



Kern County Sheriff's Office
Policies and Procedures

TITLE: Use of Force - General and Deadly Force		NO: F-0100	
APPROVED: Donny Youngblood, Sheriff-Coroner			
REFERENCE: Penal Code 835a, KCSOPPM P-0600, KCSOPPM D-0600, Government Code 7286			
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PURPOSE

This policy establishes guidelines for the use and application of force, as well as the procedures for after-force medical care and for the reporting, investigation, and review of incidents after an application of force.

POLICY

The Kern County Sheriff's Office values the sanctity of human life and the freedoms guaranteed by the United States and California constitutions. Use of force (UOF) by an officer is an important concern to the community. The role of law enforcement is to safeguard life, dignity, liberty of all persons, without prejudice to anyone. Officers shall carry out duties, including UOF, in a manner that is fair and unbiased.

An officer shall consider the principles of proportionality in looking at the totality of the circumstances by weighing the severity of the offense, the reasonably perceived level of resistance, and the need for apprehension prior to the utilization of force. An officer may only use force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance. An officer shall continually evaluate their tactics when determining the appropriate UOF response. If necessary, an officer shall render medical aid pursuant to KCSOPPM Section P-0600 (Emergency Care for Individuals Under Sheriff's Office Care or Control) as soon as reasonably possible.

An officer shall employ de-escalation and crisis intervention techniques when feasible and when doing so does not increase the risk of harm to officers or another person. When making UOF decisions, an officer should be mindful that subjects may be physically or mentally incapable of responding to police commands due to a variety of circumstances including, but not limited to, alcohol or drugs, mental impairment, medical conditions, or language and cultural barriers.

Officers shall use deadly force only when reasonably necessary in defense of human life or serious bodily injury. The decision by an 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. The totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force. The Kern County Sheriff's Office shall evaluate the UOF used by its deputies to ensure that the use of such force is lawful and consistent with this policy.

This policy will be regularly reviewed and updated to reflect developing practices and procedures.

PROCEDURE

A. DEFINITIONS

1. **IMMINENT THREAT** – An imminent threat is considered to exist if a subject has demonstrated actions that would lead one to reasonably believe that based on the totality of the circumstances, the subject will continue to pose a threat if not apprehended immediately. A person is an imminent threat if the officer reasonably believes that the person has the present intent, means, opportunity, and ability to complete the threat regardless of whether the threatened action has been initiated. Penal Code Section 835a (e)(2) states: “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.”
2. **FEASIBLE** - “Feasible” means 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.
3. **TOTALITY OF CIRCUMSTANCES** – All facts known to the officer at the time, including the conduct of the officer and the subject leading up to the UOF.
4. **PROPORTIONALITY** - When determining the appropriate level of force, an officer shall balance the severity of the offense committed, the threat to public safety and the level of force needed to overcome resistance based on the totality of the circumstances known to, or perceived by, the officer at the time.
5. **DE-ESCALATION** – Taking action or communicating verbally or nonverbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the UOF or with a reduction of the force necessary. De-escalation tactics include, but are not limited to, warnings, verbal persuasion, and tactical repositioning.
6. **CRISIS INTERVENTION TECHNIQUES (CIT)** - A collaborative approach to safely and effectively address the needs of people with mental illnesses by linking them to appropriate services and diverting them from the criminal justice system if appropriate. The primary goal of CIT is to improve safety while reducing injuries to officers and individuals with mental illnesses during law enforcement contacts. Crisis intervention techniques include using distance, time, verbal tactics, or other tactics to de-escalate a situation.
7. **LEVELS OF RESISTANCE DEFINITIONS**
 - a. **COMPLIANT** - Subject offers no resistance.
 - b. **PASSIVE NON-COMPLIANCE** - Does not respond to verbal commands but also offers no physical form of resistance.
 - c. **ACTIVE RESISTANCE** - Physically evasive movements to defeat an officer’s attempt at control including bracing, tensing, running away, verbally or physically signaling an intention to avoid or prevent being taken into or retained in custody.

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- d. **ASSAULTIVE** - Aggressive or combative; attempting to assault the officer or another person, verbally or physically displays an intention to assault the officer or another person.
- e. **LIFE-THREATENING** - Any action likely to result in serious bodily injury or death of the officer or another person.

8. FORCE DEFINITIONS

- a. **OBJECTIVELY REASONABLE FORCE** - An objective standard of force viewed from the perspective of a reasonable officer, without the benefit of 20/20 hindsight, and based on the totality of the circumstances known to, or perceived by, the officer at the time. (See Section P.1, GRAHAM V. CONNOR)
- b. **NECESSARY FORCE** – Officers may use deadly force only when necessary in defense of human life or serious bodily injury. The decision by an 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 the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force. (Penal Code 835a).
- c. **REPORTABLE UOF** - Any UOF that causes injury as defined below; any UOF whether or not it results in injury, involving the discharge of a firearm, a canine bite, or use of an impact weapon, chemical agent, or CEW; and any UOF, whether or not it results in injury, that deviates from the techniques taught and the equipment provided by the Sheriff’s Office (see in section E.5.).
- d. **NON-DEADLY FORCE** - Any force with minimal risk of injury. Non-deadly force options include, but are not limited to, empty hand control holds, or CEW in drive stun.
- e. **LESS LETHAL FORCE** - Any force, agent, or device that is not reasonably likely to cause death. Less lethal force options include, but are not limited to, the use of the CEW (probes), baton, chemical agents, 40mm projectiles, pepper balls, personal impact weapons, canine, and control holds.
- f. **DEADLY FORCE** - Any force that poses a substantial risk of causing death or serious bodily injury is considered deadly force. Deadly force may include, but is not limited to, the discharge of a firearm, an intentional strike to the head with an impact weapon or an impromptu impact weapon.

9. INJURY DEFINITIONS

- a. **INJURY** - Any visible bodily injury or complaint of bodily injury (non-visible injury). The injury must be reasonably related to the UOF applied. Injury, as defined in this policy, does not include the temporary pain associated with the proper application of control holds and/or restraints.
- b. **SERIOUS BODILY INJURY (SBI)** - A serious impairment of physical condition, including but not limited to loss of consciousness, protracted loss or impairment of function of any bodily member or organ, a wound requiring extensive suturing, and serious disfigurement.

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B. DUTY TO INTERVENE

1. Officers shall intervene when they observe another officer using force that is clearly beyond that which is objectively reasonable under the circumstances, and when in a position to do so, prevent the use of unreasonable force. Officers shall report the incident to their immediate supervisor, or a supervisor if they are not available, as soon as practical.
2. Officers shall report potential unreasonable force to a superior officer and/or Internal Affairs (IA) when present and observing another officer using force that the officer believes to be beyond that which is necessary, as determined by a reasonable officer under the circumstances based upon the totality of information actually known to the officer.

C. VERBAL WARNING

1. If feasible, and if doing so would not increase the danger to the officer or another person, the officer shall make every attempt to identify themselves and to issue a clear and comprehensible verbal warning before using any type of force that is likely to cause any serious bodily injury or death, so that the subject(s) may submit to the authority of the officer.

D. RENDERING MEDICAL AID

1. Officers on scene shall render aid and/or summon medical assistance pursuant to KCSOPPM Section P-0600, (Emergency Care for Individuals Under Sheriff's Office Care or Control) when any UOF has resulted in any type of injury or death regardless of custody status.

E. GENERAL CONSIDERATIONS GOVERNING USE OF FORCE

1. All applications of force whether deadly, less lethal, or non-deadly are governed by this policy.
2. 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 necessary to effect the arrest, to prevent escape, or to overcome resistance.
3. A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts because of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose their right to self-defense by the use of objectively reasonable force (in compliance with Penal Code Section 835a) to effect the arrest or to prevent escape, or to overcome resistance. For the purposes of this subdivision, "retreat" does not mean tactical repositioning or other de-escalation tactics.
4. When using force, an officer should only use techniques and equipment that are approved by the Sheriff's Office.
5. Circumstances may arise in which an officer reasonably believes that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Sheriff's Office. An officer may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the officer may resort to using reasonable means of force. 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.
6. When feasible under the totality of the circumstances and where it may be accomplished without increasing the risk of harm to officers or others, officers should attempt to de-escalate situations.

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7. When an officer believes they are dealing with a mentally ill, developmentally disabled, or an emotionally disturbed individual, the officer shall, if time and circumstances reasonably permit, utilize CIT or the Mobile Evaluation Team (MET).
8. The factors used to determine reasonableness shall be consistent with *Graham v. Connor* (1989) 490 U.S. 386. 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 the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.
9. 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. Those factors may include, but are not limited to:
 - a. The immediacy and severity of the perceived threat to peace officers or another person (PC 835a)
 - b. The conduct of the subject being confronted (as reasonably perceived by the peace officer at the time)
 - c. Officer versus subject factors such as age, size, relative strength, skill level, injuries sustained, level of exhaustion and number of peace officers available versus subjects
 - d. The conduct of the involved peace officer (PC 835a)
 - e. The effects of drugs or alcohol
 - f. The subject's apparent mental state or capacity (PC 835a)
 - g. The subject's apparent ability to understand and comply with officer commands (PC 835a)
 - h. The proximity or access of weapons to the subject
 - i. The level of threat or resistance presented by the subject
 - j. The availability of other reasonable and feasible options and their possible effectiveness (PC 835a)
 - k. The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained
 - l. The seriousness of the subject offense or reason for contact with the subject
 - m. The training and experience of the peace officer
 - n. The potential for injury to peace officers, subjects or another person
 - o. Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the peace officer
 - p. The risk and reasonably foreseeable consequences of escape or apparent attempt by the subject
 - q. The apparent need for immediate control of the subject who was posing an imminent threat to peace officers or another person
 - r. Whether the conduct of the subject being confronted no longer reasonably appears to pose an imminent threat to the peace officer or another person
 - s. Prior contacts with the subject or awareness of any propensity for violence
 - t. The environmental factors and/or other exigent circumstances.
 - u. The availability of other resources

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* **Note:** Not all of the above factors may be present or relevant in a particular situation, and there may be additional factors not listed.

F. PROHIBITED USES OF FORCE

1. Officers shall not use force:
 - a. By means of a carotid control hold, choke hold, or any other type of neck restraint
 - b. Against subjects who are not subject to arrest or detention, except to protect the officer, the public or another person.
 - c. Against subjects who are handcuffed or otherwise restrained, except where the individual is actively resisting, attempting escape, or poses an imminent threat to the officers, the public, or themselves.
 - d. Against subjects for the sole purpose of preventing the exercise of first amendment rights, when a legitimate law enforcement purpose does not exist.
 - e. To punish or to retaliate.
 - f. To stop a subject from swallowing a substance that is already in their mouth.

* **Note:** This situation shall be treated as a medical emergency

G. FORCE OPTIONS

1. Officers have a variety of force options available to them. Officers do not need to follow a continuum of force, but shall select the UOF they deem appropriate for the circumstances, ensuring their UOF complies with the law, the provisions of this policy and any specific Sheriff's Office orders or manuals governing the type of force they select to use.
2. Officers shall continue to assess their UOF selection and either transition to a different UOF or discontinue a UOF based on their assessment, ensuring their UOF remains reasonable for the circumstances. It is understood that perception and reactionary times must be taken into consideration when assessing the reasonableness of the force.
3. The following is a list of UOF options.
 - a. Verbal Commands/Instructions/Command Presence
 - b. Control Holds
 - c. Takedowns
 - d. Chemical Agents
 - e. Conducted Electrical Weapon (CEW)
 - f. Personal impact weapons
 - g. Impact weapons
 - h. Impact projectiles
 - i. Pointing of a Firearm at a person
 - j. Use of Canine
 - k. Discharge of Firearms and Other Deadly Force
4. The following is a list of Sheriff's Office policies and manuals covering specific UOF topics:
 - a. Handcuff Policy; KCSOPPM Section F 0150
 - b. Use of Control Holds; KCSOPPM F 0300
 - c. Arrest of Passive Resistive Subjects F 0315
 - d. Use of Hobble Restraint; KCSOPPM Section F 0350
 - e. Use of Oleoresin Capsicum; KCSOPPM Section F 0400

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- f. Use of a Baton; KCSOPPM Section F 0600
- g. Use of Personal Impact Weapons; KCSOPPM Section F 0650
- h. Use of a Conducted Electrical Weapon (CEW); KCSOPPM Section F 0800
- i. Use of Impact Less Lethal Weapons; KCSOPPM Section F 0900
- j. Use of Canine Policy

H. POINTING A FIREARM

1. 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 another.
2. The pointing of a firearm at a person shall be documented in a crime/incident or supplemental report.
 - a. Documentation is not required when a firearm is presented but not pointed at an individual (i.e. when searching a building)

I. DISCHARGE OF FIREARMS AND OTHER DEADLY FORCE

1. The use of a firearm or other deadly force is the most serious decision an officer may make. In determining whether deadly force is necessary, officers shall evaluate each situation considering the circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible to a reasonable officer.
2. An 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 against imminent threat of serious bodily injury or death.
3. Officers are authorized to use a deadly level of force under the following circumstances:
 - a. To prevent a crime where the subject's actions are reasonably believed to place the officer or others in imminent jeopardy of serious bodily injury or death; or,
 - b. To apprehend a fleeing subject for any felony that threatened or resulted in death or serious bodily injury when the officer reasonably believes the escape will pose a significant threat of serious bodily injury or death to the officer or another person if apprehension is delayed.
4. An officer shall not use deadly force against a person who presents only a danger to themselves and does not pose an imminent threat of serious bodily injury or death to another person or officer.
5. A subject gaining control of one or more pieces of an officer's equipment, without the subject presenting an imminent threat of serious bodily injury or death, is not enough to justify the use of deadly force.
6. Additionally, an officer may discharge a firearm in the performance of their official duty under the following circumstances:
 - a. At a firing range, pursuant to all safety rules and regulations.
 - b. To kill an animal that is seriously injured when alternative methods are not feasible and only after the officer has made every attempt to consider their surroundings and potential risks to bystanders and other officers to the extent reasonable under the circumstances, before discharging a firearm.

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- c. To stop a potentially aggressive animal, such as a dog, if the animal reasonably appears to pose an immediate threat of serious bodily injury or death to an officer or to another person and alternative methods are not feasible or would likely be ineffective.
- 7. Firearms shall not be discharged as a warning.
- 8. Officers shall make every attempt to consider their surroundings and potential risks to bystanders and other officers to the extent reasonable under the circumstances, before discharging a firearm.
- 9. The decision by an officer to use deadly 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 the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.
- 10. When an employee discharges or attempts to discharge a firearm while on or off duty, intentionally or accidentally, the employee shall immediately notify the on-duty watch commander. This does not include intentional discharges at a range or for recreational purposes (e.g., hunting, private target practice, or other similar activities).

J. MOVING VEHICLES

- 1. An officer shall make every reasonable effort to move out of the path of an approaching vehicle instead of discharging their firearms at the vehicle or its occupants.
- 2. An officer shall make every reasonable effort to not intentionally place themselves in a position where a vehicle could be perceived as a threat to the officer.
- 3. An officer shall not discharge a firearm at a moving vehicle, unless the operator or occupant of a moving vehicle poses an imminent threat of death or serious bodily injury to the public or an officer.
- 4. An officer shall not discharge a firearm from a moving vehicle, except as required to stop an imminent threat to human life.
- 5. In reviewing incidents involving the discharging of a firearm from a moving vehicle or at a moving vehicle, the Sheriff’s Office will consider the totality of the circumstances, including but not limited to whether the officer or another person were in imminent danger of death or serious bodily injury and whether the officers involved employed tactics consistent with the Sheriff’s Office UOF principles and approved training.

K. MANDATORY REPORTING PROCEDURE

- 1. Reporting Uses of Force
 - a. Employees shall notify the field supervisor anytime they use a reportable UOF. A reportable UOF is any UOF where any of the following apply:
 - (1) The UOF involves:
 - (a) The discharge of a firearm
 - (b) A canine bite
 - (c) The use of an impact weapon
 - (d) The use of a chemical agent
 - (e) The application caused a visible injury

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- (f) The subject that was subjected to the force complained of injury or continuing pain
 - (g) Any application of a CEW
 - (h) The subject that was subjected to the force was rendered unconscious
 - (i) Or any UOF as outlined in the UOF Matrix with the corresponding reporting requirements in UOF Reporting Matrix (refer to UOF Matrix and UOF Reporting Matrix at end of policy).
- (2) The UOF deviates from the techniques taught or the equipment provided by the Sheriff's Office (see in Section E.-5.).
 - (3) The UOF causes injury.
 - (a) For the purpose of determining if a UOF is reportable, an injury is defined as any visible bodily injury or complaint of bodily injury (non-visible injury). The injury must be reasonably related to the UOF applied. The temporary pain associated with the proper application of control holds and/or restraints is not an injury for purposes of determining if a UOF is reportable.
- b. If an officer is in doubt as to whether a UOF is reportable, the officer shall notify their field supervisor, who will then be responsible for making the determination.
 - c. After notifying the field supervisor:
 - (1) The officer shall complete the applicable crime/incident report(s). The report shall include a complete description of how and why each force option was used, as well as a description of injuries that the suspect received or claims to have received.
 - (2) The officer shall complete an entry into Blue team and forward the incident to their supervisor.
 - (a) Blue Team entries shall be completed prior to the end of the officer's shift, unless a supervisor has authorized a delay in the entry.
 - (3) An officer booking an arrested subject shall notify the appropriate jail medical staff employee of the injury and type of force used.
 - d. When the UOF has resulted in an injury, an officer shall comply with the provisions in KCSOPPM P-0600 (Emergency Care for Individuals Under Police Care or Control). If the individual is not arrested or will be released with a citation, an officer should offer to call for an ambulance or assist in arranging transportation to a medical facility.
 - e. Whether or not a UOF is reportable under this policy, any UOF used to overcome a combative, physically aggressive, or fleeing subject who has delayed, obstructed, or fought with an officer shall be documented in a crime, casualty, or incident report. The officer's field supervisor shall be notified. Brief resistance to the application of Sheriff's Office approved control holds does not require a report.

2. Excessive Force

- a. An officer shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by a reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject.
- b. As soon as practical, officers shall report potential excessive force to a superior officer and/or Internal Affairs when present and observing another officer using force that the

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officer believes to be beyond that which is necessary, as determined by a reasonable officer under the circumstances based upon the totality of information actually known to the officer.

3. Supervisors' Responsibilities

- a. Upon notification of a reportable UOF, the officer's field supervisor shall:
 - (1) Respond to the location of the arrest, if availability permits, to ensure that a thorough investigation takes place. A thorough investigation into a UOF by an officer should include, but is not limited to, an area canvass (for witnesses, evidence and surveillance video), witness statements (which when feasible should be obtained by a supervisor or officers not involved in the UOF), suspect statements, and photographs of the scene and any injuries. If the supervisor is unable to respond to the location of the arrest, the supervisor shall note the reasons why on the call.
 - (2) Review the incident with the arresting officer and/or other officers.
 - (3) Review all recordings (both audio and video) of the event, including In-Car Camera, Body Worn Camera video, and any available surveillance video).
 - (4) Assess the appropriateness of the UOF and any charge(s) against the suspect.
 - (5) Consider arranging for other officers to transport and book the suspect in the event the suspect continues to display hostile, confrontational, or oppositional behavior toward the arresting officer(s).
- b. Management Level Review
 - (1) The officer's field supervisor shall initiate a management level review by ensuring the required information has been entered into the Blue Team software whenever the following reportable UOF events occur:
 - (a) Any reportable UOF that results in the suspect requiring a medical clearance prior to booking or, if the suspect is not booked into jail or juvenile hall, any injury that would likely require a medical clearance prior to booking.
 - (b) Any reportable UOF, involving the discharge of a firearm, a canine bite, or the use of an impact weapon, chemical agent, or CEW.
 - (c) Any reportable UOF that deviates from the techniques taught or the equipment provided by the Sheriff's Office.
 - (d) Any UOF the supervisor or Watch Lieutenant determines should be subject to a management level review.
 - (2) The field supervisor shall immediately notify the Watch Lieutenant upon determining that a management level review is required and will forward the Blue Team entry to the Watch Lieutenant.
 - (3) The Watch Lieutenant shall ensure the following information has been entered into the Blue Team software:
 - (a) List of officers involved.
 - (b) The type of force that was used.
 - (c) The extent of injuries (if any) to the officer and the suspect.
 - (d) Whether or not the supervisor responded to the scene and if not, why.
 - (e) Any administrative actions taken by the supervisor or other personnel.

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- (f) The supervisor's opinion as to whether the UOF was consistent with Sheriff's Office policy.
- (4) The Watch Lieutenant shall review with the field supervisor any uses of force that are subject to management level review. If, after the review, the Watch Lieutenant determines that the UOF was inconsistent with Sheriff's Office policy, the Watch Lieutenant shall contact the officer's Commander and review the incident. If necessary, the Commander will refer the incident to Internal Affairs.
- (5) The management level review of a Blue Team entry should be completed within 30 days of the incident date.
- (6) UOF deployed by supervisors
 - (a) In the event a sergeant uses force or gives an officer a direct order to deploy force that triggers the reporting requirements set forth in this policy, the Watch Lieutenant will be responsible for identifying the person responsible for complying with this section.
 - (b) In the event a manager uses force or gives an officer a direct order to deploy force that triggers the reporting requirements set forth in this policy, the manager shall notify their direct superior and the superior shall be responsible for identifying the person responsible for complying with this section.
- (7) In cases where a firearm has been discharged or the UOF results in death, the tracking software entry shall be completed by the Homicide Unit and shall not be completed by the field supervisor.
- (8) If the UOF was captured on non-Sheriff's Office video, a copy of the video shall be included in the investigation report.

L. DISCLOSURE OF PUBLIC RECORDS

The Sheriff's Office will disclose public records pursuant to State and Federal laws

M. REPORTING TO THE CALIFORNIA DEPARTMENT OF JUSTICE

Internal Affairs shall submit statistical data regarding all qualifying officer-involved shootings and incidents involving UOF resulting in serious bodily injury to the California Department of Justice (URSUS) as required by Government Code 12525.2.

N. CITIZENS REPORTING USE OF FORCE COMPLAINTS

1. The Kern County Sheriff's Office strives to maintain a relationship of trust and confidence with the community. In keeping with this goal, it is the policy of the Sheriff's Office to diligently investigate all personnel complaints in a fair and impartial manner.
2. Procedures for filing, investigation, and reporting of citizen complaints regarding use of force incidents are outlined in KCSOPPM Section D-0600.

O. TRAINING

1. At least annually, all sworn personnel shall receive training related to this agency's UOF policy and related legal updates for the following:
 - a. Legal standards for UOF
 - b. Duty to intervene
 - c. The use of objectively reasonable force
 - d. Supervisory responsibilities

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- e. UOF review and analysis
 - f. Guidelines for the use of deadly force
 - g. State required reporting.
2. Additional regular and periodic training shall include:
- a. Training standards and requirements relating to demonstrating knowledge and understanding of the law enforcement agency’s UOF policy.
 - b. Training and guidelines regarding vulnerable populations, including, but not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.
 - c. Minimum training and course titles related to the objectives in the UOF policy include but are not limited to:
 - (1) De-escalation and interpersonal communication training, including tactical methods that use time, distance, cover, and concealment, to avoid escalating situations that lead to violence.
 - (2) Implicit and explicit bias and cultural competency.
 - (3) Skills including de-escalation (crisis intervention) techniques to effectively, safely, and respectfully interact with people with disabilities or behavioral health issues.
 - (4) Alternatives to the use of deadly force and physical force, so that de-escalation tactics and less lethal alternatives are, where feasible, part of the decision-making process leading up to the consideration of deadly force. Enhancing a peace officer’s discretion and judgment in using less lethal and deadly force in accordance with this policy.
 - (5) Mental health and policing, including bias and stigma.
 - (6) Using public service, including the rendering of first aid, to provide a positive point of contact between law enforcement peace officers and community members to increase trust and reduce conflicts.
 - (7) UOF scenario training including simulations of low-frequency, high-risk situations and calls for service, shoot-or-don’t-shoot situations, and real-time force option decision making.
3. All UOF training provided to all sworn personnel shall be documented by the department.

P. CASE LAW REFERENCES

- 1. GRAHAM V. CONNOR (1989) 490 U.S.386 is a legal standard which defines what reasonable force is. The court’s decision “requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an imminent threat to the safety of the officer or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.” In addition, “the ‘reasonableness’ of a particular UOF must be judged from the perspective of a reasonable officer on scene, rather than with 20/20 vision of hindsight... the question is whether the officers’ actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them.”
- 2. TENNESSEE V. GARNER 471 U.S. 1 (1985),[2] is a civil case in which the Supreme Court of the United States held that, under the Fourth Amendment, when a law enforcement officer is pursuing a fleeing suspect, the officer may not use deadly force to prevent escape unless "the

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officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others." It was found that use of deadly force to prevent escape is an unreasonable seizure under the Fourth Amendment, in the absence of probable cause that the fleeing suspect posed a physical danger.

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UOF MATRIX

LEVEL 1	LEVEL 2	LEVEL 3
<ul style="list-style-type: none"> • UOF resulting in death • UOF resulting in Serious Bodily Injury (SBI) • Officer involved shooting resulting in injury or death • Officer involved shooting - suspect missed • Use of vehicle as weapon resulting in SBI • In-custody death • Use of non-issued equipment resulting in Serious Bodily Injury or death 	<ul style="list-style-type: none"> • Officer involved shooting of an animal • Canine bite • Use of control holds resulting in SBI • CEW application probe • CS gas • Use of baton • Use of CEW drive stun • Use of OC spray • Use of personal impact weapons • Use of 40 MM impound sponge (Blue Tip) • Use of 40 MM direct impact OC (Orange Tip) • Use of pepper ball (live-x-round) • Use of FN303 Impact Munitions Launchers 	<ul style="list-style-type: none"> • Any UOF used to overcome a combative, physically aggressive, or fleeing subject who has delayed, obstructed, or fought with an officer • Any UOF that results in a visible injury or complaint of pain by the subject to whom force was applied to. Example: visible scratch, abrasion, complaint of pain however not minor discomfort by application of certain control holds or handcuffs

UOF REPORTING MATRIX

REPORTING REQUIREMENTS FOR LEVEL 1	REPORTING REQUIREMENTS FOR LEVEL 2	REPORTING REQUIREMENTS FOR LEVEL 3
<ul style="list-style-type: none"> • Sergeant notification • Homicide call out • TI request • IA call out • PIO call out • Crime report • Blue Team entry • All call outs are based on the needs of the incident. 	<ul style="list-style-type: none"> • Sergeant notification • Crime report • TI request • Blue Team entry • Watch Lieutenant investigation (shooting of an animal) 	<ul style="list-style-type: none"> • Sergeant notification • Incident/crime report • TI request • Blue Team Entry

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