes called “excited delirium”), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage a safe distance away if appropriate.

### **632.8 SUPERVISOR RESPONSIBILITY**

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/ her Miranda rights, the following shall apply:
  1. The content of the interview should not be summarized or included in any related criminal charges.
  2. The fact that a recorded interview was conducted should be documented in a property or other report.
  3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that 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.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Evaluate the circumstances surrounding the incident if there is a question of policy non-compliance or if for any reason further investigation may be appropriate, forward those concerns to division management.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

#### **632.8.1 UNIT SUPERVISOR RESPONSIBILITY**

The unit supervisor shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues. All use of force incidents shall be forwarded to the respective division managers for review.

# Riverside County Probation Department

Policy Manual

## *Use of Force*

---

### **632.9 TRAINING**

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

Date(s) revised:

10/10/2014

11/24/2009

04/28/1998

Created: 03/27/1995