

## Chapter 10 - Force Policy

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### • 3-10/000.00 - Preamble to the Use of Force Policy

The Los Angeles County Sheriff's Department is committed to preserving human life and dignity in a fair and unbiased manner while upholding the rights protected by the Constitution of the United States, and federal and state law.

Sometimes it is necessary for Department members to use force in self-defense, defense of others, and during the execution of lawful duties. When Department members use force, they may only use that amount of force that is objectively reasonable, proportional, and which reasonably appears necessary at the time to defend others or themselves, effect an arrest or detention, prevent escape, or overcome resistance.

The use of force against vulnerable people (children, elderly persons, pregnant people, people with physical or developmental disabilities, people with mental health disabilities, etc.) can particularly undermine public trust and should be used as a last resort. Like any other use of force, the Department will consider the totality of the circumstances when evaluating a Department member's use of force against a vulnerable person.

The Department is committed to lawful, professional, and ethical standards before, during, and after force incidents. These include efforts to prevent force when safe to do so, tactical planning where appropriate, and objective review after every force incident.

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### • 3-10/004.00 - Use of Force Terms Defined

Force is defined as any physical effort used to control or restrain another or to overcome the resistance of another. Other terms used within this chapter are defined below:

- **Carotid Restraint:** A vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person's neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person.
- **Choke Hold:** Any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe.
- **De-escalation:** The process of using strategies and techniques intended to decrease the intensity of the situation. The goal of de-escalation is to gain the voluntary compliance of subjects, when reasonably safe and feasible, and thereby reduce or eliminate the necessity to use physical force. De-escalation includes the use of such crisis stabilization techniques as command presence, time, tone, advisements, warnings, verbal persuasion, tactical repositioning, and summoning additional resources.
- **Deadly Force:** Any use of force that creates a substantial risk of causing death or serious bodily injury. Deadly Force includes but is not limited to, the discharge of a firearm.

- **Directed Force:** Force used in the execution of one's duties under the immediate direction of a supervisor.
- **Emergent Circumstances:** Those circumstances which would cause a reasonable person or Department member to believe that a particular action is necessary to prevent imminent physical harm to an individual or the escape of a subject who poses an imminent risk of harm to others.
- **Feasible:** Considering the Department member's individual capabilities, training, and experience, reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the Department member or another person.
- **Force Options:** Choices available to Department members in any given situation to overcome resistance, to effect an arrest, to prevent escape, in the defense of self and the defense of others, and to gain control.
- **Imminent Threat:** A threat of death or serious bodily injury is imminent when, based on the totality of the circumstances, a reasonable peace 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 a Department member or another person. A simple statement of fear for safety is not enough to justify the use of deadly force. There must be objective facts indicating that the threat needed to be instantly confronted and addressed.
- **Medical Assistance Force:** Any instance when a Department member restrains a subject under the immediate direction and supervision of a doctor, nurse, or other medical staff whom the Department member believes is qualified to administer medical care. All medical assistance force must be objectively reasonable, proportional, and reasonably appear necessary at the time.
- **Passive Resistance:** The subject is uncooperative and may be argumentative but is not a threat to the Department member or others. The following are some examples of uncooperative behavior: The subject is not responding to verbal commands and may refuse to move by standing still, sitting down, lying down, going limp, grabbing onto a fixed object, or linking arms with others during a protest or demonstration.
- **Proportional:** To be proportional, the level of force must reflect the totality of circumstances surrounding the situation at hand. Given the totality of the circumstances, there is a balance between the threat posed, the seriousness of the suspected offense, and the amount of force used. Proportional force does not require Department members to use the same type or amount of force as the subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be proportional, objectively reasonable, and reasonably appear necessary to counter it.
- **Rescue Force:** Any instance when it is necessary for a Department member to use force to prevent harm from occurring to medical staff, professional staff, or any person not a member of the Department. All rescue force must be objectively reasonable, proportional, and reasonably appear necessary at the time.
- **Serious Bodily Injury:** A serious impairment of physical condition including, but not limited to the following: loss of consciousness, concussion, bone fracture, protracted loss, or impairment of function of

any bodily member or organ, a wound requiring extensive suturing, and serious disfigurement.

- **Tactical Repositioning:** Moving to another location to lessen the level of danger, to gain an advantage over the subject, or to allow more time to explore additional options before resorting to use of force.
- **Totality of the Circumstances:** All facts known to the Department Member at the time, including the conduct of the member and the subject leading up to the use of force. Elements to be considered are listed in "Factors in Determining the Reasonableness of Force," MPP 3-10/020.00.

**Unreasonable Force:** Force which is unnecessary or excessive given the totality of the circumstances presented to the Department members using force, judged from the perspective of a reasonable peace officer on the scene.

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### • 3-10/009.00 - De-Escalation

De-escalation is a core principle of sound tactical operations, and Department members shall consider de-escalation and crisis stabilization techniques to be part of tactical planning. The overall goal is to decrease the intensity of the situation by persuading the subject to voluntarily comply, allow the Department member to use additional options other than force, or to mitigate the need to use a greater amount of force to safely resolve the situation. De-escalation and crisis stabilization techniques, however, may not be appropriate in every situation, and Department members are not required to place themselves in danger or use de-escalation or crisis stabilization techniques in every instance.

Whenever reasonably safe and feasible to do so, Department members shall use de-escalation and crisis stabilization techniques, which can prevent the need to use force or reduce the amount of force that is required. De-escalation may include calling for additional resources, such as a Mental Evaluation Team, to the scene. Department members shall also avoid tactics and approaches that unnecessarily escalate situations, which may increase the likelihood of a need to use force or a greater degree of force. Department members shall only use that level of force that is proportional, objectively reasonable, and reasonably appears necessary. Department members should use force as a last resort when reasonably safe and feasible.

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### • 3-10/011.00 - Force Reduction Principles

When force is required, Department members shall use only that level of force that is proportional, objectively reasonable, and which reasonably appears necessary for the situation. While a greater level of force may be initially required to gain control of a combative/resistive subject, the level of force must be reduced when the Department member has achieved control, and it is reasonably safe and feasible to do so.

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### • 3-10/020.00 - Use of Force Policy

Department members are authorized to use only that amount of force that is consistent with Department policy, and which is proportional, objectively reasonable, and reasonably appears necessary at the time to perform their duties. "Objectively reasonable" means that Department members shall evaluate each situation

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requiring the use of force in light of the known circumstances from the perspective of a reasonable peace officer on the scene, including, but not limited to: the severity of the crime at issue, whether the subject poses an immediate threat to the safety of the Department member or others, and whether the subject is actively resisting, in determining the necessity for force and the appropriate level of force.

The following are examples of factors that may be considered in determining if the force that was used was objectively reasonable, proportional, and reasonably appeared to be necessary:

- Whether the subject reasonably appeared to pose an immediate threat to the safety of the Department member or the public;
- The severity of the crime;
- Whether the subject is actively resisting arrest or attempting to evade arrest;
- Whether the subject has been given a reasonable opportunity to calm down, subdue aggressive and irrational behaviors, and comply with directives;
- The feasibility of using de-escalation tactics, crisis stabilization, or other alternatives to de-escalate the situation using force;
- Whether it is reasonably safe and feasible to deploy other available resources and techniques;
- Consideration of surroundings and potential risks to bystanders;
- The risk and foreseeable consequences of not immediately apprehending the subject;
- Factors such as age, size, relative strength, skill level, etc.;
- The Department member's level of training and experience;
- Prior contacts with the subject(s) and/or knowledge of a subject's propensity for violence;
- The level of threat or resistance presented by the subject;
- The proximity, possession, or access to weapons of the subject;
- The availability of additional law enforcement personnel;
- The amount of incapacitation of the Department member due to fatigue or injury;
- The influence of drugs and/or alcohol on the subject;
- The mental capacity or mental health of the subject;

- Whether the subject has any apparent physical or developmental disabilities;
- Whether it should have been apparent to the Department member that the subject had a mental illness, developmental disability, or cognitive disability;
- Whether the subject appears to be pregnant;
- The amount of time and changing circumstances during which the Department member had to decide the type and amount of force that appeared to be reasonable under the circumstances;
- The availability of other resources;
- Environmental conditions, including but not limited to lighting, footing, sound conditions, crowds, backdrop, field of fire, traffic, and other hazards; and
- Other emergent circumstances.

When force is used, it shall be deployed in a manner that avoids unnecessary injury to Department members and civilians. Department members maintain the right to self-defense and have a duty to protect the lives of others.

A Department member may only use a level of force that they reasonably believe, based on the totality of the circumstances, is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

Physical force shall not be used against individuals in restraints, except as proportional, objectively reasonable, and that which reasonably appears necessary to prevent their escape, prevent the destruction of property, or prevent imminent bodily injury to the subject, the Department member, or another person. In these situations, only a proportional amount of force that is objectively reasonable and reasonably appears necessary to control the situation shall be used.

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### • **3-10/025.00 - Carotid Restraint and Choke Holds**

Department members are not authorized to use either a carotid restraint or choke holds. Any use of a carotid restraint or choke hold will be investigated like Category 3 force with a mandatory Internal Affairs Bureau (IAB) rollout.

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### • **3-10/030.00 - Unreasonable Force and Duty to Report and Intercede**

Department members shall use only that force which is proportional, objectively reasonable and which reasonably appears necessary. Unreasonable force is force that is excessive given the totality of the

circumstances presented to Department members involved in using force, judged from the perspective of a reasonable deputy on the scene. Unreasonable force is prohibited. The use of unreasonable force will subject Department members to discipline and could result in criminal prosecution.

Any Department member witnessing unreasonable force that is clearly beyond that which reasonably appears necessary (as determined by an objectively reasonable deputy under the circumstances) shall intercede to prevent or stop the unreasonable force when safely able to do so. Department members should consider the possibility that other Department members may have additional information regarding the threat posed by the subject.

Depending on the circumstances, "interceding" includes, but is not limited to:

- Physically stopping the unreasonable use of force;
- Confronting the offending Department member while the unreasonable force is happening;
- Efforts to de-escalate the unreasonable use of force;
- Using communication techniques to calm and promote rational decision-making by other Department members and the subject;
- Using a radio to summon an immediate response from a supervisor; and/or if reasonably safe and feasible and practical, taking a position to capture footage of the incident on a body worn camera.

Any Department member who is present and sees another Department member use force that they believe to be beyond that which reasonably appears necessary shall immediately notify the responding supervisor or a different supervisor if the responding supervisor was involved in the force they are reporting.

Department members shall later document all efforts to intercede or de-escalate the situation in the incident report, the use of force report(s), and any other appropriate reports written later.

**NOTE:** The basis in determining whether force is "unreasonable" shall be consistent with the Supreme Court decision of Graham v. Connor, 490 U.S. 386 (1989), Hayes v. San Diego, 57 Cal.4<sup>th</sup> 622 (2013), and California Penal Code section 835a.

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### • 3-10/035.00 - Retaliatory Force

Department members are prohibited from using force that is retaliatory in nature or for purposes of punishment, particularly against subjects who flee, resist arrest, assault Department members, or those who only express criticism of or disrespect for Department members.

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## • 3-10/038.00 - Reportable Use of Force and Force Categories

There are five categories of reportable force:

**Pointed Firearm at Person (Reportable) Incident** involves a Department member intentionally pointing a firearm (pistol, rifle, or shotgun) at a person.

Drawing from the holster, a slung rifle or shotgun, or displaying a firearm while pointing it in a low ready or other safe position if not pointed at a person's body does not constitute a reportable PFP incident. Pointing a Stunbag, Taser, Arwen, or other launcher or chemical irritant delivery system at a person does not constitute a PFP incident, as these are less-lethal force options and not firearms.

**Non-Categorized Force Incident** involves any of the following where there is no injury or complaint of pain from the subject and no allegation of unreasonable force:

- Resisted Hobble application;
- Resisted searching and handcuffing techniques; and/or
- Resisted firm grip, control holds, come-alongs, or control techniques.

Examples include but are not limited to, using control techniques on a resistive individual, using control techniques on an advancing/hostile individual to create a safe distance, and using control holds on a subject who grabs onto a fixed object to avoid handcuffing.

**Category 1 Force** involves any of the following where there is no injury:

- Takedowns;
- Use of Oleoresin Capsicum spray, Freeze +P or Deep Freeze aerosols, or Oleoresin Capsicum powder from a PepperBall projectile (when a subject is not struck by a PepperBall projectile) if it causes only discomfort and does not involve injury or lasting pain; or
- Pointing a firearm at a person when there has been an allegation that the pointing of a firearm violated policy.

**Category 2 Force** involves any of the following:

- All face, head, or neck strikes or punches with hands or fists;
- Any identifiable injury;
- A complaint of pain that a medical evaluation later determines is attributable to an identifiable injury; and/or
- Any application of force other than those defined in Category 1 Force but does not rise to the level of Category 3 Force.

**Category 3 Force** involves any of the following:

- All shootings in which a shot was intentionally fired at a person by a Department member;
- Any type of shooting by a Department member which results in a person being hit;
- Force resulting in admission to a hospital;
- Force resulting in serious bodily injury;
- Any death following a use of force by any Department member;
- All face, head, or neck strikes with an impact weapon or other object;
- Kicks or knee strikes to a person's face, head, or neck;
- Striking a person's face, head, or neck against or with a hard object;
- Skeletal fractures caused by any Department member.
- Any use of improvised weapons or techniques if the use meets any other Category 3 category;
- All canine bites;
- Any force which results in a response from the IAB Force/Shooting Response Team, as defined in MPP section 3-10/130.00.

**NOTE:** For cases involving strikes to a person's head or neck by use of a kick, knee, or personal or impact weapon, the Executive Force Review Committee ("EFRC") Panel may reclassify the strike from a Category 3 use of force to a Category 2 use of force if the Panel determines the act was unintentional and the incident did not meet any other Category 3 element. Any review to reclassify the strike can only be done following the concurrence of all three EFRC members and the Department's Office of Constitutional Policing (after consultation with the Office of Inspector General and Los Angeles County Counsel).

Internal Affairs Bureau (IAB) will be notified of all canine bites requiring medical treatment. Due to the specialized nature of these investigations, canine bites will initially be investigated by the Special Enforcement Bureau sergeant unless the incident meets the criteria for an IAB Force/Shooting Response Team response. All canine bites shall also be reviewed by the Executive Force Review Committee.

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## • 3-10/045.00 - Use of Deadly Force and Firearms

The use of deadly force is one of the most serious decisions a Department member may have to make. The authority to use deadly force is a tremendous responsibility given to Department members by the community who expect them to exercise that authority judiciously.

Department members are justified in using deadly force upon another person only when they reasonably



believe, based on the totality of the circumstances, that such force is necessary for either of two reasons:

- To defend against an imminent threat of death or serious bodily injury to the Department member or another person; or
- To apprehend a fleeing subject for any felony that threatened or resulted in death or serious bodily injury if they reasonably believe that the person will cause death or serious bodily injury to another unless immediately apprehended.

In determining whether deadly force is necessary, Department members shall evaluate each situation considering the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable peace officer.

If reasonably safe and feasible to do so, members shall, prior to the use of deadly force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the Department member has objectively reasonable grounds to believe the person is already aware of those facts.

Department members shall consider their surroundings and the potential risk to bystanders, to the extent reasonable under the totality of the circumstances, before discharging their firearm.

#### Suicidal Persons or Persons Posing a Danger to Themselves

Department members shall not use deadly force against a person based solely on the danger that person poses to themselves, if an objectively reasonable peace officer would believe the person does not pose an imminent threat of death or serious bodily injury to the Department member or another person.

#### Prohibited Force

The following force options are prohibited unless deadly force is justified:

- All face, head, or neck strikes with an impact weapon;
- Striking a person's face, head, or neck against or with a hard object;
- Kicks or knee strikes to a person's face, head, or neck.

#### Displaying Firearms

- Unnecessarily or prematurely displaying a firearm (pistol, rifle, or shotgun) could limit a Department member's alternatives in controlling a situation, may create unnecessary anxiety on the part of members of the public, and could result in an unwarranted or unintentional discharge of the firearm. Department members are expected to exercise sound judgment and critical decision-making when choosing to display a firearm or point it at a person.
- Department members may display a firearm to a threatening person to help establish or maintain control in a potentially dangerous situation if the totality of the circumstances creates an objectively reasonable

belief that it may be necessary to use the firearm.

- When a Department member displays their firearm to a threatening person, in the absence of an imminent threat but where they reasonably believe that a potential threat exists, based on the totality of the circumstances, Department members should generally point their firearm in a safe direction without pointing it at a person.
- In situations where a Department member reasonably believes an imminent threat exists based on the totality of the circumstances, that Department member may point their firearm at the threatening person or animal until they no longer reasonably perceive the threat.

#### Discharging Firearms

All shots fired at a person by a Department member must meet the standards for the use of deadly force set forth in this policy. Each Department member discharging a firearm must establish independent justification for using deadly force. The fact that other law enforcement personnel discharge their firearm is not by itself sufficient to justify the decision by a Department member to shoot.

#### Warning Shots

The firing of warning shots is inherently dangerous. They should not be fired except under the most compelling circumstances. Warning shots may be fired to stop a person only when the Department member is authorized to use deadly force and if the Department member reasonably believes a warning shot can be fired safely considering all the circumstances of the encounter.

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### **• 3-10/050.15 - Performance to Standards - Performance Associated with the Use of Force - Rescinded (See Section 118.00)**

Rescinded

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### **• 3-10/055.00 - Use of Firearms Against Vehicles and/or Occupants of Vehicles**

Firearms should not be discharged at a stationary or moving vehicle, the occupants of a vehicle, or the tires of a vehicle unless a person in the vehicle is imminently threatening a Department member or another person present with deadly force by means other than the moving vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies the use of deadly force.

Department members shall not move into, remain, or otherwise position themselves in the path of a vehicle in an effort to detain or apprehend the occupants. A Department member in the path of a moving vehicle shall immediately attempt to move to a position of safety rather than discharging a firearm at the vehicle or any of the occupants.

**NOTE:** If Department members decide to engage in a pursuit of the vehicle, such pursuit shall be

governed by the Department's pursuit policy (section 5-09/210.00 et seq.).

Because this policy may not cover every situation that will arise, a deviation from this policy may be reasonable, depending on the circumstances. A deviation from this policy would, for instance, be justified if the Department member used a firearm in an attempt to terminate an imminent vehicle attack on a crowd or a mass casualty terrorist event. However, this tactic is not without complications and concerns. It is not ideal and *should only be used as a last resort*.

Any deviation from the provisions of this policy shall be reviewed on a case-by-case basis, in accordance with sound tactical principles including the following:

- Cover and/or tactical relocation;
- Safe distance;
- Incident command and tactical leadership;
- Coordinated personnel placement;
- Tactical approach;
- Regard for viable target acquisition;
- Due regard for background, including the location, other traffic, and innocent persons;
- Due regard for crossfire; and
- Controlled fire and management of ammunition.

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### • **3-10/065.00 - Improvised Weapons or Techniques**

Department members may find themselves faced with emergent circumstances where it is impractical or ineffective to use any of the approved or authorized tools, weapons, or force options described in Department policy or training materials. In these rare and emergent circumstances, Department members may need to resort to improvised weapons or techniques. Any use of an improvised weapon must be objectively reasonable, proportional, and reasonably appear necessary under the totality of the circumstances.

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### • **3-10/075.00 - Duty to Obtain and/or Render Medical Assistance**

When reasonable and safe to do so, Department members shall promptly summon or obtain medical assistance for any person injured or who claims to be injured resulting from a use of force. Properly trained Department members shall promptly provide medical assistance to the injured in these circumstances.

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### • **3-10/076.00 - Medical Treatment and Transportation of Subjects**

Medical treatment for subjects who are injured or have a complaint of pain after a use of force shall be documented.

A subject must be transported to a medical facility for examination/treatment by qualified medical personnel whenever the person:

- Suffers a gunshot wound;
- Strikes their face, head, or neck on a hard object or sustains a blow to the face, head, or neck because of the application of force by a Department member, including blows to the face, head, or neck with hands or fists, regardless of how minor any injury may appear. The Department member transporting or escorting the subject to a medical facility shall inform the medical staff that the subject was struck on the face, head, or neck or struck their head;
- Is restrained with pressure or force to the neck or throat. The Department member transporting or escorting the subject to a medical facility shall inform the medical staff of the fact that the subject was restrained with pressure or force to the neck or throat and whether or not they were rendered unconscious;
- Is hit with a specialized weapon projectile (such as an Arwen round, Taser dart, Stunbag, PepperBall projectile, etc.);
- Is subjected to a Taser used in any mode;
- Sustains a canine bite resulting in any bleeding or penetration of the skin;
- Has injuries that appear to require medical treatment;
- Alleges any injury and requests medical treatment, whether or not they have any observable injuries;
- Alleges that substantial force was used against them, whether or not they have any observable injuries or requests medical treatment;
- Was wearing the electronic immobilization belt during its activation (unless qualified medical clearance is obtained in the field); or
- Has the Total Appendage Restraint Procedure (TARP) applied on them. Refer to MPP section 3-01/110.22, Total Appendage Restraint Procedure, for additional information.

In incidents involving the total appendage restraint procedure (TARP), the supervisor shall ascertain and document the Incident Details section of the SH-R-438P with the following information, if possible:

- How long the subject was restrained with the TARP;
- The emergency medical services agency that responded to the scene of the TARPing;
- How the subject was transported and in what body position(s) they were placed during the transport;
- The length of time of the transport phase;
- The observations of the subject's psychological/physical condition while TARPed and during the transport phase; and

- Any alleged recent drug usage by the subject or indications by them that they suffer from cardiac or respiratory diseases (e.g., asthma, bronchitis, emphysema, etc.).

For additional information, refer to MPP section 3-01/110.22, Total Appendage Restraint Procedure.

Whenever a subject upon whom force was used is transported to a medical facility for examination or treatment prior to booking or housing in a custody facility, the transporting or escorting Department member shall immediately advise the field sergeant or immediate supervisor. Except in the most compelling of circumstances, personnel involved in a Category 2 or 3 Use of Force, including participants, witnesses, and supervisors directing force, shall not escort or transport the subjects to a medical facility. If compelling circumstances require that the subject be transported by involved personnel, detailed justification shall be made in all supervisors' subsequent reports.

The sergeant shall immediately advise the watch commander or supervising lieutenant that the subject is being treated or examined following a Department member's use of force.

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

If the subject refuses medical treatment in any of the cases previously described, they shall be transported to a medical facility and required to personally inform the medical staff of their refusal to receive medical treatment. The member transporting the subject to a medical facility shall include in the appropriate report the name of the medical personnel to whom the subject indicated their refusal and the name of the medical staff member authorizing booking at the station or regular jail housing. In addition, an effort should be made to have the medical staff complete an AMA (Against Medical Advice) report on the subject, which documents the subject's refusal of medical treatment in that report.

If the medical staff indicates that the subject should be treated despite their refusal, the subject shall be transported to the County-USC Medical Center Jail Ward or to the appropriate Custody Division medical facility for treatment or medical review.

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## • **3-10/080.00 - Preventing Compressional and Positional Asphyxia**

Department members shall not use any restraint method that involves a substantial risk of compressing a subject's airway and reducing the ability to sustain adequate breathing. When Department members use pressure or body weight in an attempt to control a subject who is resisting, they may not use that pressure or body weight in a manner that has a substantial risk of interfering with the subject's breathing. Department members will immediately cease applying body weight or pressure to a subject's back, head, neck, chest, or torso once the subject is restrained and other control tactics are reasonably available other than the use of pressure or body weight.

To help reduce the risk of positional asphyxia, after Department members have handcuffed or otherwise restrained a subject using an approved method, as soon as it is reasonably safe and feasible, Department members shall turn the subject onto their side, allow the subject to sit up, or position the subject in a manner to allow unobstructed breathing. Department members will make all reasonable efforts to ensure that the subject is not left face down in a prone position for longer than that which reasonably appears necessary to gain

control. Department members will make all reasonable efforts to prevent the restrained subject from being left unattended.

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## • 3-10/100.00 - Use of Force Reporting - Department Member Responsibilities

### Responsibilities of Department Members Using Force

In all cases in which Department members use reportable force, they shall make a verbal notification to the responding supervisor (with a minimum rank of sergeant) as soon as safely possible. Unless otherwise specifically directed by the watch commander/supervising lieutenant, the Department member shall complete a written force report of the force incident prior to the Department member going off duty.

For Pointed Firearm at Person (PFP) incidents, Department members will verbally notify their supervisor as soon and as safely, possible. Unless otherwise specifically directed by the watch commander/supervising lieutenant, Department members shall complete an electronic Pointed Firearm at Person (PFP) report prior to the member going off duty. Department members are not required to complete the narrative portion of the electronic PFP report if the Department member is also completing an Incident Report (SH-R-49) or a supplemental report that will include a thorough description of the PFP incident. In these circumstances, Department members are to cross-reference the Incident Report (SH-R-49) or supplemental report by recording only the URN in the narrative portion of the PFP report.

Each assisting Department member who used force, including partners, shall submit a separate supplementary report detailing their actions and observations prior to the Department member going off duty. To the extent practical, Department members should be separated until they have completed their use of force reports and/or witness reports on use of force incidents.

### Responsibilities of Department Witnesses

Department members witnessing reportable force used by another Department member shall similarly advise their immediate supervisor (with a minimum rank of sergeant). The supervisor responsible for the investigation, if known at the time, and available, will determine whether the separate report by the member witness is required prior to the member going off duty. If their supervisor used force, witnesses shall notify the watch commander.

Members witnessing reportable force used by employees of another law enforcement agency shall, as soon as safely possible, advise their immediate supervisor and document their presence on their patrol log.

### Responsibilities Regarding Force Reports

Each Department member reporting force in a report shall describe in detail the force incident, including the tactics leading up to the use of force, the actions of the subject necessitating the use of force, and the specific force used in response to the subject's actions. Department members shall include in the report attempts at de-escalation prior to the use of force. Department members shall document any injuries or complaint of injuries, and any medical treatment or refusal of medical treatment, in the first report, and supplementary reports.

Use of force documentation shall not contain conclusions without supporting information. Conclusions shall be based on facts revealed during the force investigation. Generic or “boilerplate” language shall not be used, and each use of force report and investigation shall contain individualized language specific to that event. Department members shall be held accountable, which may include being subject to disciplinary action, for material omissions or inaccuracies in their use of force reporting.

When practical, Department members should submit their written reports about the use of force to the supervisor conducting the investigation. Department members shall include information about their initial verbal notification in the first report, including the name of the supervisor they notified.

When force is used during crowd control situations and an arrest cannot be made, or the subject(s) cannot be identified, Department members shall report their individual uses of force, directed or otherwise, to an on-scene supervisor as soon as safely possible. The application of force applied to a group, or members of a group who are not arrested or cannot be identified, shall be documented on a single use of force incident report by the on-scene supervisor and approved by the incident commander.

Reporting of force used in crowd control situations in which subjects are arrested, or can be identified, shall be reported as an individual use of force consistent with this policy.

**NOTICE: The written reporting procedures related to Pointed Firearm at Person (PFP) (referred to as the PFP report) shall become effective once the PFP report form is published. The PFP report form is forthcoming.**

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- **3-10/105.00 - Medical Treatment and Transporting Suspects (See section 076.00)**

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- **3-10/108.00 - Allegation of Misconduct**

Allegations of misconduct arising during a use of force investigation include incidents where an application of reportable force may have been unreported or misrepresented, an allegation of unreasonable force, or any other allegation of misconduct alleged to have occurred during a use of force by Department members.

Allegations of misconduct arising from a use of force, whether made by the person upon whom the alleged force was used or by a third party, shall be investigated in a timely manner similar to a force investigation (e.g., interview the complainant and witnesses, collect evidence, gather documents, respond to the scene, take photographs, etc.). The Department member to whom the allegation was reported shall notify a supervisor (with a minimum rank of sergeant) as soon as practical. That supervisor shall ensure that an inquiry is conducted into the allegation. However, if the supervisor who is notified is alleged to have been involved in, or a witness to, the alleged incident, that supervisor shall not conduct the inquiry.

The supervisor conducting the inquiry shall immediately notify the watch commander and initiate a Service Comment Report (SCR). The supervisor conducting the inquiry shall adhere to the investigative guidelines established for Service Comment Reports, (see Service Comment Report Handbook, Section II: *Conducting the Service Review of a Complaint*) which include thoroughly interviewing the complainant and recording the interview, collecting evidence, taking photographs, obtaining medical treatment, and documenting any alleged

injuries.

The watch commander assigned to the SCR shall review the use of force inquiry to determine if all allegations have been identified and if the supervisor conducting the use of force inquiry adequately investigated each of those allegations. If so, the watch commander may rely on the use of force inquiry for the SCR review. If not, the watch commander will conduct whatever additional investigation is necessary to adequately investigate each allegation.

Upon receipt of a force related SCR, the unit commander shall handle it as described in MPP 3-04/010.25 – Personnel Complaints.

**NOTICE: The written reporting procedures related to Pointed Firearm at Person (PFP) (referred to as the PFP report) shall become effective once the PFP report form is published. The PFP report form is forthcoming.**

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## • 3-10/110.00 - Use of Force Review - Sergeant Responsibilities

The Department recognizes each use of force by its members requires a thorough, fair, and objective review.

### Immediate Supervisor's Responsibilities

#### Responding to Force Incidents

The field sergeant or responding supervisor shall respond without unnecessary delay to any incident involving reportable force other than a Pointed Firearm at Person (PFP) Incident. Once at the scene, the field sergeant or responding supervisor shall ensure the safety and welfare of Department personnel, inquire from the subject any complaints of pain, visually examine the subject for injury, ensure the subject receives medical attention (excluding Non-Categorized Force Incident (NCFI) reports), and advise the watch commander or supervising lieutenant of any reportable force incident.

With respect to any Pointed Firearm at Person (PFP) Incident:

- Unless otherwise specifically directed by the watch commander/supervising Lieutenant or command staff, the field sergeant or supervisor shall ensure completion of the PFP report by each Department member who pointed a firearm at a person before going off duty and verify that the associated narrative is sufficiently detailed.
- The field sergeant or supervisor will review all available video footage of the incident as part of their review.
- The field sergeant or supervisor is not required to complete a "Supervisor's Report, Use of Force" or "Non-Categorized Force Incident Report."
- The field sergeant or supervisor will address any concerns with the PFP report and associated narrative and return it to the involved Department member if necessary. Unless otherwise specifically directed by the watch commander/supervising Lieutenant or command staff, any revisions or additional review shall



be completed within five days of the PFP Incident.

- If the PFP report is not returned to the Department member for revisions, or once all revisions are completed, the field sergeant or supervisor will note on the PFP report whether the Department member's pointing of a firearm appears to be consistent with Department policy. The field sergeant or supervisor shall also note any tactical or safety issues and refer the Department member for additional training if needed. The field sergeant or supervisor will then forward the PFP report to the watch commander or supervising lieutenant.
- If there is an allegation or evidence that the pointing of a firearm violated policy, or it appears that a Department member failed to make proper notifications of the PFP Incident, the field sergeant or supervisor shall consult with the watch commander or supervising lieutenant before proceeding further. PFP Incidents will be designated a Category 1 use of force if a person has complained or another Department member has alleged that the pointing of a firearm violated policy, including any alleged violations observed during a supervisor's review of video footage or any other evidence.
- The watch commander shall assume the responsibilities of the field sergeant or supervisor outlined in this section if that field sergeant or supervisor pointed a firearm at a person or directed other Department members to do so.

With respect to any Non-Categorized Force Incident, Category 1, or Category 2 Force incident, the field sergeant or responding supervisor shall do the following:

- Locate and interview all potential witnesses (and canvass for witnesses if necessary), including Department personnel and in-custody force cases, medical staff, chaplains, and any other civilians who may have been present, and document their statements, including those who could have witnessed but claim not to have witnessed the incident;
- Identify and collect all relevant evidence related to the use of force;
- Photograph and/or record the scene in conditions as near as possible to those at the time of the force incident, if appropriate;
- Determine if the force incident was recorded and secure any such recordings of the incident whenever able to do so;
- Direct any Department member who was unable or who did not activate their body-worn camera as required by MPP 3-06/200 et seq. to explain the reason for not activating the camera in their incident report, supplemental report, or other appropriate report;
- If video exists of the incident, sergeants are to follow Department policy. See MPP sections 3-10/115.00 Video Review and Advisement and MPP section 3-06/200.53, Viewing of Body Worn Camera Recordings.

**NOTE:** Department members assigned to Custody Operations shall follow Custody Division Manual section 7-07/000.00 regarding the process for review of recordings.

- Determine if Department members who used force or witnessed force prepared required reports before going off duty;
- Review first reports and separate supplemental for adequacy, accuracy, and completeness, and to ensure that, consistent with this section, the reports describe in detail the actions of the subject necessitating the use of force and the specific force used in response to the subject's actions. The reports should also include details regarding attempts to de-escalate prior to the use of force.
- In cases where a recording has been secured, if the supervisor determines, after their initial review of the video and the incident reports, that there is evidence of apparent misconduct, or it appears that a Department member failed to make proper notifications of the incident, the supervisor should consult with the watch commander or supervising lieutenant before proceeding further (refer to MPP 3-10/111.00, Use of Force Review - Watch Commander/Supervising Lieutenant's Responsibilities).
- Complete a "Supervisor's Report, Use of Force" or "Non-Categorized Force Incident Report" documenting each Department member who used force or witnessed force.
- Interview the attending physician or other qualified medical personnel when the subject is taken to a medical facility for examination as to the extent and nature of the subject's injuries, or lack thereof, and whether the injuries are consistent with the degree of force reported.
- If the subject is admitted to a medical facility or requires further medical treatment, it is the supervisor's responsibility to follow up with medical staff to ascertain if the injury was more serious than initially believed and make any necessary notifications in a timely manner; and
- Photograph and/or record the Department member's injuries, if appropriate.

In cases where the field sergeant or responding supervisor directed the use of force, the watch commander shall be advised of the supervisor's involvement, and a different supervisor shall be requested to respond and conduct the investigation. If no other supervisor is available, the involved supervisor shall document the reason why they were directed to conduct the inquiry/investigation and the name of the person who directed it.

If the force incident is a Category 3 Force that results in a response from the IAB Force/Shooting Response Team or Homicide Bureau, the field sergeant shall ensure that the injured have been cared for, all reasonable efforts have been made to apprehend subjects, and the scene is protected. After obtaining a public safety statement from the involved Department personnel, the field sergeant shall promptly notify the watch commander or supervising lieutenant of the force incident.

The field sergeant shall be limited to directing non-involved deputies to canvass for and obtain identifying information from witnesses and sequestering involved deputies if required.

**NOTE:** Refer to MPP 3-10/420.00 Supervisor's Responsibilities for additional information.

#### Force Packages: Sergeant Responsibilities

Sergeants/immediate supervisors reviewing reports regarding force incidents shall ensure that all pertinent information is contained in them. Particular attention should be given to the description of the use of force and

the subject's actions that led to the use of force, as well as the Department member's attempts at de-escalation and the subject's responses to those attempts. The sergeant/immediate supervisor shall

ensure that copies of such reports are forwarded to the concerned watch commander or supervising lieutenant for inclusion in the force package.

**NOTICE: The written reporting procedures related to Pointed Firearm at Person (PFP) (referred to as the PFP report) shall become effective once the PFP report form is published. The PFP report form is forthcoming.**

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## • 3-10/111.00 - Use of Force Review - Watch Commander/Supervising Lieutenant Responsibilities

### Interviewing Subjects

The watch commander or supervising lieutenant shall, with extreme priority, personally examine any subject upon whom force has been used and, except in Pointed Firearm at Person (PFP) Incidents or Category 3 Force incidents, interview the subject regarding the incident.

Except in the most compelling of circumstances, personnel involved in the use of force, including participants, witnesses, and supervisors directing force, shall not be present when the interview is conducted. If compelling circumstances require their presence, detailed justification shall be made in all supervisors' subsequent reports.

When interviewing subjects regarding use of force incidents, the watch commander or supervising lieutenant shall ask the subject if they have any injuries, the nature of the injuries, and if they want medical treatment. These questions must be asked whether or not the subject has any apparent injuries (refer to section 3-10/110.00, Use of Force Review - Sergeant Responsibilities). If the subject is taken to a medical facility for examination or treatment, the watch commander or supervising lieutenant shall ensure that a supervisor interviews the examining physician or qualified medical personnel as to the extent of the injuries, or lack thereof, and whether the injuries are consistent with the force reported.

The watch commander or supervising lieutenant shall ensure that the interview of the subject is recorded on video and, if appropriate, photographs are also taken, paying particular attention to any known or alleged areas of injury (obtain subject consent for photographing injuries hidden by clothing). Where practical, the subject should not be interviewed during actual medical treatment. Prior to beginning the interview, the time, date, and location of the interview shall be clearly stated, along with the names, ranks, and employee numbers of all persons present.

When a subject must be transported from the field directly to County-USC Medical Center (LAC+USC), Inmate Reception Center (IRC), Century Regional Detention Facility (CRDF), or Twin Towers for booking, the watch commander or supervising lieutenant shall arrange to interview the subject at the booking site.

### Completion of Investigations

After interviewing a subject in incidents involving directed force, the watch commander or supervising lieutenant shall determine who should complete the initial investigation. When a unit supervisor who did not direct the force is available, that non-involved supervisor should complete the initial investigation.

If a non-involved supervisor is not available, the watch commander or supervising lieutenant shall complete the initial investigation. The involved supervisor shall never complete the initial investigation.

The watch commander or supervising lieutenant shall ensure that preliminary data is entered into the Preliminary Data Entry (PDE) system within the first 24 hours of receiving the PFP report, or as soon as possible thereafter.

Except in the case of an Internal Affairs Bureau (IAB) Force/Shooting Response Team rollout, in situations involving very large numbers of potential witnesses, the watch commander or supervising lieutenant shall determine the appropriate scope of the witness canvass that would be necessary to sufficiently document the force incident.

In cases where a supervisor has reviewed video of an incident and determined that there is evidence of apparent misconduct, or it appears that a Department member failed to make proper notifications of the incident, the watch commander or supervising lieutenant shall determine the nature and seriousness of the matter. The watch commander or supervising lieutenant shall contact the unit commander, who shall decide if an administrative or criminal investigation is warranted, including the necessity for an immediate response by IAB or the Internal Criminal Investigations Bureau (ICIB). If an administrative or criminal investigation is initiated, the force investigation will be conducted as part of that investigation. If it is determined that an administrative or criminal investigation is not warranted, then the force investigation shall be completed by the watch commander or supervising lieutenant. If an involved Department member is not allowed to view video of an incident due to possible misconduct, the watch commander or supervising lieutenant shall notify the Department member they may be subject to an investigation.

With respect to any Pointed Firearm at Person (PFP) Incident:

- The watch commander or supervising lieutenant will review all relevant video footage of the incident as part of their review.
- The watch commander or supervising lieutenant shall contact the unit commander if they believe there is apparent misconduct or a policy violation. The unit commander shall decide if an administrative or criminal investigation is warranted, including the necessity for an immediate response by IAB or the Internal Criminal Investigations Bureau (ICIB).
- The watch commander or supervising lieutenant shall also note any tactical or safety issues and refer the Department member for additional training if needed.
- The watch commander or supervising lieutenant will address any concerns with the PFP report and associated narrative and return it to the involved Department member through the chain of command if necessary. Any revisions or additional review shall be completed within five days after the return to the involved Department member.

### Force Packages: Watch Commander Responsibilities

The watch commander or supervising lieutenant shall prepare and submit a force package to the unit commander for all reviews of force not conducted by an IAB Force/ Shooting Response Team as soon as possible, but no later than 21 days after the incident, unless otherwise directed. The watch commander or supervising lieutenant is responsible for detailing the results of their review and recommendation as to whether further action or investigation is warranted in the appropriate section of the "Supervisor's Report, Use of Force" or "Non-Categorized Force Incident (NCFI) Report". The watch commander or supervising lieutenant is to consider the factors listed in MPP 3-10/020.00 when determining if the force was objectively reasonable, proportional, and reasonably appeared to be necessary.

The force package (excluding NCFI packages) shall include the following items:

- "Supervisor's Report, Use of Force" (SH-R-438P);
- Copy of SH-R-49 and related supplemental reports;
- Copy of in-service rosters for the concerned shift(s);
- Documentation showing suitable treatment from qualified medical personnel was sought and/or received;
- Photographs and/or video recordings of subject's injuries or areas of alleged injury (copies of booking photographs may also provide excellent documentation);
- Copies of any recorded interviews conducted by supervisors during the investigation;
- Any related material which is deemed significant or serves to further document the incident, such as dispatch or complaint telephone records, other photos, etc.;
- The video and related material shall be placed in a manila envelope. A "Use of Force Package – Attachments" label shall be affixed on the top, front of the envelope. The label itemizes related material and identifying data from the Use of Force Package; and
- All videos and related material contained in the envelope shall be labeled with the Use of Force Package URN.

### Requesting an Internal Affairs Bureau Force/Shooting Response Team

The watch commander or supervising lieutenant is responsible for making an immediate verbal notification to the on-call Internal Affairs Bureau (IAB) lieutenant in any of the following situations:

- All incidents in which Department members are shot;
- All shootings by any Department member, both on-duty and off-duty, including accidental discharges, warning shots, and shooting at animals;

- Hospitalizations due to injuries caused by any Department member;
- Skeletal fractures caused by any Department member;
- Category 2 or 3 Force used by any Department member during or following a vehicular or foot pursuit;
- All large party situations where Category 2 or 3 Force is used;
- Injury or complaint of injury to a person's face, head, or neck area, resulting in medical evaluation and/or treatment, following contact with any Department member. (This does not apply to contamination due to oleoresin capsicum spray, Freeze+P or deep freeze aerosols, or PepperBall projectile powder);
- All strikes to the face, head or neck with an impact weapon or other object;
- All strikes to the face, head or neck with hands or fists;
- Kick(s) to a subject's face, head, or neck;
- Knee strike(s) to a subject's face, head, or neck;
- Any situation wherein a Department member pushes, shoves, takes down, or otherwise causes a person to hit their head against a hard object (e.g., roadway, driveway, concrete floor, wall, door jamb, jail bars, etc.);
- Canine bites resulting in medical treatment;
- The use of improvised weapons or techniques;
- Any death following a contact with any Department member;
- All inmate deaths;
- Any of the above uses of force witnessed by a Department member applied by personnel from another law enforcement agency involved in an operation with department personnel; or
- At any scene where the Sheriff's Response Team (SRT) is deployed.

The IAB lieutenant shall determine whether the response of an IAB Force/Shooting Response Team is appropriate. If a response team is to be sent, the IAB lieutenant shall direct the watch commander or supervising lieutenant as to whether to conduct a subject interview.

The watch commander shall respond to the location when an employee discharges a firearm, whether intentional or unintentional. The involved employee's unit commander shall respond to the location (if within Los Angeles County) when the employee, on or off duty, intentionally discharges a firearm at a person, whether or not anyone is hit, as well as to any type of shooting by the employee which results in a person being hit. The involved employee's division commander shall also be verbally notified and shall respond to the location (if within Los Angeles County) when the employee, on or off duty, intentionally discharges a firearm at

a person, whether or not anyone is hit, as well as to any type of shooting by the employee which results in a person being hit. Exceptions must be approved by the involved employee's division chief or division director.

In any situation in which an IAB Force/Shooting Response Team responds to conduct a force review, the watch commander or supervising lieutenant shall cooperate with and assist team personnel in conducting the review. Neither the watch commander, supervising lieutenant, nor the sergeant shall conduct a subject interview unless directed to do so by the IAB lieutenant. A unit-level force package shall not be submitted on any force incident which is documented by IAB Force/Shooting Response Team personnel who have responded to the scene.

**NOTICE: The written reporting procedures related to Pointed Firearm at Person (PFP) (referred to as the PFP report) shall become effective once the PFP report form is published. The PFP report form is forthcoming.**

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### • 3-10/112.00 - Use of Force Review - Unit Commander Responsibilities

The unit commander shall ensure that preliminary data is entered into the Preliminary Data Entry (PDE) system within the first 24 hours of the force incident or as soon as possible thereafter.

#### Force Packages

The unit commander shall promptly evaluate all force packages and the watch commander or supervising lieutenant's findings concerning the use of force. The unit commander shall determine if further action or investigation is necessary.

In determining if further action or investigation is necessary, the unit commander shall consider whether the reports and witness statements are complete and consistent; there are unexplained injuries to the subject against whom force was used or injuries to the head, eyes, throat, spine, or groin areas; the subject was in mechanical restraints when force was applied; the objective evidence corroborates any allegations of unreasonable force by the subject; whether emergent circumstances required the use of an improvised weapon; and whether authorized tactics, equipment, and devices were used in accordance with Department policies and procedures. There shall be a presumption that further investigation is necessary if a subject sustains unexplained injuries or there is evidence that face, head, or neck strikes were used by Department members (whether by fists, knees, feet, or weapons) against a handcuffed subject.

If further investigation is warranted, the unit commander may either initiate an administrative investigation or request an investigation by the Internal Criminal Investigations Bureau (ICIB) or both. The unit commander shall ensure that the member(s) who used force is notified as soon as possible in any case requiring further investigation.

Unit commanders shall hold supervisors accountable for the quality and timeliness of their investigations.

The unit commander shall ensure that unit-level force packages are complete and reviewed/approved by the handling watch commander no later than 21 days after the incident unless otherwise directed. The unit commander shall ensure unit level force packages are processed in a timely manner, and that unit personnel utilize a tracking system in order to track force packages.

The unit commander shall ensure that completed/approved force packages are either submitted to the Discovery Unit or forwarded to division, as required below. Force packages not submitted to the Discovery Unit within 60 days of the unit commander's or concerned division's final approval of the force investigation will be considered overdue. Thirty-day extensions may be authorized by the division commander. Failure to timely submit force packages, absent written consent by the division commander, does not comply with performance standards.

In all use of force incidents wherein the on-call IAB Lieutenant was notified or when a subject was transported to a hospital for medical treatment, the unit commander shall forward the force package to the division chief or division director for their review.

Any force package requiring division review shall be forwarded within 35 days of the incident unless otherwise directed by the chief or division director.

Involved employees are entitled to a copy of the completed "Supervisor's Report, Use of Force" or "Non-Categorized Force Incident Report." The unit commander shall ensure that the involved employee(s) receives a copy if so requested.

#### Use of Force Analysis

It is imperative that leaders of the Department be personally informed about issues involving the use of force.

Whenever a Department supervisor or manager prepares or receives an analysis, the concerned unit commander shall ensure that a copy of any analysis on systemic issues regarding use of force investigations or use of force trends in the unit commander's facility is delivered to the Office of the Sheriff, the Office of the Undersheriff, the Office of the Assistant Sheriffs, and the Office of Constitutional Policing via their chain of command.

**NOTICE: The written reporting procedures related to Pointed Firearm at Person (PFP) (referred to as the PFP report) shall become effective once the PFP report form is published. The PFP report form is forthcoming.**

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### **• 3-10/113.00 - Use of Force Review - Area Commander or Assistant Division Director Responsibilities**

The area commander or assistant division director shall review and make determinations on whether the use of force was within policy on all Category 2 use of force incidents. The area commander or assistant division director shall conduct their review of the unit-level force review and forward the approved force package to the Discovery Unit. In the event the area commander or assistant division director does not concur with the unit-level force review, they may specify to the unit commander the additional steps necessary to satisfactorily complete the package or notify the unit commander of Internal Affairs Bureau or Internal Criminal Investigations Bureau and request an administrative and/or criminal investigation.

The area commander shall notify the division chief of the below use of force incidents:



- Incidents where there is no concurrence between the area commander and the unit commander;
- Incidents that have been referred for an administrative investigation; and
- Incidents that result in an IAB Force Response Team.

**NOTICE: The written reporting procedures related to Pointed Firearm at Person (PFP) (referred to as the PFP report) shall become effective once the PFP report form is published. The PFP report form is forthcoming.**

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### • 3-10/114.00 - Use of Force Review - Division Chief or Division Director Responsibilities

The division chief or division director shall review and make determinations on whether the use of force was within policy for the following types of incidents:

- Incidents where there is no concurrence between the area commander and the unit commander;
- Incidents that have been referred for administrative investigation; and
- Incidents that have been referred to the Executive Force Review Committee.

The division chief or division director shall take preventative steps to curb problematic trends, including recommending the issuance or revising of policies, directives, or training bulletins.

**NOTICE: The written reporting procedures related to Pointed Firearm at Person (PFP) (referred to as the PFP report) shall become effective once the PFP report form is published. The PFP report form is forthcoming.**

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### • 3-10/115.00 - Video Review and Advisement

The accuracy of reports, Department member statements, and other official documentation is essential for the proper administration of justice and complying with the Department's obligation to maintain full and complete records of enforcement and investigative activities. Investigators, supervisors, prosecutors, and other officials rely on complete and accurate records to perform their essential duties and responsibilities. Department members may review recordings prior to documenting an enforcement or investigative activity to ensure their reports, statements, and documentation are as accurate and complete as possible (Department members who use force in a Custody Services Division setting shall follow the Custody Division Manual section 7-07/000.00, Use of Force Review Procedures, regarding viewing of recordings).

If a Department member does not review recordings before submitting a report or memorandum, the member must document that fact in their report or memorandum.

The following shall apply for Category 3 Use of Force Incidents:

- Department members involved in or witnessing known Category 3 use of force incidents, including deputy-involved shootings, shall not view any recordings until authorized by the handling Internal Affairs Bureau (IAB) lieutenant or, in cases where IAB does not handle the matter, the handling Homicide Bureau lieutenant or watch commander;
- Once authorized, the Department member shall have a right to review recording, as deemed appropriate by the assigned lieutenant, prior to being interviewed;
- A Department member may have an employee representative present during the review of recordings without any investigator or supervisor present; and
- The separation and monitoring of Department members involved in a shooting shall be maintained during the review of recordings and such review shall not occur jointly among involved members.

Prior to reviewing any video recording, Department members shall read the following advisement:

#### **VIDEO ADVISEMENT**

*You are about to view a video recording. It is important to understand that while this recording depicts visual information from the scene, the human eye and brain could perceive some things in stressful situations differently than a camera records them, so this photographic record may not reflect how the involved personnel actually perceived the event.*

*The recording may depict things that personnel did not see or hear. Personnel may have seen or heard things that were not recorded by the camera. Depending on the speed of the camera, some action elements may not have been recorded or may have happened faster than personnel could perceive and absorb them. The camera has captured a 2-dimensional image, which may be different from a person's 3-dimensional observations. Lighting and angles may also have contributed to different perceptions.*

*This recording is being shown in order to facilitate recollection of the incident. Video images are only one piece of evidence to be considered in reconstructing and evaluating the totality of the circumstances. Some elements may require further exploration and explanation before the investigation is concluded.*

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### **• 3-10/118.00 - Performance to Standards - Use of Force**

The evaluation of a Department member's performance includes the strategies or tactics used leading up to, during, and following a use of force. These strategies and tactics shall be evaluated in terms of whether or not they comply with Department policies, procedures, and training.

The following are examples of types of tactical considerations that shall be evaluated under this policy:

- Approach of Subject
- Approach of Vehicle
- Availability and Deployment of Personnel, Equipment, and Weapons
- Background (consideration of surroundings, risk to bystanders)

- Communication
- Concealment
- Coordination
- Cover
- De-escalation efforts and crisis stabilization techniques
- Distance
- Field of Fire
- Fire Discipline
- Foot Pursuit
- Incident Command
- Partner Splitting
- Planning
- Position of Advantage
- Potential for Crossfire
- Shooting Backdrop (harm to bystanders)
- Shooting at Moving Vehicle
- Summoning additional resources
- Supervision
- Subject Control
- Tactical Repositioning
- Taking Independent Action
- Target Acquisition
- Use of Time or Slowing Down the Event
- Vehicle Pursuit

- Warning Shots

NOTE: Refer to MPP 3-10/150.00 Tactical Incidents for further information.

A Department member's performance associated with the use of force that does not comply with Department policies, procedures, and training may subject that Department member to discipline under this section.

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### • **3-10/120.00 - IAB Force/Shooting Response Teams**

To enhance the Department's quality assurance and control and ensure Department-wide consistency in the review process, IAB Force/Shooting Response Teams shall respond to and investigate certain force and high-risk incidents and prepare reports that include, but not be limited to, the following: multi-perspective reviews of the incident; reviews of adherence to policy and performance standards; reviews of adherence to Department training; recommendations for changes in policy and training; assessments of the civil liability the Department is exposed to by our operations and procedures; and reviews of other pertinent issues.

The IAB Force/Shooting Response Teams consist of representatives from various Department Units, such as Internal Affairs Bureau, Training Bureau, Civil Litigation, Traffic Services, Risk Management, Custody Training, and Mental Evaluation Team, depending on the type of incident and the expertise required.

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### • **3-10/130.00 - Activation of the IAB Force/Shooting Response Teams**

Watch Commanders and Supervising Lieutenants are required to make immediate verbal notification to the on-call IAB Lieutenant whenever any of the following occur:

- All incidents in which Department members are shot;
- All shootings by any Department member, both on-duty and off-duty, including unintentional discharges, warning shots, and shooting at animals;
- Hospitalizations due to injuries caused by any Department member;
- Skeletal fractures caused by any Department member;
- Category 2 or 3 Force used by any Department member during or following a vehicular or foot pursuit;
- All large party situations where Category 2 or 3 Force is used;
- Injury or complaint of injury to a person's face, head, or neck area resulting in medical evaluation and/or treatment following contact with any Department member (this does not apply to contamination due to Oleoresin Capsicum spray, Freeze +P, or Deep Freeze aerosols, or PepperBall projectile powder);
- All face, head, or neck strikes with an impact weapon or other object;
- All face, head, or neck strikes with hands or fists;

- Force resulting in serious bodily injury;
- Kick(s) to a subject's face, head, or neck;
- Knee strike(s) to a subject's face, head, or neck;
- Any situation wherein a Department member pushes, shoves, takes down, or otherwise causes a person to hit their head against a hard object (e.g., roadway, driveway, concrete floor, wall, door jamb, jail bars, etc.);
- Canine bites resulting in medical treatment;
- Any use of improvised weapons or techniques;
- Any death following a contact with any Department member;
- All inmate deaths;
- Any of the above use of force witnessed by a Department member applied by personnel from another law enforcement agency involved in an operation with Department personnel; or
- At any scene where the Sheriff's Response Team (SRT) is deployed.

The on-call IAB Lieutenant shall evaluate the information and determine if an IAB Force/ Shooting Response Team activation is required. The on-call Lieutenant shall also determine the appropriate make-up of each team and will cause the notification of those personnel.

The following types of incidents shall require mandatory activation of an IAB Force/ Shooting Response Team by the on-call IAB Lieutenant:

Inmate deaths from other than obvious natural causes, including murders, suicides, overdoses, or accidents, and the following Category 3 Force:

- All shootings in which a shot was intentionally fired at a person by a Department member;
- Any type of shooting by a Department member which results in a person being hit,
- Force resulting in admission to a hospital;
- Any death following a use of force by any Department member;
- All face, head, or neck strikes with an impact weapon or other object;
- All face, head, or neck strikes with hands or fists;
- Kicks or knee strikes to a subject's face, head, or neck;

- Striking a subject's face, head, or neck against a hard, fixed object; or
- Skeletal fractures caused by a Department member.
- Any improvised weapons or techniques.

**NOTE:** Carotid restraint and choke holds are not authorized. However, any use of force to a suspect's neck or throat shall be a mandatory IAB rollout, regardless of the level of injury incurred by the suspect.

The IAB Force/Shooting Response Team shall prepare an administrative review of each incident, which shall be submitted to the Executive Force Review Committee, with an additional level of independent oversight. The captain of Internal Affairs Bureau is responsible for establishing an incident file containing the IAB Force/Shooting Response Team's reports and for ensuring that they are entered into the Performance Recording and Monitoring System (PRMS).

If at any time the response team IAB lieutenant determines that an administrative investigation is warranted, he or she shall brief the concerned unit commander and, with the concurrence of the concerned division chief or division director, shall direct the IAB investigators to commence an investigation. If IAB determines that the conduct of any Department member may have been criminal in nature, the IAB Force/Shooting Response Team lieutenant shall immediately notify the concerned unit commander and, with concurrence of the concerned division chief or division director, turn the investigation over to the Internal Criminal Investigations Bureau (ICIB).

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### • 3-10/132.00 - Use of Force Training - Demonstrated Knowledge

Department members, including investigators and supervisors, shall attend training at regular intervals on all use of force policies and shall be provided the opportunity to demonstrate their knowledge and understanding of these policies during POST Continuing Professional Training (CPT) courses.

Department members shall attend training on de-escalation techniques at regular intervals, including alternatives to the use of force.

Training on use of force policies and the use of force in general shall include guidelines regarding vulnerable populations, including, but not limited to children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.

Training in the use of force shall be consistent with POST guidelines.

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### • 3-10/140.00 - Executive Force Review Committee

The Executive Force Review Committee (EFRC) is comprised of three area commanders, one of whom shall be designated as the chairperson by the Professional Standards Division chief.

The EFRC shall evaluate every shooting and force incident wherein the activation of an Internal Affairs Bureau (IAB) Force/Shooting Response Team is required pursuant to section 3-10/130.00, Activation of IAB

Force/Shooting Response Team. Incidents occurring within Custody Division that require the activation and response of the IAB Force/Shooting Response Team shall be evaluated by the Custody Force Review Committee (CFRC). The CFRC will recommend the level of discipline for each employee deemed to have violated Department policy, except for shootings, off-duty incidents, and incidents that occur away from custody facilities involving non-inmates. The evaluations for these exceptions shall remain with the EFRC.

The EFRC shall meet regularly to review and evaluate all cases enumerated above. In addition to the concerned employee's unit commander, meeting participants shall include the Internal Affairs Bureau investigator, as well as representatives from the Training Bureau, Advocacy Unit, and Risk Management Bureau.

The members of the EFRC shall be provided copies of the IAB Force/Shooting Response Team's investigations prior to each meeting. In addition, documents may be provided by the Training Bureau, Risk Management Bureau, or any other relevant/appropriate Department bureau or unit. Based on these reports, the members of the EFRC shall evaluate each incident and determine if the conduct of Department personnel was within established policies and/or consistent with established procedures. The EFRC members shall also evaluate the tactics of the personnel involved, whether the actions of Department personnel were consistent with Department training, and whether Department members used/deployed proper safety equipment. EFRC members shall set forth their analysis in writing when deciding on whether a force incident was within policy.

After their initial review of the incident, the members of the EFRC may 1) make a finding and recommend the level of discipline if the EFRC determines that the investigation has revealed that an employee violated Department policy or 2) return the case for additional investigation and direct that the case be re-presented to the EFRC for disposition.

**NOTE:** An administrative or criminal investigation may be opened at any time during the force/shooting investigation if warranted (refer to MPP section 3-10/130.00, Activation of IAB Force/Shooting Response Teams).

The EFRC chairperson shall report the findings of the EFRC to the concerned employee's unit commander via memorandum, detailing the factual basis for all findings that actions and tactics were within or out of policy. If the employee's conduct is determined to be in violation of established Department policy, the specific Manual of Policy and Procedures section(s) shall be cited. Exemplary performance or conduct will also be acknowledged, and appropriate commendations recommended. Similarly, recommendations to debrief involved and/or uninvolved personnel, provide additional training, or conduct counseling also are included in the final memorandum. Issues concerning tactics, training, and/or policy revisions shall be cited, and a memorandum forwarded to the appropriate Department unit/bureau for consideration.

**NOTE:** In cases where the EFRC fails to reach a unanimous decision, the matter will be referred to the chief of the Professional Standards Division for review and resolution before the case is adjudicated and/or any findings are published. If a unanimous decision still cannot be reached, the chief shall be responsible for arranging a presentation of the case facts to the Undersheriff for a final decision.

The findings of the EFRC shall be forwarded to the concerned employee's unit commander. Within thirty (30) business days, the concerned unit commander shall evaluate the EFRC's findings, act on their recommendation(s), document his/her actions, and return the documents, through channels, to the EFRC chairperson. If the EFRC has determined that a violation of an established policy occurred, the EFRC shall identify the policy violation(s) and determine the appropriate level of discipline for each employee deemed to

have violated Department policy.

In the event the concerned unit commander disagrees with the findings and/or recommendations of the EFRC, the dissent must be articulated in a memorandum to the concerned division chief or division director, detailing the factual basis for disputing the findings that the actions were within or out of policy. The unit commander shall also consult with a Constitutional Policing Advisor designated by the Director of the Office of Constitutional Policing before forwarding the memorandum to his or her division chief or division director. The division chief or division director shall present the matter to the chief of the Professional Standards division for review and concurrence before the case is adjudicated and/or any findings are published. If a concurrence cannot be reached, the Professional Standards Division chief shall be responsible for arranging a presentation of the case facts to the Undersheriff for a final decision.

Division chiefs or division directors who seek to modify discipline or findings agreed upon during the EFRC process shall author a memorandum to the Undersheriff describing any information to be considered as a reason to modify the panel's findings and recommendations.

The concerned unit commander is responsible for ensuring adherence to any recommendations by the EFRC. Any action taken shall be documented by the concerned unit commander on the "Unit Commander Response" and returned to the EFRC chairperson.

The entire IAB Force/Shooting Response Team case file, including all reports and documents describing the EFRC's findings and recommendations, the concerned unit commander's response, documentation of all remedial and/or disciplinary actions taken, and appropriate disposition sheets, shall be maintained by the EFRC staff. All appropriate databases shall be updated by EFRC staff based upon the information contained within the IAB Force/Shooting Response Team case file.

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## • 3-10/150.00 - Tactical Incidents

The fundamental duty of all Department members is to protect life and property.

Department members shall be guided by sound tactical principles when involved in any tactical incident. The tactics employed by Department members shall be governed by applicable Department policies, accepted training practices, the exigency of the circumstances, and the application of sound judgment and common sense. Adherence to policies, training, and supervision is critical in preventing an unreasonable response to fear and resolving incidents in the safest manner possible. When reasonable under the totality of circumstances, Department members should use de-escalation techniques such as advisements, verbal persuasion, and other force prevention tactics focused on increasing officer and/or public safety. The Department's Core Values, a reverence for human life, and the safety of all parties shall be considered when deciding on a resolution to a tactical incident.

Following any tactical incident, regardless of significance, the conduct of Department members may be evaluated for compliance with established Department policies and state and federal statutes. A primary consideration in determining sound tactics is whether the actions by Department members increase or decrease officer safety, and/or public safety. All Department members shall be prepared to clearly articulate the circumstances which supported their decisions.



**NOTE:** Tactical incidents include, but are not limited to: responses to crimes in progress, building searches and/or area containment, barricaded suspects, hostage situations, active shooters, foot or vehicle pursuits, pedestrian or traffic stops, missing persons, and any other law enforcement situation where sound principles and tactics should be employed.

The concepts commonly referred to as the six “C”s - COMMAND, CONTAIN, CONTROL, COMMUNICATE, COORDINATE, and CONTINGENCY - shall serve as a guide for all Department members involved.

Tactical incidents commonly share characteristics which must be constantly evaluated and, in most cases, analyzed to ensure a successful conclusion and enhance officer safety in future similar events. A seventh “C” - CRITIQUE - is equally important and shall be performed at the conclusion of any tactical incident.

The scope and sophistication of this critique (commonly referred to as a “debriefing”) shall be dictated by the scope and sophistication of the incident. The critique should include a comprehensive analysis of those tactics and techniques which contributed to the success of the operation, while thoroughly evaluating those which proved unproductive. The critique shall be performed in a timely manner (preferably immediately following the event), attended by all involved members and, when appropriate, facilitated by a supervisor. Discretion shall be used by supervisors when critiquing actions which appear to be in violation of Department policy or established law. Supervisors and managers shall make every effort to maintain the technical and tactical proficiency of their subordinates through training, debriefings, tactical discussions, and engaged supervision.

#### Incident Command

Department members at the scene of, or directly involved in, a tactical incident shall demonstrate regard for incident command. In addition, all Department members have a positive duty to actively provide appropriate coordination and ensure communication is shared among participating Department members.

To ensure clarity, avoid confusion, and minimize risk to those involved, the following list of commonly used leadership/incident command terms and their definitions/significance is provided. All Department members shall expect that their conduct may be evaluated based on their adherence to the following principles.

<b>Command</b>	The exercise of <b><i>complete authority</i></b> to direct the actions of others during a tactical incident.
<b>Communication</b>	Accomplished by radio, telephone, direct voice, hand and arm signals, or any other means in which the recipient(s) receives and understands the message and intent.

<b>Contain</b>	A coordinated response for the purpose of isolating and apprehending a person(s) attempting to avoid arrest, detention, or detection, or to locate critically missing person(s).
<b>Contingency</b>	A backup plan or the coordinated process of considering a future, unplanned event.
<b>Control</b>	When a supervisor or Department member is able to communicate with and coordinate or direct the actions of other Department members.
<b>Coordination</b>	When command Department members are able to organize and direct the actions of all Department members at the scene of a tactical operation to reduce friction, eliminate conflict(s), and integrate efforts to achieve a successful resolution to a specific mission.
<b>Critique</b>	A comprehensive debriefing conducted with all Department members involved in an incident to discuss tactics and other issues identified during a tactical operation. The critique should include a comprehensive analysis of those tactics and techniques which contributed to the success of the operation, while thoroughly evaluating those which proved unproductive. The critique shall be performed in a timely manner (preferably immediately following the event), attended by all involved members and, when appropriate, facilitated by a supervisor.
<b>Tactical Dilemma</b>	A choice between two or more disagreeable alternatives. The goal of every adversarial operation is to place the suspect in a position where surrender is likely and resistance is futile. Dilemmas can be created with space or time.

### High Risk or Armed Suspects

The intent of this section is to increase the safety of Department members and minimize the potential for Department member created jeopardy where Department members place themselves unnecessarily in harm's way.

When dealing with a high risk or suspected armed suspect, Department members shall be cautiously persistent in performing their duties. Consistent with this philosophy, while every situation is not absolute, in many cases, it may be safer to chase to contain rather than chase to apprehend.

This policy shall be considered when assessing the tactical performance of Department members involved in deadly force situations. Moreover, the following specific tactical considerations should be utilized when a

Department member is confronting high risk or armed suspects.

### Specific Tactical Considerations

Similarly, the following list of definitions and their significance are general principles which shall be considered and/or employed by all Department members involved in a tactical operation (where appropriate).

<b>Concealment</b>	Anything which conceals a person from view.
<b>Cover</b>	Anything which provides protection from bullets or other projectiles fired or thrown. Cover is subjective and its effectiveness depends upon the threat's ballistic capability (handgun, rifle, etc...).
<b>Cover Fire</b>	Target specific controlled fire which is directed at an adversary who poses an imminent and ongoing lethal threat. This tactic shall only be utilized when the use of deadly force is legally justified. Target acquisition and communication are key elements in the successful use of this tactic. Department members employing cover fire must establish their reason(s) for utilizing this tactic.
<b>Tactics</b>	The methods and concepts used to accomplish a particular objective or mission.
<b>Cross Fire</b>	A situation created when Department members find themselves in a position where their field of fire and/or shooting backdrop is occupied by another Department member who may engage the same intended target.
<b>Danger Area</b>	Any area which lacks or has limited cover and avenues of escape and offers a significant advantage to an adversary (doorway, hallway, staircase, alley, open area, etc.).
<b>Designated Shooter</b>	Department members assigned to deploy a firearm to protect other Department members performing a specific mission in an operation and otherwise unable to defend themselves. Designated shooters are responsible for covering a specific threat while other Department members involved in the operation perform specific tasks that may require their weapon be holstered or secured. These specific tasks include, but are not limited to: searches of suspects, arrest teams deployment of less lethal weapons, crowd control, and employees involved in K-9 searches.

<b>Field of Fire</b>	The lane of fire between a shooter and an intended target that will likely be subjected to the impact of fired rounds. A field of fire is not restricted to a direct line between the shooter and intended target, but may be altered as a result of ricochets or skipped or fragmented rounds. A field of fire is limited by the individual characteristics of the weapon deployed.
<b>Fire Discipline</b>	A controlled and measured rate of gunfire, usually two or three round bursts, which emphasizes maximum accuracy and efficiency and is achieved through constant reassessment and target re-acquisition (if necessary).
<b>Independent Action</b>	Any independent act taken outside a plan and/or without communicating or coordinating intentions with other involved Department members.
<b>Kill Zone</b>	An area in which concentrated fire is intended to neutralize an adversary by exploiting terrain and the impact of fire.
<b>Partner Splitting</b>	Partner splitting during a foot pursuit occurs when loss of visual contact, distance, or obstacles, separates partners to a degree that they cannot immediately assist each other should a confrontation take place.
<b>Point of Aim</b>	The specific location the muzzle of a weapon is directed and a fired round is intended to strike.
<b>Shooting Backdrop</b>	An area behind an intended target which may be subjected to the impact of rounds fired from a weapon. A shooting backdrop will rarely be static as it will change as the target and/or shooter change their position and point of aim.
<b>Sight Alignment</b>	When the top of the front sight is even with the top of the rear sight and there is an equal amount of light visible on either side of the front sight combat shooting sight alignment is defined as the use of the front sight blade only and is generally used at close distances, usually under 15 feet.
<b>Target Acquisition</b>	The practice of identifying a specific threat and placing that threat within point of aim or sight alignment.
<b>Tactical Position of Advantage</b>	A position which maximizes the ability to control, monitor, or engage a threat in the safest manner possible.

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## • 3-10/170.00 - Hobbling Definition and Procedure

A person is considered hobbled when they are handcuffed, their ankles are held together with a “Ripp Hobble” restraint device, and the clip end of that device is not connected to the handcuffs. The Ripp Hobble is the only Department-approved hobble restraint device. Refer to section 3-03/270.00 for its exact specifications.

A hobbled person may be transported via radio car. They shall be seated upright in the rear seat of the radio car and secured by a seat belt. The long lead of the Ripp Hobble will be placed outside of the rear door. The rear door shall be closed and the long lead will then be placed in the adjacent front door of the radio car, leaving the lead’s clip end on the front floorboard. The front door can then be closed, thus preventing the long lead from becoming entangled in the rear tire of the radio car.

**NOTE:** For purposes of this section and section 3-10/038.00, Reportable Use of Force and Force Categories, the hobbling of an **unresisting** person, absent any other factors which constitute reportable force, shall not constitute reportable force.

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## • 3-10/175.00 Total Appendage Restraint Procedure (TARP)

A Total Appendage Restraint Procedure (TARP) consists of simultaneously securing all of a person’s limbs (arms and legs). The individual’s arms (wrists) are immobilized with handcuffs, and their legs are immobilized with the Ripp Hobble restraint device. The clip end of the hobble restraint is then connected to the chain on the handcuffs.

### TARP Procedures

Because all circumstances cannot be planned for and persons under the influence of certain illicit drugs may be at higher risk of sudden cardiac arrest during extreme physical exertion and stress, the following is required in all situations when the TARP is applied. Any deviation from these procedures shall be under the most compelling of circumstances, and the reason(s) for such action shall be clearly articulated in the Force Review Package, watch commander’s memorandum (refer to section 3-10/111.00):

- Except for Department-approved training purposes, only those personnel who have received Department-authorized training in the use of the TARP may employ it on a person;
- When possible, a field supervisor shall respond to the scene, prior to the TARP being applied. Otherwise, the field supervisor shall immediately be summoned to the scene whenever a person has been TARPed;

- A person who has been TARPed shall remain TARPed until it appears their behavior no longer poses a serious or significant threat to their own safety, the safety of others, or the potential of damage to property;
- Except in exigent circumstances, a deputy shall be assigned and remain in close audible and visual observation and continuously monitor the respiratory status and level of consciousness of all persons restrained with the TARP;
- Every effort shall be made to ensure that a TARPed person either remains on their side (the left side is preferable) or is seated upright;
- When possible, emergency medical services personnel shall be requested to the scene, prior to the TARP being applied. Otherwise, emergency medical services personnel (e.g., paramedics, jail medical staff, etc.) shall immediately be requested to the scene whenever a person has been TARPed. This includes situations in which the person has been removed from the TARP prior to the summoning or arrival of emergency medical services personnel;
- Medical clearance for booking the TARPed person may be obtained from the emergency medical services personnel on scene; unless they recommend the TARPed person be evaluated at a medical facility. In these instances, the TARPed person shall be transported to a medical facility for a booking clearance;
- Every effort shall be made to videotape a TARPing incident including, but not limited to, the person's behavior prior to the TARPing, the actual application of the TARP, and the person's position and behavior after they have been TARPed;
- If a TARPed person stops breathing, they shall be removed from the TARP and the handcuffs taken off their wrists, leaving only the legs hobbled. Cardiopulmonary Resuscitation (CPR) procedures shall immediately be started and continued until relieved by emergency medical services personnel. Sufficient back-up deputies should be present in case the person regains consciousness and becomes violent; and
- If a person must remain TARPed, they shall be transported via ambulance. Deputy personnel shall always follow the instructions of the emergency medical services personnel when securing a TARPed person for ambulance transport.

A deputy should either remain in the ambulance to provide security or, if this is not possible, follow the ambulance via radio car.

Application of the TARP is considered "Category 2 Force." Refer to section 3-10/038.00 for additional information. Therefore, all force reporting procedures outlined in that section shall be followed.

The following information shall be documented in the watch commander's memorandum (Force Review Package) for a TARPing incident:

- The start and end times the subject was restrained in the TARP position;

- The emergency medical services agency that responded to the scene of the TARPing;
- How the subject was transported, and in what body position(s) they were placed during the transport;
- The length of time of the transport phase; and
- The observations of the subject's visible physical condition while TARPed and during the transport phase.

Additionally, if available, the following information shall be documented in the watch commander's memorandum (Force Review Package) for a TARPing incident:

- The observations of the subject's psychological condition while TARPed and during the transport phase; and
- Any alleged recent drug usage by the subject or indications by them that they suffer from cardiac or respiratory diseases (e.g., asthma, bronchitis, emphysema, etc.).

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### • **3-10/200.00 - Use of Firearms and Deadly Force (Retired, See section 045.00)**

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### • **3-10/210.00 - Use of Firearms on Animals**

The shooting of animals that are not a threat of serious bodily injury to a person has proved to be inherently dangerous to bystanders, as well as Department members. Therefore, Department members shall not use firearms to shoot animals fighting with other animals (e.g., dogs).

If it becomes necessary to destroy an injured animal (euthanasia) by use of a firearm and the conditions are such that there is an extended or inappropriate response time by the animal control agency, authorization to use a firearm on an animal must be obtained from an on-scene supervisor.

Department members may use firearms to employ deadly force when dealing with animals when they reasonably believe, based on the totality of the circumstances, that such force is necessary against an imminent threat of death or serious bodily injury to themselves or another person.

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### • **3-10/220.00 - Use of Firearms Against Vehicles and/or Occupants of Vehicles (Retired, See Section 055.00)**

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### • **3-10/300.00 - Deputy-Involved Shootings - General Provisions**

Definitions:

- Hit Shooting - Department member intentionally shoots at a person and any person is hit.

**NOTE:** Any type of shooting by a Department member which results in a person being hit will be investigated and documented in the same manner as a “hit shooting.” Exception: Incidents involving persons injured by gunfire at a Department range may or may not be handled according to the “hit shooting” protocol depending on the circumstances.

- Non-Hit Shooting - Department member intentionally shoots at a person and no one is hit.
- Warning Shot - Department member intentionally shoots as a warning, without intent to shoot at a person.
- Animal Shootings - Department member intentionally shoots at an animal, whether or not an animal is hit.
- Unintentional Discharge - The initial identification of an incident in which a firearm has been discharged by a Department member without the deliberate intention of the user of the firearm.
- Shooting, Other - Department member intentionally shoots at an object.

Immediate action shall be taken to care for the injured, to apprehend suspects, and to protect the scene. Assisting personnel should attempt to locate and identify any witnesses to the incident. Deputies shall refrain from discussing the incident until the arrival of the first supervisor. The involved personnel should briefly inform the supervisor of the circumstances surrounding the incident and what action has been taken.

The involved deputies shall then be immediately transported by a supervisor, if possible, or if not, by uninvolved deputies, to the station, unit of assignment or other suitable location. Involved personnel shall refrain from discussing the incident with anyone else until after being interviewed by Homicide Bureau investigators, or in shootings where no one has been wounded or killed, until each has written a detailed report articulating the circumstances leading to the encounter, the hazards/threats faced by deputies or others, and the reasons that the decision to use deadly force was made.

The watch commander or supervising lieutenant is responsible for making an immediate verbal notification to Homicide Bureau following any incident in which shots fired by a deputy result in a person being hit, and in any incident in which a deputy is shot. The watch commander or supervising lieutenant is also responsible for making an immediate verbal notification to the IAB on-call lieutenant following any deputy-involved shooting, including those in which no one is hit, as well as unintentional discharges, warning shots, and shooting at animals. The watch commander shall make an immediate verbal notification to the unit commander anytime an IAB Force/Shooting Response Team is activated. The watch commander shall respond to the location. The involved employee's unit commander shall respond to the location (if within Los Angeles County) when the employee, on or off duty, intentionally discharges a firearm at a person, whether or not anyone is hit, as well as to any type of shooting by the employee which results in a person being hit. The station unit commander shall also respond to every hit and non-hit deputy-involved shooting (on or off duty) within their station jurisdiction regardless of the involved employee's unit of assignment.

The Department duty commander or involved employee's division commander shall also be verbally notified and shall respond to the location (if within Los Angeles County) when the employee, on or off duty, intentionally discharges a firearm at a person, whether or not anyone is hit, as well as to any type of shooting by the employee which results in a person being hit. Exceptions must be approved by the involved employee's division chief or division director. If the location of the shooting is outside Los Angeles County, the involved employee's division commander shall evaluate the incident and determine whether their immediate response is necessary.



Except under exigent circumstances, a deputy-involved shooting scene shall be kept intact and protected until the conclusion of Homicide Bureau's investigation and/or the IAB Force/Shooting Response Team review. Expended brass, cartridges, magazines, etc., shall be left undisturbed. Fired weapons should be holstered or secured, consistent with standard evidence retrieval and preservation methods. Once secured, weapons shall not be handled or examined, except by Homicide Bureau investigators or by the IAB Force/Shooting Response Team personnel. Should a weapon be discarded during an incident, it shall be left undisturbed if at all possible.

In any situation in which an IAB Force/Shooting Response Team responds and conducts a shooting review, the watch commander/supervising lieutenant shall cooperate with and assist team personnel in conducting the review; however, unit-level personnel will not produce a shots fired or incident review. The watch commander/supervising lieutenant shall be responsible for securing the incident scene and identifying and sequestering witnesses as appropriate. In deputy-involved shooting incidents, witness interviews shall be conducted by Homicide investigators or, when no hit has occurred, by the IAB Force/Shooting Response Team members. The IAB Force/Shooting Response Team members may request unit-level supervisors to assist with witness interviews in "non-hit" shooting incidents.

All unintentional discharges will result in an administrative investigation. Refer to the Guidelines for Handling Unintentional Discharges.

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### • 3-10/310.00 - Preliminary Responsibilities

Deputy-involved shootings are likely the most critical incidents in which Department personnel become involved; therefore, they appropriately warrant an in-depth and objective analysis. A central component in this process is the collection of statements from every identifiable witness. The investigative process must be undertaken promptly and with the highest level of investigatory integrity, while at the same time, honoring the rights and needs of Department members.

The following investigative protocols have been established by the Department in order to ensure these objectives:

Personnel, either involved in, or a witness to, the event, shall not discuss the circumstances of the incident among themselves or with uninvolved persons prior to being interviewed by assigned Departmental investigators.

**NOTE:** The provisions of this policy regarding witness' statements shall not affect communications required for tactical needs or subsequent suspect apprehension.

Members who were either involved in or witnessed the incident may consult individually with legal counsel or labor representatives telephonically or in person before providing an interview with Departmental investigators. Members who were either involved in or witnessed the incident shall not consult with legal counsel and or labor representatives collectively or in groups (e.g. two or more members consulting at the same time with the same legal counsel/labor representative).

The Watch Commander and all supervisors shall take reasonable steps to ensure that the provisions of this policy are followed. Whenever practical, Watch Commanders or their designee shall attempt to have involved

personnel and witness personnel gather in the company of a supervisor until they have provided a statement to Departmental investigators. This practice shall in no way interfere with the member's individual access to legal/labor counsel, spiritual counsel, or otherwise impede access or availability to family members.

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- **3-10/400.00 - Deputy-Involved Shootings - Person Hit**

In any Deputy-involved shooting in which a person is hit, the following responsibilities shall be carried out by the members/Units designated.

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- **3-10/410.00 - Deputy Responsibilities**

The Deputy assigned to write the first report (SH-R-49) shall provide details briefly describing the initial contact between Department personnel and the suspect. The report shall conclude by stating that a shooting occurred. No further details about the shooting or why it occurred shall be written. With the exception of those firing weapons or witnessing the shooting, supplemental reports shall be written by all personnel involved with the shooting incident/scene to document their observations and actions.

A canvass of the immediate area for witnesses shall be conducted without delay and area canvass cards (SH-R-471) shall be completed and given to Homicide investigators. Deputies canvassing an area who submit supplemental reports need only write what area was canvassed and how many canvass cards were turned in to Homicide investigators.

Supplemental reports of civilian witness statements shall not be written by Field Deputies unless exigent circumstances exist. For example, if a witness refuses to stay at the scene, and a Deputy believes the witness' statement cannot be taken at a later time and must be taken immediately, the Deputy identifying the witness may interview the person and complete a supplemental report to document the interview. If possible, the interview should be recorded (audio or video).

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- **3-10/420.00 - Supervisor's Responsibilities**

The first supervisor to arrive at the scene shall ensure that the injured have been cared for, suspects have been apprehended, and the scene has been protected. After obtaining a brief description of the circumstances from them, the supervisor shall ensure that involved personnel are transported to the Station, Unit of assignment, or other suitable location without delay by uninvolved Deputies.

The first supervisor at the scene shall ensure that all civilian witnesses have been identified and shall attempt to have the witnesses, except for immediate family members, transported to the Station to be interviewed by Homicide investigators. Immediate family members of the wounded or deceased person, who may be witnesses, shall also be identified. If possible, considering the emotional impact of the situation, brief facts should be obtained to determine the extent of their knowledge of the incident. This information shall be furnished to Homicide Bureau investigators, who have the responsibility of determining the need for interviewing family members.

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Supervisors, both at the scene and at the Station, shall ensure that no one questions or interviews involved personnel, except as set forth above, until the arrival of Homicide investigators, and that the witnesses are cared for and kept separated as space permits.

ALTHOUGH DEPUTIES INVOLVED IN THE SHOOTING MUST BE SEQUESTERED, THOSE WHO HAVE WOUNDED OR KILLED SOMEONE SHALL HAVE A DEPARTMENT MEMBER REMAIN WITH THEM UNTIL HOMICIDE BUREAU CAN CONDUCT INTERVIEWS.

Deputies who have sustained minor injuries, not requiring hospitalization, should remain in their current attire and postpone cleaning up until they have been photographed.

#### Watch Commander Responsibilities

The Watch Commander shall assign a Department member to provide aid and assistance as needed. That person shall avoid discussing the facts of the incident with personnel involved in the shooting. Numerous interviews of personnel involved in shootings prior to the arrival of Homicide Bureau personnel can negatively affect the ability of some individuals to relate facts accurately to Homicide investigators. All mandated notifications which the Watch Commander makes shall be verbal. A Chief's Memo regarding the incident will not be written. No written notifications of the event shall be forwarded to the media, local dignitaries, or personnel of any rank. These notification procedures shall also apply to Deputy involved non-hit shootings as well.

#### Unit Commander Responsibilities

It shall be the responsibility of each Unit Commander to ensure that a sufficient supply of "Deputy Involved Shooting Information and Resources" pamphlets are maintained and available for distribution in the aftermath of a shooting incident or upon request.

#### Area Commander Responsibilities

It shall be the responsibility of the involved employee's Division Commander to complete the "Deputy Involved Shooting Commander's Checklist." For shootings which involve employees from different Divisions, the Commander responsible for completing the checklist will be decided upon mutual agreement by the involved employees' Division Commanders. It is critical that the Commander review each section of the checklist for applicability to the incident and implement the recommended actions as needed. The checklist shall be submitted to the involved employee's Division Chief or Division Director on the first business day following the incident. It shall be retained within the Division's shooting book.

The Commander will ensure that the "Deputy Involved Shooting Information and Resources" pamphlets are distributed to all concerned parties, as appropriate. The pamphlet is designed to provide information about what occurs in the aftermath of a Deputy-involved shooting incident.

The Commander shall be responsible for ensuring that the concerned investigative Units' needs are met, for arbitrating any conflicts between investigative Units, and for approving any deviation from the hit and non-hit shooting investigation protocols.

The on-scene Tactical Commander shall be responsible for handling all Commander level responsibilities associated with a Special Enforcement Bureau/SWT response.

- **3-10/430.00 - Unit Responsibility - Deputy Shot**

A Sergeant or Lieutenant from the injured Deputy's Unit shall respond to the hospital to act in a liaison role between medical personnel and Department personnel. This supervisor is responsible for organizing the information flow between the hospital and the Department, arranging security details (if appropriate), maintaining order and communicating with the Return to Work Unit.

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- **3-10/440.00 - Homicide Bureau's Responsibilities**

Homicide Bureau is responsible for conducting a thorough investigation into the incident. They are responsible for conducting the investigation of the scene and interviewing all concerned persons. Homicide Bureau investigators shall respond to the scene to conduct their investigation and then to the Station/Unit to interview the involved Deputies and other witnesses.

Homicide investigators shall interview all parties separately, and shall complete the detailed supplemental report of the actual shooting incident. The report shall include all witness statements. Department members' statements regarding the incident shall be tape-recorded.

The investigation conducted by Homicide Bureau investigators shall be submitted to the District Attorney's Special Investigations Division.

The Homicide Bureau Lieutenant shall interview the involved Deputies without delay. He shall fully inform the Unit Commander, as well as the IAB Force/Shooting Response Team, of the results of his preliminary interview and shall keep them fully informed of the significant developments of the investigation as they occur. As soon as practical, a Homicide Lieutenant will give concerned Department executives, IAB personnel, and District Attorney personnel a briefing of the incident and a walk-through of the shooting scene.

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- **3-10/450.00 - Professional Standards Division (PSD) Responsibility**

The IAB Force/Shooting Response Team is responsible for conducting administrative reviews of shootings. In shooting situations where a person has been wounded or killed, team personnel shall cooperate with Homicide personnel and vice versa to gather the facts necessary for their review (see section 3-10/120.00).

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- **3-10/460.00 - Department Psychologist Response to Critical Incidents**

Personnel involved in critical incidents such as shootings and other life-threatening or non-life-threatening events often experience significant trauma. Unit commanders shall encourage and/or at times require those personnel involved in any event that has the potential to overwhelm their normal coping skills to attend a debriefing with a Department psychologist. Incidents that can result in trauma include the use of firearms and deadly force incidents such as wounding or fatally shooting, firing, or attempting to fire, and being fired upon. Other types of critical incidents covered by this policy, whether or not life-threatening to our personnel, include

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events such as traumatic traffic collisions, death of an infant or child during a rescue operation, serious or career-threatening injuries, death of a partner, colleague, or innocent bystander, and physical confrontations with an armed suspect or inmate which involve substantial danger to the employee.

These circumstances have the potential to affect the performance and health of the employees involved. The exact impact varies with each individual and is difficult to predict. In some cases, there is no change in the individual. In others, the change may occur immediately, several hours or even days, weeks, or months later. A debriefing conducted by a Department psychologist can assist in reducing potential problems.

In all use of firearms and deadly force incidents, it is the responsibility of the concerned unit commander to arrange a debriefing between a Department psychologist and all involved personnel no later than five days following the incident. This is to provide each employee with the opportunity to discuss the incident in a confidential environment. Employees shall be required to attend the debriefing. For all other critical incidents covered by this policy, the concerned unit commander shall at minimum strongly encourage or require the involved employees to attend a debriefing with a Department psychologist within five days. Unit commanders should consult with a Department psychologist when uncertain if an event represents a critical incident or if involved personnel should be required to attend a debriefing.

The Department psychologist will confirm for the unit commander that this first debriefing appointment was kept but will not provide any information on the content of the session unless the employee requests such disclosure.

Psychological Services Bureau shall conduct a follow-up contact with each employee via e-mail or phone at two weeks and four months. Should a subsequent face-to-face debriefing be indicated or requested by the employee, that debriefing shall be compensated under the provisions of the employee's Memorandum of Understanding. At any time following the initiation of the debriefing process, the employee may also request confidential counseling sessions related to the critical incident or any other issue, and attend on their own time.

In all shootings involving death or serious injury, the employee who fired the weapon or was fired upon should be given the option of a three-day leave. Upon returning to duty, the employee shall be provided an assignment where risk exposure is minimal. For these types of incidents, every effort shall be made to schedule the initial debriefing with the Department psychologist within five days of the shooting incident. Psychological Services Bureau shall then conduct a telephonic follow-up at two weeks, and schedule a second face-to-face debriefing with a Department psychologist four months following the initial incident. Such options allow employees an opportunity to marshal their natural coping skills to deal with the emotional impact of the incident prior to returning to regular field duty.

There are times when entire units may be adversely impacted by one or a series of shootings. A Department psychologist is available to conduct group debriefings upon request. When warranted, the psychologist may respond to the scene for an emergency debriefing/assessment.

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### • 3-10/470.00 - Communications and Rumor Control

The Homicide Bureau Lieutenant is responsible for updating the concerned Unit Commander concerning significant developments of any Homicide Bureau investigation. He is also responsible for providing

information to the Sheriff's Headquarters Bureau to allow timely notification of the media.

The concerned Unit Commander, once he has been briefed by the Homicide Lieutenant, is responsible for the timely notification of his Area Commander, Division Chief or Division Director, the Assistant Sheriff, and the Sheriff or his executive assistant.

The Homicide Bureau is responsible for preparing a comprehensive memo concerning the facts of the incident. This memo shall be directed to the Sheriff from the Chief of the Detective Division. Distribution will be made to major Department executives, IID Headquarters, the IAB Unit Commander and the concerned Divisions. This memo shall be available at the beginning of the next business day following the shooting. The information shall be simultaneously furnished to the Sheriff's Headquarters Bureau, which is responsible for preparing Department messages to all Units for rumor control.

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### • **3-10/500.00 - Deputy-Involved Shootings - No One Hit**

In situations in which Deputy personnel fire at another person and no one is hit, the procedures previously outlined for scene preservation shall be adhered to. Involved Deputies shall be ordered into the Station, Unit of assignment, or other suitable location to complete a detailed report of the shooting. The report must make clear the circumstances leading to the encounter, the hazards/threats faced by Deputies or others and the reasons that the decision to use deadly force was made. After obtaining a brief description of the circumstances from involved personnel, supervisors, both at the scene and at the Station, shall ensure that no one questions or interviews them until this report is completed.

The IAB Force/Shooting Response Team shall conduct an administrative review of all situations in which Deputy personnel fire at another person and miss.

In situations involving accidental discharges or the shooting of animals, involved personnel and supervisors shall proceed according to the direction of the on-call IAB Lieutenant upon notification.

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### • **3-10/600.00 - Statistical Compilation - Shots Fired by or at Deputies - No Person Wounded or Killed**

The Internal Affairs Bureau is responsible for the total compilation of all shots fired data. All Division headquarters are required to enter such information into the CARS system by the 4th business day of each month, for statistical purposes. Internal Affairs Bureau shall then forward a composite report to the Sheriff.

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### • **3-10/700.00 - Required Periodic Review of Use of Force Policy**

Risk Management Bureau, Field Operations Support Services, and Training Bureau, in consultation with the Office of the County Counsel, shall annually review and update this policy to reflect changes to state law, developing practices, and new procedures.

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