

09-16 - Understanding the Situational Use of Force Options Chart

Los Angeles County Sheriff's Department

NEWSLETTER

Field Operations Support Services, (323) 890-5411



UNDERSTANDING THE SITUATIONAL USE OF FORCE OPTIONS CHART

INTRODUCTION

The purpose of this newsletter is to provide a broader understanding of the Department's Use of Force policy. The Situational Use of Force Options chart was designed to visually depict the Department's Use of Force policy, and is intended to enhance a deputy's understanding of the utilization and application of force, given a specific situation or set of circumstances.

The Situational Use of Force Options chart can be found on page 2.

DISCUSSION

In the performance of duty, deputies will be presented with particular facts which they will analyze and then compare with what they can reasonably do according to established law, Department policy, and for self-defense, or the defense of others. A deputy's perception of an incident and analysis of the facts will be influenced by a number of factors, including the following:

NOTE: Throughout this document and in conjunction with Department policy, the term "suspect" is used to refer to any individual upon whom force has been used, (Manual of Policy and Procedures, section 3-10/100.00, Use of Force Reporting Procedures).

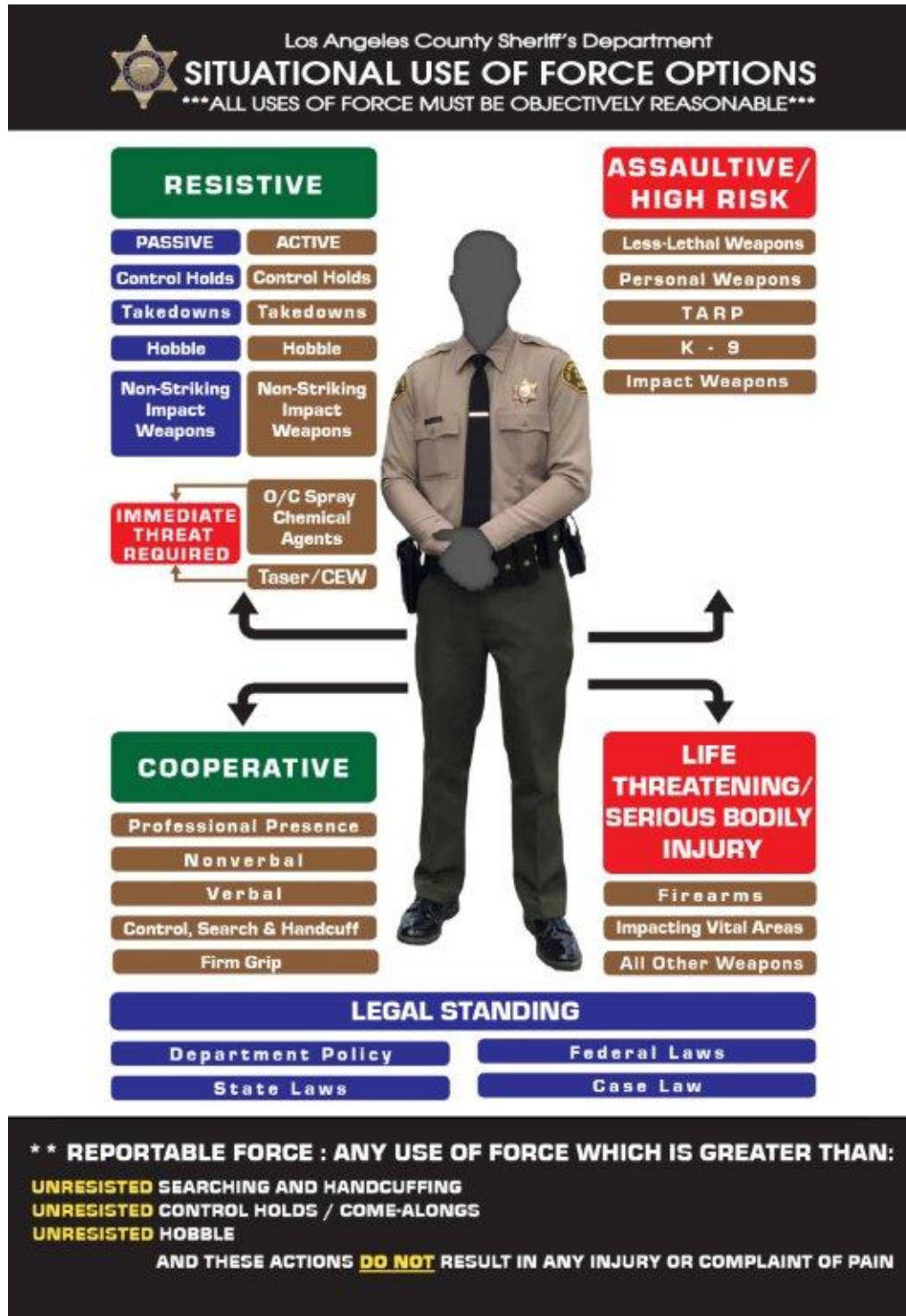
- The deputy's understanding of federal law, case law, state law, and Department policies, etc. These areas constitute what is referred to as **legal standing**;
- Departmental training and other non-Departmental training;
- The deputy's size, strength, personal fitness level, self-defense capabilities, and self-confidence in all of the above;
- Prior experience(s);
- Environmental factors: location (confined space, isolation), cover, weather, lighting, footing, other exigent circumstances;
- Any and all factors (including the above) which influence the deputy's perception of an incident, threat assessment, etc.; and/or

- Factors regarding the suspect such as: behavior of the suspect, mindset, physical fitness, weapons, comparative size, level of intoxication, number of suspects, training of suspect, perceived suspect self-defense capabilities, etc.

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.

Escalation/de-escalation is achieved via the changing perceptions of the deputy involved and the guidelines provided (i.e., force options identified to address each behavior exhibited by a suspect.) Once again, the deputy's perceptions and actions are based upon all the information they take into the incident.

The chart identifies four general categories of possible suspect behavior during contacts. Each category of suspect behavior provides options for the type of force response that may be appropriately applied if force is perceived to be required by the deputy, depending upon what the deputy perceives about the incident, i.e., what suspect behavior or change in suspect behavior is perceived.



COOPERATIVE

The Cooperative category is defined as: A deputy's interaction with a person where there is minimal to **NO** physical effort needed to gain compliance.

Cooperative is the category that the majority of the people contacted by law enforcement fall into. Persons or suspects who display cooperative behavior respond in a positive way to the presence of law enforcement and are easily directed with verbal requests and commands. Those that require control or searching allow this to take place with **no perceived resistance**.

If a suspect falls into the Cooperative category, the following options are available:

PROFESSIONAL PRESENCE – Visual appearance and confidence projected to others by physical condition, hygiene, and uniform appearance.

NON-VERBAL – Non-verbal gestures; physical gestures, stance, and facial expressions.

VERBAL – Verbal communication; providing clear direction and/or commands.

CONTROL/SEARCH/HANDCUFFING – Un-resisted restraint of a suspect to conduct visual/physical search for contraband/weapons, and/or to handcuff.

FIRM GRIP – Firm grasp of another person to maintain control.

RESISTIVE

The Resistive category is defined as: A suspect's verbal or physical refusal to cooperate with a deputy's lawful commands. The suspect does not respond to the deputy's commands but also offers no **overt** form of **physical** resistance.

There are two categories of resistance, Passive and Active:

- **PASSIVE RESISTANCE:** The suspect does not respond to a deputy's verbal commands but also offers no form of physical resistance.
- **ACTIVE RESISTANCE:** The suspect makes evasive movements to defeat a deputy's attempt at control, including bracing, tensing, running away, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.

If a suspect falls into either the Passive/Resistive or Active/Resistive category, the following options are available:

CONTROL HOLDS – Joint manipulation of arms or legs, or total body control (bear hug).

TAKEDOWNS – Takedowns/Team takedowns: Physical maneuvers to take a suspect to the ground, in order to overcome active physical resistance by the suspect and to gain physical control.

HOBBLE RESTRAINT - A suspect is considered hobbled when their ankles are held together and

controlled by a "Ripp Hobble" device, and the clip end of that device is not connected to any handcuffs. It can also be used to restrain the arms, also known as "Batwing".

Note: If the clip end of the restraint is connected to the chain of the handcuffs or any other part of the suspect's person (belt, belt loop, etc.) it would be considered the Total Appendage Restraint Procedure (TARP)

NON-STRIKING IMPACT WEAPONS - Utilizing impact weapons without striking, such as using a baton on a pressure point, or to pry a suspect's hands out from underneath their body. If a suspect is actively resisting, **and** is an immediate threat to deputies or others, the following additional force options are available:

****ACTIVE RESISTANCE + IMMEDIATE THREAT REQUIRED***

O/C SPRAY/CHEMICAL AGENTS – Authorized chemical sprays, such as Oleoresin Capsicum (O.C.).

TASER/CEW – Hand-held Conducted Electrical Weapon (CEW)

IMMEDIATE THREAT DEFINITION

- A situation in which a deputy's immediate response is necessary to address a perceived threat or prevent injury/harm to themselves or others; a suspect has demonstrated by words or action, an intention to be violent or to physically resist and appears to be capable of causing physical harm to themselves, to deputies who approach within contact range, or others.

ASSAULTIVE/HIGH-RISK

In this category, the likelihood of injury to a deputy or others is obvious because of the suspect's assaultive actions or other significant potential actions, based on their behavior. The actions or potential actions of a suspect are so obvious as to make a reasonable officer realize that they must do something to defend themselves or others, and then employ options to effect control of the situation or safely make an arrest.

If the suspect falls into the Assaultive/High Risk category, the following options are available:

LESS-LETHAL WEAPONS – All approved Department less-lethal weapons.

PERSONAL WEAPONS – Body parts used to impact another (i.e., hands, feet, arms, elbows, knees, etc.)

TOTAL APPENDAGE RESTRAINT PROCEDURE – The 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 the legs are immobilized with the Ripp Hobble restraint device. The clip end of the Ripp Hobble restraint is then connected

K-9 – Use of a Departmentally-trained dog.

IMPACT WEAPONS – Baton, Sap.

LIFE-THREATENING / SERIOUS BODILY INJURY

The Life-Threatening/Serious Bodily Injury category encompasses actions of a suspect which are likely to result in serious injury or possibly in the death of a deputy or others. Utilizing firearms or impact weapons to vital areas of the body would be reasonable to employ at this level in self-defense, the defense of others, and in conjunction with other available options to ultimately gain control of the situation.

If the suspect falls into the Life Threatening/Serious Bodily Injury category, the following options are available:

FIREARMS – Use of authorized handguns, shotguns, rifles.

IMPACTING VITAL AREAS – Striking the suspect in the head, neck, clavicle,

ALL OTHER WEAPONS (IMPROVISED) – Knife, vehicle, rock, hammer, pen, etc.

**THE FORCE OPTION UTILIZED MUST FALL WITHIN THE RANGE OF REASONABLENESS;
UNREASONABLE FORCE IS PROHIBITED.**

Questions regarding the content of this newsletter may be directed to Field Operations Training Unit (FOTU) at (323) 307-8710 or Field Operations Support Services at FOSS@LASD.ORG or

(323) 890-5411.

ATTACHMENT

Situational Use of Force Options Chart

REFERENCE / CITATIONS

Federal Law

Graham v. Connor, 490 U.S. 386, May 15, 1989

Case Law

Young v. County of Los Angeles, 9th Cir. August 26, 2011

Lundburg v County of Humboldt, 9th Cir. January 11, 2002

State Law

7286.5 GC

835(a) PC

13519.10 PC

State Publications

Commission on Peace Officers Standards and Training (POST), Learning Domain #20 Use of Force De-escalation, Version 5.3

Department Policy

MPP Section 3-10/010.00, Use of Force Defined

MPP Section 3-10/009.00, Force Prevention and De-escalation Principles

MPP Section 3-10/030.00, Unreasonable Force and Duty to Intervene

MPP Section 3-10/045.00, Use of Deadly Force and Firearms

MPP Section 3-10/065.00, Improvised Weapons and Techniques

MPP Section 3-10/075.00, Duty to Obtain and/or Render Medical Assistance

MPP Section 3-10/100.00, Use of Force Reporting – Department Member Responsibilities

Department Newsletters

FOSS Newsletter 064, Use of Force in Taking DUI Blood Samples_

FOSS Newsletter 06-12, Force Reporting

FOSS Newsletter 19-01, Passive Resistive Persons

FOSS Newsletter 19-19, Deadly Force

ATTACHMENT (Back of Card)



SITUATIONAL USE OF FORCE OPTIONS
Los Angeles County Sheriff's Department

FORCE OPTION MUST FALL WITHIN THE RANGE OF REASONABLENESS
*****UNREASONABLE FORCE IS PROHIBITED*****

DEPUTY FACTORS	SUSPECT FACTORS	ENVIRONMENTAL FACTORS
<ul style="list-style-type: none">• AGE, SIZE, GENDER• NUMBER OF DEPUTIES• TRAINING, EXPERIENCE, FITNESS• EXHAUSTION, INJURIES• PRIOR KNOWLEDGE OF SUSPECT• DISTANCE FROM SUSPECT• POSITION	<ul style="list-style-type: none">• IMMEDIATE / IMMINENT THREAT TO DEPUTIES, PUBLIC, THEMSELVES• AGE, SIZE, GENDER• NUMBER OF SUSPECTS• TRAINING, EXPERIENCE, FITNESS• EXHAUSTION, INJURIES• INTENTION / OBJECTIVE SEVERITY OF CRIME• ALCOHOL, DRUGS• VERBAL, NON-VERBAL THREAT CUES• WEAPONS, PROXIMITY TO WEAPONS• FLEEING, RISK OF ESCAPE• AUDIENCE, PEERS, SUPPORTERS• MENTAL STATE, ILLNESS• NATURE OF CRIME• HISTORY	<ul style="list-style-type: none">• LOCATION (CONFINED SPACE, ISOLATION)• COVER• WEATHER• LIGHTING• FOOTING• OTHER EXIGENT CIRCUMSTANCES

OBJECTIVE REASONABLENESS TEST
WOULD ANOTHER DEPUTY WITH SIMILAR TRAINING AND EXPERIENCE WHO IS PLACED IN YOUR SITUATION BELIEVE THE LEVEL OF FORCE YOU USED WAS REASONABLE?

FACTS MAKE FORCE REASONABLE
YOU MUST CLEARLY ARTICULATE A FACTUAL JUSTIFICATION FOR WHAT YOU DID

