

## **USE OF FORCE**

### **PURPOSE AND SCOPE**

This policy provides 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.

### **DEFINITIONS**

Definitions related to this policy include:

**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).

**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.

### **POLICY**

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

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

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

### **DUTY TO INTERCEDE**

All members of the department must keep in mind the ramifications of their actions and the need for objective justification for any application of force. Accountability is necessary any time force has been applied.

Any Ridgecrest Police Department personnel present and observe a member of this or another law enforcement agency using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in position to do so, intercede to prevent the use of unreasonable force. Any member of this department who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

If it appears that excessive force has been used by a member of another police agency, the witnessing officer(s) shall immediately notify their supervisor who shall notify their respective Division Commander. The Division Commander shall then notify a supervisor or Command Staff member from the other agency of the allegation. The Division Commander shall notify the Chief of Police of the incident.

## **USE OF FORCE**

Officers shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a).

The reasonableness of force 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 also 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 they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

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

## **USE OF FORCE TO EFFECT AN ARREST**

Any peace officer may use objectively 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 an 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. Retreat does not mean tactical repositioning or other de-escalation techniques (Penal Code § 835a).

## **FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE**

When determining whether to apply force and evaluating whether an officer 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) 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.
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, and the number of officers available vs. subjects).
- (d) The conduct of the involved officer (Penal Code § 835a).
- (e) The effects of 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.
- (l) Training and experience of the officer.
- (m) Potential for injury to officers, suspects, 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.

### **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-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer.
- (c) 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.

### **CAROTID CONTROL HOLD**

The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is subject to the following:

- (a) The officer 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 when circumstances perceived by the 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.
- (c) 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 officer, the subject or others, and the officer 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
- (d) 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 and should be monitored until examined by paramedics or other appropriate medical personnel.
- (e) The officer 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.

- (f) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (g) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

### **USE OF FORCE TO SEIZE EVIDENCE**

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing 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.

### **DEADLY FORCE APPLICATIONS**

If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers should evaluate the use of other reasonably available resources and techniques when determining whether to use deadly force. The use of deadly force is only justified in the following circumstances (Penal Code § 835a):

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury to the officer or another person.
- (b) An officer may use deadly force 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, the 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.

Officers shall not use deadly force against a person based on the danger that person poses to him/ herself, 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 officer's subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).

### **SHOOTING AT OR FROM MOVING VEHICLES**

Shots fired at or from a moving vehicle are rarely effective. Officers should 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 threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

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

### **NOTIFICATION TO SUPERVISORS**

Supervisory notification 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 application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a TASER device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges any of the above has occurred.

### **USE OF FORCE: REPORTING AND REVIEW PROCEDURES**

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer 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 purposes, the department may require the completion of additional report forms, as specified in department policy, procedure or law.

### **REPORTING THE USE OF FORCE: RESPONSIBILITY**

Officers shall immediately make a verbal notification to their immediate supervisor in all cases in which they use reportable force. Personnel witnessing reportable force shall immediately advise their supervisor, who will determine whether a supplemental report or a separate report by the witness(es) is required.

Incidents involving the use of reportable force shall be documented in the initial crime report. All details regarding the use of force shall be included in that report. A reference to the verbal notification and the name of the supervisor to whom it was made shall also be included. Each

assisting officer (or department member) shall submit a separate supplemental report detailing his/her actions.

Each officer reporting force shall describe in detail the actions of the suspect which necessitated the use of force and the specific force used in response to the suspect's actions. Any injuries or complaint of injuries, and any medical treatment or refusal of medical treatment, shall be documented in the crime report, supplemental reports, or memoranda.

In cases where reportable force was employed and there was no subsequent crime report or arrest report filed, the officer shall complete an Officer's Report noting all the facts surrounding the incident. Examples include situations, such as during crowd control where officer(s) are pushing the crowd back with their batons and no arrest is made, or personnel are assisting another agency where force is used by Ridgecrest Police Officers and the other agency makes the arrest.

### **IMMEDIATE SUPERVISOR'S RESPONSIBILITIES**

The Watch Commander or Officer in Charge (OIC) shall respond without unnecessary delay to any incident involving reportable force. In instances of reportable force, the supervisor shall do the following:

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. Locate and interview all potential witnesses and document their statements. In situations involving large numbers of potential witnesses, the Watch Commander will determine the appropriate scope of the interviews;
3. Ensure that any injured parties are examined and treated;
4. Separately obtain a recorded (audio or video) interview with the subject upon whom force was applied. The interview shall be conducted after the subject whom force was applied has been admonished their *Miranda* rights. The Supervisor/Watch Commander shall ask the subject if he /she has any injuries, the nature of the injuries, and if medical attention was provided. These questions shall be asked regardless of any apparent injuries;
5. The supervisor shall document the content of the interview in a supplemental report or other report;
6. Photograph the scene in conditions as near as possible to those at the time of the force incident;
7. The Supervisor/Watch Commander shall interview the attending physician and other medical staff when the suspect has been taken to a medical facility, and
8. Once any initial medical treatment has been completed or first aid had 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. Permission should be obtained from the subject when photographing or videotaping injuries which are hidden by clothing.

9. The Supervisor/Watch Commander shall ensure that all pertinent information is contained in the crime report and any supplemental reports. Particular attention should be given to the description of the use of force and the suspect's actions compelling the use of force. Based upon the totality of personal interviews and review of all written reports, the Supervisor/Watch Commander will determine if further investigation is necessary. All documents, as well as photographs and video tapes, will be forwarded to the appropriate bureau commander.

10. The Supervisor/Watch Commander shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

If the interview is conducted of an in-custody subject 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.
4. 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.
5. Identify any witnesses not already included in related reports.
6. Review and approve all related reports.
7. Determine if there is any indication that the subject may pursue civil litigation.
8. 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.
9. 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.

## **TRAINING**

Supervisors shall review and provide training on this policy annually with the officer during his/her evaluation review. Officers shall demonstrate their knowledge and understanding of this policy.

## **DIVISION COMMANDER'S RESPONSIBILITY**

The Division Commander will notify the Chief of Police of the use of reportable force incident and prepare a "Division Review" in which he/she will determine/recommend if further investigation is necessary. This information will be forwarded to the Chief of Police for final review and disposition.

## **TRANSPORTING SUSPECTS FOR MEDICAL TREATMENT**

Officers transporting a suspect, on who force has been used, to a medical facility for examination or treatment shall immediately notify the Watch Commander or OIC.

## **MEDICAL TREATMENT**

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.

A suspect **shall** be transported to a medical facility for examination or treatment by qualified medical personnel whenever the suspect:

1. Strikes his/her head on a hard object, or sustain a blow to the head/face, as a result of the application of force by an officer, regardless of how minor any injury to the head/face may appear;
2. Exhibits signs of physical distress;
3. Sustained a visible injury;
4. Rendered unconscious;
5. Is hit with a specialized weapon projectile (such as a stun bag round, taser dart, etc.);
6. Has injuries that appear to require medical treatment;
7. Alleges any injury and requests medical treatment, whether or not he has any apparent injuries, or
8. Alleges that substantial force was used and requests medical treatment, whether or not there are any apparent injuries.

Upon arrival at the medical facility, the officer shall advise the attending medical staff of the type of injury or complaint of injury that the suspect sustained; i.e., struck on the head or struck his/her head, restrained by use of carotid restrain or other kind of neck/throat restraint, etc.

Any doubt regarding the need for medical treatment shall be resolved by transporting the suspect to an appropriate medical facility.

If a suspect refuses medical treatment in any of the cases previously described, the suspect shall be transported to an appropriate medical facility and required to personally inform the medical staff of his/her refusal to receive medical treatment. The transporting officer shall

include the name of the medical personnel to whom the suspect indicated his/her refusal and the name of the medical staff member who authorized the booking of the suspect.

If the medical staff indicated that the suspect should be treated regardless of his/her refusal, the suspect shall be restrained and treated as necessary.

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. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

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).

#### **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 Bureau policy.

#### **DIVISION COMMANDER RESPONSIBILITY**

The Division Supervisor shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

#### **TRAINING**

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

#### **DISPOSAL OF ANIMALS**

The killing of animals that pose a threat to the safety of humans by the use of deadly force is approved when no other disposition is practical. The safety of bystanders must be given prime consideration. If possible, supervisor approval should be requested before taking such action. Following the destruction of the animal the Animal Control Bureau shall be notified and directed to pick up the animal's remains.

**DISCHARGE OF FIREARM: REPORT OF**

Any department member who intentionally or accidentally discharges a firearm while on-duty (exclusive of target practice) or while off-duty, and acting as a police officer, shall set forth all information surrounding the discharge of the weapon in an officer's report, through the chain of command to the Chief of Police. The employee shall verbally notify the on-duty Watch Commander as soon as practical following the incident.

**USE OF FORCE ANALYSIS**

At least annually, the Field 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:

1. The identification of any trends in the use of force by members.
2. Training needs recommendations.
3. Equipment needs recommendations.
4. Policy revision recommendations.

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- (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.
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  - 2. Elderly individuals
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  - 4. Individuals who appear to have Down syndrome or who appear to have obvious neck deformities or malformations, or visible neck injuries
- (d) 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 and should be monitored until examined by paramedics or other appropriate medical personnel.
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whether the subject lost consciousness as a result.

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Officers shall not use deadly force against a person based on the danger that person poses to him/ herself, 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).

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Shots fired at or from a moving vehicle are rarely effective. Officers should 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 threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

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

### **NOTIFICATION TO SUPERVISORS**

Supervisory notification 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 application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a TASER device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges any of the above has occurred.

### **USE OF FORCE: REPORTING AND REVIEW PROCEDURES**

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer 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 purposes, the department may require the completion of additional report forms, as specified in department policy, procedure or law.

### **REPORTING THE USE OF FORCE: RESPONSIBILITY**

Officers shall immediately make a verbal notification to their immediate supervisor in all cases in which they use reportable force. Personnel witnessing reportable force shall immediately advise their supervisor, who will determine whether a supplemental report or a separate report by the witness(es) is required.

Incidents involving the use of reportable force shall be documented in the initial crime report. All details regarding the use of force shall be included in that report. A reference to the verbal notification and the name of the supervisor to whom it was made shall also be included. Each

assisting officer (or department member) shall submit a separate supplemental report detailing his/her actions.

Each officer reporting force shall describe in detail the actions of the suspect which necessitated the use of force and the specific force used in response to the suspect's actions. Any injuries or complaint of injuries, and any medical treatment or refusal of medical treatment, shall be documented in the crime report, supplemental reports, or memoranda.

In cases where reportable force was employed and there was no subsequent crime report or arrest report filed, the officer shall complete an Officer's Report noting all the facts surrounding the incident. Examples include situations, such as during crowd control where officer(s) are pushing the crowd back with their batons and no arrest is made, or personnel are assisting another agency where force is used by Ridgecrest Police Officers and the other agency makes the arrest.

### **IMMEDIATE SUPERVISOR'S RESPONSIBILITIES**

The Watch Commander or Officer in Charge (OIC) shall respond without unnecessary delay to any incident involving reportable force. In instances of reportable force, the supervisor shall do the following:

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. Locate and interview all potential witnesses and document their statements. In situations involving large numbers of potential witnesses, the Watch Commander will determine the appropriate scope of the interviews;
3. Ensure that any injured parties are examined and treated;
4. Separately obtain a recorded (audio or video) interview with the subject upon whom force was applied. The interview shall be conducted after the subject whom force was applied has been admonished their *Miranda* rights. The Supervisor/Watch Commander shall ask the subject if he /she has any injuries, the nature of the injuries, and if medical attention was provided. These questions shall be asked regardless of any apparent injuries;
5. The supervisor shall document the content of the interview in a supplemental report or other report;
6. Photograph the scene in conditions as near as possible to those at the time of the force incident;
7. The Supervisor/Watch Commander shall interview the attending physician and other medical staff when the suspect has been taken to a medical facility, and
8. Once any initial medical treatment has been completed or first aid had 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. Permission should be obtained from the subject when photographing or videotaping injuries which are hidden by clothing.

9. The Supervisor/Watch Commander shall ensure that all pertinent information is contained in the crime report and any supplemental reports. Particular attention should be given to the description of the use of force and the suspect's actions compelling the use of force. Based upon the totality of personal interviews and review of all written reports, the Supervisor/Watch Commander will determine if further investigation is necessary. All documents, as well as photographs and video tapes, will be forwarded to the appropriate bureau commander.

10. The Supervisor/Watch Commander shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

If the interview is conducted of an in-custody subject 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.
4. 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.
5. Identify any witnesses not already included in related reports.
6. Review and approve all related reports.
7. Determine if there is any indication that the subject may pursue civil litigation.
8. 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.
9. 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.

## **TRAINING**

Supervisors shall review and provide training on this policy annually with the officer during his/her evaluation review. Officers shall demonstrate their knowledge and understanding of this policy.

## **DIVISION COMMANDER'S RESPONSIBILITY**

The Division Commander will notify the Chief of Police of the use of reportable force incident and prepare a "Division Review" in which he/she will determine/recommend if further investigation is necessary. This information will be forwarded to the Chief of Police for final review and disposition.

## **TRANSPORTING SUSPECTS FOR MEDICAL TREATMENT**

Officers transporting a suspect, on who force has been used, to a medical facility for examination or treatment shall immediately notify the Watch Commander or OIC.

## **MEDICAL TREATMENT**

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.

A suspect **shall** be transported to a medical facility for examination or treatment by qualified medical personnel whenever the suspect:

1. Strikes his/her head on a hard object, or sustain a blow to the head/face, as a result of the application of force by an officer, regardless of how minor any injury to the head/face may appear;
2. Exhibits signs of physical distress;
3. Sustained a visible injury;
4. Rendered unconscious;
5. Is hit with a specialized weapon projectile (such as a stun bag round, taser dart, etc.);
6. Has injuries that appear to require medical treatment;
7. Alleges any injury and requests medical treatment, whether or not he has any apparent injuries, or
8. Alleges that substantial force was used and requests medical treatment, whether or not there are any apparent injuries.

Upon arrival at the medical facility, the officer shall advise the attending medical staff of the type of injury or complaint of injury that the suspect sustained; i.e., struck on the head or struck his/her head, restrained by use of carotid restrain or other kind of neck/throat restraint, etc.

Any doubt regarding the need for medical treatment shall be resolved by transporting the suspect to an appropriate medical facility.

If a suspect refuses medical treatment in any of the cases previously described, the suspect shall be transported to an appropriate medical facility and required to personally inform the medical staff of his/her refusal to receive medical treatment. The transporting officer shall

include the name of the medical personnel to whom the suspect indicated his/her refusal and the name of the medical staff member who authorized the booking of the suspect.

If the medical staff indicated that the suspect should be treated regardless of his/her refusal, the suspect shall be restrained and treated as necessary.

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. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

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).

#### **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 Bureau policy.

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Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

#### **DISPOSAL OF ANIMALS**

The killing of animals that pose a threat to the safety of humans by the use of deadly force is approved when no other disposition is practical. The safety of bystanders must be given prime consideration. If possible, supervisor approval should be requested before taking such action. Following the destruction of the animal the Animal Control Bureau shall be notified and directed to pick up the animal's remains.

**DISCHARGE OF FIREARM: REPORT OF**

Any department member who intentionally or accidentally discharges a firearm while on-duty (exclusive of target practice) or while off-duty, and acting as a police officer, shall set forth all information surrounding the discharge of the weapon in an officer's report, through the chain of command to the Chief of Police. The employee shall verbally notify the on-duty Watch Commander as soon as practical following the incident.

**USE OF FORCE ANALYSIS**

At least annually, the Field 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:

1. The identification of any trends in the use of force by members.
2. Training needs recommendations.
3. Equipment needs recommendations.
4. Policy revision recommendations.

## **USE OF FORCE**

### **PURPOSE AND SCOPE**

This policy provides 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.

### **DEFINITIONS**

Definitions related to this policy include:

**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).

**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.

### **POLICY**

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

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

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

### **DUTY TO INTERCEDE**

All members of the department must keep in mind the ramifications of their actions and the need for objective justification for any application of force. Accountability is necessary any time force has been applied.

Any Ridgecrest Police Department personnel present and observe a member of this or another law enforcement agency using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in position to do so, intercede to prevent the use of unreasonable force. Any member of this department who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

If it appears that excessive force has been used by a member of another police agency, the witnessing officer(s) shall immediately notify their supervisor who shall notify their respective Division Commander. The Division Commander shall then notify a supervisor or Command Staff member from the other agency of the allegation. The Division Commander shall notify the Chief of Police of the incident.

## **USE OF FORCE**

Officers shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a).

The reasonableness of force 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 also 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 they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

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

## **USE OF FORCE TO EFFECT AN ARREST**

Any peace officer may use objectively 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 an 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. Retreat does not mean tactical repositioning or other de-escalation techniques (Penal Code § 835a).

## **FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE**

When determining whether to apply force and evaluating whether an officer 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) 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.
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, and the number of officers available vs. subjects).
- (d) The conduct of the involved officer (Penal Code § 835a).
- (e) The effects of 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.
- (l) Training and experience of the officer.
- (m) Potential for injury to officers, suspects, 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.

### **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-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer.
- (c) 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.

### **CAROTID CONTROL HOLD**

The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is subject to the following:

- (a) The officer 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 when circumstances perceived by the 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.
- (c) 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 officer, the subject or others, and the officer 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
- (d) 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 and should be monitored until examined by paramedics or other appropriate medical personnel.
- (e) The officer 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.

- (f) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (g) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

### **USE OF FORCE TO SEIZE EVIDENCE**

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing 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.

### **DEADLY FORCE APPLICATIONS**

If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers should evaluate the use of other reasonably available resources and techniques when determining whether to use deadly force. The use of deadly force is only justified in the following circumstances (Penal Code § 835a):

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury to the officer or another person.
- (b) An officer may use deadly force 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, the 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.

Officers shall not use deadly force against a person based on the danger that person poses to him/ herself, 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 officer's subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).

### **SHOOTING AT OR FROM MOVING VEHICLES**

Shots fired at or from a moving vehicle are rarely effective. Officers should 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 threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

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

### **NOTIFICATION TO SUPERVISORS**

Supervisory notification 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 application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a TASER device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles or belly chains.
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### **USE OF FORCE: REPORTING AND REVIEW PROCEDURES**

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer 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 purposes, the department may require the completion of additional report forms, as specified in department policy, procedure or law.

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assisting officer (or department member) shall submit a separate supplemental report detailing his/her actions.

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The Watch Commander or Officer in Charge (OIC) shall respond without unnecessary delay to any incident involving reportable force. In instances of reportable force, the supervisor shall do the following:

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. Locate and interview all potential witnesses and document their statements. In situations involving large numbers of potential witnesses, the Watch Commander will determine the appropriate scope of the interviews;
3. Ensure that any injured parties are examined and treated;
4. Separately obtain a recorded (audio or video) interview with the subject upon whom force was applied. The interview shall be conducted after the subject whom force was applied has been admonished their *Miranda* rights. The Supervisor/Watch Commander shall ask the subject if he /she has any injuries, the nature of the injuries, and if medical attention was provided. These questions shall be asked regardless of any apparent injuries;
5. The supervisor shall document the content of the interview in a supplemental report or other report;
6. Photograph the scene in conditions as near as possible to those at the time of the force incident;
7. The Supervisor/Watch Commander shall interview the attending physician and other medical staff when the suspect has been taken to a medical facility, and
8. Once any initial medical treatment has been completed or first aid had 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. Permission should be obtained from the subject when photographing or videotaping injuries which are hidden by clothing.

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6. Has injuries that appear to require medical treatment;
7. Alleges any injury and requests medical treatment, whether or not he has any apparent injuries, or
8. Alleges that substantial force was used and requests medical treatment, whether or not there are any apparent injuries.

Upon arrival at the medical facility, the officer shall advise the attending medical staff of the type of injury or complaint of injury that the suspect sustained; i.e., struck on the head or struck his/her head, restrained by use of carotid restrain or other kind of neck/throat restraint, etc.

Any doubt regarding the need for medical treatment shall be resolved by transporting the suspect to an appropriate medical facility.

If a suspect refuses medical treatment in any of the cases previously described, the suspect shall be transported to an appropriate medical facility and required to personally inform the medical staff of his/her refusal to receive medical treatment. The transporting officer shall

include the name of the medical personnel to whom the suspect indicated his/her refusal and the name of the medical staff member who authorized the booking of the suspect.

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The killing of animals that pose a threat to the safety of humans by the use of deadly force is approved when no other disposition is practical. The safety of bystanders must be given prime consideration. If possible, supervisor approval should be requested before taking such action. Following the destruction of the animal the Animal Control Bureau shall be notified and directed to pick up the animal's remains.

**DISCHARGE OF FIREARM: REPORT OF**

Any department member who intentionally or accidentally discharges a firearm while on-duty (exclusive of target practice) or while off-duty, and acting as a police officer, shall set forth all information surrounding the discharge of the weapon in an officer's report, through the chain of command to the Chief of Police. The employee shall verbally notify the on-duty Watch Commander as soon as practical following the incident.

**USE OF FORCE ANALYSIS**

At least annually, the Field 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:

1. The identification of any trends in the use of force by members.
2. Training needs recommendations.
3. Equipment needs recommendations.
4. Policy revision recommendations.