

**MARIN COUNTY SHERIFF'S OFFICE  
GENERAL ORDER**

**CHAPTER 4- WEAPONS  
GO 04-06  
PAGE 1 of 3**

**DATE: 11/23/2016**

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**USE OF FORCE**

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**POLICY**

The Sheriff's Office recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting deputies with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interests.

It is the policy of the Sheriff's Office that deputies shall use only that force which is reasonable, given the facts and circumstances known at the time of an event, to effectively bring an incident under control.

Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force.

**DEFINITIONS**

**FORCE:** The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

**REASONABLY NECESSARY FORCE:** The use of force that is reasonably necessary in light of the totality of information and circumstances confronting deputies.

**UNNECESSARY FORCE:** Any use of force, which is not reasonably necessary in light of the totality of information and circumstances confronting a deputy, constitutes unnecessary force. When any degree of force is used as summary punishment or for vengeance, that force is unnecessary.

**IMPACT WEAPONS:** Collapsible baton, riot baton, straight baton, compact and duty flashlight, personal body weapons, less lethal, and/or any other improvised device or item that might be used to prevent a deputy from being physically injured.

**USE OF FORCE TEAM:** Members of the Sheriff's Office assigned to train personnel with the application of arrest and control techniques and tactics, as well as being tasked with reviewing use of force documents and reports. The team also gathers and documents statistical data and develops and reviews use of force policies and procedures.

**PROCEDURE**

Control of an individual may be accomplished in several ways; verbal advice, warnings, persuasion, or by the use of physical force. At no time are deputies allowed to use unnecessary force.

Any application of force by a member of the Sheriff's Office must be judged by a standard of

"reasonableness." When determining whether or not to apply any level of force and when evaluating whether a deputy has used reasonably necessary force, a number of factors should be taken into consideration. Those factors should include, but are not limited to

- The conduct of the individual being confronted (as reasonably perceived by the deputy at the time.)
- Deputy/Subject factors such as age, size, relative strength, skill level, injury/exhaustion, number of deputies vs. subjects, or subjects vs. deputies.
- Influence of drugs/alcohol (mental capacity.)
- Proximity of weapons
- Availability of other options, such as what resources are reasonably available to the deputy under the circumstances.
- Seriousness of the suspected offense or reason for contact with the individual.
- Training and experience of the deputy.
- State of mind of deputy during the incident.
- Potential for injury to citizens, officers and suspects.
- Risk of escape.
- Past and or prior knowledge of the individual or suspect's propensity for violence
- Other exigent circumstances.

It is recognized that officers are expected to make split-second decisions and that the amount of time available to evaluate and respond to changing circumstances may impact an officer's decision.

While various levels of force exist, each deputy is expected to respond with only that level of force which reasonably appears appropriate under the circumstances at the time to successfully accomplish a legitimate law enforcement purpose in accordance with this policy. This order does not require deputies to consider one type of force before escalating to another. The individual circumstance of each incident dictates the level of force to be used. Nothing in this order shall prevent a deputy from using whatever force or means is necessary in the defense of his/her life or the life of another person. Listed below are force options authorized for use by sheriff's personnel.

- Physical control holds which include joint manipulations, pressure point application, and take down techniques.
- Oleoresin Capsicum Agent (OC) and /or Mace (CN). (See GO 04-01).
- Conducted Electrical Weapon (TASER X-26 and TASER X-26P). (See GO 04-10)
- Personal Body Weapons
- Less Lethal Launcher (GO 04-07)
- Use of Canine See (PAT 08-03)
- Impact Weapons
- Carotid Restraint
- Firearms (See GO - 04 -03)

Application of the carotid restraint shall be used in the manner as presented and demonstrated during the Basic Academy and Advanced Officer Training. Trachea "choke holds" are prohibited as a technique of choice and as a means of control. Immediate and continuing first aid shall be administered to any person upon whom a carotid restraint has been applied. Deputies shall monitor the subject and pay particular attention to the subject's ability to breathe following the application of a carotid restraint. As soon as possible, deputies shall transport or arrange transportation for the subject to the nearest hospital for medical clearance prior to booking. Deputies applying the carotid restraint must ensure that the hold is applied in a manner consistent with departmental training and P.O.S.T. guidelines.

Impact weapons shall not be used indiscriminately or in mere anticipation of violence or resistance. Deputies shall not intentionally strike a person with any impact weapon in or on the person's head, neck,

throat, kidney, spine or groin, except when there is an imminent danger of serious bodily injury or death to themselves or a third person. When impact weapons are used in the field, deputies shall transport or arrange transportation of the subject to the nearest hospital for medical clearance prior to booking. When impact weapons are used in the jail, subjects may be cleared by jail medical staff unless directed to be transported to the hospital for medical clearance. If the suspect is not taken into custody and/or will not permit medical treatment, then medical clearance is not possible. The provisions of this order pertaining to the use of impact weapons apply in full force and effect whenever a deputy uses any other improvised device or non-conventional impact weapon to strike a person as well.

### **REPORTING PROCEDURES**

Any use of force by a member of this department shall be documented promptly, completely and accurately in the appropriate report. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms as specified in department policy, procedure or law.

Whenever force is used, the deputy's immediate supervisor shall be notified of the use of force without unnecessary delay. The deputy using force shall prepare a crime, arrest report, and/or a jail incident report. The deputy should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

Sergeants, or appropriate supervisor, shall be required to complete the Use of Force Document when any Use of Force options outlined in Section 1 of the Use of Force Document are met. Upon completion of the form, Sergeants, or appropriate supervisor, will electronically send the form to the Use of Force team.

A review of the incident will be conducted upon receipt of the Use of Force Document by the Defensive Tactics Coordinator or by his or her designee at the rank of Sergeant or above. The review will include but is not limited to; any and all associated reports, photographs and video images captured by the body worn camera or any other department owned video recording devices.

Compliant arrest techniques DO NOT require a Use of Force form.

### **RELATED STANDARDS**

Graham v. Connor, 490 U.S. 386 (1989)  
Tennessee v. Garner, 471 U.S. 1 (1985)  
Lyons v. Los Angeles, 75 L.E. D. 2d 675, 692  
Burns v. Honolulu, 82 District Court #79-0274 9<sup>th</sup> Circuit Court of Appeals #81-4665  
Forrester v. San Diego 25 F 3d 804 (9<sup>th</sup> Circuit Court of Appeals)  
Medical Study Conducted by D. Daws, MD, J.D. Ho, MD, Academy of Emergency Medicine, March 2007  
Penal Code Section 149  
Penal Code Section 835a  
Penal Code Section 836.5  
Penal Code Section 843

### **AFFECTED DIVISIONS:**

All

### **REVISIONS**

9-3-99  
11-02-09  
10-05-12

By order of:

A handwritten signature in black ink, appearing to read "Robert T. Doyle". The signature is written in a cursive, somewhat stylized font.

ROBERT T. DOYLE  
SHERIFF-CORONER



# Marin County Sheriff's Office Use of Force Document

Patrol Div.    Custody Div.    Court Div.

|   |      |                           |
|---|------|---------------------------|
| <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 |      | SO Case #/Jail incident # |
| Area  | Date | hours                     |
|   |      | Time                      |

Location

Charges

|                             |                           |                           |
|-----------------------------|---------------------------|---------------------------|
| Primary Deputy Name and ID# | Additional Deputy and ID# | Additional Deputy and ID# |
|-----------------------------|---------------------------|---------------------------|

1) **Type of Force Deployed:**

Physical Restraint on Actively Resisting Subject  
 Baton/Asp  
 CEW / Display  
 WRAP  
 Less Lethal Launcher  
 Display of Firearm  
 Carotid  
 Discharge of Firearm  
 OC  
 Personal Body Weapons  
 Other:

2) **Subject Injured:**   3) **Deputy(s) Injured:**   4) **Subject In-Custody:**   5) **Medical Treatment:**

|  |                              |                              |                              |   |
|--|------------------------------|------------------------------|------------------------------|---|
| <input type="checkbox"/> Yes               | <input type="checkbox"/> Yes | <input type="checkbox"/> Yes | <input type="checkbox"/> Yes | <input type="checkbox"/> NCH                |
| <input type="checkbox"/> No                | <input type="checkbox"/> No  | <input type="checkbox"/> No  | <input type="checkbox"/> No  | <input type="checkbox"/> MGH                |
| <input type="checkbox"/> Complaint of Pain |                              |                              |                              | <input type="checkbox"/> KTL                |
|  |                              |                              |                              | <input type="checkbox"/> PARAMEDIC          |
|  |                              |                              |                              | <input type="checkbox"/> JAIL MEDICAL STAFF |

6) **Injury Photographed:**    Yes    No

7)

|              |     |  |
|--------------|-----|--|
| Subject Name | DOB | <input type="checkbox"/> M<br><input type="checkbox"/> F<br><input type="checkbox"/> O |
|--------------|-----|--|

8)

**Narrative:**

No Action Required       Further Discussion Required

|                       |  |
|-----------------------|--|
| Sergeant Name and ID# | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>Present for Use of Force |
|-----------------------|--|