

USE OF FORCE – FIELD SERVICES

AUTHORITY:	Administrative Directive California Penal Code (CPC) Sections 196, 830.5, 832.7, 832.8, 835, 835a, 836.5(b), 6035, and 6036 Government Code Sections 846, 7286, 7286.5. and 12525.2 42 U.S. Code 247d-6d (10) Title 15 Section 173 California Code of Regulations Title 22 Section 100014 and 100017 California Code of Regulations <u>Executive Order: Safe Policing for Safe Communities (Signed June 19, 2020)</u>
RESCINDS:	Procedure Manual Item 1-4-105, dated 01/10/23 (Recertified)
FORMS:	Special Incident Report (Adult Field Services) F097-9162.1(A)(AF) (2008) Special Incident Report (Juvenile Field Services) F057-9162.1(JF) (2016)
PURPOSE:	To set forth requirements regarding the objectively reasonable use of force and justification for the use of deadly force by Deputy Probation Officers (DPOs), Senior Deputy Probation Officers (Senior DPOs), Supervising Probation Officers (SPOs), and sworn administrators. For the purposes of this Procedural Manual Item (PMI), the acronym DPO and the term “officer” apply to the above noted classifications.

I. GENERAL INFORMATION

A. Scope and Philosophy

1. Deputy Probation Officers (DPO) are peace officers as defined by Penal Code § 830.5 and have limited peace officer authority. Through the normal course and scope of their duties, they may be called upon to perform law enforcement activities that may necessitate the use of objectively reasonable force.
2. The authority to use physical force is a serious responsibility that shall be exercised judiciously and with respect for human rights, dignity, and the sanctity of every human life.
3. A DPO, who has reasonable cause to believe that the person to be arrested has committed a public offense, may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance.
4. A DPO 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.
5. DPOs shall 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.

6. DPOs shall carry out their duties, including use of force, in a manner that is fair and unbiased.
 - a. Every person has the right to be free from excessive use of force by officers acting under color of law. In no circumstances, shall force be used in a punitive manner, nor upon an individual that appears to be under control. The department will not tolerate excessive force as defined by Penal Code Section 835a, Gov. Code 7286(a)(2), other laws and this policy. Excessive force is defined as less than lethal force which is not objectively reasonable, lethal force that is not necessary, and any force used that violates this policy.
7. It is recognized that circumstances may arise in which DPOs are unable to effectively use the tools, weapons, or methods provided by the Department. In such circumstances, the DPO may use alternative items or methods readily available to them, so long as the item or method was utilized in an objectively reasonable manner and only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose. In all circumstances, DPOs are expected to exercise sound judgment and critical decision-making when using force options.
8. Pursuant to Government Code section 12525.2, the department is required to report specific use of force incidents through the California Department of Justice application URSUS monthly. The following use of force events are required to be reported:
 - a. An incident that involves the shooting of a civilian by a peace officer.
 - b. An incident that involves the shooting of a peace officer by a civilian.
 - c. An incident in which the use of force by a peace officer against a civilian resulted in serious bodily injury or death.
 - (1) "Serious bodily injury" means 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.
 - d. An incident in which use of force by a civilian against a peace officer results in serious bodily injury or death.
 - e. When a reportable incident has occurred, the Professional Standards Division Assistant Division Director (ADD) overseeing the Range, or designee, will make the appropriate notification to the Department of Justice application URSUS. As statutorily required, the following information will be included, but not limited to:
 - (1) The gender, race, and age of each individual who was shot, injured, or killed.
 - (2) The date, time, and location of the incident.

- (3) Whether the civilian was armed, and, if so, the type of weapon.
 - (4) The type of force used against the officer, the civilian, or both, including the types of weapons used.
 - (5) The number of officers involved in the incident.
 - (6) The number of civilians involved in the incident.
 - (7) A brief description regarding the circumstances surrounding the incident, which may include the nature of injuries to officers and civilians and perceptions on behavior or mental disorders.
9. Any DPO who has an abuse of force complaint against them -sustained, is prohibited from training other staff for three years from the date the complaint was sustained. Sustained means a final determination following an investigation and opportunity for an administrative appeal pursuant to Sections 3304 and 3304.5 of the Government Code, that the actions of the DPO were found to violate law or department policy.
10. DPOs shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, based upon the totality of information actually known to the officer, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject.
 - a. Intercede includes, but is not limited to, taking affirmative action by physically stopping the excessive use of force, and confronting the offending DPO during the use of force.
 - b. If the offending DPO continues the use of force, the witnessing DPO must immediately report the incident to their immediate supervisor including the offending DPO's name and location, time, and details of the incident.
 - c. In all instances of excessive force, the witnessing DPO shall report the incident verbally and in writing to their immediate supervisor at the earliest possible opportunity.
 - d. Retaliation against the reporting DPO is prohibited. Retaliation includes demotion, failure to promote 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 DPO to properly perform their duties, or intimidation, harassment, or the threat of injury while on duty or off duty.
 - e. Any DPO that has been trained on the requirements to intercede and fails to act can be disciplined up to and including in the same manner as the DPO committing the excessive force. Information regarding the duty to intercede shall be discussed/reviewed in mandatory

biennial Defense and Control Techniques (DCT) training, disseminated by the department via training bulletins, and included in the biennial update to this PMI.

- f. All reports of excessive force will be referred to the Professional Standards Division for review of the excessive force and the requirement to intercede.
- 11. Employees shall comply with Policy Number C-16 Employee Conduct – On Duty which requires any employee who observes or is aware of an employee violating the law and/or departmental policy and procedure must report this to a supervisor at the earliest possible opportunity. Further, all employees are responsible for reporting any situation that poses a threat to the health and safety of staff and clients under the Probation Department’s jurisdiction.
- 12. The activities listed below are not considered use of force events. However, in the event the activity results in injury, the appearance of injury, or complaint of pain, the incident should be reported, both verbally and in a written report, to the officer’s SPO.
 - a. Using a firm grip to control while performing routine functions such as searching, handcuffing, or escorting.
 - b. Using a firm grip/hand hold to assist or escort a restrained person.
 - c. Performing reasonable interventions necessitated by the physical incapacity of the individual (e.g., steadying or lifting an intoxicated or disabled person).
- 13. Consistent with Policy Manual Item (PMI) 1-1-A Probation Department Procedure Manual, this PMI will be reviewed and updated at a minimum of every two years, or when directives change based on legislation, court decisions, county directives, or practice.

II. TRAINING

- A. A DPO must complete the following departmentally authorized training before being authorized to utilize any use of force option:
 - 1. All required/mandatory training is scheduled by the Strategic Support Division and the DPO is notified electronically. It is the responsibility of the DPO to attend all mandatory training and/or reschedule missed mandatory training.
 - 2. Probation Officer Core Course approved by the Board of State and Community Corrections and the Standards and Training for Corrections Program authorized by Title 15, Section 173 California Code of Regulations. The Probation Officer Core Course includes multiple training modules addressing the use of force.
 - a. Legal liability
 - b. Principles of Use of Force

- c. Evasive Blocking Techniques
 - d. Arrest and Control Techniques
 - e. Principles of Use of Restraints
 - f. Use of Chemical Agents (departmentally required)
 - g. Handcuffing
- 3. Information for working with vulnerable populations (e.g., children, elderly, people who are pregnant, people with physical, cognitive, and developmental disabilities, and people with mental health needs) is woven throughout the above listed modules. The Probation Officer Core Course also includes modules addressing issues pertinent to these specific populations:
 - a. Behavioral Health Case Planning
 - b. Crisis Intervention and De-escalation
 - c. Cultural Diversity and Ethnic Disparity
 - d. Effective Communication
 - e. Interventions and Resources
 - f. Signs and Symptoms of Substance Abuse
 - g. Trauma
- B. Title 22 Section 100017 of the California Code of Regulations requires DPOs to receive twenty-one (21) hours in First Aid and Cardiopulmonary resuscitation (CPR). Thereafter, DPOs must receive eight (8) hours of training every two years.
- C. Prior to a DPO being authorized to carry a firearm, the DPO must complete the following departmentally authorized training:
 - 1. Penal Code 832 Firearms
 - 2. Firearms Training Course
 - 3. Defense and Control Techniques for Armed Officers
 - 4. Expandable Baton Certification Course for Armed Officers

III. DE-ESCALATION AND OBTAINING VOLUNTARY COMPLIANCE

- A. Voluntary compliance is the preferred means of achieving resolution to potential use of force encounters. When reasonable to do so, DPOs should ask for and allow reasonable time for compliance.

- B. When feasible, DPOs shall utilize de-escalation techniques, crisis intervention tactics, and other alternatives to force.
1. “Feasible” means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objectives without increasing risk to the officer or another person.
 2. “De-escalation” means the use and application of non-force efforts and techniques to discourage, decrease or prevent threatening, disruptive, or violent behavior. The goal is to stabilize the situation and reduce the immediacy of the threat and gain the voluntary compliance of the subject so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary.
- C. Various de-escalation techniques include, but are not limited, to the following:
1. Slowing down an encounter by “backing off” from immediate intervention or action. Not every situation requires immediate action.
 2. Verbal management of aggressive behavior (commonly referred to as LEAPS method, verbal de-escalation or verbal judo).
 - a. Listen: This refers to focused, nonjudgmental, unbiased, active listening and trying to determine what the individual means and wants.
 - b. Empathize: Trying to see the individual’s perspective through his/her eyes. This does not mean agreeing with the individual but understanding where they are coming from and constructing a verbal way to relate.
 - c. Ask: Asking open-ended, opinion seeking questions such as “Is there some way we can solve this problem”.
 - d. Paraphrase: Put the individual’s point of view in your own words and play it back.
 - e. Summarize: This is a brief, concise, and indisputable summary of the facts involved.
 3. Using the T.A.C.T. method
 - a. Time: slow down, assess the problem, develop a plan, give the person time to hear you, give the person time to vent, and use time to obtain appropriate resources.
 - b. Atmosphere: Reduce distractions, keep the scene calm and controlled, maintain personal space and move slowly, and observe verbal and non-verbal cues.
 - c. Communication: Speak slowly and calmly, repeat yourself, give firm, simple, and clear directions, try to make the individual focus on your

voice, pay attention to how the individual is responding, not just what the individual is saying, and make your actions and expectations clear.

- d. Tone: Be calm and non-confrontational, be respectful, patient, attentive, and reassuring, be truthful, and avoid what is being said personally.

IV. REASONABLE USE OF FORCE EQUIPMENT

Only departmentally issued or approved equipment with which the DPO has successfully completed training and been authorized to use shall be employed. All issued or approved equipment shall be carried and used in a manner consistent with the manufacturer's recommended use and departmental training. All equipment shall be maintained in good working order. In the event an item is not in good working order, the equipment issue shall be reported to the respective supervisor immediately.

V. PROHIBITED/UNAUTHORIZED FORCE OPTIONS:

- A. Given that no policy can realistically predict every possible situation a DPO may encounter, it is recognized that each DPO must be entrusted with well-reasoned discretion, within the framework of this and related policies, in determining the appropriate use of force and tactics used. In addition, Government Code Sections 7286.5(a)(1) and 7286.5(a)(2) as well as Executive Order: Safe Policing for Safe Communities signed June 19, 2020, provide limitations and prohibitions on specific restraints.
 - 1. DPOs are not authorized to use a carotid restraint hold. A 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 in order to subdue or control the person (Government Code Section 7286.5).
 - 2. DPOs are prohibited from using a choke hold. A choke hold means any defensive tactic or force option in which pressure is applied to a person's trachea or windpipe (Government Code Section 7286.5).
 - 3. DPOs are not authorized to use techniques or transport methods that involve a substantial risk of positional asphyxia. "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 (Government Code Section 7286.5).

VI. DEADLY FORCE

- A. Deadly force refers to any use of force that creates a substantial risk of causing death or serious bodily injury. Deadly force includes, but is not limited to, the discharge of a firearm.
- B. A DPO is justified in using deadly force when he/she believes, based on the totality of circumstances, that such force is necessary for either of the following reasons:
 - 1. To defend against an imminent threat of death or serious bodily injury to the officer or to another person. 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 DPO or another person.
 - a. 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.
 - b. “Totality of the circumstances” means all facts known to the DPO at the time, including the conduct of the officer and the subject leading up to the use of deadly force.
 - 2. To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the DPO believes that the person will cause death or serious bodily injury to another unless immediately apprehended.
- C. A DPO 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 DPO or to another person.

VII. FORCE OPTIONS

- A. As noted in I. A. 3, the DPO is permitted to use objectively reasonable force to effect arrest, to prevent escape, or to overcome resistance. Before utilizing a use of force option, the DPO shall have completed departmentally approved training and be authorized to use the tactic.
- B. DPOs using any force should consider the following:
 - 1. Whether the individual has been given sufficient opportunity to comply.
 - 2. The possibility of unintended or increased injury to special populations including juveniles, elderly, visibly frail, pregnant or recovering from delivery, and individuals with pre-existing medical conditions.
- C. The application of any physical force technique shall be discontinued once the DPO determines that compliance has been achieved, or that the technique is ineffective, in which case another option should be utilized.
- D. DPOs must believe that the use of any technique appears to be necessary to further a legitimate law enforcement purpose as detailed in Section I.A.

E. Force options but are not to be construed as a use of force continuum that requires an escalating series of actions an officer must take to resolve a situation.

1. Physical Force

Refers to the use of techniques by a trained DPO to use any physical contact intended to control or restrain the movement of a subject. These techniques include, but are not limited to, the following:

- a. Arrest and control techniques that utilize a DPO's personal body weapons to strike, hold, pull, push, throw, kick, or otherwise exert strength against another person to gain compliance.
- b. Pain compliance techniques apply to control holds that involve manipulating a person's joints or activating certain pressure points to create sufficient pain to achieve compliance. The application of "pain" in a pain compliance technique should be discontinued once the DPO determines that compliance has been achieved or there is no further need for its application.

2. Chemical Agent

Refers to the use of a departmentally issued oleoresin capicum (OC) spray. Please refer to PMI 1-4-106 for specifics on the training, certification, authorization, discharge, and decontamination requirements for the use of OC spray.

3. Impact Weapon

- a. Refers to the use of a departmentally issued expandable baton by an authorized and trained DPO. Baton strikes should be delivered to target areas consisting of hands, arms, feet, legs, shoulder, or center mass regions of the body. Strikes to non-target areas involving the head, neck, throat, spine, heart, sternum/xiphoid process, kidneys, spleen and groin pose an increased risk of causing serious physical injury or death and should be avoided.
- b. Refer to PMI 1-4-121 Expandable Baton – Field Service for specifics on the training and authorization to possess and use an expandable baton in the course and scope of employment.

4. Taser/Conducted Energy Weapon (CEW)

- a. The use of a CEW is considered a less lethal weapon.
- b. Refer to PMI 1-4-126 Taser/Conducted Energy Weapon (CEW) for guidelines on the issuance, training, use, and storage of the CEW.

5. Firearm

- a. Discharge of a firearm is considered deadly force.

- b. Refer to PMI 1-4-107 Authorization to Carry Firearms for guidelines on the issuance, training, use, storage of a firearm, and post shooting procedures involving injured persons.
- c. Prior to discharging a firearm, and when feasible, the DPO shall make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used.
- d. A DPO is authorized to draw their weapon from its holster when immediate circumstances create a reasonable belief that a serious threat exists and the use of the firearm may be necessary to protect life or when the DPO is providing appropriate back-up to a law enforcement agency in a potentially life-threatening situation.
- e. DPOs must consider their surroundings and potential risks to bystanders, to the extent reasonable under the circumstances, before discharging a firearm.
- f. Moving Vehicles
 - (1) DPOs shall actively attempt to move out of the path of an approaching vehicle instead of discharging his/her firearm at the vehicle or any of its occupants.
 - (2) Firing at or from a moving vehicle is prohibited except when necessary because of an imminent threat of death or serious bodily injury to the DPO or another person.
- g. Warning Shots

The firing of warning shots presents a danger to both the DPO and innocent persons and is therefore prohibited.

VIII. USE OF FORCE CONSIDERATIONS ON VULNERABLE POPULATIONS

- A. Individuals physical, mental health, developmental, or intellectual disabilities are significantly more likely to experience greater levels of physical force during law enforcement interactions, as they may be unable to understand or comply with commands. DPOs shall be cognizant of this and endeavor to employ non-force options with vulnerable populations before resorting to any use of force. Training specific to working with these individuals is listed in Section II Training of this PMI.
- B. In addition to vulnerable populations noted above, Individuals with limited English proficiency may be unable to understand or comply with commands. Language barriers should be an additional consideration for DPOs.

IX. USE OF FORCE ON ANIMALS

- A. Deadly force may be used to stop a dangerous animal in circumstances where the animal reasonably appears to pose an imminent threat to humans safely and alternative methods to neutralize the threat are not reasonably available or would likely be ineffective.

- B. In the event an animal is injured because of a use of force, the DPO shall call animal control for assistance when safe and practical to do so.

X. MEDICAL CONSIDERATIONS

- A. The DPO shall consider the nature and severity of the individual's injury and take appropriate and timely action in obtaining medical assistance.
- B. DPO should promptly provide, to the extent they are trained, and/or promptly procure, medical assistance for persons injured in a use of force incident when it is reasonable and safe to do so.
- C. Any individual exhibiting signs of physical distress (e.g., obvious or complaint of shortness of breath, chest pain, or dizziness) after an encounter should be continuously monitored until he/she can be medically assessed. The individual should be evaluated by medical personnel (e.g., on-scene paramedics, hospital personnel) as soon as it is reasonably possible.
- D. Any subject who has been subjected to a use of force, must be medically cleared through the medical unit during the booking process or by medical personnel before being released to the field. The DPO shall ensure that any person providing medical care or receiving custody of a person subjected to force be notified of the description of force used and any other known details that could pose a safety risk to the individual (e.g., prolonged struggle, impaired respiration).
- E. Individuals exposed to chemical agents (OC Spray) shall be decontaminated ~~as at~~ the earliest possible opportunity. Refer to PMI 1-4-106 regarding the specifics for decontamination.
- F. When releasing an individual to the custody of another, the primary DPO involved shall notify the transporting probation or law enforcement personnel, medical personnel or custody staff that the individual was subjected to force and to monitor him/her as needed. The DPO should relay the type of force used, describe any visible or perceived injuries, convey injuries as reported by the individual, and advise of any concerns involving the individual's medical circumstances or safety.
- G. If an individual refuses medical attention by medical personnel, the DPO shall fully document the refusal and any visible injury in a Special Incident Report (SIR).

XI. DPO NOTIFICATIONS AND DOCUMENTATION

- A. Any DPO involved in a use of force, shall notify their immediate SPO and submit a written report regarding the incident as soon as reasonably possible.
- B. Any DPO who witnesses a use of force by a DPO, shall notify their immediate SPO and submit a written report regarding the incident as soon as reasonably possible. A witness is defined as anyone who saw, heard, or otherwise experienced the event.
- C. As noted above, any DPO involved in or witnessing a use of force incident, excluding an officer involved shooting, shall write and submit an S.I.R. including all relevant facts related to the circumstances leading up to the incident, the DPO's perceptions at the time of the incident, level of resistance, de-escalation and other tactics

attempted prior to the use of force, and why force appeared necessary. Refer to PMI 1-4-107 regarding the reporting of an officer involved shooting.

1. A DPO may consult with their union representative prior to writing/submitting the S.I.R.
 2. Except as specified in E.4. below, any DPO involved in a use of force shall have the opportunity to review available audio/video recordings prior to submitting an S.I.R.
 3. A DPO involved in a use of force incident shall submit his/her SIR to their assigned SPO or CIM promptly.
 4. If circumstances delay the submission of the S.I.R. past 48 hours, approval must be granted from the assigned SPO or CIM. The assigned SPO or CIM will consider the circumstances of the incident, injuries sustained (e.g., serious bodily injury or death), ability to review audio/video recordings, etc. when granting an extension for the submission of the report.
- D. Any officer involved shooting or use of force resulting in serious bodily injury or death is considered a critical incident. The DPO (s) shall notify their SPO and Critical Incident Manager (CIM) as soon as reasonably possible.
- E. Any DPO who negligently discharges a departmentally issued firearm, shall notify their supervisor as soon as reasonably possible. A negligent discharge is considered a discharge of a firearm unintentionally, unexpectedly, or outside the scope of employment. A negligent discharge can occur at any time (on-duty or off-duty). A DPO may use the assistance of their union representative when notifying their supervisor. Additional notification responsibilities are outlined in PMI 1-4-107 Authorization to Carry Firearms.

XII. SUPERVISOR'S RESPONSIBILITY

- A. Upon notification of a use of force, the supervisor shall ensure all emergency services have been deployed.
- B. If the incident involved an officer involved shooting (OIS) or a use of force resulting in serious bodily injury or death, the SPO shall confirm the Critical Incident Manager (CIM) has been notified.
1. Any critical incident involving serious bodily injury, death, or use of a firearm requires the CIM or designee to physically respond to the incident.
 2. The CIM will notify the Association of Orange County Deputy Sheriff's (AOCDS) by calling 714-285-2800 as soon as reasonably possible.
 3. Please refer to PMI 1-4-128 Critical Incident Manager for further information on CIM responsibilities.
- C. Collect and review S.I.R.s from each involved and witnessing DPO within 48 hours of the incident. The SPO shall consider circumstances of the incident, injuries sustained, ability to review audio/video recordings, etc. and determine if submission

of the S.I.R. may be extended past 48 hours after the incident. The S.I.R.s shall be reviewed for the following:

1. If the use of force was objectively reasonable, consistent with the law, and departmental policies. The decision to use force should 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.
 2. Any training issues involved in the use of force incident.
 3. After review, the SPO shall forward all reports to their ADD and Division Director (DD) with any initial findings and observations.
- D. In the event the involved officer(s) suffered an injury, initiate Worker’s Compensation paperwork. Human Resources Return-to-Work staff will notify AOCDS upon receipt of the Worker’s Compensation paperwork.

XIII. MANAGEMENT RESPONSIBILITY AND REVIEW

- A. Review: The assigned ADD and DD shall review all use of force reports within their division for the following:
1. If the use of force was objectively reasonable, consistent with the law, and departmental policies. The decision to use force should 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.
 2. Any training issues involved in the use of force incident.
- B. Referral to Professional Standards Division for Additional Review: If the ADD and/or DD have any concerns that the use of force was not objectively reasonable, outside the law, or outside of policy, the ADD and DD shall contact the Professional Standards DD, or designee, to determine if the incident should be routed to the Professional Standards Divisions for review and/or investigation. Further, if there is a concern or complaint, whether generated internally or externally, alleging the amount of force used was not objectively reasonable or otherwise outside of departmental policy, the matter will be referred to the Professional Standards Division for further review.
- C. Referral to Use of Force Review Board: If the use of force incident involved the use of OC spray, baton, TASER, firearm, or any physical use of force causing injury (visible or complaint), the reports shall be forwarded to the Professional Standards Divisions DD for convening the Use of Force Review Board.
- D. For use of force incidents that appear to be objectively reasonable, in compliance with policy, and not subject to referral to the Use of Force Review Board, all S.I.R.s shall be forwarded directly to the Chief Deputy Probation Officer.

- E. The ADD and DD should review and forward all reports to the appropriate location within fourteen (14) days of the incident.

XIV. REFERRAL TO USE OF FORCE REVIEW BOARD

- A. The following incidents will be referred to the Use of Force Review Board.
 - 1. Use of force incidents involving the use of Oleoresin Capsicum (OC) Spray, baton, TASER, or firearm.
 - 2. Any physical use of force causing injury (visible or complaint).
 - 3. Any use of force resulting in serious injury or death.
 - 4. A use of force not resulting in injury or complaint can be referred to the Use of Force Review Board by administration through the Professional Standards Division DD.
- B. The primary function of the Use of Force Review Board is to determine if the force was consistent with training and within departmental policy and procedure. Refer to PMI 1-4-108 *Use of Force Review Board* for the purpose, function, and parameters of the Use of Force Review Board.

XV. DISCLOSING PUBLIC RECORDS

Pursuant to PC 832.7, peace officer records related to the report, investigation, or findings of the following use of force incidents shall be made available for public inspection:

- A. An incident involving the discharge of a firearm at a person by a peace officer.
- B. An incident in which the use of force by a peace officer against a person resulted in death, or in great bodily injury. Pursuant to Penal Code 12022.7(f), great bodily injury means a significant or substantial physical injury.
 - 1. Records may be redacted pursuant to CPC 832.7(b) (5) and (6).
 - 2. Release of the records may be delayed pursuant to CPC 832.7(b) (7).
 - 3. Prior to the release of records for public inspection, the Department's Public Information Officer (PIO) will notify the DJCO and AOCDS at least seven (7) days prior to releasing the documents. Please refer to PMI 1-3-015 *Maintenance and Release of Employee Discipline Records* for additional information.

XVI. COMPLAINTS AGAINST PERSONNEL (CAP)

The investigation process for CAPs is outlined in PMI 1-3-404 Complaints Against Personnel.

REFERENCES:

Procedures:	1-1-A	Probation Department Procedure Manual
	1-3-105	Maintenance and Release of Employee Discipline Records
	1-3-404	Complaints Against Personnel
	1-4-106	Oleoresin Capsicum (OC) Spray-Field Services
	1-4-107	Authorization to Carry Firearms
	1-4-108	Use of Force Review Board
	1-4-110	Threats, Harm or Danger to Employees and Others
	1-4-121	Expandable Baton-Field Services
	1-4-122	Leg Restraint Devices
	1-4-126	Taser/Conducted Electrical Weapon (CEW)
	1-4-128	Critical Incident Manager (CIM)
	3-6-001	Use of Force – Facilities
	3-15-001	Special Incident Reports/Routing SIR and DHO Paperwork
Policies:	A-9	Requests for Information and Assistance
	A-10	Contact with News Media
	C-14	Citizen Complaints, Compliments and Complaints against Peace Officers
	C-16	Employee Conduct - On Duty
	D-1	Threats, Harm, Danger to Employees and Others
	D-2	Use of Physical Restraint/Corporal Punishment
	D-4	Handcuffs
	D-5	Arrests/Temporary Detentions
	D-8	Firearms
	D-9	Tear Gas

S.McCoy

APPROVED BY: