



California Exposition and State Fair Police Department

PHONE (916) 263- 3050 ★ 1600 Exposition Boulevard, Sacramento, CA 95815

DEPARTMENT GENERAL ORDER

ORDER № 200.100

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USE OF FORCE

200.101 PURPOSE

- A. 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 is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner. This Order recognizes that the use of force is a serious responsibility and requires constant evaluation.

200.102 DEFINITIONS

- A. Deadly Force is reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.
- B. 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.

200.102 GENERAL

- A. **Value of Human Life:** The California Exposition and State Fair Police Department recognizes and respects the value of all human life. Officers are involved in numerous encounters daily with a variety of people, and may be called upon to use reasonable force in carrying out their duties. Officers must understand the limitations of their authority with respect to overcoming resistance from those with whom they come in official contact. Vesting officers with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interests.
- B. **California Penal Code 835(a):** 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 affect 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/her efforts by reason of resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his/her right to self-defense.

200.103 POLICY

A. **Policy:** It is the policy of this Department that officers shall use only that force which is reasonable, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident under control. “Objective Reasonableness” of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident.

1. **Conditions Justifying the Use of Force:** Officers may use force in the performance of their duties when they reasonably believe that any of the following conditions exist:

- a. In self-defense or in defense of another person;
- b. To prevent the commission of a public offense;
- c. To effect a lawful arrest, to prevent escape, or to overcome resistance;
- d. To protect a person from injuring him/herself;
- e. To prevent the destruction of evidence.

2. **Deadly Force:** Officers may use deadly force in the performance of their duties when the following conditions exist:

- a. In self-defense or defense of another person when the officer has a reasonable belief that there is imminent danger of death or great bodily injury.

Note: Imminent does not mean immediate or instantaneous. An imminent danger may exist if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another. The person is capable of causing serious bodily injury or death without a weapon (e.g. motor vehicle) and it is reasonable to believe the person intends to do so.

- b. To effect an arrest, prevent an escape or recapture an escapee, when the officer has a reasonable belief that the suspect has committed or attempted to commit a violent crime involving the threat of death or great bodily injury, or may cause death or great bodily injury to an officer or another person, should the suspect escape.
- c. In each situation above, where feasible, an officer should issue a verbal warning prior to discharging their firearm.

3. **Objective of Force:** The objective of applying reasonable force is to control persons and incidents, thereby minimizing injury to all persons involved. Nothing in this policy requires an officer to actually sustain physical injury before applying physical force.

200.104 USE OF FORCE OPTIONS

- A. Examples for the application of various levels of force are provided to officers and do not imply any escalation scale. These examples are not exhaustive, nor are they intended to limit an officer's reasonable response to a perceived threat. (Refer to Annex A)

200.105 DUTY TO INTERCEDE

- A. Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

200.106 REPORTING

- A. Incidents of Use of Force: Any use of force, which results in a visible or reported injury, or involves the use of firearms, impact weapons, chemical weapons, or vehicles, shall be documented. The use of particular weapons, such as chemical weapons, may also require the completion of additional forms as required by department policy and/or state law. This includes any incident as outlined in 835(a) PC.
- B. Medical Considerations: Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.
- C. Based on an 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 a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.
- D. The on-scene supervisor, or if not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g. prolonged struggle, extreme agitation, impaired respiration).
- E. 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. Calls involving these persons should be considered medical emergencies. Officers who reasonable

California Exposition and State Fair Police Department
Department General Order, Use of Force Order № 200.100

suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage nearby, if appropriate.

F. Reporting the Use of Force: Any use of force, pursuant to this policy, by a member of this department shall be documented properly, completely and accurately in an appropriate report. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. The complete use of force report, whether an incident, pursuit, casualty, or crime report, shall include, but is not limited to, the following:

1. Reason for response or enforcement activity.
2. Witnesses/Suspects' behavior upon arrival of officers.
3. Suspects' actions and statements prior to arrest/use of force.
4. Differences in physical odds; i.e. height/weight, alcohol/drug intoxication, demonstrated fighting skill.
5. Type and amount of resistance offered.
6. Type of force used to overcome resistance.
7. Medical treatment requested and whom by provided.
8. Time of supervisory notification and to whom.
9. Third party witnesses statements.
10. Evidence collected, including description of injuries.

G. Supervisory Notification: Supervisory notification shall be made as soon as practical following the application of force in any of the following circumstances:

1. The application caused a visible injury.
2. The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
3. The individual subjected to the force complained of an injury or continuing pain.
4. The individual indicates the intent to pursue litigation.
5. Any application of chemical agents.
6. Any application of a conducted electrical weapon.
7. Any application of a restraint device.
8. The individual subjected to the force was rendered unconscious.
9. An individual was struck or kicked.
10. An individual alleges any of the above occurred.

- H. Supervisor Responsibility: When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:
1. Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
 2. Ensure that any injured parties are examined and treated.
 3. When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted with the person having voluntarily waived his/her Miranda Rights, the following shall apply:
 - a. The content of the interview should not be summarized or included in any related criminal charges.
 - b. The fact that a recorded interview was conducted should be documented and included as part of the incident reporting process.
 - c. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
 4. Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
 - a. Identify any witnesses not already included in related reports.

200.107 DEBRIEFING

- A. Management and/or supervisory personnel shall plan and facilitate debriefings of any use of force incidents which result in serious bodily injury or death to citizens, officers or suspects. The debriefings shall include personnel involved in the incident and any other concerned personnel at the discretion of the coordinating manager/supervisor. They should occur as soon as possible after the incident, but no later than 30 days afterwards.

ANNEX A

1. Examples of factors which may affect an officer's use of reasonable force:
 - a. Officer/Subject factors (age, size, relative strength, skill level, injury/exhaustion).
 - b. During incidents involving a detention or an arrest of individual(s), where officers are confronted with the formation of a large gathering with a display of crowd unruliness. Because this creates an unsafe environment for the arresting/detaining officers or others, the Department must establish control of the situation by reacting quickly and committing sufficient resources to control the situation. Control must be established in all parts of the involved area so that there are no areas into which the Department cannot go.

Officers shall have an understanding of their ability and/or responsibility to relocate detained individuals to the Police Department in situations where the contact is creating attention and where a crowd is forming and/or becoming unruly (officer safety hazard). Due to unpredictability, this necessary movement shall be made in situations where physical confrontations may be avoided and/or reduced.
 - c. Influence of drugs, alcohol, or mental capacity.
 - d. Proximity to weapons.
 - e. Availability of other options.
 - f. Seriousness of the suspected offense.
 - g. Potential for injury to citizens, officers, and suspects.

2. Types of force which may be applied include, but are not limited to:
 - a. Pain compliance techniques – Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

The degree to which the application of the technique may be controlled given the level of resistance.

- 1) Whether the officer can comply with the direction or orders of the officer.
- 2) Whether the person has been given sufficient opportunity to comply.

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

California Exposition and State Fair Police Department
Department General Order, Use of Force Order № 200.100

- b. Displays of force – Physical contact may occur, although physical injury is not likely.
 - 1) Display of impact weapons
 - 2) Display of chemical weapons
 - 3) Display of firearm
 - i. Mere presence
 - ii. Canine or mounted presence
 - iii. Voice commands
 - iv. Physical contact: Directional touching or physical separation of persons, absent the use of a compliance hold.
- c. Application of force – Force used may or may not cause injury, depending upon the resistance level of the subject.
 - 1) Use of chemical weapons
 - 2) Use of restraint devices
 - 3) Use of kicks/punches/strikes/grabs/takedowns
 - 4) Use of Control/Compliance holds
 - 5) Canine or mounted application
 - 6) Use of vehicles
 - 7) Use of impact weapons

NOTE: In situations of self-defense of another, where standard weapons are not available or practical, officers may use any weapon at hand, if necessary.

- d. Deadly Force – Any force used in which death or serious bodily injury can reasonably be expected.
 - 1) Empty hands
 - 2) Firearms
 - 3) Impact weapons, including weapons of necessity

California Exposition and State Fair Police Department
Department General Order, Use of Force Order № 200.100

- 4) Vehicles/legal intervention
 - e. Shooting at moving vehicles: Shots fired at or from a moving vehicle are rarely effective. Whenever possible, Officers should move out of 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 reasonable believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others. Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.