

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this [department/office] is expected to use these guidelines to make such decisions in a professional, impartial, reasonable, fair, and unbiased manner (Government Code § 7286(b)(10)).

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device (CED) policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to the discharge of a firearm (Penal Code § 835a).

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person (Government Code § 7286(a)).

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

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 (Penal Code § 243(f)(4)).

Totality of the circumstances - All facts known to the officer at the time, including the conduct of the officer and the subject leading up to the use of force (Penal Code § 835a).

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

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

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The [Department/Office] recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

300.2.1 DUTY TO INTERCEDE

Any officer present and observing another law enforcement officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, shall, when in a position to do so, intercede to prevent the use of unreasonable force.

When observing force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject (Government Code § 7286(b)(8)).

300.2.2 FAIR AND UNBIASED USE OF FORCE

Officers are expected to carry out their duties, including the use of force, in a manner that is fair and unbiased (Government Code § 7286(b)(10)). See the Bias-Based Policing Policy for additional guidance.

300.2.3 DUTY TO REPORT EXCESSIVE FORCE

Any officer who observes a law enforcement officer or an employee use force that exceeds what the officer reasonably believes to be necessary as determined by an objectionably reasonable officer under the circumstances based upon the totality of information actually known to the officer, shall promptly report these observations to a supervisor as soon as feasible (Government Code § 7286(b)).

300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a).

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene given the totality of the circumstances. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use discretion in determining the appropriate use of force in each incident. Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)(2)).

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the approved tools, weapons, or methods provided by the

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[Department/Office]. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 USE OF FORCE GUIDELINES

The attached chart illustrates how a suspect's actions/conduct correlate to the response or force applied by an officer, and is offered as general guidance to officers for consideration. It should be considered as part of and in conjunction with the entire policy manual. Other, more specific guidance may be found elsewhere. Officers are not required to use these response options based on a continuum.

It should be noted that the suspect's actions (as described in the attachment) are those perceived by a reasonable officer taking into account the totality of the circumstances. It is also recognized that a suspect's actions can change rapidly and without warning. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Ultimately, despite what may appear in any chart, officers shall only use that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose, consistent with and CA Penal Code §835a.

[See attachment: Daly City Force Response Guidance Chart.pdf](#)

300.3.2 USE OF FORCE TO EFFECT AN ARREST

Any peace officer may use objectively reasonable force to effect an arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or to overcome resistance (Penal Code §835a). "Retreat" does not mean tactical repositioning or other de-escalation techniques.

300.3.3 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are not authorized to use techniques designed to restrict blood flow to the head or respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted solely for the purpose of preventing a person from swallowing evidence or contraband.

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300.3.4 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether or not to apply any level of force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration as time and circumstances permit.

These factors include, but are not limited to:

- (a) The apparent immediacy and severity of the threat to the officers and others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time. (Penal Code § 835a)
- (c) The subject's apparent mental state or capacity.
- (d) The subject's ability to understand and comply with officer commands.
- (e) The conduct of the involved officer. (Penal Code § 835a)
- (f) Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion or fatigue and number of officers vs. subjects).
- (g) Influence of drugs/alcohol.
- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
- (k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.
- (l) Training and experience of the officer.
- (m) Potential for injury to officers, suspects, and others.
- (n) Risk of escape and reasonable consequences of escape
- (o) Prior contacts with the subject or awareness of any propensity for violence.
- (p) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (q) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (r) Other exigent circumstances.

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

While various degrees of force exist, each officer is expected to use only that degree of force that the officer reasonably believes is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance and reasonable under the

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circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

It is recognized however, that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the standard tools, weapons or methods provided by the Department. Officers may find it more effective or practical to improvise their response to rapidly unfolding conditions they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree reasonably necessary to accomplish a legitimate law enforcement purpose.

300.3.5 NON-DEADLY FORCE APPLICATIONS

Any application of force that is not reasonably anticipated and intended to create a substantial risk of death or serious bodily injury shall be considered non-deadly force. (Penal Code § 835a)

Each officer is provided with equipment, training and skills to assist in the apprehension and control of suspects as well as protection of officers and the public. Non-deadly force applications may include but are not limited to: chemical agents, impact weapons, leg restraints, pain compliance techniques, control devices and Conducted Energy Devices described in Policy Manual §§ 306, 308 and 309 respectively.

300.3.6 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a passive or actively resisting individual. Officers may only apply those pain compliance techniques for which the officer has received departmentally approved training and only when the officer reasonably believes that the use of such a technique appears necessary to further a legitimate law enforcement purpose.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.7 PROHIBITED CONTROL HOLDS

Officers are prohibited from using the following control holds in apprehending a subject: 1) Carotid Restraint, and 2) choke hold or choking by means of pressure to the subject's trachea.

300.3.8 ALTERNATIVE TACTICS - DE-ESCALATION

As time and circumstances reasonably permit, and when community and officer safety would not be compromised, officers should consider actions that may increase officer safety and may decrease the need for using force.

When feasible officers shall utilize de-escalation techniques, crisis intervention techniques, and other alternatives to force. (Government Code § 7286(b)(1)). Such alternatives may include:

- (a) Formulating a plan with responding officers before entering an unstable situation that does not reasonably appear to require immediate intervention;
- (b) Attempting to isolate and contain the subject;

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- (c) Creating time and distance from the subject by establishing a reactionary gap and utilizing cover to avoid creating an immediate threat that may require the use of force;
- (d) Requesting additional resources, such as Crisis Intervention Team (CIT trained officers, Crisis/Hostage Negotiation Team, or a Kinetic Energy Weapon;
- (e) Attempting to establish rapport and engage in communication with the subject;
- (f) Identify resources available for help, assistance, and/or treatment in lieu of threats of penalties, or criminal prosecution
- (g) Verbal volume or non-verbal communication, including posturing, silence and delayed response;
- (h) Tactically re-positioning to maintain the reactionary gap, protect the public, and preserve officer safety; and taking as much time as reasonably necessary to resolve the incident, without having to use force.

When feasible officers should attempt to understand and consider the possible reasons why a subject may be noncompliant; a subject may not be capable of understanding the situation because of a medical condition, mental, physical, or hearing impairment; language barrier; interaction; or an emotional crisis, and have no criminal intent. These situations may not make the subject any less dangerous, but understanding a subject's situation may enable officers to calm the subject and allow officers to use de-escalation techniques while maintaining public and officer safety.

300.4 DEADLY FORCE APPLICATIONS

Where feasible, the officer shall, prior to the use of deadly force, make reasonable efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts (Penal Code 835a(5)(c)(1)(B)).

If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers shall evaluate and use other reasonably available resources and techniques when determining whether to use deadly force. To the extent that it is reasonably practical, officers should consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)(5)).

The use of deadly force is only justified when the officer reasonably believes it is necessary in the following circumstances (Penal Code § 835a):

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury to the officer or another person.
- (b) An officer may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

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Officers shall not use deadly force against a person based on the danger that person poses to him/herself, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or to another person (Penal Code § 835a).

An “imminent” threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable 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 the officer or another person. An officer’s subjective fear of future harm alone is insufficient as an imminent threat. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances must be instantly confronted and addressed. (Penal Code § 835a).

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and may involve additional considerations and risks. When feasible, officers should avoid positioning themselves or intentionally remaining in the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others (Government Code § 7286(b)).

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

Officers may only shoot from a moving vehicle to protect him/herself or others from an imminent threat of death or serious bodily injury to the officer or another person.

300.4.2 MEDICAL ATTENTION FOR INJURIES SUSTAINED USING FORCE

Once it is reasonably safe to do so, properly trained officers should promptly provide or procure medical assistance for any person injured or claiming to have been injured in a use of force incident (Government Code § 7286(b)).

Prior to booking or release, medical assistance shall be obtained for any person who has sustained visible injury, expressed a complaint of injury or continuing pain, or who has been rendered unconscious. Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called 'excited delirium'), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death and should be

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examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

300.4.3 DISPLAYING OR POINTING OF FIREARMS

Given that individuals might perceive the display of a firearm as a potential application of force, officers should carefully evaluate each tactical situation and use sound discretion when drawing a firearm in public by considering the following guidelines (Government Code § 7286(b)):

- (a) If the officer does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms should generally be kept in the low-ready or other position not directed toward an individual.
- (b) If the officer reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such threat until the officer no longer perceives such threat.
- (c) The circumstances create an objectively reasonable belief that it may be immediately necessary for the officer to use deadly force.
- (d) If the officer reasonably perceives they are engaged in a dangerous situation, and the officer believes the display of a firearm will help control or maintain control of the situation.

Once it is reasonably safe to do so, officers should carefully secure all firearms.

300.5 REPORTING THE USE OF FORCE OR INTENTIONAL POINTING OF A FIREARM AT A SUBJECT

Any use of force or intentional pointing of a firearm at a subject, by a member of this [department/office] shall be documented promptly, completely, and accurately in an appropriate report. The officer should articulate the factors perceived and why he/she believed the use of force or intentional pointing of a firearm at a subject was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the [Department/Office] may require the completion of additional report forms, as specified in [department/office] policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.

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- (e) Any application of a CED or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.5.2 INCIDENTS REQUIRING A SUPERVISOR'S REPORT

Use of force incidents that meet any one of the below listed criteria will be investigated and documented.

- (a) An officer physically strikes a subject using any physical strength (e.g., punch, kick, knee) or object;
- (b) An officer uses force which causes any visible or apparent physical injury, or which results in the subject claiming he or she was injured;
- (c) An officer uses force that causes any visible physical injury or which the subject complains of pain;
- (d) An officer uses physical control on a subject beyond a physical compliance hold that causes any visible physical injury or which the subject complains of more than momentary pain or discomfort;
- (e) An officer uses O.C./baton/ASP on any subject;
- (f) An officer delivers a Kinetic Energy projectile at a person;
- (g) The application of a Conducted Energy Device (CED) by an officer;
- (h) Any bite of injury resulting from the use of a police service dog;
- (i) Any other incident for which the supervisor/Watch Commander deems a "use of force" report is necessary.
- (j) Any use of force where the suspect becomes unconscious.

300.5.3 SUPERVISOR'S REPORT ON USE OF FORCE

The on-duty supervisor will investigate the use of force and complete the report in the Digital Use of Force Reporting System. All relevant documents will be attached. The Supervisor's Use of Force report should include the following information: (Government Code § 7286(b)):

- (a) Synopsis - A brief narrative of the incident;
- (b) Suspect Information
- (c) A supervisor should obtain a statement from the suspect in the following circumstances:
 1. The subject or an officer makes a claim of excessive force
 2. Any incident where an individual indicated an intent to pursue litigation
 3. Any use of force, which leads to great bodily injury, other than with a firearm

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4. Any other cases deemed appropriate by the on duty watch commander or supervisor

- (d) Injures - Describe in detail any injuries suffered by the suspect, officers or any other involved subject(s).
- (e) Property Damage - Any property damage that occurred.
- (f) Involved Officer(s) and Roles - Describe actions taken by involved officers.
- (g) Attachments - Any pertinent documents and attachments.
- (h) Opinions and Conclusions - A summary of the incident.

The Use of Force report will be forwarded to the Bureau commander for review. Once approved, the bureau commander will forward the report to Internal Affairs for tracking

300.5.4 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

Statistical data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is to be reported to the California Department of Justice as required by Government Code § 12525.2. See the Records Division Policy. The report shall include all instances when an officer is involved in any of the following:

- (a) An incident involving the shooting of an individual by an officer;
- (b) An incident involving the shooting of an officer by an individual;
- (c) An incident in which the use of force by an officer against an individual results in serious bodily injury (as defined by Penal Code § 243(f)(4)) or death;
- (d) An incident in which the use of force by an individual against an officer results in serious bodily injury or death.

The information reported to the Department of Justice shall include, but not limited to, the following:

- (a) The gender, race, and age of anyone who was shot, injured, or killed;
- (b) Date, time, and location of the incident;
- (c) Whether an individual was armed and if so, type of weapon;
- (d) The type of force used against the officer, individual, or both, including the typ(s) of weapons used;
- (e) The number of officers involved in the incident;
- (f) The number of individuals involved in the incident;
- (g) A brief description regarding the circumstances surrounding the incident, which may include the nature of injuries to officers and individuals and perceptions of behavior or mental disorders.

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300.6 TRAINING

Officers, investigators, and supervisors will receive periodic training on this policy and demonstrate their knowledge and understanding (Government Code § 7286(b)). Training should occur not less than semi-annually.

Subject to available resources, the Training Sergeant shall ensure that officers receive periodic training on de-escalation tactics, including alternatives to force.

Training shall include (Government Code § 7286(b)):

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities.
- (b) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

300.7 USE OF FORCE COMPLAINTS

The receipt, processing, and investigation of civilian complaints involving use of force incidents should be handled in accordance with the Personnel Complaints Policy (Government Code § 7286(b)).

300.8 POLICY REVIEW

The Chief of Police or the authorized designee shall regularly review and update this policy to reflect developing practices and procedures (Government Code § 7286(b)).

300.9 POLICY AVAILABILITY

The Chief of Police or the authorized designee shall ensure this policy is accessible to the public (Government Code § 7286(c)).

300.10 PUBLIC RECORDS REQUESTS

Requests for public records involving an officer's personnel records shall be processed in accordance with Penal Code § 832.7 and the Personnel Records and Records Maintenance and Release policies (Government Code § 7286(b)).

300.11 USE OF FORCE ANALYSIS

The Department will produce an annual report on the previous year's Use of Force analysis. Upon approval of the Chief of Police, the report will be posted to the Department's website.

Attachments

Daly City Force Response Guidance Chart.pdf

Subject's Actions	Description	Anticipated Response Levels
Compliance	Subject offers no resistance	<ul style="list-style-type: none"> • No Force; • Nonverbal actions; • Verbal requests and commands; • Handcuffing and control holds
Passive non-compliance	Does not respond to verbal commands but also offers no physical form of resistance	<ul style="list-style-type: none"> • Officer's strength to take physical control, including lifting/carrying • Pain compliance control holds, takedowns and techniques to direct movement or immobilize
Active Resistance	Physically evasive movements to defeat an officer's attempt at control, including bracing, tensing, running or walking, away, verbally or physically signaling an intention to avoid or prevent being taken into or retained in custody.	<ul style="list-style-type: none"> • Use of personal body weapons, or any weapon other than a firearm or CED to gain advantage over the subject, however, a • CED may be used in situations where actively resisting subject poses a risk of injury to officers or others. • Pain compliance control holds, takedowns and techniques to direct movement or immobilize a subject
Assaultive	Aggressive or combative; attempting to assault the officer or another person, verbally or physically displays an intention to assault the officer or another person (pre-assaultive behavior)	<ul style="list-style-type: none"> • Use of device and/or techniques to ultimately gain control of the situation • Use of personal body weapons or any other available weapon or action to gain advantage over the subject or to stop the threat

Life-threatening	Any action likely to result in serious bodily injury or death to the officer or another person	<ul style="list-style-type: none">• Use of available weapons or action in defense of self or others to stop the threat
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