

Santa Monica Police Department

Policy Manual

USE OF FORCE

PURPOSE AND SCOPE

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

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.

DEFINITIONS

Definitions related to this policy include:

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

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

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

FORCE DE-ESCALATION

De-escalation tactics and techniques are those actions undertaken by an officer(s)

Santa Monica Police Department

Policy Manual

to avoid physical confrontations, unless immediately necessary to protect someone or to stop dangerous behavior, while minimizing the need to use force during an incident when the totality of the circumstances and time permit. De-Escalation tactics and techniques are employed to increase the likelihood of voluntary compliance and cooperation.

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

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

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

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

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

- Decreasing the exposure to the potential threat by using distance or physical barriers between an uncooperative subject and an officer.
- Containing the threat.
- Maximizing the use of cover or concealment to reduce officer(s) exposure to

Santa Monica Police Department

Policy Manual

potential threats by placing the officer(s) in a safer position.

- Communicating from a safe position to gain the subject's compliance through the use of verbal persuasion, advisements, and/or warnings.
- Generally, communication techniques should engage active listening to calm agitated individuals and promote rational decision-making.
- The officer's physical actions may also de-escalate a potentially volatile/violent situation; i.e., exhibiting a relaxed body language.

When the circumstances warrant an application of force, the level of force applied must reflect the totality of the reasonably known circumstances surrounding the immediate situation. The officer need only select a level of force that is within the range of "objectively reasonable" options. Officers must rely on training, experience and an assessment of the situation to decide an appropriate level of force to be applied. Reasonable and sound judgment will dictate the force option to be employed.

Officers may either escalate or de-escalate the use of force as the situation progresses or as circumstances change. When a suspect is under control, either through the application of physical restraint or the suspect's compliance, the degree of force shall be de-escalated accordingly. An officer has the duty to intercede when observing unreasonable or unnecessary force being applied to a given situation

DUTY TO INTERCEDE

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

USE OF FORCE POLICY

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

The "reasonableness" of the force used must 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 in circumstances that are tense, uncertain and rapidly evolving about the amount of force that is necessary in a particular situation.

Given that no policy can realistically predict every possible situation an officer might

Santa Monica Police Department

Policy Manual

encounter in the field; it is recognized that each officer must be entrusted with 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 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 that has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect an arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall 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 (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) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of drugs or alcohol.
- (e) Subject's mental state or capacity.
- (f) Proximity of weapons or dangerous improvised devices.

Santa Monica Police Department

Policy Manual

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- (g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
 - (h) Time and circumstances permitting, the availability of other options (what other resources are reasonably available to the officer under the circumstances).
 - (i) Seriousness of the suspected offense or reason for contact with the individual.
 - (j) Training and experience of the officer.
 - (k) Potential for injury to officers, suspects and others.
 - (l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
 - (m) The risk and reasonably foreseeable consequences of escape.
 - (n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
 - (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
 - (p) Prior contacts with the subject or awareness of any propensity for violence.
 - (q) Any other exigent circumstances.

LESS-LETHAL FORCE APPLICATIONS

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

Each 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. Less-lethal force applications may include but are not limited to leg restraints, control devices and TASER.

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 the officer has received departmentally approved training and only when the officer reasonably believes that the use of such a technique appears necessary to effectively bring the incident under control. Officers utilizing any pain compliance technique should consider the totality of the circumstances including, but not limited to:

- (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.

Santa Monica Police Department

Policy Manual

- (c) Whether the person has been given sufficient opportunity to comply.
- (d) The potential for injury to the officer(s) or others if the technique is not used
- (e) The potential risk of serious injury to the individual being controlled
- (f) The nature of the offense involved
- (g) The level of resistance of the individual(s) involved
- (h) The need for prompt resolution of the situation
- (i) If time permits (e.g., passive demonstrators), other reasonable alternatives.

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. 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, who 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 and who poses an immediate threat to the safety of officer(s) 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

Santa Monica Police Department

Policy Manual

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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 and should be carefully monitored until examined by paramedics or other qualified medical personnel and transported by ambulance to the medical facility for evaluation and treatment.
 - (e) In all instances where the carotid hold has been applied, it is the responsibility of the officer to ensure that the person subdued will receive evaluation by a medical doctor as soon as possible and will ensure the person subdued, regardless of the length and effectiveness of the hold, is medical cleared prior to transportation to a custody facility.
 - (f) 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.
 - (g) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
 - (h) 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 against a person who has ingested or is in the process of ingesting evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Santa Monica Police Department for this specific purpose.

LETHAL FORCE APPLICATIONS

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

- (a) An officer may use lethal force to protect him/herself or others from what he/she

Santa Monica Police Department

Policy Manual

reasonably believes would be an imminent threat of death or serious bodily injury.

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

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

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

SHOOTING AT OR FROM MOVING VEHICLES

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

- (a) Unless it reasonably appears that it would endanger officers or the public, officers are expected to move out of the path of any approaching vehicle.
- (b) This is not intended to restrict an officer's right to use deadly force directed at the operator of a vehicle when it is reasonably perceived that the vehicle is being used as a weapon against the officer or others.
- (c) Officers may use deadly force to stop a fleeing suspect when the officer has probable cause to believe that the suspect has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death and the officer reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to others if the suspect is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force when feasible.
- (d) Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

MEDICAL CONSIDERATION

Santa Monica Police Department

Policy Manual

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

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or Vital Medical Services (VMS) at SMPD Jail. VMS staff shall not be contacted nor used for emergent medical conditions. Refer to SMPD Directives and Procedures Manual §100.24 for the type of medical treatment and pre-booking examinations conducted by VMS staff.

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

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

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

REPORTING THE USE OF FORCE

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 use of particular weapons such as chemical agents may require the completion of additional report forms as specified in department policy and/or law.

Santa Monica Police Department

Policy Manual

NOTIFICATION TO SUPERVISORS

Notification shall be made to a sworn supervisor as soon as practicable following the application of physical 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) Any application of a TASER device or control device.
- (e) Any application of a restraint device other than handcuffs, shackles or belly chains.
- (f) The individual subjected to the force was rendered unconscious.
- (g) An individual was struck, kicked, and/or otherwise, taken to the ground.
- (h) An individual alleges any of the above has occurred.

SUPERVISOR RESPONSIBILITY

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

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/ her *Miranda* rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.

Santa Monica Police Department

Policy Manual

- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the subject may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (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.

WATCH COMMANDER RESPONSIBILITY

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

TRAINING

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

INCIDENT REVIEW BOARD

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

REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

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