

SACRAMENTO POLICE DEPARTMENT

LESS LETHAL FORCE UPDATE

2002

LECTURE

USE OF FORCE: FEDERAL STANDARDS

The Fourth Amendment “objective reasonableness” Standard

In 1989, the United States Supreme Court applied an objective standard to a nondeadly force situation and further established how reasonable force must be judged objectively (*Graham V. Connor*). The Court’s analysis began by considering the suspect’s Fourth Amendment right to remain free from any unreasonable seizure against the government’s interest in maintaining order through effective law enforcement.

The court noted that determining the objective reasonableness for the use of force must be *fact specific* and established the following four components for determining reasonableness. The reasonableness of a particular use of force must be:

1. judged from the perspective of a reasonable officer.
2. examined through the eyes of an officer on the scene at the time the force was applied.
3. based on the facts and circumstances confronting the officer without regard to the officer’s underlying intent or motivation.
4. based on the knowledge that the officer acted properly under the established law at the time.

The Officer’s Perspective

Peace officers will constantly be faced with decisions as to when to use force and to what degree it should be applied. The totality of the circumstances must be evaluated from the perspective of the officer at the scene, rather from an outsiders benefit of hindsight. Reasonable force must be based on the facts and circumstances known to the peace officer at the time the force was used.

The Court noted that, “the amount of force necessary for the situation is determined by the objective reasonableness as judged by a reasonable officer given the officer’s training and experience.”

The Officer’s Intent

The primary objective for the application of force is to ensure control of a suspect. The Court determined that the officer’s subjective feelings toward a suspect should not be considered when establishing whether or not to use force or the amount of force to use for a specific situation.

Additional Gauges for Reasonableness

The Court noted that the following facts should also be considered but not limited to when gauging reasonableness:

- the severity of the crime

- the nature and extent of the threat posed by the suspect
- the degree to which the suspect resists arrest or detention
- any attempts by the suspect to evade arrest by flight

SPD USE OF FORCE POLICIES

G.O. 580.02: Use of Force

Policy

B. General

1. 835a PC
3. Use instructed techniques and approved equipment
Exception: “Under extraordinary conditions....”

C. Mandatory Reporting

- b. Injury or use of a weapon or the carotid control hold or any hand strike (applies to all less lethal weapons discussed in this class)
 1. How and why force was used and description of injuries
 - a. Correct terminology when describing types of force used
 - b. Describe why force was used. Saying you were in fear is not sufficient. You must justify your reasonable fear.
 2. Red Border Form
 - a. A “heads up” for Risk Management.

OOO 580.05 Flexible Baton Round

A. Definition

- 45 grams of #9 lead shot
- 120 ft/lbs of kinetic energy
- Flattens to four square inches on impact
- Designed to momentarily stun
- Accurate from 30’ to 100’

B. Availability

- Lieutenants, Sergeants, and special units
- Shall only be used in designated shotguns

C. Use

- Authorization to use by field supervisors only
- To be used by trained personnel only except in emergencies and when authorized by a Watch Commander or higher
- Protocols
 - Notify all officers on scene and responding (via radio) that flexible baton rounds are being deployed
 - Use only shotguns that are marked with three red stripes
 - Have appropriate alternative force options *immediately* available.

R.M. 580.07: Chemical Agents Manual: Pepper Spray/OC

F. Individual Aerosol Chemical Agents

1. Application

- Suspects who are violently resisting arrest
- Attacking suspects
- Other situations that fall under G.O.580.02 and 835a PC
- Aim at forehead, eyes, nose, and mouth from 3' to 15'

2. Performance

Decontaminate suspect as soon as safe and practical

- Aeration
- Flush with cool water

R.M. 580.08: Baton Manual

I. B. Tactical Considerations

It is impossible to establish absolute rules about when to use the baton

- The officer should continually assess the necessity of and level of force to be applied in a particular situation. Some determining factors in making a decision to use or continue to use a baton include:
 - Size of the assailant compared to the size of the officer.
 - The officer's inability to use weaponless control due to injury or level of exhaustion.
 - The number of officers versus the number of suspects.
 - The number of the assailants.
 - The violent aggressiveness of the assailant
 - Whether the assailant possesses weapons or objects that can be used as weapons or his/her proximity to such objects.
 - The need for immediate control due to tactical considerations.
- The duration of strikes shall be limited to the minimum required to effectively control the suspect.

R.M. 580.09: Carotid Control Hold Manual

Use

- Violent individuals
- Other techniques failed or are not feasible
- Deadly force is not justified

I. A. Policy and Guidelines

- The intent of the Carotid Control Hold is to control and subdue a violent individual by rendering him unconscious. However, if the violent individual stops resisting or indicates that he will stop resisting, the officer can still maintain control, and transition to a rear wristlock control hold and handcuffing.

- The Carotid Control Hold should not be applied repeatedly. An individual should not be rendered unconscious more than once in a confrontation where the Carotid Control Hold is used.
- Once the Carotid Control Hold is applied, the subject should lose consciousness in 5 – 15 seconds.
- The subject should regain consciousness within 20 – 30 seconds.

D. Risk Awareness

Certain individuals may be at increased risk of serious injury or death from use of the carotid control hold:

- Older individuals with cardiac abnormalities
- Younger individuals (under the age of 14), with immature nervous systems
- Individuals under the affect of drug induced psychosis
- Individuals exhibiting psychotic behavior

NOTE: although officers are not prohibited from using the Carotid Control hold on these types of individuals, officers need to be aware of the increased risk, and must be prepared to administer after-force care, or implement other methods of control.

Medical Follow-up

Once the suspect is handcuffed:

1. Check pulse and breathing
2. If pulse or breathing are not normal, call EMS and start first-aid
3. If suspect does not regain consciousness within 30 seconds, notify EMS and keep checking pulse and breathing.

G.O. 580.10 Use of Taser

Policy

To deploy and use the Taser to maximize the safety of all individuals involved in an incident.

Procedure

B. Criteria for Use

1. The Taser shall only be used by trained officers in a manner consistent with training and Department orders.
2. Not a substitute for deadly force.
3. Not to be displayed on routine calls
4. Shall not simultaneously hold a Taser and a firearm
5. Not to be used to gain compliance over subjects who are not presenting an immediate, credible threat to the safety of the officers or the public. Not to be used against passive resisters or handcuffed subjects.

C. Deployment.

Officers are responsible for maintaining their Taser

1. Store the Taser and cartridges in the issued case or holster.

2. Make the Taser accessible either secured in your vehicle or on your person during your shift. The Taser holster shall only be worn on the non-dominant side.
 - a. Keep at least two extra cartridges with your Taser
 - b. Don't carry extra cartridges in your pocket for extended periods of time.
 3. Batteries
Check your batteries frequently
 - a. Remove the cartridge prior to testing or changing the batteries.
 - b. Spark test daily prior to going 909 or after going 908 in the police station parking lot.
 - i. Recharge batteries every two weeks.
 - ii. Charged batteries should be good for 60+ activations and should maintain full power during consecutive cycles.
 - iii. Do not cycle your Taser more than three times in a row as this will cause the weapon to heat up.
 - iv. Keep issued alkaline batteries in your second magazine as a back up.
 4. Check your Taser cartridges for damage and expiration dates. Expired or damaged cartridges should be turned in to the armorer or a supervisor for replacement.
 5. Ensure that the rubber stopper is in the data port at all times.
- D. Tactics
1. Do not use the Taser if:
 - a. The suspect has been exposed to flammable liquids.
 - b. The use would occur in a flammable or explosive environment.
 - c. The suspect could fall from significant heights or into a body of water.
 2. Should not normally be used against obviously pregnant females or elderly persons
 3. Officers deploying the Taser should attempt to assemble additional officers to provide cover with **other appropriate force options** and to take the suspect into custody. The circumstances of each incident will determine the necessary number of officers.
Note: Under exigent circumstances, nothing in this policy prohibits a single officer from deploying and firing a Taser without requesting/ or the presence of additional officers.
 4. When practical, prior to firing the Taser, the officer shall:
 - a. Loudly announce that the Taser is being deployed (Taser! Taser! Taser!)
 - b. Advise radio to broadcast that a Taser is being deployed.
 - c. Warn the suspect that he/she will be tased if they do not cooperate (*Deorle V. Rutherford*)

5. The Taser will be used in the touch stun mode for defensive purposes only.
- E. Responsibilities after Taser Deployment.
 1. Treat any injuries to suspect. Only medical personnel may remove probes that are embedded in the suspect's skin.
 2. Notify supervisor and complete required reports including crime report, Red Border Form, and Taser Use Report.
 - a. Collect and book as evidence discharged cartridges, probes and a sampling of AFIDS
 - b. Book probes as biohazard "sharps"
 - c. Record the serial # of your Taser in the crime report.
 - d. Supervisors shall ensure that photographs are taken of the probe impact sites and any other injuries.
- F. Rechargeable batteries
- G. Battery chargers.
- H. Extra cartridge clip.

HAND STRIKES

1. The Purpose of a Hand Strike in Law Enforcement
 - a. Police use of force is used to accomplish two things
 - i. Defend the officer from harm
 - ii. Gain control over a subject
 - b. A hand strike can be used as a personal impact weapon when an "external" impact weapon, such as a baton, cannot be utilized.
 - i. Reasons for not using an issued impact weapon could be suddenness of attack or a confined area.
 - c. Hand strike as a diversion
 - i. A distraction is a "diversion".
 - ii. A distraction is meant to de-focus the subject from successfully completing an attack or resistance.
 - iii. A distraction is meant to cause a "pause in combat", so that transition to an effective use of force can be made.
2. Injuries Resulting from Hand Strikes
 - a. Dependent on the focus and goal orientation of the subject and the intent of the officer.
 - i. If attack is not well focused, a feinting movement with little or no contact may be effective.
 - b. If the subject is focused and/or has a high pain threshold, the officer may have to deliver a powerful hand strike to gain control.
 - i. This increased power may result in injury.
 - c. Several factors will determine the appropriate response
 - i. Officer size and skill
 - ii. Suspect size, skill, and demeanor
 - iii. The overall situation.

- d. Other factors may influence the extent of injury.
 - i. The subject's physical condition
 - ii. The environment
- 3. Problems associated with Hand Strikes
 - a. Potential for abuse
 - i. Because hands are a readily available weapon, a small percentage of officers may choose to intentionally violate the laws, policies, or guidelines pertaining to reasonable force.
 - b. Other Problems
 - i. Use of hand strikes places the officer within arms distance of the subject.
 - 1. The officer is placed in a vulnerable position.
 - 2. The officer is vulnerable to being hit or kicked by the subject.
 - ii. Depending on the situation, certain areas of the subject's anatomy should not be targeted.
 - 1. May result in serious or permanent injury to subject.
 - iii. Hands can be easily injured when delivering a strike.
 - 1. A hand injury may prevent transitioning to another weapon.
 - 2. Career threatening permanent injuries are possible.
 - c. Tackling
- 4. Conclusion.
 - a. Use of hands for strikes or distractions is allowable.
 - i. Must be within the laws, policies, and guidelines.
 - ii. Must be appropriately trained.
 - b. Two other important elements
 - i. Proper after force care of subject
 - ii. Proper documentation.

PEPPER BALL GUNS

Weapon Description

- 1. Nomenclature
- 2. Projectiles
 - a. Pass around samples
 - b. What the different colors stand for
 - i. Clear = Inert
 - ii. Orange = OC
 - c. Characteristics of projectiles
 - i. 5% OC concentration
 - ii. Powder form
 - iii. Hard frangible plastic shell
 - iv. Effective range:
 - 1. Target specific = 30'
 - 2. Area saturation = 100'

Availability

1. Patrol Sergeants
2. Specified patrol officers

Use

1. Crowd Control
2. Violent subjects where lethal force is not justified.

Demonstration

1. Instructor will give a live fire demonstration
2. Students given the option to fire the weapon.

G.O. 525.03 IN-CAR CAMERAS (ICC)

Use of Equipment

1. Only trained officers will use the ICC.
2. Beginning of Watch: Check the ICC system
 - a. Check transmitter for function and battery life.
 - b. Position the transmitter, microphone, and camera properly.
 - c. Ensure that there is enough videotape in the recorder.
 - d. Note the tape number in the recorder on your unit history when logging on.
 - e. Complete the ICC Videotape Log.
 - f. Make sure that the date and time indicated on the recorder are correct.
3. End of Watch:
 - a. Leave the remote microphone in the glove compartment.
4. Notify supervisor if the ICC system is broken or need a new tape.
 - a. Note the tape number of any replacement tapes on your unit history.
 - b. Supervisor will determine whether or not to deadline a car for a broken ICC system.

Use of the System

1. Activating the system
 - a. Manually by the control panel
 - b. Remotely by the transmitter
 - c. Automatically when forward emergency lights are on.
2. Mandatory video recording:
 - a. Pursuits
 - b. Code 3 driving
 - c. Responding to a pursuit
 - d. Responding to a felony vehicle stop
 - e. Responding to a request for cover
3. Audio and video will be activated:
 - a. Upon arrival at any priority "E" or "1" call except a 994D (explosive devise) call. System may be turned off when the situation has stabilized.

- b. When initiating any field contact from the patrol car. The contact shall be recorded until it has concluded.
4. If an event is not recorded, in part or at all, the officer shall immediately notify a supervisor and note the lack of recording in the report, or on the call history if no report is written.
5. If a recording of any incident has any significant value, the officer shall notify the sector sergeant ASAP. The sergeant may then remove the tape for booking and replace the tape with a new one.
6. Officers will note in crime reports and on citations of an ICC recording was made of the event. A similar note will be made on the call under the “miscellaneous” command.
 - a. Note the tape number
 - b. Note the time/video frame stamp at the start and end of the incident.
7. Officer shall not erase, alter, or tamper with any tape in, or remove any tape from the ICC system. Officers shall not tamper with or modify any part of the ICC system.

Supervisor’s Responsibility.

1. Sergeants shall:
 - a. Maintain keys to the ICC trunk recorder locker.
 - b. Replace videotapes when there is not a sufficient amount of time remaining.
 - c. Replace videotapes when they determine that a taped event is of significant evidentiary value.
 - d. Maintain the videotape log.
 - e. Place tapes into each station’s secure video storage locker.
 - f. Ensure that they have an adequate supply of blank tapes in the video locker and in their vehicle at the start of the shift.
2. Tapes may only be copied by Property Division personnel. Tapes may be copied by authority of a subpoena or with written permission from:
 - a. A lieutenant or higher
 - b. IAS
 - c. PSU
3. Original tapes must be maintained for one year from the date they were created. Tapes that are evidence in any case shall be maintained until the case is resolved.
4. Copies made for court or any other purpose shall be returned to Property Division as soon as practical.
5. Officers using the ICC system may review recording of incidents prior to the removal of tapes from the vehicle’s recorder. Tapes shall not be routinely reviewed to monitor performance. Tapes may be reviewed and/or copied as part of an official department investigation including matters referred to IAS, personnel complaints, civil claims, or other administrative investigations.

Caution. The ICC system will automatically start recording at the end of a previously recorded section of tape as long as the tape remains in the

ICC recorder. This prevents recording over previously recorded material. However, if a tape is removed from the recorder and reinserted, the system will start recording at the tape's current position and may record over previously recorded material. For this reason, once a tape is removed from the ICC recorder, it should not be reinserted.

Demonstration

Each officer will complete a beginning of watch ICC system inspection.

FORCE OPTIONS

Review of the Force Continuum, including all of the options discussed in lecture.

Discussion of appropriate uses of force in various situations

Applicability of different available weapons

Communication with suspect.

- One officer talks to suspect
 - Suspect can understand what he is being told to do.
 - Avoids conflicting orders.
 - Tac Com
- *Deorle V. Rutherford*

PRACTICAL EXERCISES

PLACING UNCOOPERATIVE SUSPECTS IN SQUAD CARS

Controlling handcuffed suspects

Applicable control holds

1. One-handed rear wristlock.
2. Two-handed rear wrist lock

Pressure points

1. Sternum rub

Baton/Yawara Stick

Hobble

Seat belt restraints

FORCE OPTION DECISION AND DEPLOYMENT

Officers will put on all of their duty gear including the Taser. Half of the class will line up in front of the classroom and face the instructor.

1. The instructor will call out the different weapons (gun, baton, pepper spray, Taser) and officers will draw that weapon. Start the drill slowly and pick-up the pace as officers become more proficient in drawing their weapons.
2. The instructor will present the students with different threats (knife, gun, stick, rock, fist, etc.) and officers will decide which force option is appropriate and deploy it.

TASER

1. Tactics

- A. Advise Radio
- B. Advise officers on scene
- C. Draw
- D. Visually confirm the weapon
- E. Arm
- F. Advise suspect he will be shocked if he does not comply
- G. Announce "Taser, Taser, Taser!"
- H. Fire
- I. Let Taser cycle the full 5 seconds

Shot Placement

- A. Large Muscle groups
 - a. Back
 - b. Legs

Custody

- A. One officer
 - a. Deploy and hold for cover
 - b. Cycle Taser as necessary to gain compliance until cover arrives.
- B. Two Officer Team
 - a. Taser Operator
 - i. Controls the scene
 - ii. Responsible for tactics A through I above
 - iii. **Gives verbal commands to suspect and officers**
 - iv. Manipulates wires after deployment
 - v. Advise cover officer when to move in to take custody.
 - b. Cover Officer
 - i. Provide lethal or other cover options
 - ii. Custody
 - iii. Secondary Taser if primary Taser fails.
- C. 3-officer team
 - a. Taser Operator (Same as Two Officer team)
 - b. Cover Officer
 - i. Provide lethal or other cover options
 - ii. Assist with Custody
 - iii. Secondary Taser if primary Taser fails.
 - c. Custody Officer
 - i. Primary Custody
- D. Fourth Officer
 - a. Takes over secondary custody duties and allows cover officer to remain as cover.

- E. Take custody during or immediately following the 5-second cycle

Double Deployment

- Firing two Tasers at a subject simultaneously.
- Poses no greater health risk to suspect than a single Taser shot.
- A good tactic for extremely violent individuals.
- Avoid crossfire.
- Doubles the chances of getting a good hit.
- Requires a second Taser operator (One officer shall not fire two Tasers simultaneously).
- Custody officers must be aware of all four wires.

Touch Stun

1. For defense only
 - a. Subject is attacking
 - b. Subject is too close for an effective probe shot
 - c. Not to be used to gain compliance from a subject who is uncooperative only or who simply refuses to get into the back of a patrol car.
2. Use as a back up to probes.
 - a. One or both probes miss and subject charges.
3. Contact Points
 - a. Neck
 - b. Pelvic girdle
 - c. Contact must be maintained firmly for five seconds or until you can gain control or separation.
 - d. Subject's natural reaction will be to pull away.
 - e. The stun will be ineffective unless contact is maintained.
4. Gain separation and go to probes
5. Custody will usually require a second officer.
6. Limited Effectiveness
 - a. The short distance between the probes means it causes pain only and does not incapacitate.

Exposure Drill

1. Instructor will allow another instructor to contact him/her briefly with the Taser in touch-stun mode to demonstrate the limited effect and natural reaction.
2. Students will be encouraged, but not required, to experience the touch-stun. Shoulders are the recommended contact point for the demonstration unless the student requests a different location.

Drawing

1. defeat all holster safeties
2. draw the Taser with the non-dominant hand
3. transition to the strong hand
4. visually confirm that the weapon is a Taser
5. arm the Taser
6. safe the Taser
7. transition to the non-dominant hand
8. holster the Taser
9. secure all holster safeties.

Failure Drill

Bad Cartridge
Missed Shot
Weapon Malfunction

Move
Safe
Rip
Reload
Arm
Assess

Two officers will face each other in front of the class. They will each be given three expended Taser cartridges. One expended cartridge will be loaded into the Taser, another will be placed in the extra cartridge holder, and the third on will be secured in the holster. The officers will demonstrate all typical deployment protocols (advise dispatch, advise other officers on scene, warn the suspect, announce "Taser, Taser, Taser!"). The officers will then fire the Taser, simulate a miss, move, safe, rip, reload, rearm, fire and repeat until they run out of cartridges.

Counter Measures

Get beyond the 21' Limit
Seek cover
Move
Make yourself as small of a target as possible
Ride out the cycle and rip out the darts as soon as you are able.

SCENARIOS

Students are presented with a variety of scenarios that provide opportunities for the use of less lethal force options. There will be different disturbance calls acted out by roll players. The students will pair up and respond to all six scenarios. Each officer will be expected to use appropriate tactics, verbal commands, and force if applicable. Scenario managers will monitor and critique each scenario at its conclusion.

The purpose of the scenarios is to demonstrate that there may be several acceptable solutions to a situation, and to present students with different ideas to consider when faced with actual use of force situations. Also, they will help students to recognize the strengths and limitations of different force options.

Scenario #1:

Drunk neighbor yelling, loud music/TV.

The apartment door will be ajar so responding officers can push it open and see the suspect sitting inside his apartment. Suspect will have a large knife on his belt. Suspect will not threaten the officers with the knife. Subject will not give officers permission to enter the apartment. Suspect will be argumentative, but will comply if officers use appropriate tactical communication. Suspect will put the knife down if requested, but will not come to the door. Suspect will agree to turn down the music/TV and keep the noise down if requested. If the officers enter the apartment, the suspect will approach them aggressively and demand that they leave, but will not attack.

This is a no force scenario. Officers have no legal authority to enter the apartment. Proper tactical communication will resolve the situation.

A proper resolution would be to use good tactical communication, get the suspect to agree to keep the noise down, close the door and leave without ever entering the apartment.

Scenario #2:

5150 Violent, armed with nunchaku.

Suspect acting irrationally, yelling and screaming while swinging the weapon. Suspect will not attack officers but also will not comply with their commands. Suspect will be 20'-25' away from officers (out of Taser and pepper spray range). Scene manager will signal roll player to throw down the nunchaku and charge the officers with nothing in his hands.

Officers should utilize available cover throughout the situation.

Officers should attempt verbal commands initially.

Proper force options would be Taser or pepper spray with lethal force cover.

Taser may be best option because of greater range and suspects extremely violent behavior. Officers will use reasonable protocols if the Taser is deployed.

Scenario #3:

Fight between two subjects.

Suspect will be on top of victim beating him with his fists. Suspect will have a knife concealed under his belt. Suspect will not comply with verbal commands. If officers attempt to use control holds or hand strikes, the suspect will pull out his knife and stab the officers.

Officers should attempt verbal commands initially.

Proper resolution would be pepper spray or Taser, this will allow officers to maintain a safe distance from the suspect. Officers will use reasonable protocol if the Taser is deployed.

Scenario #4:

Suspicious subject with a knife.

Officers will contact the complainant who will advise them that his roommate is upset over a breakup, is armed with a knife, and is trashing their apartment.

Complainant will open the apartment door for the officers or give them the key.

Suspect will be argumentative and will have a knife in his hand but will not threaten the officers. On a signal from the scene coordinator, the suspect will drop the knife and start to comply. After a few seconds, the suspect will reach for a gun concealed in his waistband and attempt to shoot the officers.

Officers should immediately utilize available cover and deploy the Taser along with lethal force cover.

Verbal commands should be attempted.

Once the suspect goes for his gun, lethal force is justified.

Scenario #5:

Suspicious subject armed with a knife.

Suspect is drunk and upset at his wife for leaving. Suspect will be holding a baby in his arms and will have a knife in his hand. Suspect will not threaten the baby with the knife. Officer will talk to the officers, but will not comply with commands. After several seconds, the suspect will place the baby on the floor to change its diaper.

Officers should begin with tactical communication.

Officers should deploy the Taser or pepper spray with lethal force cover. The best opportunity for officers to deploy force option is when the suspect places the baby on the floor.

Pepper spray may be a better option because the suspect will be behind the baby and will present a very small target.

Scenario #6

5150 armed with a stick.

Suspect will be holding a large stick like a sword. Suspect will not threaten the officers, but will refuse to drop the stick. Next to the suspect is a can of gasoline and a lighter. Suspect is wet. If officers attempt to approach the suspect, he will throw down the stick and pick-up the gas can and lighter. If, after several minutes, the officers use no force, scene manager will signal the roll player to drop the stick and pick-up the lighter and gas can.

Officers should initially use tactical communication.

Officers should recognize the gas can, realize that it eliminates the Taser as a force option, and communicate this information to their partner.

Officers will be able to safely approach within pepper spray range (15'), and should utilize pepper spray as soon as possible.