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| <b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>  | <b>Date Issued: 09/17/1997</b>   | <b>Policy #: SFSD 02-03</b>   |
| <div data-bbox="393 241 665 504" data-label="Image"> </div> <p data-bbox="313 514 735 550" style="text-align: center;"><b>POLICY AND PROCEDURE</b></p> | <b>Last Revised: 01/16/2013</b>  | <i>Formerly D-02</i>  |
|  | <b>Related Policies:</b><br>SFSD 02-04 Projectile Impact Weapon<br>SFSD 02-05 Authorized Handguns<br>SFSD 02-06 Authorized Shotguns<br>SFSD 02-07 Impact Weapons<br>SFSD 02-08 IAD - Chemical Agents | SFSD 02-09 Protective Hood<br>SFSD 02-10 Shields<br>SFSD 02-11 ECD - Taser<br>SFSD 02-23 Incident Reports<br>ADP 03-01 Rifles / Submachine guns |
| <b>Chapter: 02 Legal Enforcement and Operations</b>  | <b>Approved By:</b><br><div data-bbox="998 430 1315 514" data-label="Text"> </div> <p style="text-align: center;"><b>Ross Mirkarimi, Sheriff</b></p>   |   |
|  | <b>Title: Use of Force</b>   |   |

**POLICY:** The Policy of the San Francisco Sheriff's Department (SFSD) is that use of physical force shall be restricted to circumstances authorized by law and to the degree reasonably necessary to accomplish a sworn employee's lawful task.

**PURPOSE:** To provide guidelines to sworn employees on reasonable force permitted in the performance of their duties.

#### **I. General:**

A. This is the prevailing policy for the SFSD use of force, and it applies to all of the following policies (the force option policies are listed alphabetically):

- Electronic Control Device (ECD) - Taser
- ECD – Remote Electronically Activated Control Technology (R.E.A.C.T. Band)
- Handguns
- Individual Aerosol Dispenser (IAD) - Chemical Agents
- Impact Weapons
- Projectile Impact Weapons
- Protective Hood
- Rifles / Submachine guns (specialized units)
- Shields
- Shotguns

B. Sworn employees are permitted to use whatever force is reasonable and necessary under the circumstances.

1. Sworn employees are not required to engage in hand-to-hand combat before resorting to the use of force that will bring a situation under control.

C. Each situation is unique. The SFSD relies on the sworn employee's judgment and discretion to employ an objectively reasonable level of force under each unique circumstance. Sworn employees need not retreat or desist in the reasonable use of force. There is no requirement that sworn employees use a less intrusive force option before progressing to a more intrusive one, as long as the force option used is objectively reasonable under the known totality of the circumstance at that time. When confronted by force or resistance, a sworn employee may use an objectively reasonable higher level of force to overcome that resistance.

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1. Sworn employees will notify a supervisor, without unnecessary delay, when force is used. This includes instances where SFSD employees take enforcement action while off-duty and a use of force occurs.
  2. Sworn employees shall consider their environment when using force.
- D. Choking and the use of carotid restraint are not allowed by the SFSD.
- E. Sworn employees use of reasonable force, on duty, is governed by this policy.
- F. Sworn employees must adhere to the specific use of force policy for that particular force option.
- G. The use of force options are as follows and more than one option may be used at the same time: (the force options are listed alphabetically)
- command presence
  - distraction device(s)
  - distraction strike
  - ECD - taser
  - ECD – R.E.A.C.T Band
  - firearms
  - impact weapons
  - individual aerosol dispenser - chemical agents
  - personal body weapons
  - physical control techniques,
  - projectile impact weapon
  - protective hood
  - shields
  - verbal commands
- H. Sworn employees have a number of force options available for use in those situations where force is reasonably necessary.
- I. Sworn employees using reasonable force are accountable for its use.
- J. Sworn employees may use physical force in the performance of their duties in the following circumstances, but not limited to:
1. to effect an arrest;
  2. to prevent an escape;
  3. to prevent or stop an assault;
  4. in self defense or in the defense of another person;
  5. to prevent an individual from harming himself / herself;

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6. to make an individual(s) comply with a lawful order;
  7. to quell a jail disturbance and / or
  8. to effect crowd control.
- K. When faced with the necessity of employing force at any level, the individual may be handcuffed and secured as necessary to maintain safety.
- L. Sworn employees may use firearms in the performance of his / her duties in the following circumstances, but not limited to:
1. for self protection or to protect others from what is reasonably believed to be an imminent threat of death or great bodily injury;
  2. to effect capture or prevent the escape of an individual(s) when the sworn employee has probable cause to believe that the individual(s) poses a significant threat of death or serious physical injury to the sworn employee or others and a warning of the intent to use deadly force was given, whenever feasible.
    - a. significant threat includes an individual who:
      - i. actually used deadly force or;
      - ii. threatened deadly force, is willing to carry out the threat and has the means by which to carry out the threat and / or
      - iii. is a violent felon who cannot be otherwise captured before the use of deadly force is actually used.
  3. When it is necessary to kill an animal that is endangering human lives or that is so badly injured that decency requires its removal from further suffering and any other disposition is impractical:
    - a. A seriously wounded animal(s) may be destroyed only after an attempt(s) has been made to request assistance from the appropriate animal care and control agency.
- M. When determining whether to discharge your firearm, the totality of the situation and environment must be taken into account.
- N. Justification for the use of force is limited to what is reasonably known or perceived by the sworn employee at the time.
- O. Sworn employees shall not use a firearm:
1. to fire warning shots;
  2. in a reckless manner and / or
  3. when the threat has passed.
- P. Sworn employees should not discharge firearms at or from moving vehicle(s) except in self-defense or defense of another when the subject is using deadly force.
- Q. Sworn employees shall not discharge firearms at the tires, engine or other vehicle parts in an attempt to disable the vehicle.
1. Only an Incident / Tactical Commander, during a critical incident and involving a contained perimeter, may authorize that a vehicle be disabled.
- R. Except for general maintenance, storage, authorized training or shooting at a range sworn

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employees shall not draw or exhibit firearms unless circumstances create reasonable cause to believe that it may be necessary to use firearms in conformance with other sections of this policy.

- S. Sworn employees using physical force that has been deemed as excessive may be subject to civil and criminal liability and / or SFSD disciplinary action.
- T. If extenuating circumstances occur that are not contemplated by this policy and procedure, sworn employees may use reasonable force to protect themselves and / or other individuals.

### **II. Procedures:**

- A. Sworn employees while on duty and wearing plain clothes shall identify themselves as peace officers before using force, when feasible.
- B. Sworn employees shall document use of force as outlined in the SFSD Incident Report Policy.

### **III. Forms:**

Not Applicable

### **IV. Reference:**

Penal Code §149, 835, 835 a  
18 U.S.C. 1983  
Tennessee vs. Garner  
Graham vs. Connor  
Forrett vs. Richardson