DAVIS POLICE DEPARTMENT
USE OF FORCE
Policy and Procedure 3.05-A

DEPARTMENT MANUAL

Index as:
Use of Force
Use of Deadly Force
Force, Use of
Reports, Use of Force

I. POLICY & GUIDELINES

A. Policy Statement

Every person has a right to be free from excessive use of force by officers acting under color of law. Therefore, officers shall only use objectively reasonable force that is necessary and in compliance with this policy and law.

An officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance. An 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. An officer shall not be deemed an aggressor or lose the right to self-defense by the use of objectively reasonable force, in compliance with law, to effect the arrest or to prevent escape or to overcome resistance.

As used in this policy, the term “retreat” does not mean tactical repositioning or other de-escalation tactics, which may very well be reasonable and required alternatives to the use of force under certain conditions.

Officers shall be guided by the principle of reverence for human life in all investigative, enforcement, and other contacts between themselves and members of the public. When officers are called upon to detain or arrest a person who is uncooperative or actively resisting, may attempt to flee, poses a danger to others, or poses a danger to themselves, they should, if feasible, consider tactics and techniques that may persuade the person to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation safely. Therefore, to the extent that it is feasible, there is time, and without compromising law enforcement priorities under the circumstances (e.g., unnecessarily creating further risk of harm to the officer or others) officers will use alternatives including, but not limited to, tactical communication, crisis intervention, tactical repositioning, strategic disengagement and/or de-escalation techniques, consistent with their training, to avoid or reduce the need for the use of physical force or higher amounts of force (see Crisis Intervention & De-escalation for further guidance). Officers should also take reasonable care that their actions do not precipitate an unnecessary or unreasonable use of force by unreasonably placing themselves or others in jeopardy.

B. Definitions

“Actively resisting” means the person is uncooperative and fails to comply with directions/orders from an officer, and instead attempts to avoid physical control and/or arrest by
creating distance between themselves and the officer or the officer’s reach. This type of resistance includes but is not limited to evasive movement of the arm, flailing arms, and full flight by running.

“Deadly force” means any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm.

“De-escalation means” actions taken by an officer meant to stabilize a situation and reduce the immediacy of a potential threat so that a potentially dangerous situation can be resolved with voluntary compliance and without resorting to force or higher amounts of force (see Crisis Intervention & De-escalation for further guidance). Nothing in this policy shall be construed to limit an officer’s authority to use objectively reasonable force when interacting with a person in crisis or who is in a vulnerable population when it is reasonably necessary and in compliance with law.

“Feasible” means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

“Force” means the application of physical techniques or tactics, chemical agents or weapons on another person. It is not a use of force when people allow themselves to be searched, escorted, handcuffed, or restrained.

“Legitimate law enforcement purpose” includes, but is not limited to:

- To effect lawful law enforcement objectives/actions, such as to effect a lawful arrest or detention, or to carry out a lawful pat-down or other search;
- To overcome resistance or violence directed at the officer or others;
- To prevent physical harm to the officer or to another person, including intervening in a suicide or other attempt to self-inflict injury;
- To protect the officer or another from unlawful force; or
- To prevent property damage or loss.

The term does not include using, or threatening to use, force for the following reasons:

- To resolve a situation more quickly, unless the extended delay would risk the safety of the person involved, officers, or others, or would significantly interfere with other legitimate law enforcement purposes;
- To punish a person or to retaliate against them for past conduct or to impose punishment;
- To prevent a person from resisting or fleeing in the future;
- To force compliance with an officer’s request or order, unless that request or order is necessary to accomplish a legitimate law enforcement purpose; or
- Bias against a person’s race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group, or any other protected characteristic.

“Objectively reasonable force” means the reasonableness of a particular use of force is evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to, or perceived by, the officer at the time, rather than with the benefit of hindsight; and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force. The calculus of reasonableness must allow for the fact that police officers are often forced to make split-second decisions—in circumstances that are tense, uncertain, dynamic and rapidly evolving—about the amount of force that is necessary in a particular situation.
“Pain compliance techniques” means physical techniques that involve the use of non-impact pressure to sensitive areas of the body (mainly areas of skin covering bone) in order to elicit and maintain control of a person. Compliance techniques include joint manipulation and pressure point techniques, but do not include any technique that restricts blood flow to carotid arteries, causing a person to lose oxygen to the brain.

“Passive non-compliance” means the person is not cooperative, in that the person fails to comply (in a non-movement way) with verbal orders or other direction from an officer.

“Physical strikes” means forceful, concentrated striking movements such as punching, kneeling and kicking, or focused pressure strikes.

“Pursuit intervention” means an attempt to terminate the ability of a person to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures.

“Strategic disengagement” includes removing or reducing law enforcement resources or engaging in passive monitoring.

“Tactical communication” means verbal communications techniques that are designed to avoid or minimize the use of force. Such techniques include attempts to exercise persuasion, advice, instruction, and warning prior to the use of physical force.

“Tactical repositioning” means making advantageous use of positioning, distance, and cover to isolate and contain a person and avoid the need to resort to force.

“Totality of the circumstances” means all facts known to the officer at the time, including the conduct of the officer and the person leading up to the use of force.

“Vulnerable populations” includes, but is not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.

C. Guidelines for Using Force

Vesting officers with the authority to use objectively reasonable and necessary force to protect the public welfare requires monitoring, evaluation, and careful balancing of all interests. The ultimate objective of every law enforcement encounter is to avoid using force, even to accomplish a legitimate law enforcement purpose, and minimize injury or the risk of injury to everyone involved. In fact, the highest priority of California law enforcement is safeguarding the life, dignity, and liberty of all persons, without prejudice to anyone.

The authority to use physical force, conferred on peace officers by law, is a serious responsibility that shall be exercised judiciously and with respect for human rights, dignity and for the sanctity of every human life. Additionally, officers may only carry out duties, including using force, in a manner that is fair and unbiased. Therefore, officers shall use only that amount of force that reasonably appears necessary, given the totality of the circumstances, to accomplish a legitimate law enforcement purpose. Nothing in this policy requires an officer to use force to accomplish a legitimate law enforcement purpose in circumstances where the officer objectively believes that reasonable alternatives to using force exist. When feasible, officers should endeavor to do everything reasonably possible to avoid unnecessary use of force, and minimize the force that is used, while still protecting themselves and the public.
When determining whether or not to apply any level of force, including deadly force, a number of interests and factors should be taken into consideration and balanced, when feasible. A balancing of interests and factors include, but are not limited to:

- **Seriousness of the suspected offense or reason for contact with the individual.**
  
  o **Proportional Force**: An officer may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense.
  
  o An arrest for a suspected infraction and/or a non-violent misdemeanor alone will generally not, without more, give rise to a governmental interest in the use of physical force. If feasible, officers will use alternatives including, but not limited to, tactical communication, crisis intervention, tactical repositioning, and/or de-escalation techniques, consistent with their training, to avoid or reduce the need for the use of physical force or higher amounts of force when arresting someone for minor non-violent crimes. Strategic disengagement may also be an option, in some instances. If feasible, the Watch Commander should be consulted prior to making any decision to disengage.

- **Immediacy and severity of the threat to officers or others.**
  
  o **Proportional Force**: An officer may only use a level of force that they reasonably believe is proportional to the reasonably perceived level of actual or threatened resistance. The level of force applied must reflect the totality of circumstances surrounding the situation, including the presence of imminent danger to officers or others. Proportional force does not require officers to use the same type or amount of force as the person. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be objectively reasonable and necessary to counter it.
  
  o When disobedience takes the form of passive noncompliance that creates a minimal disturbance and indicates no threat, immediate or otherwise, to the officer or others, it generally will not, without more, give rise to a governmental interest in the use of physical force. If feasible, officers will use alternatives including, but not limited to, tactical communication, crisis intervention, tactical repositioning and/or de-escalation techniques, consistent with their training, to avoid or reduce the need for the use of physical force or higher amounts of force. Strategic disengagement may also be an option in some instances. If feasible, the Watch Commander should be consulted prior to making any decision to disengage.

- **Whether the person appears to be actively resisting, attempting to evade arrest by flight or is attacking the officer.**
  
  o Generally, the greater the risk of actual physical harm to an officer or others, through actual, threatened or foreseeable physical attack, the more reasonable physical force would be. With that being said, when a person is actively resisting and/or flees, the use of objectively reasonable force may also be necessary to accomplish a legitimate law enforcement purpose.

- **The conduct of the individual being confronted, as reasonably perceived by the officer at the time** (see Crisis Intervention & De-escalation for further guidance).

- **Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.**
Officers shall constantly assess and modulate the use of physical force as resistance changes. For example, as resistance decreases, the use of physical force may decrease or no longer be needed at all.

- **Officer/person factors** (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, number of officers available vs. individuals being confronted).

- **Effects of drugs or alcohol and/or the person’s mental/physical state, their capacity or whether the person is in crisis or in a vulnerable population** (see Crisis Intervention & De-Escalation for further guidance).

- The State Legislature has determined that individuals with physical, mental health, developmental, or intellectual disabilities are significantly more likely to experience greater levels of physical force during police interactions, as their disability may affect their ability to understand or comply with commands from peace officers.

- If feasible, officers will use alternatives including, but not limited to, tactical communication, crisis intervention, tactical repositioning, strategic disengagement, and/or de-escalation techniques, consistent with their training, to avoid or reduce the need for the use of physical force or higher amounts of force, when confronting individuals who reasonably appear to be in vulnerable populations.

- **Proximity of weapons or dangerous improvised devices.**

- **Degree to which the person has been effectively restrained/handcuffed and their ability to resist or be violent despite being restrained/handcuffed.**

- **Availability of other options and reasonable alternatives and their possible effectiveness.**

- **Training and experience of the officer.**

- **The risk and reasonably foreseeable consequences of escape or inaction.**

  - Tactical communication, crisis intervention, tactical repositioning, de-escalation and/or even strategic disengagement may be useful and acceptable options in resolving a situation without having to resort to physical force. However, there may be times where the risk of harm is so immediate and so foreseeable that the use of physical force is unavoidable, and an officer must exercise physical control of a violent, assaultive, or actively resisting individual to make an arrest, or to protect members of the public and officers from the risk of harm.

  - It is recognized that officers who fail to use timely and adequate force when it is reasonable and necessary may unnecessarily endanger themselves, the individual being addressed, the community, and fellow officers.

- **The apparent need for immediate control of the person or a prompt resolution of the situation or whether immediate resolution may be delayed.**

- **Prior contacts with the person or awareness of any propensity for violence.**

- **Whether the person poses a risk of harm to only themselves.**

  - A delayed or non-response would generally be warranted, instead of deploying force, because of a reaction by a person in crisis to a peace officer’s actions (i.e., officer entering an enclosed space to confront a person with a knife or similar weapon when no others are
around that can be injured because the person is otherwise isolated and/or contained). See PP 2.38-A, Critical Incident Response, for further guidance.

- **Whether person isolation/containment and/or use of passive monitoring or tactical repositioning would be reasonable/feasible as an alternative to using force.**

- **Whether a particular use of force will unreasonably expose other officers, witnesses or bystanders to a foreseeable risk of harm.**
  - Officers shall consider their surroundings and potential risks to bystanders, to the extent it is reasonable under the circumstances, before discharging a firearm.

- **Any other exigent circumstances that exist under the totality of the circumstances.**

**Deadly Force**

The application of deadly force is a measure to be employed only in the most extreme instances. Therefore, an officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons:

1. To defend against an imminent threat of death or serious bodily injury to the officer or to another person.

   A threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed (e.g., subjective fear alone is insufficient as an imminent threat).

2. To apprehend a fleeing person for any felony that threatened or resulted in 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 peace 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 officer has objectively reasonable grounds to believe the person is aware of those facts.

**A peace officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person.**

**D. Warnings and/or Lawful Orders**

An officer may issue a lawful order to a person in order to accomplish a legitimate law enforcement purpose. Nevertheless, any such order must still be reasonable and the objective of the order should be able to be reasonably accomplished under the circumstances. For example, while it may be reasonable, in some circumstances, to order a person to lay flat on their stomach to safely accomplish an arrest, it may be unreasonable to do so when the pavement is extremely hot or the person suffers from an observable or reported injury or disability and doing so will result in unintended injury to the person. In these types of instances reasonably safe alternative directions/orders should be used in order to accomplish the legitimate law enforcement purpose.
In order to provide the individual with a reasonable opportunity to voluntarily comply, when feasible, officers shall tell a person they are under arrest and issue a verbal order to submit to their authority prior to using force.

E. Duty to Intercede & Report Excessive Force

Any officer present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a person shall, when in a position to do so, intercede to prevent the use of such excessive force.

Officers shall report potential excessive force to a supervisor when present and observing another officer using force that the officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer.

No member may retaliate, in any form, against another member who intercedes in or reports a violation of this policy, or who cooperates with an investigation into a possible violation of this policy.

F. Use of and/or Drawing or Exhibiting a Firearm

1. Drawing or Exhibiting a Firearm

The presence and/or exhibiting of an officer’s firearm, under the right circumstances, can discourage resistance and ensure officer safety in potentially dangerous situations without the need to resort to actual force. However, unnecessarily or prematurely drawing or exhibiting a firearm limits an officer’s alternatives in controlling a situation, creates unnecessary anxiety on the part of a person, may result in an unwarranted or accidental discharge of the firearm, and in some cases may be considered a use of force by the courts (recognizing “as a general principle that pointing a gun to the head of an apparently unarmed person suspected of committing a crime during an investigation can be a violation of the Fourth Amendment, especially where the individual poses no particular danger.”).

An officer’s decision to draw or exhibit a firearm should be based on the tactical situation and the officer’s reasonable belief that use of the firearm may be necessary or that displaying the firearm may itself help establish or maintain control in a potentially dangerous situation. When an officer has determined that the use of the firearm is not necessary, or the situation is rendered safe, the officer shall, as soon as practical, secure or holster the firearm.

2. Warning Shots

Warning shots or shots fired for the purpose of summoning aid are highly discouraged, a last resort, and shall not be discharged unless the officer reasonably believes that they appear necessary, effective, and reasonably safe under the totality of the circumstances.

3. Moving Vehicles

Shots fired at or from a moving vehicle are rarely effective. Officers shall not discharge a firearm from a moving vehicle unless a person is immediately threatening the officer or another person with deadly force.

Officers will move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer may only discharge a firearm at a
moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others. Officers may not shoot at any part of a moving vehicle in an attempt to disable the vehicle.

G. Use of Force to Seize Evidence/Property

In general, officers may use reasonable force to lawfully seize evidence/property and to prevent the destruction of evidence/property. However, officers may not use force solely to prevent a person from swallowing evidence or contraband. If a person swallows evidence or contraband, medical attention shall be immediately summoned to the scene.

II. CRISIS INTERVENTION & DE-ESCLATION

Interaction with those who reasonably appear to be in vulnerable populations, including, but not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities; are in crisis; or who are otherwise non-compliant, can be complicated because the person may not be able to comprehend, or engage in, normal communication and/or understand the gravity for failing to comply with lawful orders. Officers are often required to make difficult and split-second judgments about a person’s mental, emotional and physical state and/or capabilities and intent in order to effectively and legally interact with the individual.

The Department is committed to providing a consistently high level of service to all members of the community and recognizes that those who reasonably appear to be in vulnerable populations, in crisis, and or otherwise non-compliant, may benefit from intervention, when feasible. Officers should also consider that taking no action or passively monitoring the situation may be the most reasonable response to an incident.

A. Person in Crisis

A person in crisis is one whose’ level of distress or mental health symptoms have exceeded the person’s internal ability to manage their behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

B. Indicators of a Person in Crisis

Members should be alert to any of the following possible indicators of mental health issues or crises:

- A known history of mental illness
- Threats of or attempted suicide
- Loss of memory
- Incoherence, disorientation or slow response
- Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- Social strategic disengagement
- Manic or impulsive behavior, extreme agitation, lack of control
- Lack of fear
- Anxiety, rigidity, inflexibility or paranoia
- Aggression
Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a crisis. These individuals may still present a serious threat to officers and may be especially prone to use non-compliance to resist efforts to be taken into custody; such a threat should be addressed with reasonable tactics.

C. Crisis Response

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration. Safety for everyone is a priority for first responders. Officers should:

- Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis or any other condition may be a factor.
- Request available backup officers who have received Crisis Intervention Training (CIT) and specialized resources, such as Yolo County Mobile Crisis, as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution, tactical communication, tactical repositioning, de-escalation techniques and/or strategic disengagement to stabilize the incident as appropriate.
- If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- Stage Emergency Medical Services (EMS) personnel (see PP 2.61-C, Emergency Medical Response).
- Attempt to determine if weapons are present or available.
  - Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).
- Take into account the person’s mental, emotional, physical state and potential inability to understand commands or to appreciate the consequences of their action or inaction, as perceived by the officer.
- Secure the scene and clear the immediate area as necessary.
- Employ tactics to preserve the safety of all participants.
- Determine the nature of any crime or whether the person may be lawfully taken into custody.
- Request a supervisor, as warranted.
- Evaluate any available information that might assist in determining cause or motivation for the person’s actions or stated intentions.
- If circumstances reasonably permit, consider and employ alternatives to force.

D. De-escalation

De-escalation involves taking action to stabilize a situation and reduce the immediacy of the threat so that more time, options, and resources are available to resolve the situation. The goal of de-escalation is to gain voluntary compliance of individuals, when feasible, and thereby reduce or eliminate the necessity to use physical force or higher levels of force.
Once immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Attempt to slow down or stabilize a situation so that more time, options and resources are available for incident resolution.
- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person’s name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person’s verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

As additional time and evolving circumstances permit, de-escalation may take the form of scene management, team tactics, and/or individual engagement with the person.

1. Officers shall conduct a threat assessment so as not to precipitate an unnecessary or unreasonable use of force by placing themselves or others in undue jeopardy.

2. Team approaches to de-escalation are encouraged and should consider officer training and skill level, number of officers, and whether any officer has successfully established rapport with the individual. When officers use a team approach to de-escalation, each individual officer’s obligation to de-escalate will be satisfied as long as the officer’s actions complement the overall approach.

3. Selection of de-escalation options should be guided by the totality of the circumstances with the goal of attaining voluntary compliance. Considerations include:

   a. Communication - Using communication intended to gain voluntary compliance, such as:

      - Verbal persuasion.
      - Advisements and warnings (including conducted electrical weapon spark tests to explain/warn prior to application).
      - Providing clear, easy to understand instructions.
      - Using verbal techniques to calm an agitated person and promote rational decision making.
      - Avoiding language such as taunting or insults that could escalate the incident.
      - Considering whether any lack of compliance is a deliberate attempt to resist rather than an inability to comply based on factors including, but not limited to:

         o Medical conditions
         o Mental impairment
         o Developmental disability
o Physical limitation
o Language barrier
o Drug/alcohol interaction
o Behavioral crisis
o Fear or anxiety

b. Time - Attempt to slow down or stabilize the situation so that more time, options and resources are available for incident resolution.

- Scene stabilization assists in transitioning incidents from dynamic to static by limiting access to unsecured areas, limiting mobility and preventing the introduction of non-involved community members.
- Avoiding or minimizing physical confrontation, unless reasonably necessary (for example, to protect someone, or stop dangerous behavior).
- Calling extra resources or officers to assist, such as CIT, Mobile Crisis, or officers trained in deploying less-lethal options.

c. Distance - Maximizing tactical advantage by increasing distance to allow for greater reaction time.

- Shielding
- Utilizing cover and concealment for tactical advantage, such as:
  o Placing barriers between an uncooperative person and officers
  o Using natural barriers in the immediate environment

E. Incident Orientation

When responding to an incident that may involve a person in crisis or who may be in a vulnerable population, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

- Whether the person relies on drugs or medication, or may have failed to take their medication.
- Whether there have been prior incidents, suicide threats/attempts, or whether there has been previous police contacts.
- Contact information for a treating physician or mental health professional.
- Additional resources and a supervisor should be requested as warranted.

F. Supervisor Responsibilities

Responding supervisors should:

- Attempt to secure appropriate and sufficient resources.
- Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care.
- Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
G. Communications & Reporting.

Members engaging in any oral or written communication associated with a person in crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to Department reporting procedures or other official mental health or medical proceedings.

H. Non-Sworn Interactions

Non-sworn members may be required to interact with persons in crisis in a variety of ways, such as dispatching, records requests, and code enforcement.

Members should treat all individuals equally and with dignity and respect. If a member believes that they are interacting with a person in crisis, they should proceed patiently and in a calm manner. Members should be aware and understand that the person may make unusual or bizarre claims or requests. If a person’s behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to themselves or others, an officer should be promptly summoned to provide assistance.

III. APPROVED FORCE OPTIONS

No policy can anticipate every conceivable situation or exceptional circumstance which officers may face. In all circumstances, officers are expected to exercise sound judgment and critical decision making when using force options.

A. Pain Compliance Techniques

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed Department or POST-approved training. Officers utilizing any pain compliance technique should consider:

- The degree to which the application of the technique may be controlled given the level of resistance.
- Whether the person can comply with the directions or orders of the officer.
- Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

B. Physical Strikes

Physical strikes are the ballistic techniques used both in fighting and in self-defense and can be used to help officers in the fight for their safety and/or life or defend the safety and/or life of another. The bulk of these techniques involve punches, kicks, elbow strikes, and knee strikes. They are normally used by an officer who may have been caught off guard by a sudden, aggressive attack, or may have been wounded during an attack and must continue to fight for their safety and/or life.
Physical strikes may be effective in controlling a resisting individual. However, because of the increased likelihood of unintentional injury to a person or the employing officer, physical strikes should only be used when other force options are impractical and/or not reasonable/feasible under the totality of circumstances.

The application of any physical strikes shall be discontinued once the officer determines that compliance has been achieved.

In all cases, the need to immediately control a person using physical strikes must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should generally not be intentionally targeted except when the officer reasonably believes the person may cause serious bodily injury or death to the officer or others.

C. Carotid Control Hold/Neck Restraint Prohibited

Due to the potential for inflicting unintended serious bodily injury, officers shall not use chokeholds, strangleholds, Lateral Vascular Neck Restraints, Carotid Restraints, chest compressions, or any other tactics that restrict oxygen or blood flow to the head or neck.

D. Improvised Weapons/Techniques

It is recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that confront them. In such circumstances, the use of any improvised device or method must, nonetheless, be objectively reasonable and used only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

E. Impact/Control Devices

Impact/control devices may be carried and used by members of this Department if the device has been issued by the Department or approved by the Police Chief or their authorized designee. Only officers who have successfully completed Department-approved training in the use of any impact/control device are authorized to carry and use the device.

Impact/control devices may be used when a decision has been made to control, restrain, or arrest a person who is violent or who demonstrates the intent to be violent, and the use of the device appears objectively reasonable under the totality of circumstances. When feasible, a verbal warning and opportunity to comply should precede the use of these devices.

When using impact/control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets. In all cases, the need to immediately incapacitate an individual must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the person may cause serious bodily injury or death to the officer or others.

1. Police Baton

Uniformed officers shall carry a baton in its authorized holder on the load bearing vest or on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

Authorized police batons are:
• Aetco one-piece aluminum frame, 24” length, 27 ounce weight, black color.
• Winchester expandable police baton, 26”, black zinc finish.
• PeaceKeeper International’s Rapid Containment Baton (RCB), expandable, 26”, black zinc finish.
• Full length wood non-expandable police baton.
• Short police baton, of a style approved by the defensive tactics coordinator after the officer has been properly trained in its use.
• The Office of the Police Chief may, on a case-by-case basis, authorize the use of batons not listed above.

2. Kinetic Energy Projectiles

The Department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

a. Deployment and Use

1. Only Department-approved kinetic energy munitions shall be carried and deployed.

2. Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons, and officers takes priority over the safety of individuals engaged in criminal or suicidal behavior.

3. As with any law enforcement equipment, kinetic energy projectiles have limitations and restrictions requiring consideration before use. The projectiles should only be used when the operator can safely approach the individual within the operational range of the munition. Properly equipped and trained personnel may use kinetic energy projectiles when circumstances indicate the application of the projectile is reasonable to subdue or control:

   a. A violent or physically resisting individual, or
   b. A potentially violent or physically resisting individual if:

      1. The individual has verbally or physically demonstrated an intention to violently or physically resist; and
      2. Other available options reasonably appear they would be ineffective or would present a greater danger to the officer or the individual involved.
   c. The person is engaged in riotous behavior or is throwing rocks, bottles, or other dangerous projectiles at people and/or officers.

4. For the purposes of this provision, violent means there is a threat or overt act of an assault, through physical or verbal means, coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.

5. For the purposes of this provision, physically resisting means the suspect is making physically evasive movements to defeat an officer’s attempt at control, including bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.
6. Mere flight alone from a pursuing officer, without other known circumstances or factors, is not good cause for the use of a kinetic energy projectile to apprehend an individual.

b. Deployment Considerations

Before discharging projectiles, the officer should consider such factors as:

- Distance and angle to target.
- Type of munitions employed.
- Type and thickness of the person’s clothing.
- The person’s proximity to others.
- The location of the person.
- Whether the person’s actions dictate the need for an immediate response, and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, when feasible and reasonable under the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and other individuals that the device is being deployed.

Officers should keep in mind the manufacturer’s recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the person must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the person poses an imminent threat of serious bodily injury or death to the officer or others.

c. Safety Procedures

1. Approved launchers and projectiles will be inspected at the beginning of each shift to ensure that the launcher is in proper working order and the projectiles are of the approved type and appear to be free from defects.

2. When not deployed, launchers will be unloaded and properly and securely stored in the vehicle.

F. Oleoresin Capsicum

Oleoresin Capsicum spray (OC spray) is an inflammatory agent that causes an intense burning sensation of the skin, eyes, and mucous membranes. A short burst applied directly to the face (direct exposure), even with glasses, will usually result in the immediate closing of the eyes. The individual’s eyes will likely close, tear, and swell as a result. When inhaled (secondary exposure), the respiratory tract will likely become inflamed and temporarily restrict breathing to short, shallow breaths. The individual may experience choking, gagging, gasping for breath, or on rare occasion, unconsciousness. The individual may experience nausea, lung pain, or temporarily impaired thought processes. The individual may become disoriented or lose his or her balance.
OC spray may reduce or eliminate the need for substantial physical force to make an arrest or gain custody. It may also reduce the potential for injuries to officers and the individual or groups being confronted.

As with other control devices/options, OC spray may be used to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior and the need to use the spray outweighs the risks against its use. OC spray shall not be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

If feasible, officers shall issue a verbal warning to the person, other officers, and other individuals present, that OC spray will be used and defer using OC spray a reasonable amount of time to allow the person(s) to comply with the warning.

Officers deploying OC spray will attempt to minimize exposure to non-targeted parties. After an initial application of OC spray, each subsequent spray must also be reasonable and the officer should reevaluate the situation accordingly.

Uniformed officers shall carry OC spray in its authorized holder on the load bearing vest or on the equipment belt. Plainclothes officers may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with fresh air and clean water to cleanse the affected areas, if they request it. Those persons who complain of further effects shall be examined by appropriate medical personnel.

G. Tear Gas

Nearly all of the considerations for using OC spray also apply to using tear gas. Tear gas may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior or against barricaded persons (see PP 2.59-A, First Amendment Assemblies for further guidance).

Only a Division Commander or higher may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force is objectively reasonable and necessary under the totality of the circumstances.

When feasible, Emergency Medical Services (EMS) personnel should be alerted or summoned to the scene prior to the deployment of tear gas to assist in providing medical aid or gas evacuation if needed.

Persons who have been affected by the use of tear gas should be promptly provided with fresh air and clean water, if they request it. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

Whenever tear gas has been introduced into a residence, building interior, vehicle, or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean-up will be at the owner’s expense. Information regarding the method of notice and the individuals notified will be included in related reports.
H. Conducted Electrical Device

A conducted electrical device (CED) is intended to control a violent, or potentially violent person, while minimizing the risk of serious injury to everyone involved in an incident. The use of a CED on a person is capable of causing significant pain and/or discomfort to the affected person. As with any use of force, the need to immediately incapacitate an individual must be weighed against the risk of causing an unintentional injury. Therefore, the use of the CED is permissible only when there is a strong interest that compels the employment of such force and when in compliance with this policy.

1. Carrying the CED - Uniformed officers shall carry their issued CED in its authorized holder on the load bearing vest or on the equipment belt. Plainclothes officers may carry their issued CED as authorized and in accordance with the needs of their assignment or at the direction of their supervisor. A department owned CED may not be carried by off-duty personnel.

Officers shall only use the CED and cartridges that have been issued by the Department. The CED may be secured in the officer’s vehicle so that it is readily accessible if the officer is not required to carry the device.

- When carried in the holster or belt holder, the CED shall be carried on the weak side. The CED shall not be carried on the same side as the officer’s duty weapon.
- All CED devices shall be clearly and distinctly marked to differentiate them from the officer’s duty weapon and any other device.
- Whenever possible, officers shall carry a total of two or more CED cartridges on their person while carrying a CED.
- Officers are responsible for insuring their issued CED is properly maintained and in good working order at all times.
- Officers should never hold both a firearm and a CED at the same time.
- An officer who has not been issued a CED can request a unit with the device by advising dispatch of a “Code Tom.” An officer who is carrying one of the devices will respond, if they are available.
- One full five second Spark/Function test should be performed at beginning of every shift when the CED is carried.

2. Verbal and Visual Warnings - Unless it would otherwise endanger the officer’s safety or is impractical due to the present circumstances, a verbal announcement of the intended use of the CED shall precede the application of a CED device in order to:

- Provide the individual with a reasonable opportunity to voluntarily comply.
- Provide other officers and individuals with warning that a CED may be deployed.

If after a verbal warning an individual continues to express an unwillingness to voluntarily comply with an officer’s lawful orders and it appears both reasonable and practical under the circumstances, an officer may, but is not required to, display the electrical arc (provided there is not a cartridge loaded into the CED) in a further attempt to gain compliance prior to the application of the CED device.

The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair their vision.

The fact that a verbal and/or other warning was given or reasons it was not given shall be documented in any related reports.
3. As with any law enforcement equipment, the CED has limitations and restrictions requiring consideration before its use. The CED should only be used when the operator can safely approach the individual within the operational range of the CED.

a. Properly equipped and trained personnel may use a CED device when circumstances indicate the application of the CED is reasonable to subdue or control:

1. A violent or physically resisting individual, or
2. A potentially violent or physically resisting individual if:
   a. The individual has verbally or physically demonstrated an intention to violently or physically resist; and
   b. Other available options reasonably appear they would be ineffective or would present a greater danger to the officer or the individual involved.

b. For the purposes of this provision, violent means there is a threat or overt act of an assault, through physical or verbal means, coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.

c. For the purposes of this provision, physically resisting means the suspect is making physically evasive movements to defeat an officer’s attempt at control, including bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.

d. Mere flight alone from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the CED to apprehend an individual.

4. The CED is capable of firing a set of darts. It is necessary for both darts in the cassette to hit some part of the individual’s clothing or body in order for the CED to be effective. The device may also be directly applied to the person and be engaged (contact mode). However, the use of the CED in contact mode will not reliably or foreseeably incapacitate some individuals. Officers should not use the CED in contact mode if they reasonably believe that discomfort will not cause the individual to be compliant with the officers, e.g. CED use in contact mode on a drug induced highly pain-resistant person. In the event of a close proximity deployment when only one of the two darts makes contact with the individual, a follow-up contact may provide the best opportunity to create neuro-muscular incapacitation (NMI).

5. Back shots remain the preferred target area, when practical. However, it is not always practical to target the individual’s back area and in many cases the situation will call for a targeted shot to the front of the individual. While it is generally recommended that reasonable efforts should be made to target the lower center mass and avoid intentionally targeting the head, neck, groin and chest, it is recognized that the dynamics of each situation and officer safety may not permit an officer to limit the application of the darts to a precise target area. As such, officers should take prompt and ongoing care to monitor the condition of the individual if one or more darts strikes the head, neck, chest or groin.

6. In an attempt to minimize the repeated activations of the CED, officers should, while deploying the CED, reasonably direct or order the individual to comply as the incident mandates. Such verbal commands may include, “stop resisting,” “lie flat,” “put your hands behind your back,” etc. When additional officer(s) are present, they should assist in securing the individual during the window of opportunity presented when the CED is effectively deployed and NMI is achieved. Although the darts may still be sparking, they present no immediate danger to officers when restraining or handcuffing an individual. Handcuffing
under power can reduce additional CED deployments or prolonged struggle with the individual.

7. The use of the CED device on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the individual or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- Individuals who are known to be pregnant.
- Elderly individuals or obvious juveniles.
- Individuals with obviously low body mass.
- Individuals who are handcuffed or otherwise restrained.
- Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- Individuals whose position or activity may result in collateral injury (e.g., falls from height, fall from running, operating vehicles).

6. Officers should apply the CED device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the CED device against a single individual are generally not recommended and should be avoided unless the officer reasonably believes the need to control the individual outweighs the potentially increased risk posed by multiple applications. No more than three (3) standard cycles may be applied unless there are no other reasonable/feasible options to switch to another force option.

If the first application of the CED device appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the CED device, including:

a. Whether the probes are making proper contact.
b. Whether the individual has the ability and has been given a reasonable opportunity to comply.
c. Whether verbal commands, other options or tactics may be more effective.

7. Officers may not intentionally apply more than one CED device at a time against a single individual.

8. The CED is generally effective in subduing most individuals, however officers should be aware there is a potential for failure. The CED can fail due to actions such as: rolling to dislodge a dart; outer or thick clothing may block a dart from making skin contact; user failures; or device malfunctions. If reasonably possible, before a deployment officers should be prepared with a plan for other options in the event of failure to achieve NMI.

9. Whenever feasible, supervisors should respond to calls when they reasonably believe there is a likelihood the CED device may be deployed. A supervisor will respond to all incidents where the CED device was deployed. Supervisors will:

- Ensure that the CED discharge is documented in the related arrest/crime report.
- Ensure that any report documenting the discharge of a CED includes the serial number of the device.
• Ensure the darts and cartridge are retrieved and booked in evidence under the related crime report.
• When lawful and appropriate to do so, photographs should be taken of probe impact sites and any other related injuries as soon as practical.
• The supervisor shall seek the discharge information from the CED dataport following the discharge of any CED on an individual. The printed information shall be forwarded to the Division Commander overseeing the officer who discharged the device.

I. Pursuit Intervention Tactics

Vehicle Pursuits, including pursuit intervention tactics, are more specifically governed by PP 2.00-A, Vehicle Pursuits. Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public, or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of deadly force and subject to the requirements for such use.

Use of pursuit intervention tactics should be employed only after approval of the Watch Commander or another supervisor if that supervisor is directly involved in the pursuit. In deciding whether to use pursuit intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances confronting the officer at the time of the decision.

It is imperative that officers act within the bounds of legality, good judgment and accepted practices.

Authorized pursuit intervention tactics include:

1. Ramming. Deliberate contact by a police vehicle to the pursued vehicle to functionally damage or otherwise force the violator’s vehicle to stop.

   Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer’s disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable and alternative method. When ramming is to be employed as a means with which to stop a fleeing vehicle, one or more of the following factors should be present:

   a. The person is an actual or suspected felon who reasonably appears to represent a serious threat to society if not apprehended.
   b. The person is driving in willful or wanton disregard for the safety of persons; or, driving in a reckless and life-endangering manner.

   If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.

2. Blocking or Vehicle Intercept. A slow speed coordinated maneuver where two or more patrol vehicles simultaneously intercept and block the movement of a vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary road block.

   Blocking or vehicle intercept should only be considered in cases involving persons wanted for dangerous felonies or impaired drivers who pose a threat to public safety when officers reasonably believe that attempting a conventional enforcement stop will likely result in the
driver attempting to flee in the vehicle. Because of the potential risks involved, this technique should only be employed by officers who have received training in such tactics after giving consideration to the following:

a. The need to immediately stop the vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the vehicle, officers, or other members of the public.
b. All other reasonable intervention techniques have failed or reasonably appear ineffective.
c. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
d. The target vehicle is stopped or traveling at a low speed.
e. At no time should civilian vehicles be used to deploy this technique.

3. Pursuit Intervention Technique (PIT). A low speed maneuver designed to cause the vehicle to spin out and terminate the pursuit.

Only those officers trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle.

4. Boxing-in. A tactic designed to stop a vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions presented at the time as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle.

5. Roadblocks. Vehicles or other heavy obstructions are placed in the roadway to deny passage to the pursued vehicle.

Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the person does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or other members of the public.

6. Channelization. By use of pylons, barricades, or unoccupied vehicles, the pursued vehicle is directed from the roadway and towards a terminal location.

7. Spike Strip. A device that extends across the roadway designed to puncture the tires of the pursued vehicle.

The use of spike strips shall be deployed only when it is reasonably certain that only the pursued vehicle will be affected by the use. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, officers and supervisors should weigh the potential consequences, including serious injury and/or death, against the need to immediately stop the vehicle.
IV. MEDICAL ATTENTION/EMERGENCY MEDICAL SERVICES (EMS)

A. Emergency Medical Services (EMS) Staging/Response (see also PP 2.61-C, Emergency Medical Response)

Officers should request EMS personnel respond and stage for calls or incidents involving:

1. Suicide, attempt suicide, or calls involving a person under crisis where any involved party may pose a risk of harm to themselves or others because of their mental and/or physical condition.

2. Calls involving violence, or threatened violence, when a person may be injured, has been injured or a person is in need of medical care.

3. Calls involving persons displaying bizarre, irrational, unexplainable, or violent behavior. Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called “excited delirium”); or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies.

4. Calls involving alcohol or drug intoxicated persons where there is any indication the person is or may become violent because of their condition.

5. Any other evolving situation where an officer believes that a force encounter may ensue.

After an incident is deemed safe for EMS personnel to engage, they shall be immediately given access, including protected access if necessary, to those needing medical attention.

B. Medical Response After Force is Used

1. After force is used an officer shall make an assessment of whether the person is injured and, if the person is injured, promptly provide, consistent with any training, medical assistance for the person when it is reasonable and safe to do so.

2. Whenever possible, the person shall also be placed in a position to allow free, unobstructed breathing. Persons should not be left on their stomachs where breathing may be impaired. The person shall also be constantly monitored in case their condition changes at any time following a use of force.

3. Prompt on-scene EMS assistance shall be procured when any individual has been rendered unconscious, is at risk of losing consciousness, has or complains of any physical or internal injury, and/or requests it. If in doubt, on-scene EMS assistance shall be provided. The person shall be continuously monitored until medical treatment is provided. Regular EMS protocols shall be followed when determining whether a person needs hospital medical treatment and/or transportation to a hospital.

4. An officer deploying a CED is required to obtain appropriate medical treatment and/or evaluation for any individual who has been subjected to the use of the CED using either the darts or the contact mode. Appropriate medical treatment may include calling EMS to the scene or transporting the person to the hospital. An individual in need of acute medical care should be transported by ambulance to a hospital, subject to normal EMS transport protocols. Only medical personnel may remove darts embedded in an individual’s skin. Used CED darts
shall be considered a sharp biohazard, similar to a used hypodermic needle, and shall be treated accordingly.

5. If a person refuses medical treatment, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical or EMS personnel. Any refusal will be recorded by body-worn or in-car camera.

6. The on-scene supervisor, or if not available, the officer assuming custody of the individual, shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that force was used. This notification shall include a description of the force used and any other circumstances the officer reasonably believes could potentially pose safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration, loss of consciousness).

7. Prior to booking, medical assistance/clearance from hospital staff shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury other than minor scrapes/abrasions, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until they can be medically cleared.

V. REPORTING PROCEDURES

A. Officer Reporting Requirements (Non-Deadly Force)

As soon as practical following the incident, the Watch Commander/Supervisor shall be notified of the application of force under any of the following circumstances:

1. The application caused a visible injury.
2. The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary, temporary discomfort.
3. The individual subjected to the force complained of injury or continuing pain.
4. The individual indicates intent to pursue litigation.
5. Any application of a CED or control device, such as baton, improvised impact weapon, OC spray or chemical agent.
6. Any application of a restraint device other than handcuffs, leg shackles, the WRAP or belly chains.
7. The individual subjected to the force was rendered unconscious.
8. Physical strikes were used.
9. The pointing of a firearm directly at a person.
10. An individual alleges any of the above has occurred.

Any use of force shall be documented promptly, completely and accurately in a regular police report.

The pointing of a firearm at a person shall be documented in a regular police report and will be reviewed by a supervisor for compliance with this policy.

B. Supervisor Responsibility

Supervisory, on-scene screening of the circumstances of any use of force is highly encouraged and takes precedence over nearly all other supervisory duties. When a supervisor is able to meet that expectation and respond to an incident in which there has been a reported application of force, the supervisor is expected to:
1. Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

2. Ensure that any injured parties are examined and treated.

3. When possible, separately obtain a recorded interview with the person upon whom force was applied. This statement will be included with the regular crime report. If this interview is conducted without the person having voluntarily waived their *Miranda* rights, or an exception to the *Miranda* requirement doesn’t apply, the following shall apply:
   a. The content of the interview will not be summarized or included in any related criminal charges.
   b. The fact that a recorded interview was conducted will be documented on the evidence/property sheet for the criminal investigation so that it is available for discovery.
   c. The recording of the interview will be distinctly marked for retention until all potential for civil litigation has expired.

4. Once acute medical care has been taken care of, 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 for civil litigation has expired.

5. Identify any witnesses not already included in related reports and ensure they are interviewed.

6. Review all related reports, videos and recordings and notify the Division Commander the report is ready for final review.

7. Determine if there is any indication that the person may pursue civil litigation. If there is an indication of potential civil litigation, the supervisor should notify their Division Commander who will advise the Office of the Police Chief.

8. By the end of the shift where force was used, evaluate the circumstances surrounding the incident and initiate a formal administrative investigation, via the chain-of-command, if there is a question of policy non-compliance, the use of force resulted in serious body injury, or there is any reason further internal investigation may be appropriate (see PP 1.07-A, Internal Investigations). A use of force resulting in serious bodily injury or death shall be referred to the Office of the Police Chief as soon as practical following the force being used.

9. The decision by an officer to use force shall be:
   - Evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by officers, in order to ensure that officers use force consistent with law and departmental policy.
   - Evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.

10. In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit. If a supervisor is unable to respond to the scene, they may direct a subordinate officer to complete the above steps.
11. Submit Department Use of Force Data Form. The form shall be forwarded to the Division Commander for the officer who used the force for review as soon as possible following the incident.

C. Administrator Responsibility

A Division Commander is responsible for reviewing the crime report, and any related reports and audio/visual records, when force is used.

A Division Commander, in consultation with the Professional Standards Lieutenant, shall review each use of force by any personnel within their command to ensure compliance with this policy and to address any training issues. The Division Commander may consult with the Office of the Police Chief, who can direct any further internal investigation.

The Office of the Police Chief will evaluate all uses of force, using the guidelines for using force in this policy, and will evaluate the incident for purposes of training, policy compliance, resource allocation, analysis and related purposes. The Office of the Police Chief will also regularly review this policy, not less than annually, and update it as needed to reflect developing practices and procedures regarding the use of force.

D. Use of Force/Tactical Debrief

Following the administrative review involving any incident where force was used, the Department will conduct a use of force/tactical debrief involving at least three department firearms and/or defensive tactics instructors, one of whom will be a supervisor, and all of the officers involved in the incident. A Department administrator may be involved, depending on the complexity of the event.

Debriefs will be non-confrontational and are intended to improve service delivery and improve future officer safety and performance by opening communication between those who participated in the incident and training staff. The focus of the review is to examine issues involving the tactics used, report writing, tactical communication, and other available force options used in a use of force encounter.

The review will also help to address future potential training issues or curriculum and will assist in providing constructive feedback to officers regarding their handling of the entire incident where force was used. Those involved in the review are not responsible for determining any policy compliance or making recommendations for investigation and/or discipline.

E. Reporting to the California Department of Justice

The Office of the Police Chief shall ensure that data required by the Department of Justice (DOJ) regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is collected and forwarded to the DOJ as required by Government Code § 12525.2.

F. Disclosing Public Records (see also PP 1.03-C, Peace Officer Personnel Records)

Notwithstanding subdivision (a) of 832.7, subdivision (f) of Section 6254 of the Government Code, or any other law, the following peace officer or custodial officer personnel records and records maintained by any state or local agency shall not be confidential and shall be made available for public inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code):
1. An incident involving the discharge of a firearm at a person by a peace officer or custodial officer.

2. An incident in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury.

Public Records Act requests for Peace Officer Personnel Records shall be forwarded to the Office of the Police Chief. The Office of the Police Chief shall release Peace Officer Personnel Records in accordance with the provisions of Penal Code Section 832.7 (b).

V. TRAINING

Officers will receive periodic training, no less than annually, on this policy and demonstrate their knowledge and understanding.

Officers will receive periodic training, no less than annually, regarding vulnerable populations, including, but not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.

This Department will provide advanced officer training on interaction with persons with mental disabilities, welfare checks and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

In addition to the initial Department approved training required to carry and use a CED, any personnel who have not carried a CED as a part of their assignment for a period of six months or more shall be recertified by a Department approved CED instructor prior to again carrying or using the device. A reassessment of an officer’s knowledge and/or practical skill may be required at any time if deemed appropriate by the officer’s Division Commander.

Approved CED training shall minimally consist of:

1. A review of this policy.
2. Target area considerations, to include techniques or options to reduce the intentional application of probes near the head, neck, chest and groin.
3. Incident de-escalation techniques.
4. Proper use, check-out, and storage of the device.
5. Proper medical clearance following application of the device.
6. Proper reporting of the use of the device.

Approved kinetic energy device training shall minimally consist of:

1. The Department Chemical Agents Coordinator shall ensure that all personnel who are authorized to carry/use kinetic energy devices are properly trained and certified to carry the specific control device and are retrained or recertified as necessary.
2. Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor at least annually.
3. All training and proficiency for control devices will be documented in the officer’s training file.
4. Officers who fail to demonstrate proficiency with the kinetic energy device will be provided remedial training. If an officer cannot demonstrate proficiency after remedial training, the officer will be restricted from carrying the kinetic energy device and may be subject to discipline.
Revised:
7/00
10/00
2/01: added O.P.N. to III C, added III D 3.
10/01: additions to III F.
9/03: additions to III C, mandatory carry of baton & straight baton added.
01/03: revisions to investigative procedure
12/05: Nunchaku no longer approved force option.
1/06: Changes to reflect recent case law. III.C.4.e. modified to include 29 inch wood baton.
06/08: changes to wording on authorization to use deadly force and watch commander duties following use of non-deadly force
06/09: Sections II amended, Section III medical attention added, former Section III changed to Section IV.
05/10: use of deadly force amended. Details added to use of baton. IV, A, 4 added
07/12: clarification to general policy on use of force and use of deadly force. Changes to chemical agents and carotid. Changes to reporting and investigation.
9/15: changes to general policy and investigations
03/17: New reporting procedures and change to carotid
2/18: II, F. amended and IV, D. added
2/19: changes to policy
6/19: EMS Staging added
11/19: changes to entire policy.
06/20: carotid control hold no longer approved.

Reviewed:
1/01, 1/02, 12/05, 1/06, 09/11, 12/17, 05/19