

USE OF FORCE

AUTHORITY

California Code Section(s):

Penal Code Sections [196](#), [830.5](#), [832](#), [835a](#), [836](#), and [22820](#)
Government Code Sections [7286\(b\)\(13\)](#), [12525.2](#)

Related Probation Officer Procedures:

[E3](#) Arrest of Juveniles and Adults
[F1](#) Officer Safety and Tactics Program Personnel
[F3](#) Conducted Electrical Weapon (CEW)

Related Probation Department Policies:

[IV15](#) Citizen Complaints
[IV23](#) Officer-Involved Critical Incident Protocol
[IV33](#) Safety, Uncooperative Clientele, and Threats

Related Federal Case Law:

[Graham v. Connor, 490 U.S. 386 \(1989\)](#)

INTRODUCTION

Per [835a PC](#), “any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.” Officers shall carry out duties, including the use of force, in a fair and unbiased manner. A probation officer shall use only the amount of force that appears reasonably necessary to overcome the subject’s resistance based on the totality of the circumstances known to the probation officer at the moment the force was applied. As such, the probation officer’s use of force must be proportionate given the totality of circumstances. It is not proportionate if a less injurious alternative existed and could be safely executed. Therefore, probation officers may only use a continuum of force options they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance. After using force and when applicable, the probation officer shall secure and take physical control of a subject by applying handcuffs. It is not considered a use of force when the subject is searched, escorted, or handcuffed, but it is considered a seizure of that person.

This procedure will be reviewed and updated no less than biennially to reflect current practices.

DEFINITIONS

Use of Force- Use of force is defined as an immediate means of overcoming resistance and controlling the threat of imminent harm to self or others.

Reasonable and Necessary Force- Reasonable and necessary force refers to the amount of force that an objective, similarly trained, experienced, and competent officer, faced with similar facts and circumstances, would consider necessary and reasonable to overcome resistance or stop a threat of harm to themselves or others or to affect a lawful arrest of a person.

Imminent Threat- An imminent threat is considered to exist if a subject has demonstrated actions that would lead an officer to reasonably believe that, based on the totality of 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. Section 835a (e)(2) states: “An imminent harm is not merely a fear of future harm, no matter how great the fear and matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.”

De-escalation- De-escalation refers to 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 use of force or with a reduction of the force necessary. De-escalation techniques include using distance, time, verbal tactics, or other tactics to de-escalate a situation.

Justified Homicide is defined in Section [196 PC](#) as follows: In obedience to any judgment of a competent court (executing a death sentence) or when an action of a peace officer’s use of force complies with Section [835a PC](#).

Crisis Intervention Techniques (CIT)- Crisis intervention techniques refer to a collaborative approach to safely and effectively address the needs of people with mental illnesses, link them to appropriate services, and divert them from the criminal justice system if appropriate. CIT techniques include using distance, time, verbal tactics, and other tactics to de-escalate a situation.

SAFETY CONSIDERATIONS

Suppose the probation officer encounters a situation that may lead to confrontation, or the use of force will significantly increase the risk of harm. In that case, the probation officer may disengage to avoid confrontation when reasonably able to do so.

Probation officers shall employ de-escalation and crisis intervention techniques when feasible and when doing so does not increase the risk of harm to themselves or another person. Probation officers should approach a situation with the intent to de-escalate if the situation in question allows the officer to do so and consider the value of establishing time and distance in a confrontation where a use of force may be inherent, if possible. At times, an officer may need to quickly and decisively act or intervene with force to prevent a situation from escalating. When making use of force decisions, probation officers should be mindful that subjects may be physically or mentally incapable of responding to peace officer commands due to a variety of circumstances including, but not limited to, the physical environment, alcohol or drugs, mental impairment, medical conditions, or language and cultural barriers. In addition to de-escalation techniques, if safe and feasible, probation officers should use alternative resources (such as calling in additional trained personnel) and force-mitigation techniques to avoid use of unnecessary force.

This procedure does not prohibit probation officers from using any lawful means of self-defense or defense of others, including improvised weapons, when faced with a risk of great bodily injury or a life-threatening situation. A probation officer shall not be deemed an aggressor or lose the right to self-defense by the use of objectively reasonable force in compliance with [835\(a\) PC](#) to effect an arrest, to prevent escape, or to overcome resistance. A probation officer who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested. In this circumstance, retreat does not mean tactical repositioning or other de-escalation techniques.

TRAINING REQUIREMENTS

All probation officers shall have successfully completed Arrest, Search, and Seizure (PC 832) course prior to arresting or using force on any individual.

At least annually, all probation officers shall receive training related to this use of force procedure and related legal updates for the following:

1. Legal standards for use of force
2. Duty to Intercede
3. The application of objectively reasonable force
4. Supervisor responsibilities
5. Use of force review and analysis
6. Guidelines for the use of deadly force
7. State-required reporting.

Additional regular and periodic training shall include:

1. Training standards and requirements relating to demonstrating knowledge and understanding of the probation department's use of force procedure.
2. 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.
3. Minimum training and course titles related to the objectives in the use of force procedure include but are not limited to:
 - a. De-escalation and interpersonal communication training, including tactical methods that use time, distance, cover, and concealment, to avoid escalating situations that lead to violence.
 - b. Implicit and explicit bias and cultural competency.
 - c. Skills including de-escalation (crisis intervention) techniques to effectively, safely, and respectfully interact with people with disabilities or behavioral health issues.
 - d. 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 probation officer's discretion and judgment in using less-lethal and deadly force in accordance with this policy.
 - e. Mental health and policing, including bias and stigma.
 - f. Use of force scenario training, including simulations of low-frequency, high-risk situations, shoot-don't shoot situations, and real-time force option decision making.

All use of force training provided to probation officers shall be documented by the department.

THE OBJECTIVE REASONABLENESS STANDARD

Any use of force will be evaluated under the "objective reasonableness standard," taking into consideration the totality of the circumstances known to the probation officer at the time the incident occurs, without benefit of "20/20 hindsight." The reasonableness of force will be evaluated from the perspective of any reasonable probation officer at the time of the incident. Any evaluation of reasonableness must allow for the fact that a probation officer must often make split-

second decisions about the amount of force that reasonably appears necessary in a particular situation, sometimes with limited information and in circumstances that are tense, uncertain, and rapidly evolving. Further, the “objective reasonableness standard” is the sole justification for whether the probation officer acted reasonably, not whether the officer had less intrusive alternatives available ([Graham v. Connor](#)).

FACTORS USED TO DETERMINE REASONABLENESS

A probation officer may only use the level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonable perceived level of actual or threatened resistance or harm to themselves or others. Probation officers 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 or potential harm, and the need for apprehension prior to the utilization of force. Probation officers shall continually evaluate tactics when determining the appropriate use of force response.

When determining whether to use force or when evaluating whether a probation officer has used reasonable force, several factors should be considered. These factors include, but are not limited to:

- Immediacy and severity of the threat to the probation officer or others
- The conduct of the subject, as reasonably perceived by the probation officer at the time
- Probation officer/subject factors: age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of peace officers vs. the number of offenders, etc.
- The effects of drugs or alcohol on the subject.
- The subject’s mental state or capacity.
- Proximity of weapons or dangerous improvised devices.
- The degree to which the subject has been effectively restrained and their ability to resist despite being restrained.
- The availability of other options and their possible effectiveness.
- Seriousness of the offense or violation or reason for the contact with the subject.
- Training and experience of the probation officer.
- Potential for injury to the probation officer, subject, or others.
- Whether the subject appears to be resisting, attempting to evade arrest by flight, or is attacking the probation officer or others.
- The risk and reasonably foreseeable consequences of escape.
- The apparent need for immediate control of the subject or a prompt resolution of the situation.
- Whether the conduct of the subject no longer reasonably appears to pose an imminent threat to the probation officer or others.
- Prior contacts with the subject or awareness of any propensity for violence.

DUTY TO INTERCEDE

Any probation officer present and observing another peace officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstance, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject shall when in a position to do so, intercede and attempt to prevent the use of unreasonable force. Any probation officer who intercedes and/or

observes another peace officer(s) use force that exceeds the degree of force permitted by law, policy (including [Probation Department Policies Section IV10, Employee Conduct](#)) and procedure, shall report the situation to a supervisor or manager as soon as feasibly possible. After that, as directed by the supervisor or manager, the probation officer shall complete a written report as described in the “Reporting” section of this procedure. Any supervisor receiving a report under these circumstances shall notify the division manager as soon as possible.

The duty of a probation officer to intercede is not relieved by nor should it be deferrable to other officers or supervisors on scene.

Any officer who has been found by the department, after appropriate investigation, to have used force beyond that which is objectively reasonable or necessary or that exceeds the degree of force permitted by law will be subject to appropriate disciplinary action, up to and including termination of employment.

PROVISION OF MEDICAL ATTENTION

Whenever force is used, ask the subject if they need medical attention. If so, or if the probation officer believes medical attention is necessary, the probation officer is required to provide promptly, if properly trained, or otherwise promptly procure medical assistance for persons injured in a use of force incident, when reasonable and safe to do so. Medical assistance should be obtained for any person who exhibits signs of physical distress, visible injury, alleged injury or complaint of continuous pain, experienced lack of consciousness, or any other reason the probation officer deems necessary, based on training and experience. If the subject states they do not need medical attention, the probation officer shall include this information in their written report. When practicable, the refusal should be witnessed by another officer or medical personnel and/or be recorded.

Following a use of force incident, the primary probation officer should ensure that any person providing medical assistance or receiving custody of an individual on which force was used is informed that the person was subjected to force. Notification should include all relevant information, including the type and level of force used, duration of force or struggle, visible injuries, respiration impairment, and any other information an objectively reasonable officer would believe relevant to the health and safety of the individual.

An individual who appears extremely agitated or exhibits violent and irrational behavior, accompanied by other physical symptoms (e.g., profuse sweating, imperviousness to pain, extraordinary strength beyond their physical characteristics) or who requires a protracted physical encounter with multiple officers, should be treated with emergency medical attention as soon as feasible.

Once any initial medical assessment has been completed, or first aid has been rendered, the probation officer shall take photographs of any areas of the subject’s body involving visible injury or the subject complains of pain. Further, the probation officer shall take any photographs necessary for evidentiary purposes. Any photographs taken shall be attached to the incident report written by the primary probation officer who utilized force.

REPORTING

Any use of force shall be documented promptly, completely, and accurately by every probation officer involved in or witnessing the use of force incident on the appropriate incident report form. The probation officer shall complete this report by the end of the following business day after the probation officer returns to work or within an alternate time period directed by the Chief Probation Officer (as specific circumstances may warrant). The only exception is if a probation officer provides a voluntary statement after a use of deadly force incident occurs; because the investigating agency is writing a law enforcement report, the probation officer is not required to complete an incident report (as detailed in the Firearm/Deadly Force Section of this Procedure). Probation officers found to substantially omit or misrepresent information in an incident report will be subject to appropriate disciplinary action, up to and including termination of employment. In addition, use of force incidents will be reported to the Department of Justice in compliance with Section [12525.2 GC](#).

In the report, the probation officer must provide the following information:

- The factors perceived by the probation officer.
- Why the use of force was “objectively reasonable” under the circumstances presented to the probation officer.
- The risks created by the subject and why any particular intervention technique was used.
- Any injuries and/or medical attention given to the probation officer, if applicable.
- Any injuries and/or medical attention given to the subject, if applicable.
- Whether the subject refused medical attention, if applicable.
- The names and contact information for any witnesses or additional law enforcement officers present.
- Any other information deemed necessary in order to completely and accurately describe the use of force incident.
- Any charge(s) recommended against the subject.

Supervisor Responsibilities

Upon notification of a use of force incident, the probation officer’s supervisor shall respond to the scene of the use of force unless a response is impractical or poses a danger. When a supervisor is able to respond to a reported use of force incident, pursuant to Section [7286\(b\)\(13\) GC](#), the supervisor is expected to:

- Obtain the basic facts from the probation officers involved in the incident.
- Ensure any injured parties are examined and treated.
- Promptly identify individuals who may have witnessed the use of force occurrence and obtain statements from the witnesses... Supervisors should separate witnesses if feasible to do so;
- When possible, obtain a separately recorded interview with the individual upon whom the force was applied. If the interview is conducted without voluntary waiver of Miranda rights, the following shall apply:
 - The content of the interview should not be summarized or included in any related criminal charges.
 - The fact that a recorded interview was conducted should be documented in an incident or other report.
 - The recording of the interview should be distinctly marked for retention until all potential litigation has expired.

- Ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential civil litigation has expired.
- Ensure compliance with the reporting section of this procedure and submit reports through appropriate channels.
- Determine if there is any indication that the individual may pursue civil litigation. If there is an indication, the supervisor shall notify the Division Manager of the potential claim.

If the supervisor is unable to respond to the scene of the use of force, the supervisor shall:

- Obtain the basic facts from the probation officers involved in the incident.
- Ensure a thorough investigation takes place, including, but not limited to, obtaining witness statements, subject statements (which should be obtained by a probation officer or supervisor not involved in the use of force), and photographs of any injuries.
- Assess the appropriateness of the use of force and if any charge(s) should be recommended against the subject.
- Address any areas of concern.
- Forward all reports to the Division Manager for review.

Division Manager Responsibilities

- Review all incidents for compliance with policy and procedure.
- Assess the appropriateness of the use of force and the quality and thoroughness of the documentation.
- Consider and follow up on any pending issues or injuries.
- Initiate an internal or criminal investigation if/when necessary.

USE OF FORCE REVIEW

Use of force events will be reviewed quarterly by the involved officer's supervisor, division manager, defensive tactics coordinator(s), and Rangemaster/lead firearms instructor for necessity and reasonableness as determined by an objective reasonableness scale defined above, and to identify/recommend any training needs.

APPROVED METHODS, DEVICES, AND TECHNIQUES

Reputation and Presence

Reputation includes an officer's professionalism, integrity, and demonstrated fairness. The officer's appearance, including the conditions of their equipment and display of department insignia, contributes to their overall presence as a peace officer and may have an impact on the behavior of the subject. These characteristics, to be effective, must be consistently maintained.

The presence of more than one probation officer and/or a law enforcement officer may also serve to de-escalate a situation and add to the control of the subject.

Verbal Skills and Commands

A probation officer must have strong verbal skills when dealing with subjects and must develop rapport and an appropriate relationship with subjects. Verbal commands may be used to obtain compliance and to control the situation and/or the subject. Verbal commands must be firm, clear, concise and reasonable to be effective. Strong officer presence and verbal skills may de-escalate the majority of the situations that a probation officer faces.

Control and Restraint

Probation officers shall be trained by authorized weaponless defense instructors before they are permitted to utilize any control and restraint techniques. Thereafter, probation officers must complete weaponless defense training as directed, including training on pain compliance techniques and personal body weapons.

Probation officers **shall not** use a carotid control hold, chokehold, or any other type of neck restraint unless the officer reasonably believes there to be an imminent threat of serious bodily injury or death.

Conducted Electrical Weapon (CEW)

A CEW is an intermediate level of force and is to be used by armed probation officers. Probation officers shall use only department-issued CEW and CEW cartridges. A probation officer may carry a CEW only if specifically authorized by the Chief Probation Officer (CPO), and the CPO has the authority to revoke the authorization to carry a CEW at any time, with or without cause. Further, the probation officer must complete the department-approved training prior to being issued a CEW and must subsequently demonstrate their proficiency on an annual basis. The CEW shall be used pursuant to [Procedure Section F3, Conducted Electrical Weapon \(CEW\)](#).

Presidia Gel (Orthochlorobenzalmalononitrile (CS) Gel Spray)

A probation officer is authorized to use Presidia Gel after they have completed an approved department training program pursuant to Section [22820 PC](#) and [832 PC](#).

When not carrying the Presidia Gel on their person, a probation officer shall assure their canister is locked in an equipment or firearms locker.

Probation officers shall inspect their Presidia Gel canisters at least once monthly for leaks and to assure the Presidia Gel is working properly. If a probation officer believes their Presidia Gel should be replaced or has any other issues, the officer shall contact the appropriate Officer Safety and Tactics Program Personnel, who will keep track of expiration dates of Presidia Gel, order, and issue new canisters when appropriate, and dispose of necessary canisters.

Deployment

After deploying Presidia Gel, the probation officer shall immediately evaluate the effectiveness of the Presidia Gel, then re-deploy or transition to another means of force or control, when necessary. The probation officer should take advantage of distance and give time for the Presidia Gel to become effective, as well as communicate with fellow officers when deploying in proximity of/or in physical contact with another officer. The officer shall also take physical control and handcuff the subject as soon as possible.

Decontamination Guidelines

After the subject sprayed with Presidia Gel is secured in handcuffs, the probation officer can begin the decontamination process by:

- Ensuring the subject is breathing normally.
- Being cognizant of anything that may hinder the subject's ability to breathe. The subject must be continually monitored for medical distress.

- Have the sprayed subject remain still; tell them to breathe normally and relax as much as possible under the circumstances.
- The subject should be moved to an uncontaminated area as soon as possible and be faced into the wind; or window partially down in the car (if the car is equipped with prisoner cage) or vehicle vent.
- If practical before transporting the subject, apply decontamination methods Reflex Remove is ideal to flush the subject's facial area and/or eyes; a garden hose, kitchen sprayer, or hand-held water sprayer works well. Do not allow the subject to rub his eyes.
- Verbally reassure the subject, keeping him/her calm, restricting their activity, and encouraging blinking of the eyes while the subject is recovering. If applicable and possible, EMS can assist the subject with removing contact lenses. It is the probation officer's responsibility to notify EMS if assistance is needed.
- Use of Reflex Remove and a towel pressed on the face has proven to be the most effective way to remove Presidia Gel or the irritating resin of OC from the skin; towels should be applied numerous times until the resin is removed.
- Once this is done, again pat dry with a cloth or paper towel; **DO NOT RUB!**
- Subjects who wear contact lenses should remove them before flushing their eyes with water and then thoroughly clean and soak the lenses with an appropriate lens cleaning solution; hard lenses should be taken out and soaked for twenty-four hours; soft lenses should be discarded.
- If symptoms persist, seek medical attention immediately.

Do not use creams, salves, oils, lotions, burn cream or oil-based products or soaps on or to clean the skin, as these products will only trap the Presidia Gel on the skin.

The subject may produce bodily fluids, usually in the form of mucous, saliva, and tears. For the officer's protection, universal precautions shall be followed, including wearing rubber/latex gloves for the decontamination process.

Typically, a subject will recover within one hour. If symptoms persist after an hour or significant improvement is not shown, the probation officer shall seek medical aid immediately. Further, if at any point the subject states they are in medical distress, the probation officer shall seek medical aid immediately.

When Presidia Gel is deployed inside of a room/house/structure/vehicle and safety permits, the probation officer must decontaminate the area by opening doors and windows and using fans to facilitate air circulation when reasonably feasible and it is safe to do so. Affected areas can be cleaned with Relfex Remove for complete decontamination. Clothing and other fabrics may be cleaned in their usual manner. Further, if a room/house/structure is exposed to Presidia Gel, a note must be left stating such, and the probation officer's name and phone number must be provided in the note.

If Presidia Gel is deployed on an animal, the officer should remain as far away from the animal as possible. Further, the owner of the animal shall be notified as soon as it is practical to do so. If the owner cannot be contacted or located, the probation officer shall contact the El Dorado County Animal Services for assistance.

Firearm/Deadly Force

The probation officer shall not discharge a firearm in the course and scope of employment except as permitted by these policies and procedures. Improper use of a firearm will result in department sanctions, including disciplinary action, and may result in civil or criminal sanctions.

Probation officers are authorized to discharge firearms in the line of duty under the following circumstances, each of which must be justifiable as defined by law:

- When there is imminent threat of death or serious bodily injury to another person and/or the probation officer, and the probation officer has a reasonable belief that the use of deadly force is necessary to prevent death or serious bodily injury to another person and/or the probation officer. A probation officer is expected to use sound judgment in making a determination that the use of deadly force is necessary. Imminent does not necessarily mean immediate or instantaneous.
- To apprehend a fleeing person for any felony which threatened or resulted in the death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a probation officer 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 probation officer has objectively reasonable grounds to believe the person is aware of those facts.
- At an approved range; firearms may be used during approved training, practice, or qualification when approved by the Rangemaster.

Justification for the use of deadly force is limited to what reasonably appears to be the facts known or perceived by the probation officer at the time they decide to shoot. Facts unknown to the probation officer and which could not reasonably have been expected to be known by the probation officer cannot be considered in later determining whether the shooting is justified.

The probation officer shall consider the following guidelines regarding situations where officers may draw or point a firearm at a person or animal.

- The threat has the opportunity, ability and means to harm an individual, and the threat's opportunity and ability may place the life of an individual in danger.
- There has been a display of a weapon or any article that can be used as a weapon by an individual in a threatening manner, which might cause death or serious bodily injury to the probation officer or another person.
- The individual is known to the probation officer to have a record and/or history of violent behavior.
- The probation officer has information from a reliable source (such as a spouse, law enforcement official, employer or landlord) that an individual is or may be armed or is dangerous.
- There are auditory or visual indications at the scene of the potential threat (such as the sound of gunshot(s), screaming or cries, or sounds or signs of an altercation in progress).
- There are other, more reasonable alternatives available. Before escalating to the use of firearms, probation officers should attempt to consider all available alternatives, including disengagement.
- The probation officer shall consider their surroundings and potential risks to bystanders, to the extent reasonable under the circumstances, before discharging a firearm.

- The unholstering or use of a firearm will escalate rather than control the situation.
- An animal reasonably appears to pose an imminent threat to human safety, and alternative methods are not reasonably available or would likely be ineffective.

As soon as safety permits, any probation officer who directs their firearm at a person shall immediately submit a verbal report to their supervisor.

A probation officer shall not:

- Display, draw, brandish, or point a firearm at a person as a threat unless its actual use in the situation would be proper pursuant to these procedures.
- Fire warning shots as this presents a danger to both the officer and innocent persons.
- Draw a firearm solely on the mere existence of a potential risk (e.g. public contact, pedestrian/traffic stop), but rather on the totality of the circumstances known to the probation officer at the time.

Deadly force may not be used against a person based on the danger that person poses to him/herself, including a suicidal individual, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the probation officer or to another person.

Shooting at or From a Moving Vehicles

Shots fired at or from a moving vehicle are rarely effective. If reasonably possible, probation officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. A probation officer should only discharge a firearm at a moving vehicle or its occupants when the probation officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, if deadly force other than the vehicle is directed at the probation officer or others, or if the probation officer reasonably believes that the driver is using or is attempting to use the vehicle as a means to cause injury or death to the probation officer or another person

Probation officers should not shoot a vehicle in an attempt to disable the vehicle.

RESPONSIBILITIES AFTER DEADLY FORCE IS USED

Whenever a probation officer uses deadly force, the probation officer, as soon as safety permits, and if physically able to do so, shall immediately:

- Assess the situation and determine the condition of any injured person or animal. If there are injured persons, the probation officer shall render first aid, if appropriate, and summon emergency aid.
- If there is an injured or a dead animal, the probation officer shall attempt to contact the animal's owner. If the animal's owner is unable to be located in a timely manner, or if there is no owner, the probation officer shall contact the [El Dorado County Animal Services](#).
- Notify a supervisor, who will notify the Division Manager. The Division Manager will then notify the Chief Probation Officer. The Division Manager or CPO shall immediately activate the Officer-Involved Critical Incident Protocol (see [Probation Department Policies section IV23, Officer-Involved Critical Incident Protocol](#)). Activating the Protocol will ensure the notification of the local law enforcement agency with jurisdiction, who will proceed to the scene and conduct a criminal investigation.

- Secure the scene until relieved by law enforcement. The law enforcement supervisor is then responsible for the scene and the investigation.
- Remain in their clothing, body armor, and safety equipment being worn throughout the deadly force incident, without altering their appearance after the incident, as the probation officer's clothing may have evidentiary value. Should any equipment or clothing be removed by medical personnel to treat the officer, the law enforcement investigator will collect it as evidence when appropriate.

PUBLIC SAFETY STATEMENT

Once the incident scene has been secured and there is no longer any threat to safety, the lead criminal investigator may make an inquiry as to the involvement of each probation officer, in an attempt to ascertain the circumstances surrounding the incident. Although a probation officer may invoke a right to representation as well as a right against self-incrimination, the lead investigator and/or department representative is entitled to answers to certain questions regarding public safety and security of the scene. The questions asked by the lead investigator, such as the number and description of outstanding subjects, the location of evidence, the identity of known witnesses, parameters of the incident scene, or the direction the shots were fired, for example, must be answered by the probation officer. During this discussion, the probation officer is not entitled to representation. A probation officer may be subject to disciplinary action for insubordination, up to and including termination, for refusing to provide a public safety statement.

VOLUNTARY STATEMENT

It is the sole decision of the probation officer to give or not to give a voluntary statement. The probation officer may contact a labor representative or attorney for advice and may choose to give the voluntary statement at the scene or sometime thereafter, after consideration. It is believed most appropriate for the probation officer to cooperate fully with the investigation and give a voluntary statement regarding the events to the criminal investigator. However, it is each probation officer's choice whether to give a voluntary statement or invoke a right to representation.

The probation officer who discharged the firearm shall not discuss the incident with anyone except persons directly involved in the investigation, per [Public Safety Officers Procedural Bill of Rights Act \(§3303 GC\)](#). Pursuant to [Probation Department Policies Section IV3](#), the probation officer shall not comment to anyone from the media, general public, or others not directly involved in the investigation.

DISCLOSURE OF PUBLIC RECORDS

The Probation Department will disclose public records pursuant to current state and federal law.

If a probation officer has any questions regarding this procedure, the probation officer shall seek guidance from their supervisor.