3-10/030.00 - Unreasonable Force and Duty to Report and Intercede

Department members shall use only that force which is proportional, objectively reasonable and which reasonably appears necessary. Unreasonable force is force that is excessive given the totality of the circumstances presented to Department members involved in using force, judged from the perspective of a reasonable deputy on the scene. Unreasonable force is prohibited. The use of unreasonable force will subject Department members to discipline and could result in criminal prosecution.

Any Department member witnessing unreasonable force that is clearly beyond that which reasonably appears necessary (as determined by an objectively reasonable deputy under the circumstances) shall intercede to prevent or stop the unreasonable force when safely able to do so. Department members should consider the possibility that other Department members may have additional information regarding the threat posed by the subject.

Depending on the circumstances, "interceding" includes, but is not limited to:

- Physically stopping the unreasonable use of force;
- Confronting the offending Department member while the unreasonable force is happening;
- Efforts to de-escalate the unreasonable use of force;
- Using communication techniques to calm and promote rational decision-making by other Department members and the subject;
- Using a radio to summon an immediate response from a supervisor; and/or if reasonably safe and feasible and practical, taking a position to capture footage of the incident on a body worn camera.

Any Department member who is present and sees another Department member use force that they believe to be beyond that which reasonably appears necessary shall immediately notify the responding supervisor or a different supervisor if the responding supervisor was involved in the force they are reporting.

Department members shall later document all efforts to intercede or de-escalate the situation in the incident report, the use of force report(s), and any other appropriate reports written later.

NOTE: The basis in determining whether force is “unreasonable” shall be consistent with the Supreme Court decision of Graham v. Connor, 490 U.S. 386 (1989), Hayes v. San Diego, 57 Cal.4th 622 (2013), and California Penal Code section 835a.