7-01/030.00 Limitations on Force

Department members shall not use strikes, punches, or kicks, or use the types of force against a restrained inmate described in this policy, in response to passive resistance, active resistance, or mere verbal threats from an inmate. Department members may not use any type of force as a means of punishment or retaliation.

The reasonableness inquiry with respect to force is an objective one and applies to all force described in this policy. The focus of force evaluation shall be on whether the Department member's actions were objectively reasonable in light of the facts and circumstances confronting and known to the Department member at the time of the incident. Department members shall immediately reduce the types of force described in this policy as resistance decreases, and immediately discontinue using that force once a threat or resistance no longer exists.

Use of Force Terms Defined

- **Active Resistance:** Physical actions by the inmate who is not complying with verbal commands and is actively attempting to prevent control, but which do not constitute an assault (i.e., pulling away, pinning arms under the body, thrashing around, and/or body going rigid).
- **Imminent:** It is ready to take place, impending, likely to happen, or at the point of happening.
- **Passive Resistance:** The inmate 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 inmate is not responding to verbal commands and may refuse to move by standing still, sitting down, laying down, going limp, or grabbing onto a fixed object.
- **Serious 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.

Strikes or Punches to the Face, Head, or Neck

Strikes or punches to the face, head, or neck are prohibited unless all of the following are satisfied:

1. the inmate is physically assaultive, and
2. there is an imminent danger of serious injury and/or death, and
3. other techniques would be ineffective.

Head strikes may never be employed in retaliation for conduct that has ceased to pose an imminent threat.

Circumstances Involving Spitting

Spitting may pose a significant health risk. Department members should take all reasonable precautions to avoid circumstances where they may be spat upon.

In the event an inmate is in the process of actually spitting at a Department member's face (e.g., the inmate is collecting saliva/mucus in their mouth or making sounds like they are doing so), head strikes are prohibited unless other techniques would be ineffective and the inmate's conduct poses an imminent danger of serious injury. Any head strike must cease immediately once the spitting is no longer in process or imminent.

Circumstances Involving Biting

Biting may pose a significant risk of injury. Department members should take all reasonable precautions to avoid circumstances where they may be bitten.

In the event an inmate is biting, or attempting to bite a Department member, a head strike may not be used if (1) the inmate has stopped biting, or (2) there is no reasonable opportunity to bite, or (3) the inmate's conduct poses no imminent danger of serious injury from biting.

Other Circumstances

Department members may not use a head strike in response to an inmate only taking a fighting stance.

Other effective techniques beside strikes or punches to the face, head, or neck might include strikes or punches to the body, takedowns, command presence, advisements, warnings, verbal persuasion, commands, delaying tactics, tactical repositioning, using physical barriers, creating distance, use of OC spray or Taser, requesting the presence of a sergeant, waiting for the sergeant to arrive, and waiting for additional Department members and resources to arrive.

Kicks

Department members are prohibited from kicking an inmate who is on the ground, unless (1) the inmate is physically assaultive, (2) there is an imminent danger or serious injury and/or death, and (3) other techniques would be ineffective.

Department members are prohibited from kicking a standing inmate anywhere above the knee unless (1) the inmate is physically assaultive, (2) there is an imminent danger of serious injury and/or death, and (3) other techniques would be ineffective.

Department members may kick a physically assaultive inmate below the knee if it is necessary to create distance and to prevent potential injury.

Other effective techniques beside kicks might include strikes or punches to the body, takedowns, command presence, advisements, warnings, verbal persuasion, commands, delaying tactics, tactical repositioning, using physical barriers, creating distance, use of OC spray or Taser, requesting the presence of a sergeant, waiting for the sergeant to arrive, and waiting for additional Department members and resources to arrive.

Use of Force Against Restrained Inmates

The following types of force on restrained inmates are prohibited unless (1) the inmate is physically assaultive or self-injurious, (2) there is an imminent danger of serious injury and/or death, and (3) other techniques to control the inmate would be ineffective:

- Strikes or punches (anywhere on the body)
- Use of the Taser
- Use of chemical agents

Other effective techniques to control the restrained inmate might include command presence, advisements, warnings, verbal persuasion, commands, delaying tactics, tactical repositioning, control holds, takedowns, using physical barriers, creating distance, requesting the presence of a sergeant, waiting for the sergeant to arrive, and waiting for additional Department members and resources to arrive.

If a physically assaultive inmate is restrained to a fixed object and presents an imminent threat of injury, Department members are to distance themselves from the assaultive conduct and request the presence of a sergeant rather than use the force options listed above, unless immediate intervention is required.

De-escalation

De-escalation is a core principle of sound tactical operations and Department members shall consider de-escalation to be part of tactical planning. The overall goal is to decrease the intensity of the situation by persuading an inmate 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. Whenever safe to do so, Department members shall use de-escalation techniques. De-escalation may include creating distance or using physical barriers and calling for additional resources. Department members shall also avoid tactics and approaches that unnecessarily escalate situations and increase the likelihood of a need to use force or a greater degree of force.

Deadly Force

The following types of force may only be used if a Department member can reasonably articulate that the circumstances justify the use of deadly force as defined in Penal Code section 835a(c)(1):

- Intentional head or neck strikes with an impact weapon.
- Intentionally causing an inmate's head to impact against a hard fixed object (e.g., concrete floor, wall, jail bars, etc.).
- Intentionally kicking an individual in the head or neck from a standing position while the individual is lying on the ground/floor.
- Intentionally kneeing an individual in the head, causing their head to strike the ground, floor, or other hard, fixed object.
- Special weapons, electronic immobilization devices (TASERs), and chemical agents, including aerosol chemical agents used against an inmate known to be pregnant (refer to CDM section 7-02/010.00 Pregnant Inmates).

Carotid Restraint Holds and Choke Holds

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