

556. USE OF FORCE.**556.10 POLICY ON THE USE OF FORCE.**

PREAMBLE TO USE OF FORCE. The use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. It is also recognized that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public.

The Department's guiding value when using force shall be reverence for human life. When warranted, Department personnel may objectively use reasonable force to carry out their duties. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to legal and physical hazards, and violate the rights of individuals upon whom unreasonable force is used. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers.

DEFINITIONS.

Objectively Reasonable. The legal standard used to determine the lawfulness of a use of force is the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states in part, "The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain and rapidly evolving - about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application." The force must be reasonable under the circumstances known to the officer at the time the force was used. Therefore, the Department examines all uses of force from an objective standard rather than a subjective standard.

Deadly Force. Deadly Force is defined as that force which creates a substantial risk of causing death or serious bodily injury.

Imminent. Black's Law Dictionary defines imminent as, "Near at hand; impending; on the point of happening."

Serious Bodily Injury. California Penal Code Section 243(f)(4) defines Serious Bodily Injury as including but not limited to:

- 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.

Warning Shots. The intentional discharge of a firearm off target not intended to hit a person, to warn others that deadly force is imminent.

POLICY.

Use of Force – General. It is the policy of this Department that personnel may use only that force which is “objectively reasonable” to:

- Defend themselves;
- Defend others;
- Effect an arrest or detention;
- Prevent escape; or,
- Overcome resistance.

Factors Used To Determine Reasonableness. The Department examines reasonableness using *Graham* and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- The seriousness of the crime or suspected offense;
- The level of threat or resistance presented by the subject;
- Whether the subject was posing an immediate threat to officers or a danger to the community;
- The potential for injury to citizens, officers or subjects;
- The risk or apparent attempt by the subject to escape;
- The conduct of the subject being confronted (as reasonably perceived by the officer at the time);
- The time available to an officer to make a decision;
- The availability of other resources;
- The training and experience of the officer;
- The proximity or access of weapons to the subject;
- Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,
- The environmental factors and/or other exigent circumstances.

Deadly Force. Law enforcement officers are authorized to use deadly force to:

- Protect themselves or others from what is reasonably believed to be an **imminent** threat of death or serious bodily injury; or,
- Prevent a crime where the suspect’s actions place person(s) in **imminent** jeopardy of death or serious bodily injury; or,
- Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury.

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force.

Warning Shots. Warning shots shall only be used in exceptional circumstances where it might

reasonably be expected to avoid the need to use deadly force. Generally, warning shots shall be directed in a manner that minimizes the risk of injury to innocent persons, ricochet dangers and property damage.

Shooting At or From Moving Vehicles. Firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. Firearms shall not be discharged from a moving vehicle, except in exigent circumstances and in the immediate defense of life.

Note: It is understood that the policy in regards to discharging a firearm at or from a moving vehicle may not cover every situation that may arise. In all situations, Department members are expected to act with intelligence and exercise sound judgment, attending to the spirit of this policy. Any deviations from the provisions of this policy shall be examined rigorously on a case by case basis. The involved officer must be able to articulate clearly the reasons for the use of deadly force. Factors that may be considered include whether the officer's life or the lives of others were in immediate peril and there was no reasonable or apparent means of escape.

556.80 DRAWING OR EXHIBITING FIREARMS. Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm in conformance with this policy on the use of firearms.

Note: During a special meeting on September 29, 1977, the Board of Police Commissioners adopted the following as a valid interpretation of this Section:

"Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm."

560. HOSTAGES. Criminals who use hostages to effect their escape are desperate individuals who, if allowed to escape, will pose a continuing threat to their hostage and to the public at large. Assurance that a hostage will be released unharmed is a meaningless promise. The Department does not have the ability to protect the safety of a hostage who is allowed to be removed from the presence of officers. The safety of hostages can be best assured by keeping them in the presence of officers and by preventing their removal by the suspect. Officers should use every verbal and tactical tool at their disposal to secure the arrest of the suspect without harming the hostage. However, officers should realize that exceptional situations could arise where considered judgment might dictate allowing removal of a hostage, such as where there is imminent and probable danger to a large group of persons.

564. OFFICERS SURRENDERING WEAPON. An officer or their partner may be at the mercy of an armed suspect who has the advantage, but experience has shown that the danger to officers is not

reduced by them giving up their weapon upon demand. Surrendering their weapon might mean giving away their only chance for survival; therefore, an officer should use every tactical tool at his disposal to avoid surrendering their weapon.

568. BARRICADED SUSPECTS

568.10 TACTICAL PLAN. A barricaded suspect poses an extreme danger not only to officers who seek to arrest him or her, but to other persons as well. Good judgment demands that a tactical plan be developed rather than immediately rushing a barricaded suspect.

Officers should seal avenues of escape and call for assistance. Once the suspect is isolated, time is to the benefit of the officers, and the full resources of the Department are available to assist officers in removing the suspect from his location. To minimize the possibility of injury to officers and others, appropriate special equipment and trained personnel should be requested as needed. If possible, an effort should be made to contact the suspect in an attempt to persuade him or her to voluntarily surrender before force is used.

568.20 SUPERVISION AT SCENE OF BARRICADED SUSPECT. When a suspect is located as the result of a follow-up investigation, the senior investigative officer at the scene is in command. In situations which develop from radio calls or spontaneous activities, the senior uniformed officer present is in command.

570. USE OF FLASHLIGHTS. The primary use of the flashlight is for illumination purposes. Use of the flashlight as an impact device is discouraged by the Department. However, under exigent circumstances, the flashlight may be used as an impact device when the use of an officer's baton is not feasible. Consistent with the Department's Use of Force Policy, any use of the flashlight as an impact device shall be reported, with an explanation as to why the flashlight was used in lieu of other impact devices. The reason for the use of the flashlight as an impact device will be critically reviewed.

571. USE OF DEPARTMENT POLICE DOGS. Police dogs are a multi-functional asset of the Los Angeles Police Department. Police dogs may be used in appropriate circumstances to assist officers in the search for criminal suspects; the detection and location of narcotics and/or explosives; and the location of missing adults or juveniles.

Supervisors or officers at the scene of a police incident may request the assistance of a police dog and shall be responsible for determining if the dog is to be used. When a police dog is deployed, the dog handler shall be solely responsible for the control and direction of the dog.

Police dogs may be used:

- In the detection, control, and apprehension of a suspect when there is a reasonable suspicion of the suspect's involvement in criminal activity;
- In the search of buildings and large areas for suspects;
- In the investigation of a crime or possible crime;
- In searches for narcotics and/or narcotic paraphernalia;

- In searches for explosives and/or explosive devices; or,
- In criminal and non-criminal incidents to assist in the search for missing juveniles or adults.

Police dogs are employed to assist officers in the performance of their duties. In appropriate circumstances, police dogs may be used to defend peace officers and others from imminent danger at the hands of an assailant, and may defend themselves from annoying, harassing, or provoking acts.

572. USE OF CHEMICAL AGENTS. To minimize injury to suspects, officers, and others or to avoid property damage, the use of a chemical agent, such as tear gas, may be necessary in circumstances where a serious danger to life and property exists and other methods of control or apprehension would be ineffective or more dangerous.

The field commander at a police situation has the responsibility for determining the need for the use of a chemical agent and the authority to direct its deployment. In no event, however, can authorization for the use of a chemical agent be given by an officer below the rank of Sergeant or Detective. The use of a chemical agent for crowd or riot control must be authorized by an officer of the rank of Commander or higher.

573. USE OF NON - LETHAL CONTROL DEVICES. To reduce the number of altercation-related injuries to officers and suspects, the Department authorizes the use of selected non-lethal control devices.

Approved non-lethal control devices may be used to control a violent or potentially violent suspect when lethal force does not appear to be justifiable and/or necessary; and attempts to subdue the suspect by other conventional tactics have been or will likely be ineffective in the situation at hand; or there is a reasonable expectation that it will be unsafe for officers to approach to within contact range of the suspect.

Chemical irritant spray **shall** be possessed and maintained by all uniformed field personnel who have completed designated training in its use. Undercover and plainclothes personnel **may** possess chemical irritant spray subject to the same training requirements.

The TASER shall be used **only** by personnel who have completed the Department's TASER training program.

Officers who use non-lethal control devices shall ensure that medical treatment is obtained, if needed, for the person(s) upon whom the non-lethal control device is used. TASER cassette darts which penetrate the skin shall be removed by trained medical personnel only.