

Use of Force

300.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this Department with guidelines on the use of force. Every member of this Department is expected to use these guidelines to make professional and impartial decisions regarding use of force.

The guidelines for the use of force contained in this policy shall apply not only to the methods, techniques, and tools discussed in this policy, but also to all policies addressing potential use of force, including but not limited to the Control Devices and Techniques, Conducted Energy Device, and Handcuffing and Restraint policies.

This policy recognizes that 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 and, as such, requires constant evaluation.

300.2 POLICY

It is the policy of this Department that all members hold the highest regard for the sanctity of human life and the dignity and liberty of all persons. Each member of this Department is entrusted with being a guardian of public safety, and the decision to use force, even at its lowest level, is a serious responsibility. Decisions regarding use of force must be made in a manner that is fair and unbiased.

The decision by an officer of the Department to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that decision. When feasible, under the totality of circumstances, officers shall utilize de-escalation strategies and techniques to minimize, divert, or eliminate conflicts and uses of force. The decision by an officer to use force shall be 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 shall account for occasions when officers may be forced to make quick judgments about using force.

Members of the Department are to use force in accordance with existing law and this policy.

300.3 DEFINITIONS

Force - The application of physical techniques or tactics, including, but not limited to chemical agents, conducted energy weapons, control devices, restraint devices, or weapons on another person. This includes directly pointing a firearm at a person and any other direct display of force.

It is not a use of force when another person allows themselves to be searched, escorted, handcuffed or restrained. It is not a use of force when an officer exhibits a firearm or other less than lethal tool or weapon when that tool or weapon is not directed at any person.

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Direct Display of force - Directing any firearm or less than lethal tool or device at a person in order to gain compliance including, but not limited to, chemical agents, conducted energy weapons, control devices, or kinetic energy devices.

Documentation of Force - All force, including a direct display of force, shall be documented. The documentation of force will be done in the appropriate report and/or related forms. The force shall be documented by the member or members who applied the force or directly displayed force. Specific types of force require notification to a supervisor if it meets the guidelines set forth in § 300.14.1.

Actively Aggressive – A person presents an overt threat of assault through physical or verbal means, coupled with the present ability, opportunity, and apparent intent to immediately cause injury to the officer(s) or another person(s).

Actively Resisting – A person undertakes physically evasive movements to defeat an officer's attempt at control; these movements may include bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.

Passive Resistance - A person whose physical actions prevent an officer's attempt to control them; for example, a person who goes limp, is in a prone position, or who is engaged in passive demonstration.

Non-deadly force- Force that involves the application of physical techniques or tactics, including tools and devices, to control, restrain, overcome the resistance of a person and/or in defense of self or others. Non-deadly force is not reasonably anticipated and intended to create a substantial likelihood of death or serious bodily injury. See further guidelines set forth in § 300.7.

Deadly force - 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 (Penal Code § 835a). See further guidelines set forth in § 300.8.

Serious bodily injury - A bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member or organ. (Government Code § 12525.2(d)).

Feasible - 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 (Government Code § 7286(a)).

Necessary – After evaluation of the totality of circumstances, in which other available resources and techniques were not reasonably safe or feasible to an objectively reasonable officer, the officer used force to accomplish an arrest or other legitimate law enforcement purpose. See Penal Code § 835a.

Proportional –The appropriate level of force is to be reasonable, based on the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance. (See Government Code§ 7286(b)(2)). For further, see § 300.4.

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Totality of the circumstances - All facts known to the officer at the time, including the conduct of the officer and the subject leading up to the use of force (Penal Code § 835a).

300.4 USE OF FORCE

Officers may use only that amount of force which reasonably appears necessary to accomplish an arrest or other legitimate law enforcement purpose given the totality of the circumstances known to or perceived by the officer at the time. See Penal Code § 835a. Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense(s) or the reasonably perceived level of actual or threatened resistance given the totality of the circumstances known to or perceived by the officer at the time. See Government Code § 7286(b)(2).

Whether a use of force reasonably appears necessary and proportional, must also be evaluated using the objectively reasonable standard upheld in *Graham v Connor*, 490 U.S. 386 (1989). To determine whether a use of force is objectively reasonable will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

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

It is recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the approved 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 they are confronting. In such circumstances, the use of any improvised device or method must be objectively reasonable and used only to the degree that it reasonably appears necessary to accomplish a legitimate law enforcement purpose and reasonably appears proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

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

300.4.1 FORCE DE-ESCALATION

De-escalation tactics and techniques are those actions undertaken to avoid physical confrontations and to increase the likelihood of voluntary compliance and cooperation. An officer, however, is not expected to engage in force de-escalation measures that could jeopardize the safety of the community or the officer.

When feasible, based on the totality of circumstances, officers should attempt to slow down, reduce the intensity, and stabilize the situation so that more resources may become available

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in order to mitigate or avoid the need to use force. Officers, when feasible, should consider the following tactics to bring the incident to a safe resolution (See Government Code 7286(b)(1):

- Reasonably available de-escalation techniques.
- Crisis intervention tactics by properly trained members of the Department.
- Formulating a plan with responding officers before entering an unstable situation that does not reasonably appear to require immediate intervention.
- Summoning additional resources that are able to respond in a reasonably timely manner.
- Containing the threat and decreasing the exposure to the potential threat by using distance or physical barriers between an uncooperative subject and a member.
- 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.
- Any other reasonable alternative tactics or techniques that will bring the incident to a safe resolution.

When time and circumstances reasonably permit, officers should 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 a medical condition, mental impairment, developmental disability, physical limitations, language barrier, drug interactions and/or behavioral crisis. An officer's awareness of these possibilities should then be balanced against the facts of the incident and which tactical options are objectively reasonable to bring the situation to a safe resolution.

Pursuant to existing law, officers need only select a level of force that is within the range of what is objectively reasonable and proportional to the seriousness of the offense(s) and actual or threatened resistance. At the same time, each officer must rely on training, experience, and an assessment of the situation to decide a reasonable force application. 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, and the officer(s) and community are no longer in danger of injury or harm, the degree of force shall be de-escalated accordingly.

300.4.2 USE OF FORCE TO EFFECT AN ARREST

An officer may use objectively reasonable force to effect an arrest, to prevent escape, or to overcome resistance. Such use of force must be proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance. An officer who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of resistance or

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threatened resistance on the part 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 to effect the arrest, prevent escape, or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques, which remain required, where feasible, by this policy. See Penal Code § 835a(d).

300.4.3 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force as necessary to lawfully seize evidence and to prevent the destruction of evidence. Such use of force must be proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

Officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers shall 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. Officers are encouraged to use techniques and methods taught by the Santa Monica Police Department for this specific purpose.

300.4.4 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether a sworn officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit (Government Code § 7286(b)). These factors include but are not limited to:

- (a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time (Penal Code § 835a).
- (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 conduct of the involved officer leading up to the use of force (Penal Code § 835a).
- (e) The effects of suspected drugs or alcohol.
- (f) The individual's apparent mental state or capacity (Penal Code § 835a).
- (g) The individual's apparent ability to understand and comply with officer commands (Penal Code § 835a).
- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
- (k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.
- (l) Training and experience of the officer.

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- (m) Potential for injury to officers, suspects, bystanders, and others.
- (n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (o) The risk and reasonably foreseeable consequences of escape.
- (p) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (r) Prior contacts with the subject or awareness of any propensity for violence.
- (s) Any other exigent circumstances.

300.4.5 ADDITIONAL RESTRICTIONS

Terms such as "positional asphyxia," "restraint asphyxia," and "excited delirium" continue to remain the subject of debate among experts and medical professionals, are not universally recognized medical conditions, and frequently involve other collateral or controlling factors such as narcotics or alcohol influence, or pre-existing medical conditions. While it is impractical to restrict a sworn officer's use of reasonable control methods when attempting to restrain a combative individual, officers are not authorized to use any restraint or transportation method which might unreasonably impair an individual's breathing or respiratory capacity for a period beyond the point when the individual has been adequately and safely controlled. Once controlled, the individual should be placed into a recovery position (e.g., laying on their side or seated) and monitored for signs of medical distress (Government Code § 7286.5).

300.5 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 themselves or others against an apparent threat of unlawful and immediate violence from another. Civilian members shall, when feasible based on the totality of the circumstances, call sworn officers to respond to the scene.

It is recognized that circumstances may arise in which a civilian member reasonably believes that it would be impractical or ineffective to use any of the approved 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 that they are confronting. In such circumstances, the use of any improvised device or method must reasonably appear necessary to defend themselves or others against an apparent threat of unlawful and immediate violence from another.

300.6 DUTY TO INTERCEDE

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300.6.1 DUTY TO INTERCEDE- PEACE OFFICERS

Any sworn officer present and observing another officer or civilian employee 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 shall promptly report these observations to a supervisor. See Penal Code § 7286(b).

When observing force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject (Government Code § 7286(b)).

300.6.2 DUTY TO INTERCEDE- CIVILIANS

Any civilian employee present and observing another civilian employee using force clearly exceeding that which is objectively reasonable under the circumstances should, when in a position to do so, intercede to prevent the use of excessive force and promptly report these observations to a supervisor. Any civilian employee present and observing an officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall promptly report these observations to a supervisor.

300.6.3 FAILURE TO INTERCEDE

A sworn officer who has received the required training on the duty to intercede and then fails to act to intercede when required by law, may be disciplined in the same manner as the officer who used force beyond that which is necessary (Government Code § 7286(b)).

300.7 NON-DEADLY FORCE

Non-deadly force is any application of physical techniques or tactics, including less than lethal tools and devices, to control, restrain, and/or overcome the resistance of another, which is not reasonably anticipated and intended to create a substantial likelihood of death or serious bodily injury. The use of non-deadly force is authorized to protect others, the community, and the officer from serious bodily injury, to restrain and/or subdue a person who is actively or passively resisting, or actively aggressive, as these terms are defined in this policy, in order to bring an unlawful and violent situation under control.

Under circumstances involving passive resistive persons who are exercising their First Amendment rights, officers shall balance the safety of the community and the rights of peaceful protestors to assemble and engage in expressive conduct. If the assembly is declared unlawful (See First Amendment Assembly and Control Devices and Techniques policies), then the officer is authorized to use force in accordance with Department policy and current law.

All force, including the application of non-deadly force techniques, tactics, tools, or devices must be reasonably necessary and proportional based on the totality of circumstances. Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense(s) or the reasonably perceived level of actual or threatened resistance given

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the totality of the circumstances known to or perceived by the officer at the time. See Government Code § 7286(b)(2).

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.

Non-deadly force applications may include, but are not limited to, compliance techniques or devices, leg restraints, control devices, and TASER®. Members should apply those non-deadly force applications for which they have received Department-approved training, unless they reasonably believe, under the totality of circumstances, that the objectively reasonable application of an improvised device or method appears necessary to bring the incident to a safe resolution and accomplish a legitimate law enforcement purpose (Refer to §300.4).

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

300.7.1 COMPLIANCE TECHNIQUES/DEVICES

Compliance techniques and/or devices may be effective in controlling an individual who is actively resisting or assaultive. Members may only apply those compliance techniques and/or devices for which they have successfully completed Department-approved training. Members may only apply Department-approved compliance devices. Members utilizing any compliance technique and/or device should consider:

- (a) The degree to which the application of the technique/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 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. Any application of the OPN on a subject shall be documented in the member's report by the member who used the OPN. Additionally, the member will notify a supervisor of the application of the OPN per § 300.14.2 Notification to Supervisors. For further guidelines on the OPN, refer to § 303.6 OPN Guidelines.

300.8 DEADLY FORCE APPLICATIONS

The authority of peace officers to use deadly force is a serious responsibility that must be exercised judiciously with respect for human rights and dignity. In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each

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case, and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.

The decision by a peace officer to use deadly force shall be 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, including the conduct of the officer and the subject leading up to the use of force, rather than with the benefit of hindsight, and shall account for occasions when officers may be forced to make quick judgments about using deadly force.

A peace 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:

- (a) To defend against an imminent threat of death or serious bodily injury to the officer or to another person.
- (b) 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 or to believe that identifying themselves as a peace officer and issuing a warning would increase the imminent threat of death or serious bodily injury to the officer or to another person.

Officers 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 officer or to another person (Penal Code § 835a).

An “imminent” threat of death or serious bodily injury exists 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 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.

To the extent that it is reasonable under the circumstances, officers should consider their surroundings and any potential risks to bystanders before discharging a firearm. See Government Code § 7286(b)(5).

300.9 CAROTID RESTRAINT AND CHOKE HOLDS

In accordance with Government Code § 7286.5(a), members of the Department are not authorized to use carotid restraints or choke holds. “Carotid restraint” means a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person’s neck that involves a substantial risk of restricting blood flow and may render the person

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unconscious in order to subdue or control the person. "Choke hold" means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe.

300.10 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and may involve additional considerations and risks. When feasible, officers should take reasonable steps to avoid entering or obstructing the path of a moving vehicle.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should 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 imminent threat of the vehicle to the officer or others, or if deadly force other than the vehicle itself is directed at the officer or others.

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

300.11 EXHIBITING A FIREARM IN PUBLIC

Officers shall use sound discretion when exhibiting a firearm in public. If the officer reasonably believes, based on the totality of circumstances, that the potential for a threat of physical harm to the officer or others may exist (e.g. building search), then the firearm should generally be kept in the low-ready position or other position not directed toward a person.

Exhibiting a firearm in the low-ready or other position not directed toward a person does not require documentation. Once it is reasonably safe to do so, officers shall carefully secure all firearms.

300.12 POINTING A FIREARM AT A PERSON

If the officer reasonably believes based on the totality of the circumstances that a threat of physical harm to the officer or others may exist (e.g., high-risk stop, tactical entry, armed encounter), then the firearm may be directed toward such potential threat until the officer no longer perceives such threat.

If deadly force is not applied (refer to 300.8 Deadly Force Applications), then once it is reasonably safe to do so, officers shall carefully secure all firearms. Pointing a firearm at a person is a use of force and shall be documented in accordance with Department policy.

300.12.1 MEMBER DOCUMENTATION

When an officer points their firearm at a person, the officer shall document the incident in accordance with this section. If the firearm is discharged, officers shall follow policy 305 Officer Involved Shootings and Deaths.

The officers shall document the totality of circumstances and the perceived imminent threat of physical harm to the officer or others posed by the person(s), leading up to the officer's decision to direct their firearm toward the person(s). The officer will also document when they no longer

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perceived the threat and holstered their firearm. This documentation is to be completed using the following guidelines:

The officer will also document when they no longer perceived the threat and holstered their firearm. This documentation is to be completed using the following guidelines:

- Pointing a firearm at a person requires supervisor notification.
- If a crime or arrest report is generated, the circumstances will be documented in the related report.
- If no crime or arrest report is generated (i.e., burglary alarm goes off in home, later confirm it is homeowner's son and there is no crime to report), then the officer shall at minimum, document the incident on a field identification card or an information received report.
- If the officer is off-duty, the officer shall verbally report to the on-duty Watch Commander as soon as circumstances permit. It will be the receiving supervisor's responsibility to obtain any associated reports from the appropriate law enforcement jurisdiction. If no documentation was completed by the outside agency, then the appropriate documentation shall be completed by the officer when they return to work or as directed by the Watch Commander.

300.12.2 SUPERVISOR DOCUMENTATION

Supervisors will document when an on-duty officer specifically points a firearm at a person in accordance with policy 300.15 Supervisor Responsibility. The supervisor will review the documentation from the involved officer's report and/or field identification card, as well as body worn camera recordings, and obtain any other basic facts needed during the normal course of duties to complete a Blue Team administrative entry under the "Show of force" module.

300.13 MEDICAL CONSIDERATION

Once it is reasonably safe to do so, and in all circumstance prior to booking or release, properly trained officers should promptly provide or procure medical assistance for any person injured or claiming to have been injured in a use of force incident or who exhibits signs of distress, has sustained visible injury, 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 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 or 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.

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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, 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 shall be considered medical emergencies. Officers who reasonably suspect a medical emergency shall request medical assistance as soon as practicable.

When medical assistance is requested at the scene of a use of force, fire personnel, paramedics, or other medical personnel shall be requested to stage away from the scene until it is reasonably safe for them to report to the scene. If a determination is made that an individual should be transported to a hospital or other medical facility for further medical care, the transport shall be provided by fire personnel or paramedics, with one or more officers accompanying as needed.

300.14 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 before the member completes their shift. The Watch Commander may authorize an extension on the use of force documentation for the involved members when extenuating circumstances exist (i.e., the involved members are seriously injured or hospitalized, extreme fatigue). Any documentation requiring an extension beyond a week, shall be authorized by the Deputy Chief of Police or designee.

Members shall report all use of force incidents to an on-duty sworn supervisor in accordance with § 300.14.1 and document the supervisor they notified in the related report.

The member shall articulate the factors perceived and why they believed the use of force was reasonable under the circumstances. If a person or group of persons is subjected to force, evades arrest, and cannot be identified, then the member shall complete the appropriate incident/crime report in accordance with this policy and include the persons' description and last direction of travel.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in Department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

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300.14.1 DUTY TO REPORT EXCESSIVE FORCE

Any officer who observes a law enforcement officer or an employee use force that potentially exceeds what the officer reasonably believes to be necessary shall immediately report these observations to a supervisor (Government Code § 7286(b)).

As used in this subsection, "immediately" means as soon as it is safe and feasible to do so.

300.14.2 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 of force caused a visible injury.
- (b) The officer specifically pointed a firearm at a person.
- (c) The individual subjected to force complained of injury or continuing pain.
- (d) The individual subjected to force indicates intent to pursue litigation.
- (e) Any application of a conducted energy device.
- (f) Any application of impact weapons, OPNs, kinetic energy projectiles, OC spray, and pepper projectiles.
- (g) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (h) Any application of deadly force.
- (i) The individual subjected to force was rendered unconscious.
- (j) An individual was struck, kicked, and/or otherwise forcibly taken to the ground.
- (k) An individual alleges unreasonable force was used or that any of the above has occurred.

300.14.3 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.

300.14.4 REPORT RESTRICTIONS

Officers shall not use the term "excited delirium" to describe an individual in an incident report. Officers may describe the characteristics of an individual's conduct, but shall not generally describe the individual's demeanor, conduct, or physical and mental condition at issue as "excited delirium" (Health and Safety Code § 24402).

300.15 SUPERVISOR RESPONSIBILITY

Whenever reasonably possible, a sworn supervisor should respond to any reported use of force. The responding supervisor is expected to (Government Code § 7286(b)):

- (a) 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.

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- (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) Ensure members complete all use of force related reports prior to end of watch, and review and approve all related reports. Any use of force incident listed under policy 300.14.1 Notification to Supervisor will require the appropriate administrative action (i.e., Blue Team, memorandum), and shall be completed within 10-days of the incident. Any extension needed beyond the 10 days, shall be approved by the Deputy Chief of Police or designee.
- (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.
- (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.

300.15.1 WATCH COMMANDER RESPONSIBILITY

The Watch Commander shall review each use of force which occurred during their shift to ensure preliminary compliance with this policy and forward copies of those incidents to the involved member's lieutenant. The lieutenant(s) should review each use of force incident by members within their command to become aware of any developing trends related to use of force with their personnel and to address any relevant training issues.

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300.16 USE OF FORCE COMPLAINTS

The receipt, processing, and investigation of civilian complaints involving use of force incidents should be handled in accordance with the Personnel Complaints Policy (Government Code § 7286(b)).

300.17 INCIDENT REVIEW BOARD

Use of force incidents resulting in significant injury or death or as directed by the Chief of Police or their designee, will be reviewed by an Incident Review Board.

300.18 USE OF FORCE ANALYSIS

At least annually, the Operations Division Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

300.19 TRAINING

Officers, investigators, and supervisors will receive periodic training on this policy and demonstrate their knowledge and understanding (Government Code § 7286(b)).

Subject to available resources, the Training Sergeant should ensure that officers receive periodic training on de-escalation tactics, including alternatives to force.

Training should also include (Government Code § 7286(b)):

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities.
- (b) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

See the Training Policy for restrictions relating to officers who are the subject of a sustained use of force complaint.

300.20 POLICY REVIEW

The Chief of Police or the authorized designee should regularly review and update this policy to reflect developing practices and procedures (Government Code § 7286(b)).

300.21 POLICY AVAILABILITY

The Chief of Police or the authorized designee should ensure this policy is accessible to the public (Government Code § 7286(c)).

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300.22 PUBLIC RECORDS REQUESTS

Requests for public records involving a sworn officer's personnel records shall be processed in accordance with Penal Code § 832.7 and the Personnel Records and Records Maintenance and Release policies (Government Code § 7286(b)).