

STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT
POLICIES & PROCEDURES

ARTICLE: D-6
SECTION: Prevention Division
DATE: 8/14/95
SUPERSEDES:
TITLE: **USE OF FORCE**

This policy recognizes that the use of force by fire investigators requires constant evaluation. Even at its lowest level, the use of force is a serious responsibility. The purpose of this policy is to provide fire investigators of this department with guidelines on the reasonable use of force.

The use of force by fire investigation personnel is a matter of critical concern both to the public and the law enforcement community. Fire investigators are involved on a daily basis in numerous and varied human encounters, and, when warranted, may use force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, the limitations on their authority--particularly with respect to overcoming resistance from those with whom they come in official contact.

This department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting fire investigators 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 this department that fire investigators shall use only that amount of force which reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident under control. "Reasonableness" of the force used must be judged from the perspective of a reasonable investigator on the scene at the time of the incident.

California Penal Code 835(a) provides that: "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 affect the arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance."

Given that no policy can realistically predict every possible situation a fire investigator might encounter in the field, it is recognized that each fire investigator 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 fire investigator encounter to minimize injury to everyone involved,

nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force.

As noted, any application of force by a member of this department must be judged by a standard of “reasonableness”. When determining whether or not to apply any level of force and evaluating whether an investigator has used reasonable 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 investigator at the time).
- Influence of drugs/alcohol (mental capacity).
- Proximity of weapons.
- Availability of other options (what resources are reasonably available to the investigator under the circumstances).
- Seriousness of the suspected offense or reason for contact with the individual.
- Potential for injury to citizens, officers and suspects.
- Risk of escape.
- Other exigent circumstances.

It is recognized that investigators 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 investigator is expected to respond with only that level of force, which reasonably appears appropriate under the circumstances at the time to successfully accomplish the legitimate law enforcement purpose in accordance with this policy. Any use of physical force by a member of this department shall be documented in an appropriate report depending on the nature of the incident, (e.g. investigation report, crime report). The use of particular weapons such as chemical agents may also require the completion of additional forms as required by department policy and/or law.

Supervisory notification shall be made as soon as practical following the application of physical force which, at the time, appears likely to have caused physical injury. Medical assistance shall be obtained for subjects who have sustained injury, express a complaint of injury, or who have been rendered unconscious.

The decision to use force rests with each investigator. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, each investigator is expected to use these guidelines to make such decisions in a professional, impartial and safe manner.

Written By: Michael R. Wilkinson

Date: August 14, 1995