

Santa Monica Police Department

Use of Deadly Force

What is a Use of force?

Application of physical techniques or tactics to include, but not limited to:

- Chemical Agents
 - Conducted Energy Devices
 - Control Devices
 - Restraint Devices
 - Weapons
 - Hands/feet/body parts
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- **It is not considered a Use of Force when a person allows themselves to be searched, escorted, handcuffed, or restrained.

What is Deadly Force?

Any force that creates a substantial risk of causing death or serious bodily injury, including but not limited to the discharge of a firearm.

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.

Authority to Use Deadly Force

- **Section 300 of the Santa Monica Police Department Policy Manual**
- [300 Use Of Force - Santa Monica Police Department \(CA\) – PowerDMS](#)
- **Section 835a of the California Penal Code**
- https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=835a.&lawCode=PEN
- **Assembly Bill 392 (2019)**
- https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB392

When can Deadly Force be used?

- **Self-Defense or Defense of Others:** Deadly force is justified if the officer reasonably believes it is necessary to defend against an imminent threat of death or serious bodily injury to themselves or others.
- **Apprehending a Fleeing Felon:** Deadly force is justified to apprehend a person involved in a felony that has or could cause death or serious injury, if the officer believes the person poses a threat unless immediately apprehended.

“Reasonably believes?”

- Graham v. Conner (1989)
- The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation.

“Imminent Threat”?

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.

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.

Other Considerations...

- **Duty to Warn:**
 - Officers should, where feasible, **identify themselves** and **warn** the person about the potential use of deadly force, unless the officer has ***objectively reasonable*** grounds to believe the person is already aware.

- **Restrictions on Deadly Force:**
 - Deadly force cannot be used if the person **does not pose an imminent threat** of death or serious injury to the officer or others, according to what an ***objectively reasonable*** officer would believe. This applies to a person who intends on harming themselves.

Changes?

Incident Review?

Administrative Review?

Change in Law?

Technology ?

Communication?



Questions?