Use of Force

300.1 PURPOSE AND SCOPE
This policy recognizes that the use of force by law enforcement requires constant evaluation. Even at its lowest level, the use of force is a serious responsibility. The purpose of this policy is to provide members of this Department with guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this Department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

The use of force by members of the Department is a matter of critical concern, both to the public and to the law enforcement community. Members are involved on a daily basis in numerous and varied interactions and, when warranted and in accordance with existing law, may use reasonable force during the course of their duties.

Members must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to peace officers overcoming resistance while engaged in the performance of law enforcement duties and civilian members who may find themselves in a violent encounter during the performance of their duties.

In accordance with existing law, a civilian member of the Department may use force as reasonably appears necessary to defend himself/herself or others against an apparent threat of unlawful and immediate violence from another. In such circumstances, the person must reasonably believe that their use of force was necessary to prevent immediate, unlawful physical harm to himself/herself or others.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting peace officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and careful balancing of all interests.

300.1.1 DEFINITIONS
Definitions related to this policy include:

Less lethal force - Force that is not reasonably anticipated and intended to create a substantial likelihood of causing death or serious injury.

Lethal force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Force - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

300.1.2 FORCE DE-ESCALATION
De-escalation tactics and techniques are those actions undertaken by members to avoid physical confrontations, unless immediately necessary to protect someone or to stop dangerous behavior,
Use of Force

while minimizing the need to use force during an incident when the totality of the circumstances and time permit. De-Escalation tactics and techniques are employed to increase the likelihood of voluntary compliance and cooperation.

It is the policy of this Department that when all of the reasonably known circumstances indicate it is safe, prudent, and feasible to do so, a member(s) shall attempt to slow down, reduce the intensity, or stabilize the situation so that more time, options and/or resources may become available for incident resolution.

When time and circumstances reasonably permit, a member(s) shall consider whether a subject’s lack of compliance is a deliberate attempt to resist or is the result of an inability to comply based on factors including, but not limited to:

- Medical conditions
- Mental impairment
- Developmental disability
- Physical limitation
- Language barrier
- Drug interaction
- Behavioral crisis

A member’s awareness of these possibilities, when time and circumstances reasonably permit, shall then be balanced against the facts of the incident and which tactical options are the most appropriate to bring the situation to a safe resolution. A member is not expected to engage in force de-escalation measures that could jeopardize the safety of the community or of any employee.

Where circumstances and time reasonably permit, a member shall take those reasonable and prudent actions which operate to mitigate the immediacy of the threat thereby giving the member time to call additional officers, utilize other tactics, or request specialty assistance such as Crisis Negotiators. The number of members on scene may increase the available force options, a circumstance which has the potential to increase the ability of the member(s) to reduce the overall force used by promoting consideration of other viable alternatives such as:

- Decreasing the exposure to the potential threat by using distance or physical barriers between an uncooperative subject and a member.
- Containing the threat.
- Maximizing the use of cover or concealment to reduce member(s) exposure to potential threats by placing the member(s) in a safer position.
- Communicating from a safe position to gain the subject’s compliance through the use of verbal persuasion, advisements, and/or warnings.
- Generally, communication techniques should engage active listening to calm agitated individuals and promote rational decision-making.
- The member’s physical actions may also de-escalate a potentially volatile/violent situation; i.e., exhibiting a relaxed body language.
Use of Force

When the circumstances warrant an application of force, the level of force applied must reflect the totality of the reasonably known circumstances surrounding the immediate situation. Pursuant to existing law, sworn officers need only select a level of force that is within the range of "objectively reasonable" options. At the same time, each member must rely on training, experience and an assessment of the situation to decide an appropriate level of force to be applied. Reasonable and sound judgment will dictate the force option to be employed.

Members may either escalate or de-escalate the use of force as the situation progresses or as circumstances change. When a suspect is under control, either through the application of physical restraint or the suspect's compliance, the degree of force shall be de-escalated accordingly.

A sworn officer has the duty to intercede when observing unreasonable or unnecessary force being applied to a given situation.

300.1.3 DUTY TO INTERCEDE (PEACE OFFICER)

Any sworn officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of excessive force. Any sworn officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

300.1.4 CIVILIAN RESPONSIBILITY

Per Department policy, any civilian employee present and observing another civilian employee using force clearly exceeding that which is objectively reasonable under the circumstances shall, when in a position to so, intercede to prevent the use of excessive force and promptly report these observations to a supervisor.

300.2 USE OF FORCE (PEACE OFFICER)

Sworn officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to bring an incident under control.

The reasonableness of force will be judged from the perspective of a reasonable peace officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that peace officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving about the amount of force that reasonably appears necessary in a particular situation.

Given that no policy can realistically predict every possible situation a peace officer might encounter, sworn officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

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

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires sworn a sworn officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.2.1 USE OF FORCE TO EFFECT AN ARREST

Any peace officer that has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect an 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 on the part of the person being arrested; nor shall a sworn officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape or to overcome resistance (Penal Code § 835a).

300.2.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether a member has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

(a) Immediacy and severity of the threat to officers or others.
(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
(c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
(d) The effects of drugs or alcohol.
(e) Subject’s mental state or capacity.
(f) Proximity of weapons or dangerous improvised devices.
(g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
(h) Time and circumstances permitting, the availability of other options (what other resources are reasonably available to the officer under the circumstances)
(i) Seriousness of the suspected offense or reason for contact with the individual.
(j) Training and experience of the officer.
(k) Potential for injury to officers, suspects and others.
(l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
(m) The risk and reasonably foreseeable consequences of escape.
(n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
(o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
Use of Force

300.2.3 USE OF FORCE TO SEIZE EVIDENCE
In general, sworn officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force against a person who has ingested or is in the process of ingesting evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Sworn Officers should use techniques and methods taught by the Santa Monica Police Department for this specific purpose.

300.3 USE OF FORCE (CIVILIANS)
The Department recognizes that civilian members may find themselves in unavoidable, violent confrontations during the course of their duties. In accordance with existing law, a civilian member may use force as reasonably appears necessary to defend himself/herself or others against an apparent threat of unlawful and immediate violence from another.

It is also recognized that circumstances may arise in which a civilian member reasonably believes that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. A civilian member acting in response to an immediate and unlawful threat of violence to himself/herself or others, may find it more effective or reasonable to improvise their response to the rapidly unfolding conditions confronting him or her. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to defend himself/herself or others from immediate, unlawful physical harm.

300.4 LESS LETHAL FORCE APPLICATIONS
Any application of force that is not reasonably anticipated and intended to create a substantial likelihood of death or very serious injury shall be considered less-lethal force.

Each sworn officer is provided with equipment, training and skills to assist in the apprehension and control of suspects as well as protection of officers and the public. Civilian members are also provided with equipment, training, and skills to assist in the protection of the member.

Less-lethal force applications may include, but are not limited to, pain compliance techniques, the carotid hold, leg restraints, control devices and TASER®. Members shall only apply those less-lethal force applications for which they have received Department-approved training.

The guidelines for the application of leg restraints, control devices, and TASER® are covered in the Policy Manual under §302, § 303, and § 304.

300.4.1 PAIN COMPLIANCE TECHNIQUES AND DEVICES
Pain compliance techniques and/or devices may be effective in controlling a physically or actively resisting individual. Members may only apply those pain compliance techniques and/or devices for which they have successfully completed Department-approved training. Members may only apply Department-approved pain compliance devices. Members utilizing any pain
Use of Force

A compliance technique and/or device should consider:

(a) The degree to which the application of the technique and/or device may be controlled given the level of resistance.
(b) Whether the person can comply with the directions or orders.
(c) Whether the person has been given sufficient opportunity to comply.
(d) The potential risk of serious injury to the individual being controlled.
(e) The level of resistance of the individual(s) involved.

The application of any pain compliance technique and/or device shall be discontinued once the member determines that compliance has been achieved.

Only sworn officers who have successfully completed training in the use of the Orcutt Police Nunchaku (OPN), are authorized to deploy the device in the field. For further guidelines on the OPN, refer to § 303.6 OPN Guidelines.

300.4.2 CAROTID CONTROL HOLD

The proper application of the carotid control hold may be effective in restraining a violent or combative individual. Sworn officers and jailers are authorized to apply the carotid hold; however, due to the potential for injury, the use of the carotid control hold is subject to the following:

(a) Sworn officers and jailers shall have successfully completed Department-approved training in the use and application of the carotid control hold.
(b) The carotid control hold may only be used by jailers in accordance with existing law and the guidelines set forth in Use of Force policy § 300.3.
(c) The carotid control hold may only be used when circumstances perceived by the sworn officer at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:
   1. The subject is violent or physically resisting.
   2. The subject, by words or actions, has demonstrated an intention to be violent and reasonably appears to have the potential to harm officers, him/herself or others.
(d) The application of a carotid control hold on the following 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 member, the subject or others, and the member reasonably believes that the need to control the individual outweighs the risk of applying a carotid control hold:
   1. Females who are known to be pregnant
   2. Elderly individuals
   3. Obvious juveniles
   4. Individuals who appear to have Down syndrome or who appear to have obvious neck deformities or malformations, or visible neck injuries
(e) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel. The individual shall be monitored until examined by
Use of Force

paramedics or other appropriate medical personnel and transported by ambulance to the medical facility for evaluation and treatment.

(f) In all instances where the carotid control hold has been applied, it is the responsibility of the member who applied the carotid control hold to ensure the person subdued receives evaluation by a medical doctor as soon as possible and ensures the person subdued, regardless of the length and effectiveness of the hold, is medically cleared prior to transportation to a custody facility.

(g) The member shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the subject lost consciousness as a result.

(h) Any member attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.

(i) The use or attempted use of the carotid control hold shall be thoroughly documented by the member in any related reports.

300.5 LETHAL FORCE APPLICATIONS (PEACE OFFICERS)

While the use of a firearm is expressly considered lethal force, other force might also be considered lethal force if the officer reasonably anticipates and intends that the force applied will create a substantial likelihood of causing death or very serious injury. Use of deadly force is justified in the following circumstances:

(a) A sworn officer may use lethal force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.

(b) A sworn officer may use lethal force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of lethal force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if a sworn officer reasonably believes any of the following:

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.

2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

300.5.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and are generally discouraged.

(a) Unless it reasonably appears that it would endanger officers or the public, officers are expected to move out of the path of any approaching vehicle.

(b) This is not intended to restrict an officer's right to use deadly force directed at the operator of a vehicle when it is reasonably perceived that the vehicle is being used as
Use of Force

a weapon against the officer or others.

(c) Officers may use lethal force to stop a fleeing suspect when the officer has probable cause to believe that the suspect has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to others if the suspect is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of lethal force when feasible.

(d) Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.6 MEDICAL CONSIDERATION

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the member’s initial assessment of the nature and extent of the subject’s injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or Vital Medical Services (VMS) at SMPD Jail. VMS staff shall not be contacted nor used for emergent medical conditions.

If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

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 and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

300.7 REPORTING THE USE OF FORCE

Any use of force by a member of this Department shall be documented by the involved member(s) promptly, completely and accurately in an appropriate incident/crime report or supplemental incident/crime report, depending on the nature of the incident. Members shall report all use of force incidents to an on-duty sworn supervisor in accordance with § 300.7.1 and document the supervisor he/she notified in the related report. The member should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related
Use of Force

purposes, the Department may require the completion of additional report forms, as specified in Department policy, procedure or law.

300.7.1 NOTIFICATION TO SUPERVISORS

Notification to a sworn supervisor shall be made as soon as practicable following the application of force in any of the following circumstances:

(a) The application caused a visible injury.
(b) The individual subjected to the force complained of injury or continuing pain.
(c) The individual indicates intent to pursue litigation.
(d) Any application of a TASER device or control device.
(e) Any application of a restraint device other than handcuffs, shackles or belly chains.
(f) The individual subjected to the force was rendered unconscious.
(g) An individual was struck, kicked, and/or otherwise, forcibly taken to the ground (i.e. leg sweep, double wing takedown).
(h) An individual alleges any of the above has occurred.

300.8 SUPERVISOR RESPONSIBILITY

When a sworn supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

(a) Obtain the basic facts from the involved members. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
(b) Ensure that any injured parties are examined and treated.
(c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
   1. The content of the interview should not be summarized or included in any related criminal charges.
   2. The fact that a recorded interview was conducted should be documented in a property or other report.
   3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
(d) Once any initial medical assessment has been completed or first aid has been rendered, 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.
(e) Identify any witnesses not already included in related reports.
(f) Review and approve all related reports.
(g) Determine if there is any indication that the subject may pursue civil litigation.
   1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
Use of Force

(h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

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.

300.8.1 WATCH COMMANDER RESPONSIBILITY
The Watch Commander shall review each use of force by any personnel within his/her command to ensure preliminary compliance with this policy and to address any relevant training issues.

300.9 INCIDENT REVIEW BOARD
Use of force incidents resulting in significant injury or death or as directed by the Chief of Police or his/her designee, will be reviewed by an Incident Review Board.

300.10 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE
Statistical data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is to be reported to the California Department of Justice as required by Government Code § 12525.2. See the Records Unit policy.

300.11 TRAINING
Members will receive periodic training on this policy and demonstrate their knowledge and understanding.