



San Diego County Sheriff's Department



William D. Gore, Sheriff

Kelly A. Martinez
Undersheriff

January 5, 2022

Susan N. Youngflesh, Board Chairperson
Citizens' Law Enforcement Review Board
555 West Beech Street, Suite 505
San Diego, CA 92101-3819

POLICY RECOMMENDATION CLERB CASE NUMBER: 20-097

Dear Chairperson Youngflesh,

The Sheriff's Department welcomes and supports the Citizens' Law Enforcement Review Board's (CLERB) independent review of complaints alleging improper actions by sworn staff of this organization and in-custody deaths. We continuously strive to respond with professionalism and concern to the citizens we serve and the CLERB process provides invaluable input to that end.

On September 14, 2021, the CLERB recommended a procedure revision as stated below:

1. "It is recommended that the San Diego Sheriff's Department (SDSD) revise its Policies and Procedures Manual, Addendum F, entitled, "Use of Force Guidelines," to mandate the use of de-escalation techniques ("shall") when it is safe and reasonable to do so."

At the time of that recommendation, Sheriff's Department Policy and Procedure, Addendum F Use of Force Guidelines stated in part,

"De-escalation techniques should only be used when it is safe and feasible to do so."

We strive to continually improve our policies and procedures and based upon the CLERB recommendation: Addendum F was recently reviewed. Due to the recommendation and recent legislative updates, it was determined that the revision was warranted. As of December 31, 2021, Addendum F, Use of Force Guidelines was amended, under the De-escalation section, now reads in part;

"De-escalation, crisis intervention tactics and alternatives to force techniques shall be used when it is safe and feasible to do so. De-escalation does not require that a deputy risk their safety or the safety of the public."

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In closing, we value the time and effort of the Citizen's Law Enforcement Review Board. We would like to thank you for your dedicated service to the Citizens of San Diego County and the policy recommendations. It is our goal to continue to provide the "Highest quality public safety services" to everyone in San Diego County.

Sincerely,

WILLIAM D. GORE, SHERIFF



Michelle Craig, Lieutenant
Office of the Sheriff
Division of Inspectional Services

WDG:MC:kb

Enclosure (2)

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September 27, 2021

Sheriff William Gore, County of San Diego
Attn: Lieutenant Michelle Craig, Division of Inspectional Services
9621 Ridgehaven Court
San Diego, CA 92123

POLICY RECOMMENDATION CASE NO. 20-097

Dear Sheriff Gore:

On September 14, 2021, the Citizens' Law Enforcement Review Board (CLERB) reviewed and approved staff's policy recommendation in CLERB Case No. 20-097 pertaining to a traffic stop and subsequent arrest of Shynita Phillips.

The Review Board requests the incorporation of the below policy revision to the Sheriff's Manual of Policies and Procedures, where applicable.

1. It is recommended that the San Diego Sheriff's Department (SDSD) revise its Policies and Procedures Manual, Addendum F, entitled, "Use of Force Guidelines," to mandate the use of de-escalation techniques ("shall") when it is safe and reasonable to do so.

Upon CLERB staff's review of Addendum F, it appeared that the utilization of de-escalation techniques was permissive rather than mandatory. CLERB staff also noted that awaiting back-up unit(s) is not a de-escalation technique to be considered; CLERB believes it should be.

CLERB supports the Sheriff's Department's careful and prompt review of our proposed policy recommendation, and we look forward to your response.

Sincerely,

SUSAN N. YOUNGFLESH, Chair
Citizens' Law Enforcement Review Board (CLERB)

SNY::prp

cc: Sergeant Kristin Brayman

San Diego County Sheriff's Department - Addendum Section F

ADDENDUM F SECTION USE OF FORCE GUIDELINES

The preservation of order and the observance of law are best achieved through voluntary compliance rather than force or compulsion. The higher the level of public voluntary compliance and cooperation, the less need for the use of force. To that end, the use of force must always be considered secondary to the desirability of voluntary compliance to law.

The enforcement of law and performance of law enforcement duties may require the use of physical force and physical restraint. Both law and department policy authorize the use of force. Deputies are protected under criminal and civil law when using force in a legally appropriate and proper manner. It is incumbent on the department, and all sworn personnel to carry out duties, including use of force and restraint, in a manner that is fair and unbiased, provides for the greater public safety, and in such a way as to engender public trust and confidence as well.

POLICY:

It shall be the policy of this Department that any Deputy Sheriff, in the performance of his/her official law enforcement duties, 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. Deputies shall not lose their right to self-defense by the use of objectively reasonable force to effect an arrest, prevent escape, or overcome resistance (per 835a(d) P.C.). The use of force and subsequent reporting must be in accordance with the procedures set forth in these guidelines (see also Policy and Procedures Section 6.48).

Deputies may only use a level of force they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance. To be proportional, the level of force applied must reflect the totality of circumstances surrounding the situation at hand, including the nature and immediacy of any threats posed to officers and others.

Proportional force does not require officers to use the same type or amount of force as the subject. The more immediate the threat and the more likely the threat will result in death or serious physical injury, the greater the level of force that may be proportional, objectively reasonable, and necessary to counter it. Regardless of the type of force used by a deputy, the force used should always be proportional to the threat perceived by the deputy.

DE-ESCALATION:

De-escalation is defined as actions taken in an attempt to stabilize an incident in order to try and reduce the immediacy of a threat by obtaining more time, tactical options or resources to resolve an incident. The goal of de-escalation is to gain voluntary compliance of subjects, when feasible, and or to potentially reduce or eliminate the need to use force on a subject.

De-escalation, crisis intervention tactics and alternatives to force techniques shall be used when it is safe and feasible to do so. De-escalation does not require that a deputy risk their safety or the safety of the public.

If time and circumstances reasonably permit, deputies should consider whether a subject's lack of compliance is a deliberate attempt to resist being taken into custody or rather an inability to comply with deputy orders based on factors including, but not limited to:

- Medical conditions
- Mental impairment
- Developmental disability or dementia
- Physical limitation
- Language barrier
- Drug/alcohol interaction/impairment

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- Psychological or emotional crisis

A deputy's assessment of these factors, when time and circumstances reasonably permit, should be considered when deciding which tactical options to potentially use to attempt to bring the incident to the safest possible resolution.

Attempting to mitigate the immediacy of a threat can potentially give deputies more time to utilize additional resources such as additional cover deputies or specialty units. Additional deputies on scene may increase available force options and may increase the ability to reduce the overall force needed to resolve an incident.

Other De-escalation techniques deputies may consider using include but are not limited to the following:

- Placing barriers between an uncooperative subject and a deputy
- Containing a threat
- Moving from a position that exposes deputies to potential threats to a safer position
- Decreasing the exposure to potential threats by using
 - Distance
 - Cover
 - Concealment
- Communicating with a subject from a safe position using the following compliance techniques:
 - Verbal persuasion
 - Advisements
 - Warnings
- Requesting additional resources, including but not limited to:
 - Additional cover deputies
 - Less Lethal Weapons
 - P.E.R.T.
 - S.E.D. (if situation warrants)
 - C.N.T. (if situation warrants)
 - A.S.T.R.E.A. (if situation warrants)
- Any other tactics or approaches that attempt to gain subject compliance.

VULNERABLE POPULATIONS:

Vulnerable populations include, but are not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities. Members of these populations may exhibit behaviors or actions that are significantly different from those persons who do not belong to a vulnerable classification. Additionally, actions of vulnerable populations may sometimes appear as willful or intentional misconduct if it were done by someone who is not a member of a vulnerable population.

In contacting members of a vulnerable population, deputies should understand, and allow for, the fact that members may require additional time and/or assistance to comply with, or understand, a deputy's commands or directions.

Prior to using force, deputies should evaluate whether the use of force is appropriate based on the subject's classification as a vulnerable person. In evaluating the level of threat posed by the subject, a deputy should consider the vulnerable persons age (children, elderly) and physical condition (i.e. under the influence, physically handicapped, pregnant).

REPORTING USE OF FORCE:

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Force includes the pointing of any firearm or weapon designed to fire a projectile and any incident involving the actual or attempted detention of a subject at gunpoint (defined as holding the barrel of a weapon on a person).

Deputies (or other employees) who use force to overcome resistance or to control or apprehend a subject must verbally inform their supervisor as soon as practical, but in no event later than the end of shift. Whenever any physical force used by a deputy results in a complaint of injury or an injury that necessitates medical treatment of a subject, a supervisor will be notified immediately.

All deputies (or other employees) using force must clearly articulate the force used in writing (See below Exceptions). All deputies who witness force resulting in serious injury must document their observations in writing. All uses of force will be documented in the narrative of an arrest report, crime report, or deputy's report by the primary reporting deputy in NetRMS. The force used by each deputy, and force that results in serious injury, which is observed by a deputy or other employee, will be documented in a deputy's report, to be attached to the primary report (See below Exceptions). The names of all employee witnesses shall be listed in the primary deputy's report. If in doubt as to the necessity or type of report required, seek direction from a supervisor.

Additionally, one Use of Force Supplemental form (SO-120) will be completed by each deputy who uses force on a subject and will describe only that force used by the reporting deputy (See below Exceptions). During incidents where force is used on multiple subjects, a separate SO-120 form will be completed for each subject.

When the Special Enforcement Detail (SED) uses physical force to overcome resistance or to control or apprehend a suspect, their personnel will comply with the Use of Force Guidelines set forth in Policy and Procedure Addendum Section F (See below Exceptions).

Exceptions:

- In deputy involved shootings and use of force resulting in death or a high probability of death, the involved deputies and witnessing deputies will be interviewed by the Homicide detective or other detective as assigned by the Homicide sergeant.
- If the only force used by a deputy, or multiple deputies, was the pointing of a weapon (firearm, less lethal, CED), only the primary deputy will document the use of force in the appropriate report narrative and on a SO-120 Use of Force Supplemental form.
- During the service of high-risk preplanned warrants and tactical operations, SED will document all uses of force that pertain to the pointing of any firearm or weapon at a subject in their Department approved After Action Report as required by their individual unit operating procedures. They will also complete one SO-120.

Text on the supplemental form, SO-120, is optional but all the appropriate boxes shall be checked. The use of force reports and supplemental SO-120 form must be completed and submitted no later than the end of shift. In those cases when there is no case number, the event number should be substituted. Station/Facility Captains will be required to review all Use of Force Supplemental forms (SO-120), Use of Force reports and any other supporting documentation of the previous month no later than the 10th of each current month. The Division of Inspectional Services will be responsible for verifying that all Use of Force reports have been completed and approved.

Supervisors and/or investigating deputies will make every attempt to identify and interview all necessary civilian witnesses to use of force incidents. Professional staff employees who witness force resulting in serious injury shall be interviewed. Whenever possible, interviews will be recorded.

In all cases where force is used, photographs will be taken of the suspect. Photographs will also be taken of where the force was applied. All injuries to deputies or subjects shall be documented in the NetRMS report. All photographs taken shall be attached to the NetRMS report and submitted into evidence. Photographs will also be taken of any resulting property damage. A Medical Records Release Form, PAT-43, will be used to obtain copies of treated subjects' medical records for inclusion in the report.

All images depicting uses of force produced by or legally in the possession of the Sheriff's Department, whether video or still photos shall be entered into evidence, and their existence noted in the primary use of force report. The images, if available, should be viewed by the supervisor who approves the use of force report(s).

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The basic questions addressing who, what, when, where, how and why, must be answered. In addition, the following must be specifically included:

- What did the subject do? (Provocation)
- What could have happened if the subject was not stopped?
- What did you do to counter the subject's actions?

Whenever a subject requires or reasonably requests medical attention after a use of force incident, a deputy shall provide medical attention, request medical aid, and/or transport them to a medical facility as soon as it is safe and practical.

When an adult prisoner, in a field arrest situation, requires medical treatment as the result of physical force being applied by a deputy, and the prisoner refuses medical examination and/or treatment, the arresting/transporting deputy will complete an original and one copy of form J-223 (Statement of Refusal of Medical Treatment). The original will be presented to the Jail Intake Nurse at the time the prisoner is evaluated for intake into the jail. The copy will be attached to the NetRMS report.

All juvenile arrestees requiring medical treatment as the result of physical force being applied by a deputy will be processed in accordance with section 739(d), Welfare and Institutions Code.

All use of force reports will be reviewed via the chain-of-command to the level of captain. Any supervisor within the chain-of-command may initiate an administrative investigation. All reports (arrest/juvenile contact reports, inmate status reports, medical reports, etc.) will be processed in a timely manner and not withheld pending follow-up investigative reports.

Supervisors Responsibilities:

A supervisor or designee will respond to the scene or medical facility to investigate uses of force that result in a complaint of injury or an injury that necessitates medical treatment and investigate the circumstances surrounding the incident. The supervisor will ensure that all witnesses were identified and interviewed, proper photographs were taken of all injuries and damage, and legal means of obtaining records of medical treatment is accomplished. In serious injury cases, the supervisor will be responsible for interviewing the subject about the force used during the incident. Whenever possible the interview will be recorded.

The supervisor or designee will notify the facility or communications center watch commander of the findings.

If the supervisor or watch commander deems an incident to be of significant magnitude, additional action may be initiated, such as notification of supervisors via the chain-of-command, Peer Support, Internal Affairs, the Homicide Unit, etc.

Division of Inspectional Services Responsibilities:

The Division of Inspectional Services is responsible for notifying the Department of Justice monthly of all instances when a deputy is involved in any of the following:

- (1) An incident involving the shooting of a civilian by a peace officer.
- (2) An incident involving the shooting of a peace officer by a civilian.
- (3) An incident in which the use of force by a peace officer against a civilian results in serious bodily injury or death.
- (4) An incident in which use of force by a civilian against a peace officer results in serious bodily injury or death.

LEGAL ASPECTS:

All sworn employees should familiarize themselves with policy and law that relate to the use of force. The following list represents some of the more pertinent areas:

- Conformance to Federal, State and local laws, and department policies

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- Use of Force
- Use of Lethal/less Lethal Weapons
- Physical Force
- Use of Firearms - Deadly Force
- Inhumanity to prisoners
- Assaults by officers under color of authority
- Lawful resistance, by whom made
- Duty of a person to refrain from using force or weapon to resist arrest
- Method of arrest; reasonable restraint
- What force may be used?
- Personal rights
- Peace Officer liability
- Punishment for assault
- Deprivation of rights under color of law
- Civil Rights Act
- Civil action for deprivation of rights
- Action for neglect to prevent
- Self Defense

FORCE OPTIONS

Force options are choices available to deputies concerning the methods outlined in these guidelines. Deputies should choose the available force option, which is reasonable and necessary for the circumstances at the time. Subjects must not gain the advantage in a physical confrontation; therefore, deputies may need to use a force option that exceeds the subject's force level. The Use of Force Options Chart, including "Levels of Resistance" and "Principles of Control" follows, accompanied by an explanation of its various components.

Warnings: In situations where any force used is capable of causing serious injury or death, there is a requirement that, whenever feasible, the deputy must first warn the suspect that force will be used if there is not compliance.

Levels of Resistance:

Psychological intimidation refers to a subject's nonverbal cues indicating the subject's attitude, appearance and physical readiness to resist.

Verbal noncompliance is evidenced by a subject's expressed unwillingness to comply with a deputy's commands.

Passive resistance is represented by a refusal to respond to verbal commands but also offers no form of physical resistance.

Active resistance refers to overt physical actions intended to prevent a deputy's control, but that does not attempt to harm the deputy.

Assaultive behavior is represented by conduct that suggests the potential for human injury. Such behavior may be conveyed through body language, verbal threats and/or physical actions.

Aggravated active aggression refers to subject actions that will potentially result in serious injury or death to a deputy or any other person.

Principles of Control:

Non-physical:

1. **Deputy presence** is the psychological impact of an authority figure.

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2. **Verbal direction or redirection** refers to verbiage or commands given by a deputy.

3. **Display of firearm** refers to the drawing and/or pointing of a firearm.

Drawing and pointing of a firearm: Deputies may draw, and point, a firearm when they reasonably believe, based on the totality of the circumstances, that lethal force may be necessary to defend against a threat of death or serious injury to the deputy or to another person; or to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the deputy reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

Physical:

1. **Less lethal force** refers to forms of force not likely to inflict serious injury. Less severe than intermediate or lethal force. Less lethal force includes:

Hands-on control is used as a means of overcoming resistive or assaultive behavior. Soft hand control may be used to control subjects whose behavior does not demand more severe tactics. Hard hands control, powerful hand or leg strikes, etc., are techniques used to control more assaultive suspects.

Less Lethal Control devices including the use of batons, WRAP, Cord Cuff restraints, etc., when used for restraint, joint locks or come along tactics.

2. **Intermediate force:** refers to forms of force capable of inflicting significant pain and causing serious injury. Intermediate force is less severe than lethal force. Passive or active resistance to arrest alone does not constitute an immediate threat justifying the use of intermediate force. Intermediate force includes:

Hard intermediate weapons including saps, batons, and flashlights when used to deliver strikes.

Intermediate munitions used for long range impact and electronic immobilization devices also fall within the intermediate weapon's category.

Chemical agents may be used when there is an immediate threat to the safety of the deputy or others; AND either:

- the offense committed is sufficiently severe to justify the use of intermediate force; or
- the suspect is actively resisting arrest; or
- attempting to flee

Canines: when used to arrest or detain a suspect by physically contacting a subject.

Conducted Energy Devices

3. **Lethal force:** refers to any force that creates a substantial risk of causing death or serious bodily injury, including but not limited to, the discharge of a firearm.

Deputies may only use lethal force when they reasonably believe, based on the totality of the circumstances, that lethal force is necessary to defend against an imminent threat of death or serious injury to the deputy or to another person; or to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the deputy reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

In situations where lethal force is necessary to defend against an imminent threat of death or serious injury to the deputy or to another person, deputies may use any method of force which is necessary and objectively reasonable to neutralize the threat in defense of human life.

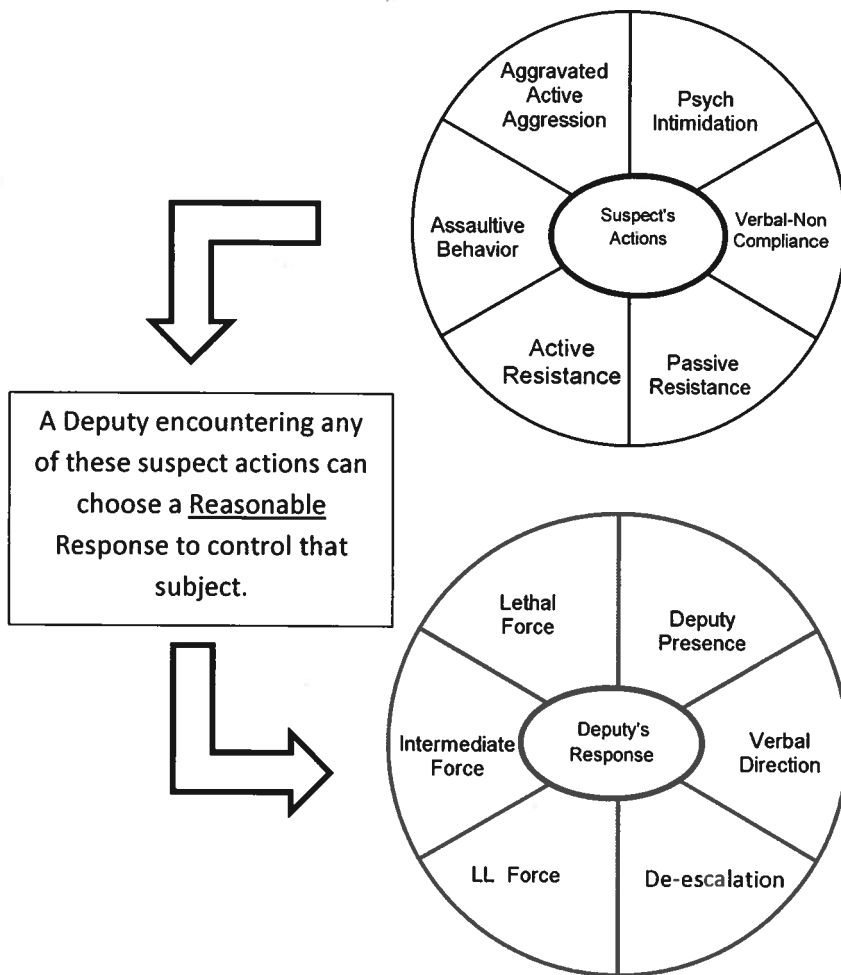
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The Use of Force Options Chart is a visual representation of various force options commonly available and is not intended to be all-inclusive. Ultimately, evaluation of the situation, knowledge of options and good judgement must prevail in determining the level of force that is reasonable and necessary for the given situation.

Factors that will affect a deputy's choice of force options include but are not limited to:

- A subject's age and physical stature
- Demonstration of pugilistic intent
- Physical condition and/or injuries to the subject
- The Deputy's knowledge of other factors representing imminent danger
- The number of subjects and/or deputies
- The subject's state of sobriety
- Subject's proximity to weapons
- Availability of options for deputies
- Pregnant
- Physical, mental, or developmental disabilities

USE OF FORCE OPTIONS CHART -- VARIABLES: LEAST AGGRESSIVE TO MOST SEVERE



When a subject is cooperative, verbalization may be a viable control technique. Verbalization techniques include advising, persuading and warning. A deputy with a physical position of advantage and a mature, professional attitude and appearance, may use verbalization techniques to prevent escalation of a situation. These techniques include:

- Clearly explaining what you want the subject to do
- Explaining any actions about to be taken
- Allowing a subject to save face in front of peers
- Recognizing that a subject's remarks are not a personal attack

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Deputies should attempt to de-escalate confrontations by using verbalization techniques prior to, during and after any use of physical force. Commands should be given in clear, concise terms, i.e., "don't move," "slowly raise your hands over your head." **Keep it simple.**

Arm guidance and firm grip:

When verbalization proves ineffective, arm guidance or a firm grip may suffice to overcome resistance. Arm guidance or a firm grip that results in injury requires documentation.

Sudden Death Syndrome (SDS):

After physical confrontation some subjects may be at risk of sudden death. Such prisoners may be suffering from drug-induced psychosis, genetic psychosis or excited delirium. These prisoners may exhibit some of the following symptoms:

- Tremors
- Convulsions
- Seizures
- Delirium
- Hallucinations - visual (seeing things), tactile (feeling bugs on the skin), auditory (hearing voices).
- Assaultive behavior
- "Superhuman" strength
- Dilated pupils
- Paranoia
- Non-purposeful behavior, meaningless acts (e.g. licking windows)
- Rapid, slow or irregular pulse rate
- Hyperthermia - high body temperature, sweating
- Confusion
- Yelling or screaming incoherently
- Thrashing after being restrained

A subject who exhibits symptoms of drug-induced psychosis or excited delirium should be immediately evaluated by a physician at an approved hospital.

The decision whether to transport a prisoner by a patrol car or paramedics should be based on the deputy's judgement as to which option will provide the fastest access to advanced life support and professional medical care. If paramedics provide transport, and the prisoner has been arrested for a felony, is known to have priors for escape or was arrested for a misdemeanor crime of violence then a deputy shall ride in the ambulance with the prisoner. If the prisoner has committed a wobbler, a misdemeanor or an infraction then a deputy may follow the ambulance but must remain in visual contact with the ambulance. If the subject is transported in a Sheriff's vehicle, when practical two deputies will make the transport. The passenger deputy should monitor the subject's breathing, skin tone and level of consciousness.

Chemical agents:

Department issued Oleoresin Capsicum (OC) spray and irritant filled projectiles are the only chemical agents to be carried and utilized by authorized department personnel, with the exception of agents deployed by SED.

The irritant filled projectile munitions system with OC/water filled projectiles will be carried and deployed by deputies trained in the system. Although the irritant filled projectile munitions are listed as a specialty munition in this guide, the OC filled projectiles have far less potential for injury than other specialty munitions.

OC is used to subdue subjects by spraying the agent onto the face. In order to be effective, the active ingredient must come in contact with the eyes and mouth. The spray should not be aimed directly at the eyes. The force of the stream leaving the projector could damage the soft tissue of the eye. The agent should be just as effective if the bridge of the nose or the chin is targeted. OC may not be effective from less than three feet.

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Professional staff will complete a department approved training curriculum before being issued canisters of less than 2.5 ounces of OC. Professional staff may use OC in a self-defense posture only.

Chemical agents may be used when there is an immediate threat to the safety of the deputy or others; AND either:

- the offense committed is sufficiently severe to justify the use of intermediate force; or
- the suspect is actively resisting arrest; or
- attempting to flee

The decision to use chemical agents on handcuffed prisoners must be carefully weighed. Chemical agents are intended to reduce, limit or prevent injuries when lesser force options would not likely be effective in allowing a deputy to gain control of the subject. Chemical agents will not be used on a restrained prisoner who is verbally abusive but not violent.

Some of the common deployment errors made when using chemical agents are:

- No tactical plan prior to deployment
- Spraying too close
- Spraying too long and too much
- Not moving while spraying
- Missing your target
- Moving in too soon
- Cross contamination
- No other force option considered

It is the responsibility of the deputy deploying chemical agents to ensure that appropriate decontamination measures are undertaken as soon as practical after application. The subject should be handcuffed prior to decontamination because the duration of incapacitation will vary depending upon the type of agent used and the individual's reaction to the agent. Avoid placing the subject in a prone position any longer than necessary to complete the handcuffing process. Instruct the subject to calm down and relax.

Move the subject to an uncontaminated area. If a fan is available, you may direct the airflow over the subject's face. Place the fan at a safe distance. Flush the face with cool water keeping in mind that the water may reactivate the agent in some instances. Continually monitor the subject for any abnormal reactions to the agent. Any unanticipated reaction requires immediate medical attention. If otherwise normal effects of agent exposure persist beyond forty-five minutes, medical attention must be obtained.

If there is any doubt as to the nature of the reaction, seek medical attention. You must notify your supervisor as soon as practical but no later than the end of shift following the application of chemical agents.

Transporting after application of OC spray

If the subject is transported in a Sheriff's vehicle, the deputy will monitor the subject's breathing, skin tone and level of consciousness. Any abnormal or questionable physical presentation demands immediate medical attention.

CONTROL COMPLIANCE TECHNIQUES

When a deputy needs to make an arrest or restrain an in-custody subject and the individual's actions are actively resistant or; assaultive, reasonable compliance techniques such as arm locks, wrist locks, pressure point tactics (touch & penetrating pressure, non-striking), and baton compliance techniques (non-striking) may be necessary to obtain control and compliance. Control compliance, as identified above, are considered less lethal.

Swarm Technique:

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When a deputy needs to make an arrest or restrain an in-custody subject and the individual's actions are actively resistant and/or assaultive, the swarm technique may be used. This technique is accomplished by a group of deputies working in unison, using their combined body weight to gain control of a resisting subject.

The swarm technique requires preplanning and a coordinated, simultaneous effort by all involved deputies. The "swarm technique" reduces the risk of injury, while allowing maximum control. The swarm technique should not be attempted on a suspect/inmate who is believed to be armed. Physical contact should not be made until all means of verbal control have been exhausted or proved otherwise ineffective and a sufficient number of deputies are present.

When using the swarm technique, one deputy shall be designated as the "safety deputy" if feasible. The safety deputy's sole responsibility is to monitor the health and safety of the subject being restrained. If at any time during the incident, the safety deputy determines the subject may be in immediate physical distress, such that the subject may suffer serious bodily injury or death, the safety deputy shall immediately intervene to render aid and/or seek emergency medical assistance.

Striking techniques:

Striking techniques are those techniques that a deputy employs using personal body weapons, i.e., fists, hands, arms, elbows, legs, head, feet and knees. Strikes are techniques in which injury may occur. There is no expectation for a deputy to receive the first strike before employing striking techniques; however, the deputy must articulate the necessity and reasonableness for striking first. Unorthodox tactics such as head butting may be used to escape grappling holds when other personal body weapons are otherwise trapped by the attacker.

Hand techniques, Fists:

Punching techniques may be necessary when a suspect/inmate is assaultive, or the subject exhibits signs of imminent physical attack. A fist strike to a subject's face when reasonable and necessary is not prohibited; however, it is preferable to use an open hand (palm heel) technique to reduce the likelihood of injury to the deputy's hand and subject's face.

Kicking/Knee Strike techniques:

Kicking techniques such as front or rear kicking motion may be appropriate when a subject is judged to be assaultive.

Knee strikes may be used to facilitate a takedown on an actively resisting subject. The physical structure of the leg is generally stronger and may have greater impact capability than the arm, hand or fist. When using a kicking or knee strike technique, deputies should fully consider the reasonableness and necessity for doing so.

As with impact weapons, deputies should avoid hitting/kicking/kneeing a subject's head, neck, heart, spine, kidney and groin due to the potential for serious injury or death. Striking these areas should be avoided unless the subject's actions suggest an imminent threat of death or serious injury to the deputy or others and no reasonable alternatives are available.

Carotid Restraint:

The carotid restraint is a method of rendering a subject unconscious by restricting the flow of blood to the brain by compressing the carotid sheaths on the side of the neck. The use of the carotid restraint is prohibited.

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EQUIPMENT USED IN FORCE TECHNIQUES

Cordcuff/Ripp Restraint Device:

The Cordcuff /Ripp restraint is typically made of a length of nylon strap approximately one-half inch wide and forty inches in length. It has a loop on one end and a brass snap at the other. Safe application of the cord cuff restraint generally requires two deputies.

The Cordcuff restraint is for use around a subject's ankles to prevent kicking, or around the subject's waist to prevent transferring cuffed wrists from the back to the front of the body. The leg restraint may be used when the subject's hands are handcuffed behind his/her back and the handcuffs are double locked. Caution must be used when applying the cord cuff leg restraint. **Under no circumstances will a deputy apply the Cordcuff leg restraint to the head or neck of a subject.** When applying the Cordcuff restraint, one deputy is responsible for the application and a second deputy is responsible for controlling the subject.

The Cordcuff / Ripp restraint device may be used on violent subjects who, by kicking, pose a threat to themselves, others, or to equipment. Additionally, it may be used in lieu of leg chains to hobble subjects who present an escape risk.

The "maximum restraint technique" is used on violent subjects that are not controlled by other means. Application of maximum restraint entails the use of at least two Cordcuff / Ripp restraint devices. This application results in restricted movement of both the hands and feet.

When maximally restraining a subject, one deputy shall be designated as the "safety deputy" if feasible. The safety deputy's sole responsibility is to monitor the health and safety of the subject being maximally restrained. If at any time during the placement, the safety deputy determines the subject may be in immediate physical distress, such that the subject may suffer serious bodily injury or death, the safety deputy shall immediately intervene to render aid and/or seek emergency medical assistance.

As soon as possible after a subject is maximally restrained, the subject will be rolled onto their side or into a seated position. The arresting deputy must continually monitor the subject for consciousness and breathing.

Transporting:

If the subject is transported in a Sheriff's vehicle, when practical, two deputies will make the transport. The passenger deputy should monitor the subject's medical condition to include but not limited to breathing, changes in skin tone, and level of consciousness.

Reporting Procedures:

The arresting deputy will verbally notify his/her immediate supervisor as soon as possible but no later than the end of shift. The deputy's written report will include all pertinent facts relative to the use of the Cordcuff restraint technique as well as notification of a supervisor.

WRAP Restraint Device:

The WRAP restraint device may be used on violent subjects who, by kicking, pose a threat to themselves, others, or to equipment. Additionally, it may be used in lieu of leg chains to hobble subjects who present an escape risk.

The WRAP restraint device may be used on violent subjects that are not controlled by other means. Application of the WRAP restraint device results in restricted movement of both the hands and feet.

Following the application of the WRAP restraint device, the subject shall be rolled onto their side or into an upright, seated position as soon as possible.

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When placing a subject in the WRAP restraint device, one deputy shall be designated as the "safety deputy" if feasible. The safety deputy's sole responsibility is to monitor the health and safety of the subject being placed into the restraint device. If at any time during the placement, the safety deputy determines the subject may be in immediate physical distress, such that the subject may suffer serious bodily injury or death, the safety deputy shall immediately intervene to render aid and/or seek emergency medical assistance.

Transporting:

If the subject is transported in a Sheriff's vehicle, when practical, two deputies will make the transport. The passenger deputy should monitor the subject's medical condition to include, but not limited to, breathing, changes in skin tone and level of consciousness.

Reporting Procedures:

The arresting deputy will verbally notify his/her immediate supervisor as soon as possible but no later than the end of shift. The deputy's written report will include all pertinent facts relative to the use of the WRAP restraint device as well as notification of a supervisor.

Restraint chairs:

Restraint chairs are located in court and detention facilities. These chairs may be used to control people who are violent and require maximum restraint. Restraint chairs are not to be used to secure a compliant, nonviolent person.

Reporting procedures:

When a restraint chair is used in a detention setting, supervisory approval is necessary, and documentation must clearly articulate the justification. The chairs must be in a location permitting constant observation by staff.

Spit Sock:

Because of the inherent health risks, deputies may deal with spitting assaults / attacks on persons or property by use of a department approved "Spit Sock." The current department approved, Stearns Wear Spit Sock is a light weight, sheer, protective mesh material. When placed over a subject's head and face, neither vision nor breathing is impaired; however, saliva will not penetrate the material. No other items, materials or objects are authorized for placement over a subject's head or face. Spit Socks are not reusable and must be discarded after normal use or entered into evidence for situations as described below.

Only one Spit Sock at a time may be placed on a subject. If the Spit Sock becomes saturated, damaged and/or ineffective, the Spit Sock will be removed prior to placement of another Spit Sock. Personal protective equipment (PPE) should be used by deputies during replacement of a Spit Sock. The saturated, damaged or ineffective Spit Sock shall be photographed and placed into evidence.

When possible, application of the Spit Sock should be accomplished by two deputies. One deputy will maintain constant observation of the subject. A subject's mouth and/or nose shall never be obstructed. **The Spit Sock will not be tightened in any manner to secure the mask around the prisoner's neck.** If signs of medical distress develop, the deputy shall remove the Spit Sock and seek immediate medical attention.

Reporting procedures:

Justification for use or replacement of the Spit Sock must be articulated in detail in the arrest or other appropriate reports. If force is used during the application of the Spit Sock, a SO-120 will be submitted with the report. If a spit sock is placed on a person who is not resisting and force is not used when applying the spit sock and no other force was used during the contact, it is not considered a use of force and the SO-120 is not required. However, the reason for the application of the Spit Sock shall be explained in the arrest report, deputy report or ISR narrative.

Conducted Energy Device (CED):

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The CED is an intermediate force option. The CED is an electronic control device that is extremely effective for temporary immobilization of subjects. The CED produces 50,000 volts of electricity that cause involuntary muscle contraction and temporarily incapacitates a subject.

As a force option, the CED shall only be used as a means of subduing and gaining control where there is an immediate threat justifying an intermediate level of force. Use of the CED shall be restricted for use under circumstances where it is deemed reasonable and necessary to minimize the potential for human injury.

Only deputies trained in the use of a CED will deploy the device. If possible, only one device should be deployed against a single suspect/inmate.

A subject who has been contacted by a CED is typically immobilized within two to three seconds. Cover deputies should move in quickly and restrain the subject while he/she is under control of the CED. The subject's recovery time should be rapid.

Precautions:

CEDs are considered less lethal and may have contributed to subject/inmate deaths, so care must be exercised in their use. The CED should not be aimed at a subject's head, neck, heart or groin, nor should it be used when a subject is in danger of falling from a significant height. Deputies should evaluate whether the use of the CED is appropriate based on the subject's age (children, elderly) or physical condition (i.e. under the influence, physically handicapped, pregnant) versus the level of threat posed by the subject.

Deputies shall only use the shortest duration of CED exposure objectively reasonable to accomplish lawful objectives, and reassess the subject's behavior, reaction and resistance before initiating or continuing the exposure. Multiple applications or continuous cycling of a CED resulting in an exposure longer than 15 seconds (whether continuous or cumulative) may increase the risk of serious injury or death and should be avoided if possible. Multiple cycles must be reasonable to gain control of a suspect/inmate. If the CED is ineffective, deputies should consider alternative control measures. Deputies will not use a CED on a restrained suspect/inmate who is under control.

The CED may be used in "drive-stun" mode (placing the unit in direct contact with the suspect/inmate) if reasonable to protect the deputies or others from injury and to gain control of the suspect/inmate, however, caution should be used to avoid the subject gaining control of the CED. The CED should not be intentionally placed against the suspect/inmate's face, neck, head, or groin.

The CED can ignite flammable liquids (gasoline or alcohol based chemical sprays). Current issue Defense Technology OC is non-flammable and will not ignite.

Medical Treatment:

Once the suspect/inmate is handcuffed and under control, deputies shall immediately monitor for the signs and symptoms discussed previously under "Sudden Death Syndrome." The suspect/inmate should be rolled onto their side or into a seated position and be continually monitored for consciousness and breathing.

All suspects will be transported to a medical facility for booking clearance after all probe or drive-stun applications and removal of the CED probes. Probes may be removed by paramedics at the scene to facilitate transportation. If the suspect is transported in a Sheriff's vehicle, when practical, two deputies will make the transport. If used in a detention setting, detention facility medical staff shall be contacted to initiate a medical evaluation of the subject. The CED probes shall be removed by detention medical staff and the subject shall be examined by a physician as soon as practical.

Reporting procedures:

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The arresting deputy will verbally notify his/her immediate supervisor as soon as possible but no later than the end of shift. The deputy's written report must include all pertinent facts relative to the use of the CED, including the CED factory serial number, and notification of a supervisor. CED activation information shall be downloaded and attached to the Use of Force Report in NetRMS.

Warnings: In situations where any force used is capable of causing serious injury or death, there is a requirement that, whenever feasible, the deputy must first warn the suspect that force will be used if there is not compliance.

Stun Belt/ "Bandit":

The Stun Belt, "Bandit" (or similar electronic technology) is an electronic control device that is placed on a subject who presents significant risk of escape or assaultive behavior, typically during transportation or court proceedings. The device may be activated by remote control. Once activated, the device delivers 50,000 volts of electricity over a period of eight seconds. The stun belt, "Bandit" or similar device must be approved for deployment by a supervisor.

Precautions:

Electronic control devices are considered less lethal and care must be exercised in their use. A subject receiving a charge is likely to lose balance and fall to the ground. Reasonable precautions should be exercised to reduce the potential for injury.

Medical Treatment:

Once control has been established all inmates shall be immediately rolled onto their side or into a seated position and monitored for consciousness and breathing. All inmates shall be immediately evaluated by emergency medical personnel and transported to a medical facility for examination by a physician.

Reporting Procedures:

Deputies must verbally inform their supervisor as soon as practical, but in no event later than the end of shift when the stun belt has been activated. The deputy's written report must include all pertinent facts relative to the use of the stun belt and notification of a supervisor.

Electronic Immobilization Shield:

The electronic immobilization shield is a riot shield equipped with conductive strips which can deliver electricity in order to incapacitate a subject in the same manner as electronic devices previously described. The device is used to drive back or pin violent subjects, usually in a detention setting. The electronic immobilization shield must be approved prior to deployment by the watch commander or designee.

Precautions:

The electronic immobilization shield is considered less lethal and care must be exercised in its use. A subject receiving a charge is likely to lose balance and fall to the ground. Reasonable precautions should be exercised to reduce the potential for injury.

Medical Treatment:

Once control has been established all inmates shall be immediately rolled onto their side or into a seated position and monitored for consciousness and breathing. The inmate shall be immediately evaluated by detentions medical staff and examined by a physician as soon as practical.

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Reporting Procedures:

Deputies must verbally inform their supervisor as soon as practical, but in no event later than the end of shift when the electronic immobilization shield has been activated. The deputy's written report must include all pertinent facts relative to the use of the electronic immobilization shield and notification of a supervisor.

Warnings: In situations where any force used is capable of causing serious injury or death, there is a requirement that, whenever feasible, the deputy must first warn the suspect that force will be used if there is not compliance.

Impact Weapons and Control Devices:

Impact weapons are those devices used primarily for striking and are used secondarily for control hold techniques. Control devices are used primarily for control hold techniques and secondarily for striking. Deputies equipped with any type of impact weapon or control device must be certified competent with the instrument by the Defensive Tactics Coordinator or their designee.

The decision to use an impact weapon as a striking device must be based upon the seriousness of the threat and the deputy's reasonable belief that the deputy cannot overcome the resistance or assault, or gain compliance of the subject, by use of lesser force options. Once a decision is made to use impact tactics, the deputy must remain mindful of injuries that may be caused by the impact weapon if used on bones or joints. Deputies should generally start with strikes to muscle mass. If muscle strikes prove ineffective, deputies may find it necessary to escalate to striking bones and joints. Other factors to be considered are the subject's age, physical stature and condition, state of sobriety, proximity to weapons, etc.

Deputies should avoid hitting a subject's head, neck, heart, spine, kidney or groin due to the potential for serious injury or death. Striking these areas should be avoided unless the subject's actions suggest an imminent threat of death or serious injury to the deputy or others and no reasonable alternatives are available.

Department approved equipment:

- Fixed rigid side handle baton
- Fixed rigid straight baton (department issued)
- Expandable batons -- straight or side handles (optional)
- Flashlight
- Sap, flat beavertail (optional)

*** Note: The Orcutt Police Nunchaku "OPN" is no longer authorized/approved equipment and is prohibited for use by the Department.**

Specialty Munitions:

Specialty munitions are projectiles used as intermediate force options, force capable of inflicting significant pain and causing serious injury but force less severe than lethal force. Generally, it is the intent of law enforcement to use this type of specialty munition to increase the chances of not having to use lethal force. When used properly, by trained personnel, this type of specialty munition is less likely to result in death or serious injury.

Specialty Munitions in the Sheriff's inventory include:

- 12-gauge bean bag munitions
- 40 mm impact munitions
- Rubber ball grenades
- Irritant filled projectile systems

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Procedures:

"Trained" personnel may use specialty munitions as deemed reasonable and necessary based upon the circumstances of the incident. Absent exigent circumstances, the Watch Commander or designee shall be notified prior to deployment of specialty munitions in the detention setting.

Reporting procedures:

Deputies must verbally inform their supervisor as soon as practical, but in no event later than the end of shift when specialty munitions have been deployed. The deputy's written report must include all pertinent facts relative to the use of the specialty munitions and notification of a supervisor.

It is suggested that photographs be taken to accurately depict the scene, damage and any injury that occurs as a result of the deployment of specialty munitions.

Injury or Death:

Whenever a subject is struck by a specialty munition, first aid will be administered, if necessary. Any abnormal or questionable physical presentation demands immediate medical attention.

In the event of death caused by a specialty munition, Department personnel will follow the procedures set forth in section 8.2 of the Sheriff's Department Manual of Policy and Procedures and in the detentions setting, section M.7 of the Detentions Services Policy and Procedure.

Canines:

Law enforcement trained canines are a viable intermediate force option when employed under the direction of their handlers according to the department's Canine Unit Manual. Canines are typically used in search scenarios, for deputy protection and for apprehension of fleeing subjects wherein this degree of force is justifiable. Canines certified and approved for department use may be used under the following circumstances:

- For the protection of the handler, other law enforcement officers and citizens
- To locate, apprehend or control a felony suspect when it would be unsafe for the deputies to proceed into the area
- To locate, apprehend or control armed misdemeanor suspects
- To search for narcotics
- For crowd control
- For the protection of deputies during prisoner movement
- Article searches

Firearms / Deadly Force:

DEPUTIES SHALL USE DEADLY FORCE ONLY AFTER THE DEPUTY REASONABLY BELIEVES THAT THE FORCE USED IS NECESSARY:

- **In defense against an imminent threat of death or serious bodily injury to the deputy or to another person; or**
- **To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the deputy reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended**

When using deadly force, a deputy shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts.

Use of Force Guidelines

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A deputy 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 deputy or to another person. Thus, deadly force may not be used on a person who poses only a danger to themselves.

Detailed guidelines are found in Department P&P 8.1.

USE OF FORCE POLICY REVIEW:

The Use of Force Policy Review committee will meet annually, and as needed, to review and update the Use of Force Policy and Procedure. The In-Service Training Lieutenant will chair this committee. The committee should consist of subject matter experts from LESB, DSB, CSB, HRB and Sheriff's Legal. Any proposed changes must be coordinated through the Division of Inspectional Services.

DEFINITIONS:

The following terms apply only to the San Diego County Sheriff's Department Use of Force Manual.

Arm Guidance is the light touching of a person's arm or elbow used to direct them to a new location. Arm guidance with no resistance from the subject being guided would not be considered a use of force and consequently not reportable.

Controlling force is the minimum amount of force needed to control a subject who will not submit to verbal commands. This level of force involves application of control/pain which usually does not result in injury.

Feasible: 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.

Lethal/Deadly force is that force that creates a substantial risk of causing death or serious bodily injury.

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

Physical force is that force applied to overcome resistance and/or achieve compliance, including any use of a department approved lethal, less lethal or non-lethal weapons, pain compliance and control techniques.

Reasonable force refers to affecting an arrest using only that force reasonable for restraint of the subject and to get the subject to submit to custody.

Serious injury means a serious impairment of physical condition, including but not limited to loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, a wound requiring extensive suturing, and serious disfigurement. (PC 243(f)(4))

Excessive force means a level of force that violates California state law or the United States Constitution. Excessive force is evident when the type, degree or duration of force employed were not objectively reasonable.

Weapon for the purpose of these guidelines is any item, other than a body part, capable of inflicting bodily injury or death. These include firearms, saps, batons, taser guns, bean bag shotguns, irritant filled projectile munitions, etc.