

7.1.2 USE OF FORCE

Revised October 20, 2015
The Patrol Bureau has audit responsibility.

The Long Beach Police Department recognizes that peace, security and detention officers respond to dynamic and rapidly evolving enforcement situations that may necessitate the use of reasonable force.

7.1.2.1 USE OF FORCE – LEGAL AUTHORITY TO USE FORCE

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If feasible, a suspect will be warned prior to any use of force that is reasonably likely to cause serious injury. Malicious assaults or batteries committed by officers constitute unlawful conduct. The use of physical force shall be restricted to circumstances specified by law when necessary to accomplish a police task successfully.

PC §831(f) – Detention officer authority – A custodial officer may use reasonable force in establishing and maintaining custody of persons delivered to him or her by a law enforcement officer.

PC §834(a) – Requires a person being arrested by a peace officer to refrain from using force or any weapon to resist such arrest.

PC §835 – An arrest is made by an actual restraint of the person, or by submission to the custody of an officer. The person arrested may be subjected to such restraint as is reasonable for his arrest and detention.

PC §835a – Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the 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 efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

PC 836.5(b) (a) – Security officer authority – No officer or employee shall be deemed an aggressor or lose his or her right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or overcome resistance.

PC §841 – The person making the arrest must inform the person to be arrested of the intention to arrest him, of the cause of the arrest, and the authority to make it, except when the person making the arrest has reasonable cause to believe that the person to be arrested is actually engaged in the commission of or an attempt to commit an offense, or the person to be arrested is pursued immediately after its commission, or after an escape.

The person making the arrest must, on request of the person he is arresting, inform the latter of the offense for which he is being arrested.

7.1.2.2 USE OF FORCE – FORCE DEFINED

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Force is any action to control a subject or to overcome resistance through the use of physical strength, weaponless defense techniques, pain compliance techniques, defensive weapons or a combination thereof.

7.1.2.3 USE OF FORCE – FORCE POLICY

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Department personnel will attempt to achieve control through direction, forewarning, or reasonable physical force. Officers are permitted to use only that force necessary, based on reasonableness and the totality of circumstances to:

- 1) Effect a lawful investigative detention or arrest;
- 2) Control a resistive, combative or threatening subject;
- 3) Protect themselves, the subject or another person from injury, death or destruction of property; and
- 4) Stop a subject who is attempting to flee or escape a lawful detention or arrest.

The reasonableness of a particular use of force will be judged from the perspective of a reasonable officer possessing the same information, and faced with the same circumstances as the officer who actually used force.

7.1.2.4 USE OF FORCE – FORCE OPTIONS

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The Department utilizes a use of force paradigm, which allows officers to select the level of reasonable force necessary to control the situation. Should an officer use a force option outside of department training, the officer must fully articulate the necessity of such force and why department trained force options were not utilized.

7.1.2.5 USE OF FORCE – REPORTABLE USE OF FORCE

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A reportable use of force occurs when any officer, in the course and scope of his or her employment, whether on or off duty, uses any physical force upon a non-compliant person, for purposes other than training. A reportable use of force includes, but is not limited to the following:

- 1) Takedowns
- 2) Impact weapons
- 3) Chemical agents
- 4) Less lethal systems
- 5) K-9 bites
- 6) Carotid control hold

7) Deadly force

7.1.2.6 USE OF FORCE – NON-REPORTABLE USE OF FORCE

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The following force options are non-reportable:

- 1) Controlling force when there is no complaint of ongoing pain or injury after the force has stopped;
 - a) Controlling force ranges from exerting a firm grip on a subject, to pain compliance control holds, to an actual physical hold or lock;
- 2) Use of the hobble or expectorant shield, when the subject is compliant during its application.

7.1.2.7 USE OF FORCE – EMPLOYEE RESPONSIBILITIES

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An employee will immediately notify a supervisor regarding a use of force incident, unless exigent circumstances delay the notification. Employees are responsible for the following:

- 1) All on-duty employees must complete a report detailing the use of force by the end of the officer's shift, unless exigent circumstances prevent the officer from filing his/her own report;
 - a) Any employee that uses force must personally document their actions in a police report;
 - b) Any officer not directly involved, but a witness to a reportable use of force will have their observations recorded in a police report;
- 2) If an employee is off-duty, out of jurisdiction, and involved in a reportable use of force incident, the employee shall notify the Watch Commander as soon as practicable, and file a memorandum to their Division Commander articulating the circumstances surrounding the use of force incident no later than the end of their next work shift; and
- 3) In all cases where the carotid control hold has been applied, it shall be the responsibility of the employee using the control hold to ensure that a medical evaluation is conducted as soon as practicable.

7.1.2.8 USE OF FORCE – SUPERVISOR RESPONSIBILITIES

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Sergeants may not investigate or approve their own use of force. After a use of force, a supervisor will respond to the scene to evaluate the incident and is responsible for the following:

- 1) Review the criminal charges against the subject;
- 2) Ensure that a detailed investigation is conducted surrounding the incident;
- 3) Ensure witnesses are identified and statements obtained;
- 4) Ensure all evidence pertaining to the criminal investigation and use of force has been collected;
- 5) Ensure photographs are taken of all injuries or lack of injuries to the suspect and employee;

- 6) Notify the Watch Commander of the use of force incident as soon as possible, prior to the end of the work shift;
- 7) Notify the on-call Internal Affairs Sergeant on all reportable use of force incidents involving potential misconduct or incidents resulting in the subject being admitted to the hospital or transported for treatment to a hospital for the following:
 - a) Injuries requiring sutures
 - b) Broken bones
 - c) All head injuries
 - d) Any injury deemed as serious
- 8) Respond to the medical facility where the subject is transported;
- 9) Consider arranging for other officer(s) to transport and book the subject, if the subject continues to display hostile or confrontational behavior toward the arresting officer(s)
- 10) Direct who will file supplemental reports;
- 11) Review the incident/arrest report and all supplemental reports to the use of force incident; and
- 12) Complete the Supervisor's Use of Force report via BlueTeam.

The Homicide supervisor will file a Supervisor's Use of Force Report via BlueTeam on all force, including but not limited to, firearms used during an officer involved shooting, an in-custody death incident, or as determined by the Homicide supervisor. The investigation conducted by Homicide will be used by the Officer Involved Shooting Board to review the incident.

During an officer involved shooting or an in-custody death incident, if force other than a firearm was used, the Homicide Supervisor will ensure a Supervisor's Use of Force Report is completed via BlueTeam; the supervisory investigation and narrative of the form will contain generic information only about the incident.

7.1.2.9 USE OF FORCE – BOOKING SERGEANT RESPONSIBILITIES

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Booking sergeants will assist field sergeants with their responsibility to investigate reportable use of force incidents occurring in the Booking area. This includes the Booking tunnel, the main Booking area including the holding cell, jail elevator, and the hallway on the fourth floor leading to the Women's jail from the elevator.

The Booking Sergeant is responsible for the following:

- 1) Ensure employee(s) involved in the use of force immediately notify their Field Sergeant regarding the use of force;
- 2) Notify the Watch Commander regarding the use of force;
- 3) Assist the Field Sergeant in conducting the investigation, including assisting with interviews of witnesses and involved officers;
- 4) Remain in the Booking area while assisting with the investigation;
- 5) Ensure any audio or video evidence captured by the security camera system is reviewed and copied;

- 6) File a supplemental report documenting their actions and observations regarding the use of force and make sure they are included in the DR for the incident; and
- 7) Complete the Supervisor's Use of Force Report via BlueTeam for any use of force incidents involving police officers and detention supervisors occurring inside the Jail after the prisoner has been released to jail detention officers.

In use of force incidents involving detention officers, detention supervisors will file the Supervisor's Use of Force Report.

7.1.2.10 USE OF FORCE – WATCH COMMANDER RESPONSIBILITIES

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Upon notification of a use of force occurring outside the Long Beach Police Department jurisdiction, the Watch Commander will determine whether a supervisor will respond to the scene. The Watch Commander will evaluate the need for further investigation and take appropriate action on all use of force incidents.

When a Watch Commander is directly involved in a use of force incident, the Watch Commander will direct another supervisor to respond and handle the investigation and reports.

The Watch Commander is responsible for the following:

- 1) Review and approve the incident/arrest reports, along with all connecting reports regarding the use of force incident;
- 2) Ensure the incident and level of force used is entered in the Watch Commander's Log;
- 3) Notify the on-call Internal Affairs Sergeant on all reportable use of force incidents involving potential misconduct, or incidents resulting in the subject being admitted to the hospital or transported for treatment to a hospital for the following:
 - a) Injuries requiring sutures
 - b) Broken bones
 - c) All head injuries
 - d) Any injury deemed as serious
- 4) Review the Supervisor's Use of Force Report via BlueTeam, provide recommendations if any, and determine whether the use of force is in or out of policy;
- 5) Forward the Supervisor's Use of Force Report via BlueTeam to the involved employee's Lieutenant within a timely manner.

7.1.2.11 USE OF FORCE – INVOLVED EMPLOYEE LIEUTENANT RESPONSIBILITIES

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Review the Supervisor's Use of Force Report via BlueTeam, provide recommendations if any, and determine whether the use of force is in or out of policy. Forward the Supervisor's use of Force Report via BlueTeam to the involved employee's Commander within a timely manner.

7.1.2.12 USE OF FORCE – DIVISION COMMANDER RESPONSIBILITIES

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Review the Supervisor's Use of Force Report via BlueTeam, provide recommendations if any, and determine whether the use of force is in or out of policy. Forward the Supervisor's Use of Force Report via BlueTeam to the involved employee's Bureau Deputy Chief within a timely manner.

7.1.2.13 USE OF FORCE – BUREAU RESPONSIBILITIES

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Review the Supervisor's Use of Force Report via BlueTeam, provide final recommendations if any, and make a final determination whether the use of force is in or out of policy.

The Deputy Chief of the involved employee shall forward the Supervisor's Use of Force Report via BlueTeam to the Internal Affairs Division in a timely manner.

If the use of force was part of a tactical event or unusual occurrence, the Deputy Chief will notify the Tactical Operation Committee (TOC) for review.

7.1.2.14 USE OF FORCE – INTERNAL AFFAIRS RESPONSIBILITIES

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Internal Affairs will maintain all Supervisor's Use of Force reports and ensure compliance with any findings or recommendations.

7.1.2.15 USE OF FORCE – TRAINING SECTION RESPONSIBILITIES

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When requested, the Training Section will evaluate the use of force to determine the need for future training.

7.1.3 ARRESTS – FORCE

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When making an arrest, Officers shall strictly observe the laws of arrest and adhere to the following provisions:

- 1) The arresting officer shall use only the amount of restraint necessary to assure the safe custody of the prisoner and his/her own safety.
- 2) The arresting officer is responsible for the safety and protection of the arrested person in his/her custody.
- 3) The arresting officer shall notify Booking Desk personnel or transportation officers, if involved, of any injury, apparent illness or other condition which may indicate that the arrestee would require any special medical care.
- 4) The arresting officer is responsible for the security of all personal property in the possession or under the control of the arrestee at the time of arrest. With the

exception of vehicles, this responsibility is transferred to Booking Desk personnel or transporting officers when they accept custody of the arrestee.