



Kern County Sheriff's Office
Policies and Procedures

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

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

POLICY

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

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

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

Officers shall use deadly force only when reasonably necessary in defense of human life or serious bodily injury. The decision by an officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight. The totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force. The Kern County Sheriff's Office shall evaluate the UOF used by its deputies to ensure that the use of such force is lawful and consistent with this policy.

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

PROCEDURE

A. DEFINITIONS

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

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

8. FORCE DEFINITIONS

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

9. INJURY DEFINITIONS

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

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B. DUTY TO INTERVENE

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

C. VERBAL WARNING

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

D. RENDERING MEDICAL AID

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

E. GENERAL CONSIDERATIONS GOVERNING USE OF FORCE

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

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

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

F. PROHIBITED USES OF FORCE

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

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

G. FORCE OPTIONS

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

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

H. POINTING A FIREARM

1. Nothing in this policy shall preclude an officer from drawing a firearm when the officer reasonably believes it necessary for the safety of the officer or another.
2. The pointing of a firearm at a person shall be documented in a crime/incident or supplemental report.
 - a. Documentation is not required when a firearm is presented but not pointed at an individual (i.e. when searching a building)

I. DISCHARGE OF FIREARMS AND OTHER DEADLY FORCE

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

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

J. MOVING VEHICLES

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

K. MANDATORY REPORTING PROCEDURE

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

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

2. Excessive Force

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

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

3. Supervisors' Responsibilities

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

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

L. DISCLOSURE OF PUBLIC RECORDS

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

M. REPORTING TO THE CALIFORNIA DEPARTMENT OF JUSTICE

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

N. CITIZENS REPORTING USE OF FORCE COMPLAINTS

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

O. TRAINING

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

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

P. CASE LAW REFERENCES

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

F-0100-12

EFFECTIVE: January 1, 2021	REVIEWED: January 1, 2021	REVISED: January 1, 2021	UPDATED: January 1, 2021
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officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others." It was found that use of deadly force to prevent escape is an unreasonable seizure under the Fourth Amendment, in the absence of probable cause that the fleeing suspect posed a physical danger.

F-0100-13

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UOF MATRIX

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

UOF REPORTING MATRIX

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

F-0100-14

EFFECTIVE: January 1, 2021	REVIEWED: January 1, 2021	REVISED: January 1, 2021	UPDATED: January 1, 2021
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Kern County Sheriff's Office
Policies and Procedures

TITLE: USE OF FORCE-HANDCUFFS		NO: F-150	
APPROVED: Donny Youngblood, Sheriff-Coroner			
EFFECTIVE: August 20, 2013	REVIEWED: 07/10/2020	REVISED:	UPDATED: 10/13/2017

POLICY

This procedure provides guidelines for handling situations involving handcuffing during detentions and arrests. This policy is also applicable to Flexcuffs, which will be considered synonymous with handcuffs for purposes of this policy.

Although recommended for most arrest situations, handcuffing is a discretionary procedure and not an absolute rule of the Sheriff's Office. When deciding whether to handcuff an arrestee, deputies should carefully balance officer safety concerns with factors including, but not limited to the following:

- The circumstances leading to the arrest
- The attitude and behavior of the arrested person
- The age, sex and apparent health of the person
- Whether the person has a hearing or speaking disability. In such cases consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes
- Whether the person has any other apparent disability

It is not the intent of the Sheriff's office to dissuade deputies from handcuffing all persons they believe warrant that degree of restraint, nor is it the intent of this policy to create the atmosphere that in order to avoid risk, a deputy should handcuff all persons regardless of the circumstances. In most situations handcuffs should be applied with the hands behind the person. Handcuffs should be removed as soon as it is reasonable or practical to do so.

DIRECTIVE A – IMPROPER USE OF HANDCUFFS

Handcuffing is never done to punish, to display authority, or as a show of force. Persons are handcuffed only to restrain their hands to ensure officer safety. When practical, handcuffs shall be double locked to prevent tightening which may cause undue discomfort or injury to the hands or wrists.

DIRECTIVE B – JUVENILES

Juveniles 14-years of age or older may be handcuffed when the act committed is of a felonious nature or when their acts have amounted to crimes where the deputy has a reasonable suspicion the suspect may have a desire to escape, injure themselves, injure the deputy, or destroy property.

Juveniles under 14-years of age will generally not be handcuffed unless their acts have amounted to a dangerous felony or when the nature of the crime or their apparent state of mind is such that it suggests a reasonable probability of a desire to escape, injure themselves, the deputy, or to destroy property.

DIRECTIVE C – HANDCUFFING OF DETAINEES

Situations may arise where it may be reasonable to handcuff an individual who may, after subsequent investigation, be released prior to arrest. Such a situation is considered a detention, rather than an actual arrest. Unless arrested, the use of handcuffs on detainees should continue for only as long as is reasonably necessary to assure the safety of deputies and others. Deputies should continuously weigh the safety interests at hand against the intrusion upon the detainee when deciding to remove handcuffs from a detainee.

When an individual is handcuffed and released without an arrest, a written report of the incident shall be made to document the details of the detention and need for use of handcuffs.

DIRECTIVE D – HANDCUFFING OF PREGNANT ARRESTEES

Female arrestees who are known to be pregnant or in recovery from delivery should be handcuffed to the front of the body only.

Sheriff’s Personnel who are caring for, guarding, or transporting a female inmate confined to any detention facility will comply with Detentions Bureau policy C-400.

EFFECTIVE: August 20, 2013	REVIEWED: 07/10/2020	REVISED:	UPDATED: 10/13/2017
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Kern County Sheriff's Office

Policies and Procedures

TITLE:	USE OF FORCE-CONTROL HOLDS/DEFENSIVE TACTICS TEAM	NO: F-300	
APPROVED:	Donny Youngblood, Sheriff-Coroner		
EFFECTIVE: August 1, 1990	REVIEWED: 10/05/2020	REVISED: 09/28/1999	UPDATED: 10/13/2017

POLICY

The Sheriff's Office has established a Defensive Tactics Team. This team of trained instructors will provide or approve all training in weaponless defense, control holds, and baton. The training, approved by the Administration and provided by this team, constitutes the specific policies in this area.

DIRECTIVE

The Defensive Tactics Team will establish and maintain a manual outlining its organization and detailed descriptions of approved tactics and holds.



Kern County Sheriff's Office
Policies and Procedures

TITLE: Hobble Restraint		NO: F-350	
APPROVED: Donny Youngblood, Sheriff-Coroner			
EFFECTIVE: September 7, 2004	REVIEWED: 01/25/2021	REVISED: 00/00/00	UPDATED: 10/13/2017

POLICY

It is the policy of the Kern County Sheriff's Office to attempt to minimize the potential for physical injury to all persons during all contacts. Officers are permitted to use that level of restraint during lawful detentions, arrests, and transportation that is reasonably necessary to effect the arrest, to overcome resistance, or to prevent escape in accordance with law and the policies and procedures set forth in this manual.

The following procedures are intended to apply to field situations. Detention Bureau personnel will adhere to applicable Detention Bureau policies and procedures.

During the transportation of a prisoner or a detainee, it is appropriate to restrain the person with his/her hands behind the back, unless the person has a physical injury that would be aggravated by this practice, or the person is a pregnant female. Officers shall ensure that once handcuffs are applied, they are double locked in order to minimize the potential for wrist injury to the person, and to maximize the handcuff's security.

Occasionally, officers may encounter a particularly violent person who continues to fight and resist even after his/her hands are appropriately restrained. There are a number of reasons for behavior of this nature, however it is most typically related to drug influence, mental illness, or a medical condition. In any case, restraining the person while he/she is in a facedown-prone position can inhibit their ability to breathe effectively.

The practice of using a soft restraint to tie the person's ankles together is referred to as a "hobble." In those cases where the use of handcuffs alone is not adequate to control the person and prevent him/her from further injuring himself/herself or others, officers are permitted to use the hobble. The hobble is particularly appropriate in those cases where the person is resisting the officers' efforts by kicking at the officers or violently thrashing his/her legs.

The only Sheriff's Office-approved hobble restraint is the RIPP Hobble Restraint. The RIPP Hobble Restraint is made of black, one-inch polypropylene webbed belting with a tested strength of 700 pounds. It is equipped with a steel alligator jawed, friction-locking clip, and a bronze swivel-snap ring.

Only Sheriff's Office members who have successfully completed Sheriff's Office-approved training in applying the RIPP Hobble Restraint are authorized to carry and apply the RIPP Hobble Restraint. In all cases, the use of the Hobble Restraint shall conform to the policies and procedures set forth in this manual and to the specific application techniques provided in training.

Any use of the RIPP Hobble Restraint will be documented pursuant to the reporting procedures

in section F-100 of this manual

DIRECTIVE #1

If, at any time, it becomes necessary to restrain a person in a prone position, that person would be appropriately restrained using the handcuffs and hobble (when necessary) as quickly as possible, giving due consideration to the safety of all persons. As soon as possible, the person should be rolled onto his/her side so that breathing is unimpaired. Officers should avoid applying weight to the person's upper torso during this restraint process, restraining only the arms and legs whenever possible.

This does not preclude the proper application of the Prone Control Technique wherein the officer's knee is positioned across the person's upper shoulder to maintain physical control of the suspect during the handcuffing process.

DIRECTIVE #2

Officers should never bind any person's hobble to the handcuffs except in the gravest of circumstances where less intrusive means of restraint are ineffective and the officer has reason to believe the use of lesser restraints will unnecessarily jeopardize the safety of the officer(s) and/or the person being restrained, and/or the public.

PROCEDURE A

In the event that it becomes necessary to bind a hobble to the handcuffs:

- As soon as possible after the hobble is attached to the handcuff, the person should be rolled onto his/her side so that breathing may continue unimpaired.
- Medical aid will be summoned as soon as possible to assist in evaluating the person's medical condition and to provide transportation to the medical facility should it become necessary to transport the person in a prone position with the arms and legs restrained.
- At least one officer at the scene will be assigned to stay with the restrained person to continually monitor the person and watch for any changes in breathing or consciousness.
- Once a person has become cooperative, release the hobble from the person's handcuffs.
- Apply first aid as needed.
- Transport to a medical facility for examination.
- Advise any transporting officer or Jail Receiving officer of the circumstances.

F-350-2

EFFECTIVE: September 7, 2004	REVIEWED: 10/05/2020	REVISED: 00/00/00	UPDATED: 10/13/2017
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- Follow the reporting procedures in F-100 of this manual.

DIRECTIVE #3

No person shall remain with the hobble bound to the handcuff after it no longer appears reasonably necessary to effect the arrest, prevent escape, overcome resistance, or prevent the arrestee from injuring himself/herself.

DIRECTIVE #4

No person will be transported in a Sheriff's Office vehicle in a prone position lying on his/her chest or abdomen.

When, for the safety of the person or officers involved, it becomes necessary to transport a person with the hands and feet secured and it is not possible to transport the person in a seated position, the person will be secured to a gurney or a longboard using soft restraints and transported to a hospital via ambulance for medical evaluation prior to booking.

When transporting a person in a seated position and it is necessary to restrain the feet it is permissible to attach the hobble to an eyebolt installed in the interior of the vehicle. No part of the RIPP Hobble Restraint shall be allowed to extend outside of the vehicle as it can become trapped underneath the rear wheel causing injury. The person will be seat belted during transportation.

F-350-3

EFFECTIVE: September 7, 2004	REVIEWED: 10/05/2020	REVISED: 00/00/00	UPDATED: 10/13/2017
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Kern County Sheriff's Office
Policies and Procedures

TITLE: USE OF FORCE-OLEORESIN CAPSICUM		NO: F-400	
APPROVED: Donny Youngblood, Sheriff-Coroner			
EFFECTIVE: August 1, 1990	REVIEWED: 12/19/2020	REVISED: 12/19/2020	UPDATED: 12/19/2020

APPLICABILITY

When used in this policy the terms, “peace officers”, “peace officer”, or “officer” shall include both sheriff’s deputies and detentions deputies.

POLICY

Oleoresin Capsicum spray (also known as OC spray) is an organically based, less lethal aerosol weapon designed to temporarily incapacitate, with no lasting after-effects. In most instances, OC spray will immobilize an attacking human or animal for up to 45 minutes. Oleoresin Capsicum, unlike CN or CS agents, is a highly concentrated form of peppers that affects the mucous membranes. OC spray typically causes a short period of pain, gagging, and involuntary closing of the eyes when directed to the eyes, nose, or mouth.

Peace officer members are permitted to use Oleoresin Capsicum sprays when acting within the guidelines of P.C. 835a; when it objectively appears reasonably necessary to effect an arrest, prevent an escape, overcome resistance, or to prevent physical injury to the officer or others; and, the use conforms with the policies and procedures set forth in this manual.

Detention officers who have completed the required training are authorized to use Oleoresin Capsicum sprays when acting within the guidelines of P.C. 831.5(f); when it objectively appears reasonably necessary to use OC spray to establish and maintain control of prisoners; and, the use conforms with the policies and procedures set forth in this manual.

Penal Code Section 4023.8(h) strictly prohibits the use of a TASER, Oleoresin Capsicum (pepper spray), or exposures to other chemical weapons on an “incarcerated” pregnant female.

- For the purposes of this policy, an incarcerated pregnant female is a person that has received a booking number, whether booked into an actual jail facility of absentee booked away from a jail facility.

Peace officers and designated Detentions staff of the Sheriff’s Office may only carry OC spray issued by the Sheriff’s Office, and only after attending Sheriff’s Office approved training on the use of Oleoresin Capsicum sprays. Any deputy or detention officer who uses OC spray will document that use in accordance with the procedure set forth in section F-100 of this manual.

Civilian employees may carry OC spray on duty if their job function exposes them to a potential

for harm and the OC spray may affect the employee's ability to protect themselves, and the employee: 1) obtains written approval from their Bureau Chief which is placed in the employee's personnel file; 2) completes Sheriff's Office approved training, and 3) complies with P.C. 12403.7.

Civilian employees authorized and/or issued Sheriff's Office OC spray may use the OC spray under the following conditions and/or circumstances:

1. When threatened with physical assault by another person and retreat from the situation is not practicable.
2. When threatened or attacked by a potentially vicious animal and retreat to safety to avoid being bitten is not practicable.

MEDICAL TREATMENT

It is not routinely necessary to medically clear all Oleoresin Capsicum exposures. Officers should be informed as to what constitutes a normal reaction. A normal reaction may consist of any of the following:

1. Red and watery eyes;
2. Swelling and discharge of the mucous membranes;
3. Coughing and shortness of breath;
4. Intense feeling of burning at the exposed area;
5. Discoloration of the skin (due to dyes).

These symptoms will disappear naturally within about forty-five (45) minutes. No medical treatment is necessary unless a more serious reaction is evident, or the symptoms have not diminished substantially forty-five (45) minutes after the exposure.

Persons who have been sprayed with OC spray are to be transported in an upright position with seat belt buckles. Do not transport these persons lying face down or face up on the back seat. Do not "Hog Tie" these persons by connecting foot and hand restraints. Do not gag persons or cover the mouth or nose except with an approved mask according to training.

Officers should initiate immediate medical attention when:

1. Gagging, or breathing difficulties persist beyond an initial period of two (2) to four (4) minutes, or
2. The person loses consciousness, sweats profusely, appears to be very sick, or
3. Still significantly suffers forty-five (45) minutes after exposure.
4. The officer is aware the person sprayed suffers from bronchitis, asthma, emphysema, or similar respiratory disease.

F-400-2

EFFECTIVE: August 1, 1990	REVIEWED: 12/19/2020	REVISED: 12/19/2020	UPDATED: 12/19/2020
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PROCEDURE A: Use of OC Spray by Civilian Employees

When civilian members have used OC spray, they will:

- Immediately contact the Communications Center and report the incident;
- Provide assistance as necessary to the sprayed individual, if safe to do so;
- Not attempt to use physical restraint to control the sprayed individual;
- If safe to do so, stand by until a responding officer arrives to take control of the sprayed individual;
- If it is not safe, proceed to a safe location and wait for an officer;
- Cooperate with the officer who will conduct the investigation and complete necessary reports.

The Communications Center will:

- Dispatch an officer to the scene when notified of the incident;
- Notify the on-duty Watch Lieutenant, area supervisor, or Metropolitan Patrol sergeant.

The responding officer will:

- Thoroughly investigate the incident;
- Ensure the sprayed individual receives assistance as necessary;
- Complete all necessary reports.

F-400-3

EFFECTIVE: August 1, 1990	REVIEWED: 12/19/2020	REVISED: 12/19/2020	UPDATED: 12/19/2020
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Kern County Sheriff's Office
Policies and Procedures

TITLE: USE OF FORCE-BATON		NO: F-600	
APPROVED: Donny Youngblood, Sheriff-Coroner			
EFFECTIVE: August 1, 1990	REVIEWED: January 1, 2021	REVISED: January 1, 2021	UPDATED: January 1, 2021

APPLICABILITY

When used in this policy the terms, “officer”, “peace officer”, or “deputies” shall include both sheriff’s deputies and detentions deputies.

POLICY

Peace officer members of the Sheriff’s Office are permitted to use a baton to subdue a person when the officer is acting within the guidelines of P.C. 835a and DPPM F-100; and the use of the baton reasonably appears necessary to effect an arrest, prevent escape, or overcome resistance.

Detention officers are permitted to use a baton under limited circumstances, as directed and authorized by their facility manager or shift supervisor, to prevent injury to any person by a prisoner, prevent prisoner escape, or to quell a riot in or about any jail facility.

In all cases, the use of a baton shall only be used by trained and authorized members of the Sheriff’s Office and shall conform to the policies and procedures set forth in this manual.

Members of the Sheriff’s Office, authorized to carry or use a baton, shall only carry or use Sheriff’s Office-issued or Sheriff’s Office-approved batons. **The use of “saps”, “sap gloves”, “billy clubs”, or similar unauthorized devices by employees of the Kern County Sheriff’s Office is prohibited.**

Approved Batons - The Sheriff’s Office will issue straight, wooden batons. Batons must be black in color, made of hard wood, 1 ¼ inches in diameter (round) and 29 inches in length with rounded ends, have a smooth surface without holes or grooves, and not have any intentional marks aside from inconspicuous markings containing the deputy’s name, initials, or identification number. Deputies will ensure that excessively worn or damaged batons are turned in and replaced.

Members of the Sheriff’s Office, authorized to carry or use a baton, may use a baton longer than the standard 29 inches baton, when specifically authorized by the highest-ranking officer at the scene or in charge of the event.

Deputies may carry their own batons, providing they conform to the above specifications and they are purchased and maintained at the deputy’s expense.

Any exception to this specification must be approved by the Sheriff-Coroner.

Deputies who have been trained and certified by the Sheriff's Office's Defensive Tactics Team in the use of a collapsible baton may carry a collapsible baton in accordance with this policy. The collapsible baton shall be carried in lengths of 25" to 31", when fully extended. The collapsible baton must be black with no chrome parts and have a textured matte or machine foam grip.

Any exception to this specification must be approved by the Sheriff-Coroner.

The following uniformed tactical units are authorized to carry the collapsible baton when deployed in the course of their assignment:

- SWAT
- SERT
- K-9
- Bike Patrol

Uniformed deputies assigned to the Field Operations Bureau will have their straight baton available when on duty. The wooden baton is the primary baton; however, a collapsible baton may be used in lieu of the wooden baton when the situation dictates.

Transportation or Court Services may carry the collapsible baton in place of the wooden baton in that work environment.

Deputies assigned to non-uniformed duties may carry the collapsible baton in place of the wooden baton in that work environment.

Uniformed Detentions Deputies will have their straight baton available while on duty. Neither Detentions Deputies nor Detentions Officers will carry a Sheriff's Office issued baton on their person while off duty.

Deputies resorting to the use of a baton, as with any other impact weapons, shall avoid striking a subject's head, neck, throat, spine, kidney, or groin due to the potential for serious injury or death. Striking these areas shall be avoided unless necessary to defend against an imminent threat of death or serious injury to the deputy or others, and no other resources or techniques are reasonably safe or feasible as perceived by an objectively reasonable officer.

PROCEDURE

The officer who has used a baton to arrest a suspect will:

- Follow the reporting procedure in F-100;
- Transport the suspect to a medical facility if necessary;
- Advise any transporting officer that a baton was used.

F-600-2

EFFECTIVE: August 1, 1990	REVIEWED: January 1, 2021	REVISED: January 1, 2021	UPDATED: January 1, 2021
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Any officer transporting an arrested person on which a baton has been used will:

- Advise detention facility personnel of the fact;
- Advise any medical or first aid treatment given;
- Comply with any requests by detention facility personnel for further medical treatment prior to booking.

F-600-3

EFFECTIVE: August 1, 1990	REVIEWED: January 1, 2021	REVISED: January 1, 2021	UPDATED: January 1, 2021
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Kern County Sheriff's Office **Policies and Procedures**

TITLE: USE OF FORCE-PERSONAL IMPACT WEAPONS		NO: F-650	
APPROVED: Donny Youngblood, Sheriff-Coroner			
EFFECTIVE: August 6, 2020	REVIEWED: January 25, 2021	REVISED: August 6, 2020	UPDATED: August 6, 2020

DEFINITIONS

Personal impact weapons are any part of the body of a peace officer that can be used to subdue or control a suspect. Such personal impact weapons include, but are not necessarily limited to, hands, fists, elbows, forearms, knees, shins, or any part of the foot.

POLICY

Sworn members of the Sheriff's Office are permitted to use personal impact weapons to subdue a person when the officer is acting within the guidelines of P.C. 835a and KCSOPPM F-100; and the use of personal impact weapons reasonably appears necessary to effect an arrest, prevent escape, or overcome resistance.

Deputies resorting to personal impact weapons, as with any other impact weapons, shall avoid striking a subject's head, neck, throat, spine, kidney, or groin due to the potential for serious injury or death. Striking these areas shall be avoided unless necessary to defend against an imminent threat of death or serious injury to the deputy or others, and no other resources or techniques are reasonably safe or feasible as perceived by an objectively reasonable officer.

PROCEDURE

An officer who has used a personal impact weapon during the arrest of a suspect will:

- Follow the reporting procedure in F-100;
- Transport the suspect to a medical facility if necessary;
- Advise any transporting officer that a personal impact weapon was used.

Any officer transporting an arrested person on whom a personal impact weapon has been used will:

- Advise detention facility personnel of the fact;
- Advise of any medical or first aid treatment given;
- Comply with any requests by detention facility personnel for further medical treatment prior to booking.



Kern County Sheriff's Office **Policies and Procedures**

TITLE: USE OF A CONDUCTED ELECTRICAL WEAPON (CEW)		NO: F-800	
APPROVED: Donny Youngblood, Sheriff-Coroner			
EFFECTIVE: April 11, 2007	REVIEWED: 12/15/2020	REVISED: 12/15/2020	UPDATED: 12/15/2020

APPLICABILITY

When used in this policy, the terms “officer”, “peace officer”, “deputies”, or “operators” shall include both Sheriff’s Deputies and Detentions Deputies.

POLICY

It is the policy of the Kern County Sheriff’s Office to perform our duties in such a manner that attempts to minimize injury to the public, to suspects, and to our personnel. In keeping with that policy, peace officers of this Office are permitted to use a TASER brand conducted electrical weapon (CEW) to control a person when the deputy is acting within the guidelines of P.C. 835a, DPPM F-100, and this policy, and the use of the CEW appears reasonably necessary to effect an arrest, prevent escape, or overcome resistance.

When used in accordance with policy and law, the CEW is considered a less lethal control device that is intended to temporarily incapacitate a violent or potentially violent individual while minimizing the potential for causing death or serious injury. It is anticipated that the appropriate use of this device will result in fewer injuries to deputies and suspects.

A CEW is a device designed to affect a subject’s motor nervous system and sensory nervous system by means of deploying battery-powered electrical energy sufficient to cause direct physical incapacitation. Only a TASER brand CEW, which is owned and maintained by the Kern County Sheriff’s Office, is authorized for use. While carried on duty, the TASER brand CEW shall be carried with a TASER brand XP25 air cartridge attached and ready to discharge.

DEFINITIONS

Air Cartridge: A replaceable cartridge for the TASER which uses compressed nitrogen to fire two barbed metal probes on thin connecting wires, sending a high voltage/low amperes signal into a subject.

Extended Digital Power Magazine (XDPM): Two lithium 123 batteries that power the TASER.

AFID Tags: Confetti-like tags expelled from a cartridge of a TASER when fired. Each tag contains a serial number unique to the specific cartridge used.

Spark Test: Non-contact testing of a TASER by arcing it for a brief (about one second) time to ensure it is in proper working order.

Drive Stun Mode: Drive stun is accomplished by firmly pressing the front of the TASER against a target area with enough force to maintain solid contact, either without an attached air cartridge or with a fired cartridge still attached.

Activation: Turning the safety switch/lever on the TASER to the armed position.

Application: Sending an electric discharge to an individual either with probes from an air cartridge or drive stun.

PROCEDURE A: VERBAL AND VISUAL WARNINGS

Unless it would otherwise endanger officer safety or is impractical due to circumstances, a verbal announcement of the intended use of the CEW shall precede the application of a CEW device in order to:

- Provide the individual with a reasonable opportunity to voluntarily comply.
- Provide the deputies and individuals with a warning that a CEW device may be activated.

If, after a verbal warning, an individual continues to express an unwillingness to voluntarily comply with a deputy's lawful orders and it appears both reasonable and practical under the circumstances, a deputy may, but is not required to, display the electrical arc (provided there is not a cartridge loaded into the CEW) or laser in a further attempt to gain compliance prior to the application of the CEW device.

The fact that a verbal and/or other warning was given or reasons it was not given shall be documented in any related reports.

PROCEDURE B: USE OF THE CEW

As with any law enforcement equipment, the CEW has limitations and restrictions requiring consideration before its use. The CEW should only be used when its operator can safely approach the subject within the operational range of the CEW. Although the CEW device is generally effective in subduing most individuals, deputies should be aware of the potential for failure and be prepared with other options in the unlikely event of such a failure.

Authorized personnel may use a CEW device when the circumstances known to the individual deputy at the time indicate that the application of the CEW is reasonably necessary to subdue or control:

- A violent or physically resisting subject who poses an immediate threat to the safety of the officer or others; or
- A potentially violent or physically resisting subject who is reasonably likely to pose an immediate threat to the safety of the officer or others, if:
 - The subject has verbally or physically demonstrated an intention to resist.
 - The deputy has given the subject a verbal warning of the intended use of the CEW followed by a reasonable opportunity to voluntarily comply, when practical.
 - Other available options reasonably appear ineffective or would present a greater danger to the deputy, the subject, or third parties.

EFFECTIVE: April 11, 2007	REVIEWED: 12/15/2020	REVISED: 12/15/2020	UPDATED: 12/15/2020
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Although not absolutely prohibited, deputies should give additional consideration to the unique and articulately compelling circumstances involved prior to applying the CEW to any of the following individuals:

- Pregnant females ***who are not incarcerated**
 - ***Note: Penal Code Section 4023.8(h) strictly prohibits the use of a TASER, Oleoresin Capsicum (pepper spray), or exposures to other chemical weapons on an “incarcerated” pregnant female.**
 - For the purposes of this policy, an incarcerated pregnant female is a person that has received a booking number, whether booked into an actual jail facility of absentee booked away from a jail facility.
- Elderly persons
- Individuals who are handcuffed or otherwise restrained
- Individuals who have been recently sprayed with alcohol-based Pepper Spray or who are otherwise in close proximity to combustible materials
- Individuals whose position or activity may result in collateral injury (e.g. falls from height, operating motor vehicles, possibility of drowning in water, holding a firearm, etc.)

DIRECTIVE A- MULTIPLE ACTIVATIONS OF THE CEW

If, after a single application of the CEW, a deputy is still unable to gain compliance from an individual and circumstances allow, the deputy should consider whether or not the CEW device is making proper contact, the use of the CEW is limiting the ability of the individual to comply, or if other options or tactics may be more appropriate. However, this shall not preclude any deputy from multiple, reasonably necessary applications of the CEW on an individual.

Two CEWs may be applied when deputies are confronted with high-risk subjects who may be armed, extremely violent, and/or wearing thick clothing or when other circumstances would require immediate incapacitation to minimize injuries to the subject or other persons. Applying two CEWs will increase the likelihood of effective probe placement and instant incapacitation.

DIRECTIVE B- TARGET AREAS

When deputies fire probes at an individual, areas with a large amount of muscle tissue should be targeted. Consistent with the manufacturer's recommendations, the chest area should not be targeted. Leg strikes may provide a higher likelihood of incapacitation if the subject is wearing unusually thick clothing or the physical surroundings do not allow an upper torso strike. Thick layers of clothing do not usually cover the legs.

CEW probes and lasers can cause serious damage to a person’s eyes and should not be aimed or directed toward the face or head area.

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Deputies shall avoid a drive stun in the following areas unless exigent circumstances exist:

- Head
- Neck
- Throat
- Groin

PROCEDURE C- POST ACTIVATION CONSIDERATIONS

Medical Treatment

Any person who has been subjected to the electrical discharge of a CEW and/or struck by CEW probes shall be medically cleared prior to booking.

When probes penetrate a subject's skin and remain embedded, a physician shall remove them. Probes that may have penetrated a subject's skin but have fallen out shall be treated as a biological hazard. They should be placed point first inside a needle/syringe tube and turned in as indicated below.

Stage Emergency Medical Services ("EMS")

When possible, deputies responding to calls for service that include information indicating possible pre-existing condition, possible overdose, cocaine psychosis, agitated chaotic event, or excited delirium, etc. should request additional deputies and consider having medical units staged before CEW activation. Excited delirium is a medical emergency, which may result in the death of the affected subject. Subjects experiencing excited delirium are in need of immediate medical treatment.

Evidence Collection

Photographs of the affected areas of the subject's body shall be taken after the probes have been removed.

The expended cartridge, wire leads, probes, and several AFIDs shall be collected and booked as evidence. If any of the above is not able to be collected, the reasons shall be documented in any related reports.

Report of Use

All CEW discharges, including accidental discharges, and activations where the laser was pointed at a person, shall be documented in the related Incident Report and in the Use of Force Reporting System. Any report documenting the discharge of a CEW cartridge will include the cartridge's serial number and an explanation surrounding the discharge.

Accidental activations with an air cartridge attached during routine pre-shift spark testing must be reported immediately to the deputy's supervisor.

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Supervisor Notification

The on-duty supervisor or watch lieutenant shall be notified any time a subject receives an electric discharge or any probe has penetrated the skin. This requirement does not apply to CEW training applications.

Death or injury likely to cause death as the result of a CEW application

In the event of a death or an injury likely to cause death during or after a CEW application, the CEW Coordinator, or designee, shall be contacted and advised of the incident to ensure that all CEW equipment is properly preserved and examined.

PROCEDURE D: CEW COORDINATOR

The Sheriff's Office will assign a CEW Coordinator to manage the CEW program. The Coordinator shall have the following responsibilities:

- Developing the Sheriff's Office CEW Training Program curriculum
- Approving certified CEW instructors and CEW technicians
- Coordinating training in the use of the CEW to deputies
- Training specified technicians on the procedures for downloading information from CEWs
- Coordinating updated training and re-certification on an annual basis.

CEW EQUIPMENT:

Uniformed deputies and detentions deputies assigned to enforcement or security-related duties, who have been issued a CEW, shall carry the CEW on their person while on duty. Only a TASER brand CEW, which is owned and maintained by the Kern County Sheriff's Office, is authorized for use.

- Deputies shall use only Sheriff's Office-issued TASER cartridges.
- All Sheriff's Office CEWs, except those assigned to the Special Weapons and Tactics Team and Sheriff's Emergency Response Team, shall have a yellow marking sticker or yellow colored body to differentiate the CEW from a lethal weapon.

Holsters shall be worn only on the opposite side of the deputy's handgun. In a situation where the deputy is in an unarmed assignment, the CEW holster shall still be worn on the deputy's support side. A thigh holster may be used in place of the authorized belt holster. The thigh holster must be of a design approved and inspected by the CEW Coordinator prior to field use.

- The cross-draw position of either holster is prohibited.

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- Special Weapons and Tactics Team members and Sheriff's Emergency Response Team members, while conducting tactical training or operations, may use optional holster systems that meet the specific needs of their tactical equipment and special operations.

Record Keeping

The CEW Coordinator is responsible for data management involving the CEW Program.

Data management includes the following duties:

- Downloading TASER X26 and X26P firing data annually.
- Downloading TASER X26 and X26P firing data prior to shipping to TASER International for repair or warranty replacement.
- Property Room personnel shall record the serial numbers of all issued TASERS and air cartridges

Data port downloads may also be conducted at any time upon request by a deputy's immediate supervisor, lieutenant, commander, or CEW Coordinator.

Care of the CEW

Deputies issued a CEW are responsible for the care and security of their CEW.

- CEWs shall be kept in their case or holster when not in use. Dropping an unprotected CEW on a hard surface may damage the unit.
- CEWs and air cartridges shall be carried in the holster or stored in a secure and dry location when not being deployed.
- Personnel shall not remove the XDPM without prior approval from the CEW Coordinator.
- Spark Testing should be conducted before the beginning of each shift.
- The TASER's XDPM shall be replaced when its power level has dropped to 20 percent.

TASER technicians and CEW data downloads

Specified personnel trained as TASER technicians shall conduct routine inspections and maintenance on Sheriff's Office issued X26 and X26P TASERS.

When a TASER comes into the possession of technician for any reason, the technician shall conduct a data download of the TASER.

At a minimum, a data download of all TASERS shall occur on an annual basis as designated by the CEW Coordinator.

Download protocol

When a data download is conducted of a TASER, the technician shall:

- Label the file with the TASERS serial number, technician's last name, and CAD ID.

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- Store the file in the specified drive and folder as designated by the TASER Coordinator.
- The technician shall never print the data download. All requests for printed data downloads shall be directed to and conducted by the CEW Coordinator.
- The technician shall never delete or alter any downloaded data. If data is accidentally deleted or fails to be saved, the TASER Coordinator shall be immediately notified of the circumstances and be documented by the technician in an incident report.

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Kern County Sheriff's Office
Policies and Procedures

TITLE: USE OF IMPACT MUNITIONS		NO: F-900	
APPROVED: Donny Youngblood, Sheriff-Coroner			
EFFECTIVE: January 18, 2019	REVIEWED: January 1, 2021	REVISED: January 1, 2021	UPDATED: February 3, 2021

POLICY

The department utilizes less-lethal impact munitions that are designed for deployment with either 40mm impact munition launchers or FN 303 0.68 caliber (17.3mm) impact munition launchers. Impact munitions are not intended to produce deadly effects; however, just as with other impact weapons such as batons, these projectiles can cause serious injury or death if not used appropriately.

The term “impact munitions” refers to a group of projectiles that have a low probability of causing serious bodily injury or death when they strike a human target. Even though these munitions are considered less-lethal, they are not to be considered non-lethal.

Deputy Sheriffs are permitted to use impact munitions to subdue subjects when the officer is acting within the guidelines of P.C. 835a and DPPM F-100, and the use of impact munitions reasonably appears necessary to effect an arrest, prevent escape, or overcome resistance.

Deputies resorting to the use of impact munitions, as with any other impact weapons, shall avoid striking a subject’s head, neck, throat, spine, kidney, or groin due to the potential for serious injury or death. Striking these areas shall be avoided unless necessary to defend against an imminent threat of death or serious injury to the deputy or others, and no other resources or techniques are reasonably safe or feasible as perceived by an objectively reasonable officer.

Penal Code Section 4023.8(h) strictly prohibits the use of a TASER, Oleoresin Capsicum (pepper spray), or exposures to other chemical weapons on an “incarcerated” pregnant female.

- For the purposes of this policy, an incarcerated pregnant female is a person that has received a booking number, whether booked into an actual jail facility or absentee booked away from a jail facility.

DIRECTIVE A

Only deputies trained in the proper use of impact munitions are authorized to deploy them during actual field or custody-related operations. The department’s Firearms Range Instructor and the SWAT Team Specialty Impact Munitions Instructor are responsible for training and certifying

deputies in the proper deployment of impact munitions.

DIRECTIVE B

When used during actual incidents, impact munitions should be part of an overall plan to safely take a combative or resistive suspect into custody. When possible, this plan should include:

- Presence of a supervisor on-scene to coordinate the situation.
- A coordinated plan including assigning those responsible for deploying impact munitions, providing verbal commands, providing lethal coverage, and applying restraints.
- Nothing in this policy shall prevent the deployment of impact munitions when the situation is dynamic, and it reasonably appears there is insufficient time to develop a complete, coordinated plan as described above.

PROCEDURE

The officer who has used impact munitions on a subject will:

- Follow the reporting procedure in F-100.
- Transport the suspect to a medical facility for medical clearance prior to booking.
- Advise any transporting officer that a specialty impact projectile was used.

Any officer transporting an arrested person against whom specialty impact projectiles have been used will:

- Advise detention facility personnel or medical personnel of the fact.
- Advise detention facility personnel or medical personnel of any medical or first aid treatment given.
- Comply with any requests by detention facility personnel for further medical treatment prior to booking.

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