



Kern County Sheriff's Office
Policies and Procedures

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| TITLE: Use of Force - General and Deadly Force | | NO: F-0100 | |
| APPROVED: Donny Youngblood, Sheriff-Coroner | | | |
| REFERENCE: Penal Code 196, 834a, & 835a, Government Code 7286 & 7286.5, DPPM P-0600, DPPM D-0600 | | | |
| EFFECTIVE: January 1, 2021 | REVIEWED: January 26, 2026 | REVISED: January 26, 2026 | UPDATED: January 26, 2026 |

GUIDING PRINCIPLES

Sanctity and Reverence for Life. The authority to use force is a serious responsibility and members are expected by the Sheriff's Office and the public to exercise that authority judiciously and with the utmost respect for human rights, dignity, and life and without prejudice to anyone. The Kern County Sheriff's Office's guiding principle when using force shall always be the sanctity and reverence for human life and the freedoms and liberties guaranteed by the United States and California Constitutions. The Sheriff's Office recognizes that although the use of force (UOF) is not a routine part of law enforcement, it is sometimes used to enforce the laws of California and will be used only when objectively reasonable and required to accomplish a lawful objective. The Sheriff's Office recognizes that members of the law enforcement profession are empowered by their communities and the law to use necessary, proportional, and objectively reasonable force in the legitimate performance of their duties to protect themselves and the public, and therefore must be guardians of their communities and the sacred trust they have been given.

POLICY

When used in this policy, the terms "officer," "peace officer," "deputy," "law enforcement officers," "deputies," or "operators" shall include both Sheriff's Deputies, Detentions Deputies, Detentions Officers, Deputy Coroners, and Park Rangers. Other key terms and definitions may be found in the "Definitions" section at the end of this policy.

This policy establishes guidelines for the application of force, related applicable legal standards and definitions in accordance with Penal Code sections 196 and 835a, as well as Government Code sections 7286, and 7286.5. This policy will be regularly reviewed and updated to reflect legislative updates and best practices.

De-escalation. It is the policy of the Sheriff's Office that whenever feasible deputies have an affirmative duty to de-escalate before using force. Deputies shall attempt to control tense and evolving incidents by using de-escalation tactics and strategies (e.g., time, tone, distance, physical barriers, communication, crisis intervention techniques, and available resources) to lower the intensity of evolving incidents and attempt to resolve them without having to use force. When that is not feasible, Sheriff's Office personnel may use necessary, proportional, and objectively reasonable force that conforms to the law and Department policy in the legitimate performance of their duties. [See Gov. Code, § 7286(b)(1)]

Verbal Warnings. Deputies shall make every effort to identify themselves and to issue a clear and comprehensible verbal warning and provide the subject an opportunity to comply with the deputy's lawful directives before using intermediate force options, such as oleoresin capsicum (OC) spray, Conducted Energy Weapon (CEW), Impact Weapons, Canines, or any type of force that is likely to cause serious bodily injury or death, unless doing so is not feasible.

Deputies shall document in a use of force report (1) whether the individual had an opportunity to comply after the warning was issued and before a deputy used force, or (2) if no verbal warning was given, why one was not feasible.

If the subject is reasonably perceived to be a Spanish speaking, Limited English Proficient (LEP) individual and deputies are fluent in that language, efforts should be made to give the warning in English and Spanish, if feasible.

Proportionality of Force. Deputies may 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. Given the totality of the circumstances, there is a balance between the threat posed, the seriousness of the suspected offense, and the amount of force used. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be proportional. Deputies do not have to use the same level or type of force as the subject in order for the force to be proportional.

[Gov. Code, § 7286(b)(2)]

Fair and Unbiased Law Enforcement. The highest priority of the Kern County Sheriff's Office is safeguarding the life, dignity, and liberty of all persons in a manner that is fair and without bias. Deputies shall perform their duties, including using force, in a manner consistent with the law and Sheriff's Office policies and guiding principles. Discriminatory conduct based on race, religion, color, ethnicity, national origin, age, gender, sexual orientation, housing status, or mental or physical disability is strictly prohibited.

[Gov. Code, § 7286(b)(11)]

Use of Force – Legal Standards. The authority to use force 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. Deputies may use force to meet legitimate law enforcement objectives including:

- To effect a lawful arrest, detention, or search;
- To overcome resistance or to prevent escape;
- To prevent the commission of a public offense;
- In defense of others or in self-defense;
- To gain compliance with a lawful order; and,
- To prevent harm to the deputy or another person during intervention in a suicide or other attempt to self-inflict injury.

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If a person has knowledge, or by the exercise of reasonable care, should have knowledge, that they are being arrested by a peace officer, it is the duty of such person to refrain from using force or any weapon to resist such arrest pursuant to Penal Code section 834a.

A deputy 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. In this circumstance, retreat does not mean tactical repositioning or other de-escalation techniques. A deputy shall not be deemed an aggressor or lose the right to self-defense by the use of objectively reasonable force in compliance with Penal Code 835a.

Factors Used to Determine Compliance with Department Policy. The Kern County Sheriff's Office shall evaluate the force used by its deputies to ensure that the use of such force is objectively reasonable and consistent with law and this policy. Pursuant to prevailing case law and Penal Code section 835a, the decision by a deputy to use force shall be evaluated from the perspective of a reasonable law enforcement officer in the same situation, based on the totality of the circumstances known to or perceived by the deputy at the time, rather than with the benefit of hindsight. The totality of the circumstances shall account for occasions when deputies may be forced to make quick judgments about using force. Those factors may include, but are not limited to:

- The feasibility of using de-escalation tactics, crisis intervention, warnings, or other alternatives to using force.
- The seriousness of the crime or suspected offense.
- The level of threat or resistance presented by the subject.
- Whether the subject posed an imminent threat to deputies or a danger to the community.
- The risk or apparent attempt by the subject to escape.
- The conduct of the subject being confronted was reasonably perceived by the deputy at the time.
- The amount of time and any changing circumstances during which the deputy had to determine the type and amount of force that appeared to be reasonable.
- Factors include age, size, strength, skill level(s), injury, endurance, and number of subjects.
- Factors include age, size, strength, skill level(s), injury, endurance, and number of deputies.
- The training and experience of the deputies.
- Prior contact with the subject and/or knowledge of any propensity for violence.
- The gravity of the situation, including the apparent immediacy and severity of the threat to deputies and others.
- The proximity or access of weapons or items that can be used as weapons to the subject.
- Environmental factors (e.g., weather, lighting, physical obstructions, etc.) and/or other exigent circumstances.

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

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Use of Force – Deadly. Deadly force can only be used when necessary in defense of human life.¹ Deadly force shall be used only as a last resort when reasonable alternatives, including de-escalation strategies, crisis intervention techniques, and other tactics have been exhausted or are not feasible to protect the safety of the public and deputies. It is the policy of the Sheriff’s Office that deputies shall only use deadly force upon another person when the deputy reasonably believes, based on the totality of circumstances, that such force is necessary for either of the following:

- To defend against an imminent threat of death or serious bodily injury to the deputy or another person.²
- To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the deputy 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 deputy has objectively reasonable grounds to believe the person is aware of those facts.

A deputy shall not use deadly force against a subject based on the danger that the subject poses to themselves if an objectively reasonable officer would believe the subject does not pose an imminent threat of death or serious bodily injury to the deputy or another person.

In determining whether deadly force is necessary, deputies 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 do so. Before discharging a firearm, deputies shall consider their surroundings and potential risks to bystanders to the extent reasonable under the circumstances.

Less Lethal / Intermediate Force. It is the policy of the Sheriff’s Office that deputies shall use intermediate / less-lethal force options only when:

- There is an immediate threat to the safety of deputies or others; or,
- If the reasonably perceived threat is not immediately addressed, there is an articulable risk the incident could escalate to the use of deadly force.

Intermediate force options should not be used on a suspect or subject who is believed to be unarmed and is passively resisting or merely failing to comply with commands. Refer to the “Prohibited Actions” section of this policy for further details.

The Sheriff’s Office uses the objectively reasonable standard and the totality of the circumstances when evaluating the reasonableness of the intermediate force used, which includes the number of times a particular force option was utilized. If the force option being utilized appears to be

¹ Pen. Code, § 835a, subd. (a)(2).

² PC § 835a(e) – Defines deadly force, imminent, and totality of the circumstances.

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ineffective, deputies should consider transitioning to another, potentially more effective force option or tactic. The level of force should be moderated as control is achieved.

Non-Deadly Force. In instances wherein, a subject is non-violent and poses no threat to the safety of deputies or others, the force options used should be those with a minimal risk of injury.

Drawing or Exhibiting Firearms. Deputies shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm in defense of life. Unnecessarily or prematurely drawing or exhibiting a firearm limits a deputy's alternatives in controlling a situation, creates unnecessary anxiety on the part of civilians, and may result in an unwarranted or negligent firearm discharge. When a deputy has determined that deadly force is not necessary, the deputy shall, as soon as practicable, secure or holster the firearm.

This policy shall not prevent deputies from exhibiting their firearm during dynamic incidents, including, but not limited to, felony vehicle stops and building searches. In all such cases, deputies shall consider their surroundings and potential risks to bystanders to the extent reasonable under the circumstances.

If feasible, when drawn a deputy should keep the firearm in the low ready or other position not directed toward an individual (e.g., building search). If a firearm is intentionally aimed at an individual, it is a reportable use of force as outlined in DPPM F-0200.

Use of Improvised Techniques or Weapons. Deputies may find themselves faced with exigent circumstances where it is impractical or ineffective to use any of the approved or authorized tools, weapons, or force options described in Sheriff's Office policy or authorized training. In these rare and exigent circumstances, deputies may need to resort to improvised techniques and/or weapons. Any use of an improvised technique or weapon must be objectively reasonable, proportional, and comply with the "Deviations" section of this policy.

Rendering Aid. After any use of force, deputies shall promptly (when safe to do so) provide basic and emergency medical assistance to all members of the community, including victims, witnesses, persons in custody, subjects of a use of force, and fellow peace officers:

- To the extent of the deputy's training and experience in first aid/CPR/AED, and
- To the level of equipment available to a deputy at the time assistance is needed.
- Refer to P-0600 for further information about rendering medical aid.

Shooting At or From Moving Vehicles. Firearms shall not be discharged from a moving vehicle except as required to end an imminent threat to human life. Firearms shall not be discharged at moving vehicles, unless the operator or occupant of the moving vehicle poses an imminent threat of death or serious bodily injury to the public or a deputy.

In all situations, deputies are expected to exercise sound judgment and must be able to articulate the reasons for the use of deadly force clearly. Factors that may be considered include whether the

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deputy's life or the lives of others were in immediate peril and there was no reasonable or apparent means of escape.

Deputies shall attempt to avoid positioning themselves or intentionally remaining in the path of a vehicle. Deputies threatened by an oncoming vehicle shall, if feasible, attempt to move out of its path instead of discharging a firearm at it or any of its occupants. [See Gov. Code, § 7286(b)(20)]

Prohibition Against Use of Excessive Force. Deputies who use excessive force degrade the confidence of the communities we proudly serve, violate the core values of the Department, and the rights of individuals upon whom unreasonable or unnecessary force is used. All deputies have an affirmative duty to only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance. Use of excessive force is not only unlawful, but may result in administrative discipline, up to and including termination.

Requirement to Intercede When Excessive Force is Observed. A deputy shall intercede if they are present and know, or have reason to believe, that another employee is about to use, or is using, force that is clearly beyond that which is necessary, as determined by an objectively reasonable deputy under the circumstances, taking into account the possibility that other deputies may have additional information regarding the threat posed by a subject. . In these circumstances, failure to intercede will result in administrative discipline, up to and including the same discipline as the law enforcement officer committing the offense. However, if additional allegations exist, deputies can face additional discipline up to and including termination. [See Gov. Code, § 7286(b)(9)]

Requirement to Report Perceived Excessive Force. A deputy who is present and observes another law enforcement officer using force that the deputy believes to be beyond that which is necessary, as determined by an objectively reasonable law enforcement officer under the circumstances based upon the totality of information known to the deputy, shall promptly report such force to a superior officer. Employees are encouraged to report legitimate concerns and to seek guidance if they are unsure about the nature of an incident. Reports of such incidents shall be based upon genuine belief, made in good faith, and based on totality of information known to the reporting employee. [See Gov. Code, § 7286(b)(3)]

Note: Intentional reporting of baseless, exaggerated, or unfounded allegations of excessive force undermines the integrity of the reporting process, damages reputations, and erodes public trust.

Prohibition against Retaliation for Reporting Alleged Misconduct. The Sheriff's Office is committed to investigating any excessive use of force thoroughly. Deputies reporting or interceding in cases of excessive force shall not be retaliated against in any manner. The Sheriff's Office will vigorously investigate any form of retaliation associated with a deputy reporting or interceding in excessive force, and penalties for such an act could result in discipline up to and including termination. This paragraph shall not insulate those who are a participant in the application of excessive force and then report the incident to avoid imposition of discipline. This

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paragraph shall also not insulate those who intentionally or recklessly submit false, misleading, or unsubstantiated reports of excessive force. [See Gov. Code, § 7286(b)(4)]

Prohibition from Training. Any deputy who receives a sustained finding on any allegation of excessive force will also be prohibited from training other deputies for at least three years from the date that the excessive force complaint is substantiated. The training includes, but is not limited to, field training, detentions training, use of force training, and academy training. Such a prohibition will not be considered retaliation. [Gov. Code, § 7286(b)(18)]

SPECIAL CONSIDERATIONS GOVERNING USE OF FORCE

Use of force should generally be avoided on member of vulnerable populations, as defined in this policy, unless the deputies can articulate, based on the totality of the circumstances, other available options reasonably appeared ineffective, impractical, or would present a greater danger to the deputy, the subject or others, and the deputy reasonably believed that the need to control the individual outweighs the risk of using force on such individuals.

When responding to calls involving a person known or perceived to be having a mental health crisis, dispatchers shall dispatch CIT-trained deputies, if available and doing so would not delay the response. Dispatch protocols emphasize a preference for relying upon the Kern County Mobile Evaluation Team (MET) for handling such incidents. When MET resources are unavailable, and no immediate threat of harm to others is evident, other trained personnel or resources will be utilized if feasible (e.g., JET, Virtual MET, etc.).

When a deputy believes that someone may have a mental impairment, developmental disability, or is experiencing a mental health crisis, the deputy shall, if time and circumstances reasonably permit, utilize CIT or the MET. De-escalation tactics will be given the highest preference in an effort to resolve these incidents without resorting to the use of force.

PROHIBITED ACTIONS

1. Bias in the use of force will not be tolerated. Deputies are expected to carry out their duties, including the use of force, in a manner that is fair and unbiased [Gov. Code, § 7286(b)(11)].³
2. Deputies shall not use force:
 - a. To punish or to retaliate or that is excessive.
 - b. By means of a carotid control hold, choke hold, or maneuvers that create a substantial risk of positional asphyxia. Any use of a carotid restraint or choke hold will be

³ Refer to DPPM J-2300 Bias-Free Policing for additional guidance.

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investigated as a Category 3 use of force with a mandatory detectives' callout regardless of the degree of any injury sustained.

- c. Against subjects who are handcuffed or otherwise restrained, except where the individual is actively resisting, attempting escape, or poses an imminent threat to themselves or others.
- d. Against subjects who are only verbally confronting deputies and are not involved in criminal conduct, unless that confrontation poses a direct and immediate threat to the safety of the deputy or others.

e. To stop a subject from swallowing a substance already in their mouth.

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

- 3. Deputies shall not interfere with, threaten, intimidate, block or otherwise discourage a member of the public, who is not violating any other law, from taking photographs or recording video in any place in which they are lawfully present. Such prohibition includes:
 - 1. Ordering the person to cease taking photographs or recording video.
 - 2. Demanding that person's identification.
 - 3. Demanding that the person states a reason why they are taking photographs or recording video.
 - 4. Detaining that person absent a lawful purpose.
 - 5. Intentionally blocking or obstructing cameras or recording devices excluding visual barriers utilized to maintain the integrity of a crime scene, tactical operations, or to protect the identity of victims who shall remain confidential).
 - 6. Absent a warrant or consent of the subject, seizing and/or searching a camera or recording device from the subject possessing the device.
 - 7. Detaining or arresting an individual for violating any other law where the sole purpose of the detention or arrest is to prevent or retaliate for recording law enforcement activity.

FORCE OPTIONS

- 1. Deputies have a variety of force options available to them. Deputies do not need to follow a continuum of force but shall select the force option they deem appropriate for the circumstances, ensuring their force option 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. Deputies shall continually assess a situation and consider various options as circumstances change. If a force option proves ineffective, deputies should continue to seek the most

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effective and safest response that is proportional to the threat. This may involve using a force alternative of similar level, de-escalation, or in some cases an escalation of force options, but the level of force used must still be proportional to the threat. It is understood that perception and reactionary times must be considered when assessing the force's reasonableness.

3. The following is a list of Sheriff's Office authorized force options.
 - a. Verbal Commands/Instructions/Command Presence/Shows of Force
 - b. Pointing of a Firearm at a person (Use of Force)
 - c. Control Holds & Takedowns
 - d. Chemical Agents
 - e. Conducted Energy Weapon (CEW)
 - f. Personal weapons (Hands, Feet, etc.)
 - g. Impact weapons (Baton)
 - h. Extended Range Impact Weapons
 - i. Use of Canine
 - j. Electronic Immobilization Shield (Detentions Bureau)
 - k. Special Munitions (SWAT)
 - l. Discharge of Firearms and Other Deadly Force

4. The following is a list of Sheriff's Office policies and manuals covering specific UOF/restraint options topics:
 - a. DPPM F-0150: Use of Firearms – Detentions Deputies
 - b. DPPM F-0300: Use of Force – Control Holds & Takedowns
 - c. DPPM F-0350: Use of Force – Restraints
 - d. DPPM F-0400: Use of Force – Oleoresin Capsicum
 - e. DPPM F-0500: Use of Force – Baton
 - f. DPPM F-0550: Use of Force – Personal Weapons
 - g. DPPM F-0600: Use of a Conducted Energy Weapon (CEW)
 - h. DPPM F-0700: Electronic Immobilization Shield
 - i. DPPM F-0800: Use of Force – Extended Range Impact Weapons (FN 303)
 - j. DPPM F-0810: Use of Force – Extended Range Impact Weapons (40 MM)
 - k. DPPM F-0820: Use of Force – Extended Range Impact Weapons (Pepperball)
 - l. DPPM F-0900: Use of Force – Canine Unit Philosophy & Oversight
 - m. DPPM F-0910: Use of Force – Canine Deployments
 - n. DPPM F-0920: Use of Force – Detection Canine Deployment
 - o. DPPM F-0930: Use of Force – Canine Training and Records
 - p. SWAT Policy S-1300: Use of Special Munitions and Chemical Agents

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OTHER USES OF FIREARMS

Additionally, a deputy may discharge a firearm in the performance of their official duties, only after the deputy has made every attempt to consider their surroundings and potential risks to bystanders and other law enforcement officers to the extent reasonable, under the following circumstances:

1. To kill an animal that is gravely sick or injured when alternative methods are not feasible.
2. To stop an animal in circumstances where the animal reasonably appears to pose an immediate threat of serious bodily injury or death to the deputy or another person and alternative methods are not feasible or would likely be ineffective.
3. Firearms shall not be discharged as a warning.

When possible, deputies encountering such an animal shall:

- Avoid, secure, or isolate the animal.
- Attempt to contact the owner (if known, discovered, or applicable).
- Request the response of animal control or Department of Fish and Wildlife.

If a deputy contacts an animal that is too severely injured to move or where a veterinarian is not available, and compassion requires its cessation from further suffering, injured animals, except for dogs and cats, may be euthanized with supervisory approval after a reasonable search to locate the owner has been conducted. Animal control shall be requested to respond if injured dogs or cats have been found without their owners being present and/or transported to a veterinarian for determination of euthanization. [Penal Code 597.1(b)]

DEVIATIONS

The objective of Kern County Sheriff's Office use of force policies is to provide employees with clear direction regarding the use and application of force to ensure such applications are used only to effect arrests or lawful detentions, overcome resistance, or bring a situation under legitimate control. Policies endeavor to provide comprehensive and specific direction regarding approved methods, devices, applications, and reporting requirements. However, no policy can anticipate every conceivable situation or exceptional circumstance which deputies may face, due to the fluid and rapidly evolving nature of law enforcement encounters.

All employees are expected to follow all respective use of force policies as written and any deviations must be the exception, not the rule. Deviations from the use of force policies are only permitted if compliance with a policy is impractical, unsafe, or would pose a substantial risk of death or serious bodily injury to a deputy or others. In all circumstances, deputies are expected to exercise sound judgment and critical decision making based on reverence for human life. In such

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circumstances, the use of any improvised technique or deviation must nonetheless comply with Penal Code Section 835a.

All policy deviations are to be thoroughly documented by the involved deputies under the “Improvised Technique/Deviation” category within the use of force reporting system, they will clearly state the exigent circumstance requiring the deviation from policy, and will be closely examined by management during the review process. Even if comporting with law and policy, managers will evaluate the need for corrective action or review of agency policy, strategy, tactics, or training. In addition, all such deviation entries will be subject to early intervention monitoring and audits.

DEFINITIONS

- **IMMINENT THREAT** – A threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable peace 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 [PC 835a(e)(2)].
- **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 deputy or another person. [Gov. Code, § 7286(a)(3)]
- **TOTALITY OF CIRCUMSTANCES** – All facts known or reasonably perceived to the deputy at the time, including the conduct of the deputy and the subject leading up to the use of force. [PC 835a(e)(3)].
- **PROPORTIONALITY** – When determining the appropriate level of force, a deputy shall balance the severity of the offense committed, the threat to public safety and the level of force needed to overcome actual or threatened resistance based on the totality of the circumstances known to, or reasonably perceived by, the deputy at the time.
- **DE-ESCALATION** – The use of time, tone, distance, physical barriers and strategies, communication, crisis intervention techniques, and available resources to lower the intensity of evolving incidents in an attempt to resolve them without having to use force or with a reduction of the level of force when feasible.

Examples of de-escalation tactics, depending on appropriateness for the situation, may include, but are not limited to:

- Tactical repositioning.

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- Strategic communication.
 - Switching deputies involved.
 - Modulating the tone of voice.
 - Taking cover.
 - Requesting additional resources such as:
 - Crisis intervention trained deputies.
 - Non-law enforcement agencies (e.g., Kern County Mental Health).
 - Assistance from family members or friends of the subject.
- **CRISIS INTERVENTION TECHNIQUES (CIT)** - A collaborative approach to address the needs of people safely and effectively 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 peace officers and individuals with mental illnesses during law enforcement contacts. Crisis intervention techniques include using cover/concealment, distance, time, verbal tactics, or other tactics to de-escalate a situation.
 - **INTERCEDE** - Includes, but is not limited to, physically stopping the excessive use of force, recording the excessive force if equipped with a body-worn camera, and documenting efforts to intervene, efforts to de-escalate the offending peace officer's excessive use of force, and confronting the offending peace officer about the excessive force during the use of force and, if the peace officer continues, reporting to dispatch or the on-duty supervisor (the rank of sergeant or higher) and stating the offending peace officer's name, unit, location, time, and situation, to establish a duty for that deputy to intervene. [Gov. Code, § 7286(a)(4)]
 - **RETALIATION** – Means demotion, failure to be promoted to a higher position when warranted by merit, denial of access to training and professional development opportunities, denial of access to resources necessary for a deputy to properly perform their duties, intimidation, harassment, or the threat of injury while on-duty or off-duty. [Gov. Code, § 7286(a)(6)]
 - **VULNERABLE POPULATIONS** – Include individuals that are apparently children, elderly, pregnant women, people with physical, developmental, and mental disabilities, or people with limited English proficiency.
 - **CAROTID RESTRAINT** – Means 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 to subdue or control the person. [Gov. Code, § 7286.5(b)(1)]

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- **CHOKER HOLD** – Means any defensive tactic or force option in which direct pressure is applied to a person’s trachea or windpipe. [Gov. Code, § 7286.5(b)(2)]

- **POSITIONAL ASPHYXIA** – Means situating a person in a manner that compresses their airway and reduces the ability to sustain adequate breathing. This includes, without limitation, the use of any physical restraint that causes a person’s respiratory airway to be compressed or impairs the person’s breathing or respiratory capacity, including any action in which pressure or body weight is unreasonably applied against a restrained person’s neck, torso, or back, or positioning a restrained person without reasonable monitoring for signs of asphyxia. [Gov. Code, § 7286.5(b)(4)]

- **SERIOUS FELONY** - Any crime listed in Penal Code 1192.7(c) and any of the following:
 - Burglaries of the second degree (PC 460), for searches of industrial, or other uninhabited buildings where:
 - There is the possibility of subjects hiding inside, including attics, basements, and crawl spaces.
 - There are other large structures where staffing commitments and search time will be extensive.
 - Domestic Violence (PC 273.5), involving the subject’s physical presence at the victim’s location or a threat of harm.
 - Stalking (PC 646.9), involving lesser included crime of PC 422 (See 1192.7).
 - Brandishing a deadly weapon or resisting arrest by force or violence (PC 417.8 or 69).
 - Stolen vehicles (VC 10851 or PC 496d), that are not civil in nature or embezzled.
 - Felony vehicle evading (VC 2800.2)

- **VIOLENT FELONY** - Any crime listed in Penal Code 667.5(c) including but not limited to the following:
 - Murder, voluntary manslaughter, mayhem, rape, robbery, attempted murder, kidnapping, carjacking, and arson.

- **LEVELS OF RESISTANCE DEFINITIONS:**
 - a. **COMPLIANT** - Subject offers no resistance.

 - b. **PASSIVELY RESISTING** - Non-compliance with law enforcement directives during a detention or arrest, where the subject does not actively resist, but rather remains non-responsive. It encompasses behaviors such as:
 - Failure to comply with verbal commands.
 - Lack of physical cooperation or response.

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- c. **ACTIVELY RESISTING / ACTIVE RESISTANCE** - Deliberate non-compliance with law enforcement's attempt to make an arrest or a detention (ignoring verbal commands) through one of the following behaviors:
 - Attempting to evade capture through running, jogging, or fleeing **OR**
 - Hiding or taking a position of tactical advantage to wait for an opportune time to act with the intent of attacking an unsuspecting individual **OR**
 - Bracing, tensing, or other physically evasive movements to avoid or prevent being taken into or retained in custody **OR**
 - Assaultive acts such as punching, striking, kicking, biting, or any other act likely to cause bodily injury **OR**
 - Threatening violence with the present ability, opportunity, and apparent intent to carry out such acts **OR**
 - In the absence of one of the above, exhibiting any of the following during the commission of a serious or violent felony:
 - Refusal to obey verbal commands to surrender.
 - Verbal non-compliance.
 - Failure to remove hands from pockets when instructed.
 - Any other refusal to submit to law enforcement's authority

- d. **LIFE-THREATENING** - Any action likely to result in serious bodily injury or death of the deputy or another person.

- **FORCE DEFINITIONS:**

- a. **OBJECTIVELY REASONABLE FORCE** - The legal standard used to determine the lawfulness of a use of force is based on the Fourth Amendment to the United States Constitution. 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 law enforcement 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. [See *Graham v. Connor*, 490 U.S. 386 (1989)]

The force must be reasonable under the circumstances known to or reasonably believed by the deputy at the time the force was used. Therefore, all uses of force shall be evaluated from an objective standard rather than a subjective standard.

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- b. **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. All other force is non-deadly force. [Gov. Code, § 7286(a)(1)/PC 835a(e)(1)]
- c. **LESS LETHAL / INTERMEDIATE FORCE** – Intermediate force options are objectively reasonable when under the totality of the circumstances, the individual is actively resisting and poses a threat. Intermediate force is any force greater than control holds that is capable of inflicting significant pain, but is not reasonably likely to cause death. Less lethal force options include, but are not limited to the use of a CEW, baton, OC spray, extended range impact weapons, and canines.
- d. **NON-DEADLY FORCE** - Any application of force, with minimal risk of injury, that unholstering does not rise to the level of intermediate or deadly force. Non-deadly force options include, but are not limited to, empty hand control holds, personal weapons, takedowns, and other defensive tactics or multiple officer control techniques.
- e. **NECESSARY FORCE** – Peace officers use deadly force only, when necessary, in defense of human life. In determining whether deadly force is necessary, deputies 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 peace officer. [PC 835a(a)(2)]
- f. **EXCESSIVE FORCE** – Any level of force that is found to have violated section 835a of the Penal Code, the requirements on the use of force required by section 7286 of the Government Code, or any other law or statute. [See Gov. Code, § 7286(a)(2)].
 - In some circumstances, a use of force may be inconsistent with department policy without being deemed as excessive force. For example, failing to provide a warning when an opportunity allows, would not render an otherwise lawful use of force unlawful.⁴
- g. **REPORTABLE UOF** – The Sheriff’s Office defines reportable uses of force and classifies them into several categories, which is outlined in DPPM F-0200.

⁴ Smith v. Freland, 954 F.2d 343 (6th Cir. 1992) ruled that a police officer's conduct could violate a police department's internal policy or commonly accepted police practice without violating the Constitution. “A city can certainly choose to hold its officers to a higher standard than that required by the Constitution without being subjected to increased liability under § 1983. To hold that cities with strict policies commit more constitutional violations than those with lax policies would be an unwarranted extension of the law, as well as a violation of common sense.”

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- **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. As defined in this policy, injury does not include the temporary pain associated with the proper application of control holds or restraints.

SERIOUS BODILY INJURY (SBI) - A serious impairment of physical condition, including but not limited to 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. [PC 243(f)(4) & Gov. Code, § 12525.2(d)].

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