

**PROBATION DEPARTMENT
ADMINISTRATIVE MANUAL**

Chapter No. 1150a	Page 1
Issue Date:	06/14/01
Revised:	November 2020

**Notes and
References**

Use of Force for Field Officers

Tanja Heitman
Chief Probation Officer

I. PURPOSE AND SCOPE

The Santa Barbara County Probation Department recognizes that the use of force by peace officers requires constant evaluation. Even at its lowest level, the use of force is a serious responsibility. The purpose of this policy is to provide peace officers with guidelines on the use of force in the performance of their duties as defined in Penal Code § 835a. While there is no way to specify the exact amount or type of force to be applied in every situation, each peace officer is expected to use these guidelines to make such decisions in a professional, objective manner *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.* 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 intent of this policy is to increase public safety and to minimize the potential of injury to all involved. The Department recognizes and respects the value of all human life and dignity without prejudice to anyone.

This policy is applicable to all Department facilities and peace officers and is meant to define peace officer responsibilities and limitations while allowing discretion in the appropriate application of force.

**PROBATION DEPARTMENT
ADULT MANUAL**

Chapter No. 1150a	Page 2
Issue Date:	06/14/01
Revised:	November 2020

**Notes and
References**

Use of Force for Field Officers (continued)

II. DEFINITIONS as determined by Penal Code § 835a

Force- The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows themselves to be searched, escorted, handcuffed, or restrained.

Deadly Force- Force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm.

Imminent- A threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. 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.

Totality of the circumstances- All facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force.

III. USE OF FORCE

- A. Officers shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.
- B. The reasonableness of force will 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. 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.

**PROBATION DEPARTMENT
ADULT MANUAL**

Chapter No. 1150a	Page 3
Issue Date:	06/14/01
Revised:	November 2020

**Notes and
References**

Use of Force for Field Officers (continued)

- C. 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.
- D. Peace Officers shall exercise good judgment in determining the appropriate force option for a given situation. The officer must be able to articulate the reasons for choosing the force option used. Officers shall de-escalate and stop using any physical force as soon as the situation is safely under control.

IV. USE OF FORCE TO EFFECT AN ARREST

- A. Any peace officer may use objectively reasonable force to effect an arrest, to overcome resistance, to prevent escape or in defense of self or others. A peace officer who makes or attempts to make an arrest need not retreat or desist from their 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 the right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (Penal Code § 835a).

V. USE OF DEADLY FORCE

- A. If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances known or perceived, officers should evaluate the use of other reasonably available resources and techniques that are safe and feasible when determining whether to use deadly force. The use of deadly force is only justified in the following circumstances (Penal Code § 835a):
 - a. An officer may use deadly force to defend themselves or others from what the officer reasonably believes is an imminent threat of death or serious bodily injury to the officer or another person.
 - b. An officer may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious

**PROBATION DEPARTMENT
ADULT MANUAL**

Chapter No. 1150a	Page 4
Issue Date:	06/14/01
Revised:	November 2020

Use of Force for Field Officers (continued)

**Notes and
References**

bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, the officer shall, prior to the use deadly force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

- B. Officers shall not use deadly force against a person based on the danger that person poses to themselves if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or to another person (Penal Code § 835a).

VI. MOVING VEHICLES

- A. Officers shall not discharge a firearm at a moving vehicle, unless an approaching vehicle is presenting a threat and there is no other reasonable means to avert the threat of the moving vehicle.
- B. Officers shall not discharge a firearm at any part of a vehicle in an attempt to disable the vehicle.

VII. FACTORS EFFECTING REASONABLENESS

Examples of factors to be considered when determining reasonable force options based on the totality of the circumstances known to or perceived by the officer at the time, include, but are not limited to, the following:

1. The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).
2. The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
3. The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
4. Officer/subject factors {age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, and the number of officers available vs. subject(s)}.

PROBATION DEPARTMENT ADULT MANUAL

Chapter No. 1150a	Page 5
Issue Date:	06/14/01
Revised:	November 2020

Use of Force for Field Officers (continued)

5. The apparent effects of drugs or alcohol on the individual being confronted.
6. The apparent mental state or capacity of the individual being confronted
7. Proximity of weapons or dangerous improvised devices to the individual being confronted.
8. The degree to which the subject has been effectively restrained and the subject's ability to resist despite being restrained.
9. Seriousness of the suspected offense or reason for contact with the individual.
10. Training and experience of the officer.
11. Potential for injury to officers, suspects and others.
12. Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
13. The risk and reasonably foreseeable consequences of escape.
14. The apparent need for immediate control of the subject or a prompt resolution of the situation.
15. Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
16. Prior contacts with the subject or awareness of any propensity for violence.

VIII. FORCE OPTIONS

The choices available to a peace officer when selecting a force option include non-physical force actions such as verbal commands, motivational interviewing techniques, and the summoning and assembling of multiple officers in a show of force. In most instances, a warning or command should be given to the individual, and if practical repeated, and the individual given time to comply with the warning or command.

In performing their legal duties, Probation Department Peace Officers are not expected to assume unwarranted risk of serious bodily injury or death. Tactically withdrawing from the scene and calling for additional assistance may be the best response.

Officers must utilize the option that is objectively reasonable for the situation they face, and must be prepared to escalate or de-escalate from one category of force to another based upon the totality of the circumstances.

Notes and References

PROBATION DEPARTMENT ADULT MANUAL

Chapter No. 1150a	Page 6
Issue Date:	06/14/01
Revised:	November 2020

Use of Force for Field Officers (continued)

The following interventions are among the options available to officers depending on the level of force that is objectively reasonable to counter a perceived threat. The listing of these strategies is not to imply they are to be used in the order listed.

1. Verbal commands, de-escalation techniques and command presence.
2. “Soft empty hands” methods of control, from simple physical touch to compliance holds.
3. The use of OC pepper spray (Oleoresin Capsicum).
4. Mechanical restraints including leverage and joint manipulations.
5. Unarmed defensive tactics (UDT).
6. Firearms

IX. USE OF FORCE RESOURCES

A. Training

Training and force options are inextricably combined. Except in extreme emergencies, use of force options should only be used by Probation Department peace officers who have successfully completed training that reflects the Department’s policies and procedures, philosophy, mission, culture, ethics and values as well as in all aspects of behavior management. Only departmentally issued or approved equipment with which the officer has successfully trained are authorized for use.

X. DUTY TO INTERVENE/REPORT MISCONDUCT

A. Intervention

Any Probation Department staff member who believes that another staff member is inappropriately using physical force against a subject shall take affirmative action to stop the inappropriate use of force. While there is no way to specify the exact amount or type of force to be applied in every situation, each peace officer is expected to use these guidelines to make such decisions in a professional, objective manner *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.* Inappropriate use of force shall include any level of

Notes and References

Admin. Manual
Chapter 1158,
Section I, F.

PROBATION DEPARTMENT ADULT MANUAL

Chapter No. 1150a	Page 7
Issue Date:	06/14/01
Revised:	November 2020

Use of Force for Field Officers (continued)

Notes and References

force that is more than that which is objectively reasonable under the totality of the circumstances to bring a situation under control and/or failing to stop the use of force after a situation has been brought under control. A Probation Department staff member who observes another peace officer use force that exceeds the degree of force permitted by this policy shall promptly report these observations to a supervisor and shall complete a written report, Pro 313, of their observations before the end of the shift.

B. **Medical Attention**

Medical attention shall be provided to those injured and those perceived as possibly injured as soon as possible following any use of force and after the situation has been brought under control. Medical attention provided to individuals involved in the use of force will be documented in a Use of Force Report form, Pro 313, or WSR by the individual or individuals who use the force.

VIII. **REPORTING USE OF FORCE**

The purpose of the force option report is to document the totality of the circumstances including the basis for the use of force, what made it reasonable, and what factors went into the decision. The report should focus on the need for the force option used and should contain all the facts that indicate the reasonableness of the force option used.

As soon as safety permits following a use of force incident, the officer(s) involved in the incident shall verbally notify their immediate supervisor unless circumstances outside their control prevent them from such notification. The officer shall report any use of force and all of the following circumstances including, but not limited to the following:

- (a) The application of any force, including force causing a visible injury.
- (b) The individual subjected to the force complained of injury or continuing pain.
- (c) The application of force would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a control device.

PROBATION DEPARTMENT ADULT MANUAL

Chapter No. 1150a	Page 8
Issue Date:	06/14/01
Revised:	November 2020

Notes and References

Use of Force for Field Officers (continued)

- (f) Any application of a restraint device other than handcuffs, shackles or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges any of the above has occurred.

Any use of force that involves OC pepper spray, UDT, mechanical restraints, or firearm shall be documented in a Use of Force Report form (Pro 313c or WSR) and forwarded by the officer to their immediate supervisor for review within 24 hours of the incident.

XI. USE OF FORCE REVIEW

All use of force incidents will be submitted to the Probation Department Use of Force Review committee. The Committee will consist at a minimum each of the following; Deputy Chief Probation Officer, Probation Manager, and a Supervising Deputy Probation Officer.

XII. USE OF FORCE ANALYSIS

At least annually, the Professional Standards Unit, in conjunction with the Deputy Chief having oversight of UOF review committee, shall prepare an analysis report on use of force incidents. The report shall be submitted to the Chief. The report shall not contain the names of officers or suspects and shall include:

1. The identification of any trends in the use of force by members.
2. Training needs recommendations.
3. Equipment needs recommendations.
4. Policy revision recommendations.

On an ongoing basis and as situations arise, recommendations in areas above will also be submitted to the Chief for consideration, as appropriate.