

Use of Force

300.1 PURPOSE AND SCOPE

This policy recognizes that the use of force by law enforcement requires constant evaluation. Even at its lowest level, the use of force is a serious responsibility. The purpose of this policy is to provide 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.

300.1.1 PHILOSOPHY

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 human encounters and when warranted, may use force in carrying out their duties.

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

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting officers with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interests.

300.2 POLICY

It is the policy of this department that 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. "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 interpretation of reasonableness must allow for the fact that police 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 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. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force.

300.2.1 USE OF FORCE TO EFFECT AN ARREST

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

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300.2.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether or not to apply any level of force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:

- (a) The conduct of the individual being confronted (as reasonably perceived by the officer at the time).
- (b) Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion and number of officers vs. subjects).
- (c) Influence of drugs/alcohol (mental capacity).
- (d) Proximity of weapons.
- (e) Time and circumstances permitting, the availability of other options (what resources are reasonably available to the officer under the circumstances).
- (f) Seriousness of the suspected offense or reason for contact with the individual.
- (g) Training and experience of the officer.
- (h) Potential for injury to citizens, officers and suspects.
- (i) Risk of escape.
- (j) Other exigent circumstances.

It is recognized that officers are expected to make split-second decisions and that the amount of an officer's time available to evaluate and respond to changing circumstances may impact his/her decision.

While various degrees of force exist, each officer is expected to use only that degree of force reasonable under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

It is recognized however, that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the standard tools, weapons or methods provided by the Department. Officers may find it more effective or practical to improvise their response to rapidly unfolding conditions 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 reasonably necessary to accomplish a legitimate law enforcement purpose.

300.2.3 NON-DEADLY 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 non-deadly 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. Non-deadly force applications may include but are not limited to leg restraints, control devices and TASER described in Policy Manual §§ 306, 308 and 309 respectively.

300.2.4 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be very effective in controlling a passive 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 further a legitimate law enforcement purpose. Officers utilizing any pain compliance technique should consider the totality of the circumstance including, but not limited to:

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- (a) The potential for injury to the officer(s) or others if the technique is not used
- (b) The potential risk of serious injury to the individual being controlled
- (c) The degree to which the pain compliance technique may be controlled in application according to the level of resistance
- (d) The nature of the offense involved
- (e) The level of resistance of the individual(s) involved
- (f) The need for prompt resolution of the situation
- (g) 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.

300.2.5 CAROTID RESTRAINT

The proper application of the carotid restraint hold by a trained officer may be effective in quickly restraining a violent individual however due to the potential for injury, the carotid restraint hold may only be applied under the following conditions:

- (a) The officer shall have received departmentally approved training in the use and application of the carotid restraint.
- (b) The carotid restraint may only be used when the officer reasonably believes that such a hold appears necessary to prevent serious injury or death to an officer or other person(s).
- (c) Any individual who has been rendered unconscious by the use of the carotid restraint shall be promptly examined by paramedics or other qualified medical personnel.
- (d) 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 restraint hold and whether the subject lost consciousness as a result.
- (e) Any officer applying the carotid restraint shall promptly notify a supervisor of the use or attempted use of such hold.
- (f) The use or attempted use of the carotid restraint shall be thoroughly documented by the officer in any related reports.

300.3 DEADLY FORCE APPLICATIONS

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

- (a) An officer may use deadly force to protect himself/herself or others from what he/she reasonably believe would be an imminent threat of death or serious bodily injury.
- (b) An officer 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 any other person if the suspect is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

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300.4 REPORTING THE USE OF FORCE

Any use of physical 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 departmental policy and/or law.

300.4.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practical following the application of physical force, under any of the following circumstances:

- (a) The application of force appears to have caused physical injury
- (b) The individual has expressed a complaint of pain
- (c) Any application of a control device
- (d) The individual has been rendered unconscious

300.4.2 MEDICAL ATTENTION FOR INJURIES SUSTAINED USING FORCE

Prior to booking or release, medical assistance shall be obtained for any person(s) who has sustained visible injury, expressed a complaint of pain, or who has been rendered unconscious. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practical, should be witnessed by another officer and/or medical personnel. If an audio recording is made of contact or an interview with the individual, any refusal should be included, if possible.

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

300.5 RESISTING ARREST/VIOLENCE AGAINST A SANTA CRUZ POLICE OFFICER/USE OF FORCE REPORTING

300.5.1 POLICY

It is the policy of this Department to diligently investigate and thoroughly document all incidents of a violent nature against a Police Officer or Community Service Officer. This will include resistance by a citizen during an arrest situation and the use of force by a police officer to effect an arrest and/or defend themselves.

300.5.2 PROCEDURE

- (a) If a sworn officer or Community Service Officer, acting in the scope of authority, falls victim to an act of violence against their person or whose ability to function as an officer is obstructed, delayed or willfully resisted by another person, then a detailed, thorough investigation into such acts will be required. All officers will immediately notify their supervisor of this type of arrest, including the type and amount of force used.
- (b) Instances such as the simple application of a control hold to overcome minor resistance or a foot pursuit "flee only" do not require a supervisor's investigation, unless significant injuries to officers, suspects, witnesses, and/or uninvolved parties

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occur. A significant injury includes any injury that requires medical treatment, and injuries more serious than minor abrasions, cuts, or bruises.

1. At the conclusion of such instances it shall be incumbent upon the officer to obtain a recorded statement from the suspect inquiring about possible injuries.
2. The officer will take photographs of the suspect to confirm or refute the presence of injuries.
 - (a) Nothing in this protocol prohibits its application if the officer and/or supervisor deem it necessary.

300.5.3 VICTIM OFFICER

- (a) In the case of violence against an officer, the officer will be listed in the report as a victim.
- (b) The victim officer(s) must maintain self-control and professionalism. Their initial attention must be to protect themselves or others from injury and, whenever possible, successfully and safely restrain the suspect(s). To accomplish this restraint, officers should consider the appropriate level of force consistent with the level of resistance faced by the officer(s).

300.5.4 SUPERVISOR RESPONSIBILITY

- (a) In the event an officer becomes a victim and/or a significant level of force was used to effect an arrest, the investigation shall be personally supervised/conducted by the Field Supervisor. If the supervisor is unable to respond, another officer may be designated to investigate the matter. In all such cases, the victim officer's immediate supervisor will be responsible to ensure that a thorough and complete investigation is conducted. The victim officer(s) should not conduct their own investigation; they will assist as directed by their supervisor. A "significant" level of force is that amount of force that results in injury (does not include minor abrasions, cuts, or bruises) to the suspect or a level of force likely to produce great bodily harm.
- (b) The reporting responsibility is not predicated on the charging of a violation of Penal Code §§ 148 or 243. The responsibility will be predicated on the nature and level of force used by the officer, the level of suspect resistance, and whether anyone was injured during the application of force used to overcome resistance.
- (c) If injuries to the officer or arrestee occur that require anything more than basic medical attention, the duty Lieutenant shall be notified immediately.

300.5.5 MEDICAL NEEDS

Immediate medical needs to an involved party shall be provided. Injuries to all involved parties shall be clearly documented. Copies of any medical report or signed waivers shall be obtained by the investigating officer and processed as physical evidence. Necessary first aid shall be provided to the responsible party/parties once they are safely secured and protected from further injury to themselves or others.

300.5.6 PHOTOGRAPHS

The investigation shall include photographs of both the victim officer(s) and suspect(s) at the time of the incident/arrest. These photographs shall be taken in all cases, even though there are no signs of injury. The photos will be processed as physical evidence.

300.5.7 WITNESSES

- (a) Witnesses to the matter shall be identified and interviewed.
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- (b) All police officers who are involved in or witness the incident will complete reports documenting their actions and observations, and any witness statements they obtain.
- (c) All witness and suspect statements are to be documented in the investigation. All witness and suspect statements collected in the course of the investigation are to be recorded (may include in-car video). Witness and suspect statements and testimony are crucial evidence in case preparation and court procedures and must not be overlooked or discarded.
- (d) All officers shall activate their recorder during resistive encounters when possible/practical.
- (e) All recordings of contact(s) shall be processed as evidence.

300.5.8 TRANSPORTATION

Prisoner transportation should not be provided by the victim officer(s). This should be done by another officer or the investigating supervisor. Any exception requires supervisory approval and shall be documented in the police report. This transportation should be done as soon as practical after the incident/arrest. The transporting officer will complete a supplemental report as to the circumstances of the transportation, spontaneous statements, any booking incident, and any other information pertinent to the case. The above stated prisoner transportation guidelines do not apply in situations of "flee only" arrests where a violation of Penal Code § 148 is charged.

In resisting arrest situations, like all arrest situations it is the responsibility of the individual officer to conduct a threat assessment of the prisoner prior to transport, and to ask for additional resources if threats are perceived.

300.5.9 ARREST REVIEW

Supervisor arrest review and approval is mandatory. This is to occur as soon as practical following the incident. The approving supervisor is to be listed in the police report. This arrest review and approval shall, when possible, be in person, not via radio or telephone.

300.6 REPORT

- (a) The police report shall be detailed and thorough. It will include specific, detailed information about the events leading up to and involving the incident.
- (b) The officer's report(s) shall be reviewed by the supervisor who approved the arrest, prior to securing from duty. Exceptions to this must be approved by the Watch Commander.

300.6.1 INVESTIGATION SECTION

In the event the investigation will be lengthy, involve a large number of witnesses, or results in serious injury to either the officer or the suspect, the Field Supervisor may call upon the Investigation Section for assistance.

300.6.2 TEAM/SECTION COMMANDER

A copy of all reports pertaining to this order shall be sent to the officer's Deputy Chief, Lieutenant, and to the Professional Standards Unit. The Lieutenant shall, in a timely manner, review all reports for compliance with departmental orders and prosecutorial preparation.