

## 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 is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

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 objectively reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations of such authority. This is especially true with respect to dealing with non-compliant and/or resistive subjects while engaged in the performance of law enforcement duties.

Officers are expected to carry out their duties, including the use of force, in a manner that is fair and unbiased.

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

This policy also provides requirements for the approval, training and carrying of firearms and control devices/techniques.

The provisions contained in this Chapter are for the internal use of the University of California Police Departments and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the University, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline.

***Additional policies apply to the use of force in crowd management, intervention, and control situations. Refer to (Universitywide Police Policies and Administrative Procedures Gold Book) Crowd Management, Intervention and Control, Chapter 15.***

### 300.2 DEFINITIONS

or purposes of this chapter, the following definitions shall apply:

**Active Resistance:** The subject is intentionally and unlawfully opposing the lawful order of a peace officer in a physical manner; Examples may include bracing, tensed muscles, interlocked arms/legs, pushing, kicking, breaching police lines, pushing over police barricades, running away or other actions to evade or escape etc.

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**Assaultive Resistance:** A form of Active Resistance where the subject uses aggressive or combative behavior to attempt, threaten, or commit a violent injury on an officer or other person.

**Chemical Agents:** Devices utilized by law enforcement agencies, which may include CS, CN, oleoresin capsicum (OC), and HC.

**Compliant:** A person contacted by an officer who acknowledges direction or lawful orders given and offers no non-verbal/verbal, passive/active, or assaultive resistance.

**Conducted Energy Device (CED):** A CED is a device designed to use electrical energy to induce pain in drive stun mode or to immobilize or incapacitate a person in probe mode thus enabling officers to gain control of a subject.

**Control Devices:** The application of devices intended to assist peace officers in gaining control of subjects who refuse to submit to lawful authority. This may include batons, Conducted Energy Device (CED), oleoresin capsicum (OC) spray, chemical agents, restraints, projectile devices, and kinetic energy devices (KE).

**Control Strikes:** Impact-oriented strikes with personal body weapons such as knees, elbows, hands or fists, and feet.

**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(e)(1)).

**De-escalation:** De-escalation is the process of using strategies and techniques intended to decrease the intensity of the situation.

**Extreme Agitation:** Agitation so severe that the person can be dangerous to themselves or others.

**Force:** The application of physical force, chemical agents or weapons to another person. It is not a use of force when a subject allows themselves to be searched, escorted, handcuffed or restrained. The mere application of a control hold while handcuffing a compliant subject without application of pain is not considered use of force and does not need to be reported.

**Kinetic Energy Projectile:** See Projectile Devices.

**Non-Verbal and Verbal Non-Compliance:** The subject expresses intentions not to comply through verbal and/or non-verbal means. Statements by a subject ranging from pleading to physical threats may be encountered. This also includes physical gestures, stances, and observable mannerisms.

**Pain Compliance:** Stimulation of nerves or the manipulation of joints to elicit a sense of unease or distress in a subject causing that subject to comply with lawful directives.

**Non-Compliant:** The subject refuses to comply with officer's lawful commands or cooperate with an officer's directions. Includes passive resistance where subject uses dead weight to prevent being taken into custody. Examples include subjects who remain in a sitting, standing, or limp

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or prone positions without holding on to fixed objects or other persons in an attempt to delay or resist arrest.

**Professional Presence:** The displays of visual images of authority as well as a professional demeanor and manner are typically present at every encounter between officers and subjects. This includes symbols of police authority including the badge, uniform, and/or marked police vehicle.

**Projectile Devices:** Devices designed to expel or propel impact projectiles or chemical agents by any action, mechanism, or process (e.g., FN 303, 12 gauge specialty impact device, Pepperball, and 40 mm).

**Restraints:** Restraints include handcuffs, belly chains, shackles, hobbles, flex cuffs, wrap, or other devices designed to restrain the movement of a person.

**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)).

**Totality of 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).

**Verbal and Non-Verbal Communications:** Verbal and non-verbal communications are often a critical component of any potential use of force situation. This type of control includes any verbal and non-verbal requests, directions, or commands from an officer to a subject. Verbal and non-verbal interaction is typically present at every level of resistance, but it is not necessary for an officer to exhaust verbal and non-verbal dialogue or commands before using physical force when necessary.

### **300.3 USE OF FORCE**

Officers shall use only that amount of force that is objectively reasonable under the totality of the circumstances known to the officer at the time the force is used. Force may appear necessary at the time the force is used given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of an objectively reasonable officer in the same situation, based on the totality of circumstances known to or perceived by the officer at the time. 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 well-reasoned discretion in determining the appropriate use of force in each incident.

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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 tools, weapons or methods provided by the Department. 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 reasonable, and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose under the totality of the circumstances.

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

#### **300.3.1 USE OF FORCE TO SEIZE EVIDENCE**

Officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers should not use force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted.

#### **300.4 DUTY TO INTERCEDE**

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 shall promptly report these observations to a supervisor as soon as feasible.

#### **300.5 DE-ESCALATION**

When reasonable and practicable, officers should consider attempts to de-escalate situations in their interactions with subjects, through the use advisements, warnings, verbal persuasion, and other tactics and alternatives to higher levels of force.

In addition, when reasonable, officers should evaluate the totality of circumstances presented at the time in each situation and, when feasible, consider and utilize reasonably available alternative tactics and techniques that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code §7286(b)(1)). Such alternatives may include but are not limited to: (a) Attempts to de-escalate a situation. (b) If reasonably available, the use of crisis intervention techniques by properly trained personnel.

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### **300.6 VERBAL AND VISUAL WARNINGS**

A verbal or visual warning of the intended use of force should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply with an officer's direction.
- (b) Provide other officers and individuals with a warning that a control device or weapon may be deployed.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the control device, method or weapon in the related report.

### **300.7 USE OF FORCE TO EFFECT AN ARREST**

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense 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 their efforts by reason of the resistance or threatened resistance of the person being arrested nor shall an officer be deemed the aggressor or lose the right to self-defense by the use of objectively reasonable force to effect the arrest, prevent escape or to overcome resistance (Penal Code §835a(d)).

For purposes of this Section 300.7, "retreat" does not mean tactical repositioning or other de-escalation techniques. (Penal Code §835a(d)).

### **300.8 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE**

When determining whether to apply 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) Immediacy and severity of the threat to officers or others;
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time including whether the individual was actively resisting;
- (c) The time available to the officer to make a decision;
- (d) The conduct of the involved officer leading up to the use of force (Penal Code §835a);
- (e) Seriousness of the suspected offense or reason for contact with the individual;
- (f) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer;
- (g) Proximity to weapons or dangerous improvised devices;
- (h) Officer/subject factors including:
  - 1. Age, size, relative strength;
  - 2. Skill level,

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3. Injuries sustained or level of exhaustion or fatigue;
  4. The number of officers available vs. subjects;
  5. Prior contacts with the subject or awareness of any propensity for violence;
  6. Effects of drugs or alcohol;
  7. Environmental factors such as footing, lighting, sound and crowd conditions.
- (i) The degree to which the subject has been effectively restrained and the subject's ability to resist despite being restrained;
  - (j) Whether the conduct of the subject no longer reasonably appears to pose an imminent threat to the officer or others;
  - (k) The availability of other options and their possible effectiveness;
  - (l) Training and experience of the officer;
  - (m) Potential for injury to officers, suspects and others;
  - (n) The risk and reasonably foreseeable consequences of escape;
  - (o) The apparent need for immediate control of the subject or a prompt resolution of the situation;
  - (p) Individuals who are known to be pregnant;
  - (q) Elderly individuals or obvious juveniles;
  - (r) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray;
  - (s) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles);
  - (t) Individuals with physical, mental health, developmental, or intellectual disabilities who may be limited in their abilities to understand and comply with officer commands;
  - (u) Other exigent circumstances.

### **300.9 PAIN COMPLIANCE TECHNIQUES**

Pain compliance techniques may be very effective in controlling a non-compliant 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 use of such a technique appears objectively reasonable 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.

### **300.10 INTERMEDIATE FORCE APPLICATION**

Intermediate force options are neither likely nor intended to cause death, but have a significant risk of bodily injury or harm. In situations where a subject is actively resisting and poses a threat

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to the safety of officers or the public, officer may use intermediate force where such force would be objectively reasonable under the totality of the circumstances. Intermediate force is typically appropriate to compel compliance by a subject displaying assaultive resistance. This force option includes devices intended to assist peace officers in gaining control of subjects who refuse to submit to lawful authority. This may include for example: batons, conducted energy devices (CED), oleoresin capsicum (OC) spray, chemical agents, restraints, and kinetic energy projectiles (KE).

### **300.11 DEADLY FORCE APPLICATIONS**

A peace officer may use deadly force only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary to defend against an imminent threat of death or serious bodily injury to the officer or to another person.(Penal Code §835a(c)(1) (a)).Officers must consider their surroundings and potential risks to bystanders, to the extent reasonable under the circumstances, before discharging a firearm (Govt. Code 7286).

An officer may only use the level of force that they reasonably believe is proportional to the seriousness of the suspected offense or a reasonably perceived level of actual or threatened resistance (SB 230; Govt. Code 7286).

A peace 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.Where feasible, a peace officer shall, prior to the use of force against such fleeing suspect, make reasonable efforts to identify themselves 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(c)(1)(B)).

A peace officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person.(Penal Code §835a(c)(2).

As used in this Section §300.11, the following terms have the following meanings:

- (a) "Totality of the circumstances" means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force (Penal Code §835a(e)(3));
- (b) A threat of death or serious bodily injury is "imminent" 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 peace officer or another person. 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(e)(2)).

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### **300.12 PROCEDURES FOLLOWING THE USE OF FORCE - MEDICAL ATTENTION**

Prior to booking or release, medical attention shall be obtained for any person to whom force has been applied who:

- (a) Exhibits signs of physical distress;
- (b) Has sustained visible injury;
- (c) Expresses a complaint of injury or continuing pain; or
- (d) Was rendered unconscious; or
- (e) Exhibits extreme agitation.

In such situations, officers shall ensure that the person is monitored until medical attention is obtained.

### **300.13 MEDICAL EMERGENCIES**

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 experience a protracted physical encounter with multiple officers to be brought under control, may necessitate special medical consideration.

- (a) Calls involving these persons may be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

### **300.14 PROVIDERS OF MEDICAL ATTENTION**

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical attention may consist of examination by fire personnel, EMT's, paramedics, hospital staff or medical staff at the jail.

### **300.15 REFUSAL OF MEDICAL ATTENTION**

If any 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.

### **300.16 NOTIFICATION**

When an officer reasonably believes that there is a medical risk to a person following any use of force, the on-scene supervisor, or if unavailable, the primary handling officer shall ensure that any person providing medical care or receiving custody of such person 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).

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### **300.17 REPORTING THE USE OF FORCE - DOCUMENTATION**

Any use of force or display of a weapon or control device to gain compliance by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why they believed the use of force was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

### **300.18 SUPERVISORY NOTIFICATION**

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

- (a) Use of deadly force as defined in Section 300.2 of this Chapter;
- (b) Any display of weapons or control devices in order to gain compliance;
- (c) Any person alleges excessive use of force;
- (d) The individual indicates intent to pursue litigation with allegations of use of force;
- (e) Any application of a restraint device to a non-compliant subject;
- (f) A Non-Injury or Property Damage Intentional Discharge of a Firearm Incident (which includes an intentional discharge at anything other than a person, such as a dog);
- (g) Unintentional Discharge of a firearm or control device;

#### **300.18.1 SUPERVISOR'S ADMINISTRATIVE REPORTING**

Once notified, the supervisor shall respond to the scene in a timely manner in every instance described in Section 818 of this Chapter. The supervisor will investigate the incident and complete a Supervisor's Use of Force Review form. In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as much of the Supervisor's Use of Force Review form as circumstances permit.

#### **300.18.2 SUPERVISOR'S RESPONSIBILITIES**

The supervisor is expected to:

- (a) 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;
- (b) Ensure that any injured parties are examined and treated;
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. A determination must be made if *Miranda* rights are applicable. If *Miranda* rights are not applicable, the following shall apply:

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1. The content of the interview shall be summarized or included in any related criminal charges;
  2. The fact that a recorded interview was conducted shall be documented in the appropriate report(s);
  3. The recording of the interview shall be distinctly marked for retention until all potential for civil litigation has expired.
- (d) If *Miranda* rights are applicable, then no interview with the subject upon whom the force was applied shall be conducted unless the subject waives his/her rights;
- (e) 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;
- (f) Identify any witnesses not already included in related reports;
- (g) Review and approve all related reports;
- (h) Should the supervisor determine that any application of force was not within policy, the Chief of Police or designee will determine the appropriate next steps.

#### **300.19 COMMAND LEVEL REVIEW**

The Chief of Police or designee shall assign a member of his or her command staff to review each use of force by any personnel within his or her command to ensure compliance with this policy and to address any training issues. The assigned command staff member is responsible to review the Use of Force Report package (e.g. Supervisor's Use of Force Review, crime and arrest reports, photographs, and/or other pertinent information). After final review, the Office of the Chief of Police will ensure that custody and storage of the Use of Force Report package complies with legal statutes and policies.

#### **300.20 REPORTING TO THE CALIFORNIA DEPARTMENT OF JUSTICE**

The Chief of Police or designee shall ensure that data required by the Department of Justice (DOJ) regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is collected and forwarded to the DOJ as required by Government Code §12525.2.

#### **300.21 FIREARMS**

Firearm safety shall be a primary concern of all sworn personnel whether on or off duty.

#### **300.22 FIREARMS - DEPLOYMENT**

All firearms deployed and in use by UCPD officers shall be in compliance with the UCPD Systemwide Weapons Inventory List. Weapons not approved for use by the University of California shall not be deployed. The list of approved weapons shall be reviewed and updated annually by the Council of Police Chiefs. Each campus Chief of Police shall personally approve

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the specific weapons available to the department's officers from the UCPD Systemwide Weapons Inventory List.

#### **300.22.1 APPROVAL**

Each campus Chief of Police shall approve the specific weapons available to the department's officers from the UCPD Systemwide Weapons Inventory List.

#### **300.22.2 AUTHORIZATION**

Firearms shall be used only by department personnel who have been authorized by the Chief of Police, trained, and who are qualified in their proficient operation. While on duty, authorized personnel shall carry only firearms and ammunition issued or approved by the department and in accordance with the Systemwide Weapons Inventory List.

#### **300.22.3 INTER-CAMPUS USE**

Officers who are authorized to carry a weapon at their home campus shall not be precluded from carrying that weapon when working at another campus.

#### **300.23 CARRYING BY PLAINCLOTHES OFFICERS**

Plainclothes officers carrying firearms shall also carry their badges, except as authorized by the Chief of Police. If carrying their firearms displayed, plainclothes officers shall also prominently display their badges.

#### **300.24 REGISTRATION**

Authorized personnel shall register with the department all personally owned firearms carried or used in the performance of their duties.

#### **300.25 OFF-DUTY FIREARMS**

Officers shall not be required to carry firearms while off duty.

#### **300.26 FIREARMS, PERSONAL USE**

It is not intended that these Universitywide Police Policies and Administrative Procedures, specifically those in this chapter, preclude police officers from using personally owned firearms in hunting or in recognized sports activities in which firearms are customarily used.

#### **300.27 OFF-DUTY FIREARMS - NON-SWORN**

Nothing in this Chapter is intended to authorize non-sworn personnel to carry firearms while on or off duty.

#### **300.28 AUTHORIZED FIREARMS - OFF-DUTY**

If an officer chooses to carry a weapon other than that approved for on-duty use while off duty, the officer shall obtain written approval from the Chief of Police.

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### **300.29 OFF-DUTY FIREARMS PROFICIENCY**

The Chief of Police shall establish a policy relating to proficiency requirements for off-duty firearms.

### **300.30 DISPLAY OF FIREARMS**

Officers shall not unnecessarily draw, display or carelessly handle a firearm at any time, while on or off duty.

Officers should use sound discretion when drawing a firearm in public by considering the following guidelines (Government Code § 7286(b)):

If the officer does not perceive an imminent threat but reasonably believes that the potential for such threat exists (e.g., building search), firearms should generally be kept in the low-ready or other position not directed toward an individual. If the officer reasonably believes that an imminent 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 imminent threat until the officer no longer perceives such threat. Once it is reasonably safe to do so, officers should carefully secure all firearms.

#### **300.30.1 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 the public, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding an incident creates a reasonable belief that it may be necessary to use the firearm in conformance with the policies on the use of firearms. When a firearm is drawn or exhibited to gain compliance from a subject, the circumstances shall be documented.

#### **300.30.2 SHOOTING AT OR FROM MOVING VEHICLES**

Shots fired at or from a moving vehicle are rarely effective. Where feasible, officers should attempt to 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 reasonably 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.

### **300.31 REPORTING THE DISCHARGE OF FIREARMS**

Except as provided in the policy or during training or lawful recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make an oral report to a ranking officer as soon as circumstances permit, and shall file a written report in addition to any police report, as soon as possible, describing the incident fully. Officers participating in training or lawful recreational use shall report a discharge resulting in injury or death.

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### **300.32 INAPPROPRIATE USE OF FIREARMS - DISCIPLINARY ACTION**

An officer shall be subject to corrective action or dismissal should the discharge or public display of a firearm by the officer involve the following:

- (a) A violation of the law;
- (b) A violation of a University Police order relating to the discharge or display of firearms;
- (c) A wanton disregard for public safety;
- (d) Warning shots are prohibited. Shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they are necessary, likely to be effective, and reasonably safe.
- (e) Misconduct, including but not limited to:
  - 1. Being under the influence of alcohol or drugs;
  - 2. Unjustified display of authority;
  - 3. Use of official position for personal advantage;
  - 4. Dereliction of duty;
  - 5. The accidental discharge of a firearm through carelessness or misbehavior;
  - 6. Any other misuse of a firearm.

### **300.33 FIREARMS PROFICIENCY**

Every peace officer shall achieve and maintain firearms proficiency in accordance with the requirements of this section.

#### **300.33.1 PROFICIENCY REQUIREMENT**

All officers shall demonstrate firearms proficiency at least annually on a departmental approved police shooting course. This includes the primary duty firearm, any secondary firearm, any off duty firearm, as well as approved rifles and shotguns used on-duty.

#### **300.33.2 FAILURE TO REPORT**

Officers who fail to report for scheduled firearms training without a valid excuse may be subject to corrective action.

#### **300.33.3 COURSE RULES**

Proficiency scores shall be attained in conformance with all course rules.

#### **300.33.4 RECORD RETENTION**

Records of qualifications shall be held for a minimum of 2 years.

#### **300.33.5 FIREARMS-ACCESSORIES REQUIREMENT**

Proficiency scores shall be attained using the departmentally approved firearm, holster and loading devices usually carried by the officer.

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### 300.33.6 SPECIAL WEAPONS REQUIREMENT

Proficiency must be attained at least once a year as a condition of approval to carry non-regulation or special weapons on or off duty. Officers requesting permission to carry non-regulation firearms off duty must purchase all ammunition at their own expense.

### 300.33.7 FAILURE TO DEMONSTRATE PROFICIENCY

Failure to meet the required standard is considered unsatisfactory performance and may be subject to corrective action or dismissal in accordance with applicable personnel policies.

### 300.33.8 EXCEPTIONS

Exceptions to this Section §300.33 may be made only by the Chief of Police.

## **300.34 CONTROL DEVICES - GENERAL**

In order to control subjects who are violent or who demonstrate the intent to be violent, the University of California authorizes officers to use selected control devices in accordance with the guidelines in this policy. Control devices include batons, Conducted Energy Devices (CED), oleoresin capsicum (OC) spray, chemical agents, restraints, projectile devices, and kinetic energy projectiles.

### 300.34.1 APPROVAL AND ISSUANCE

Control devices described in this policy may be carried and used only if the device has been issued by the Department or approved by the Chief of Police or the designee.

### 300.34.2 TRAINING

Sworn members of the Department deploying control devices must have satisfactorily completed a training course conducted by the Department in the appropriate use of the specific firearm and control device. Recertification of proficiency in the use of the specific firearms and control devices will be conducted at regular intervals or as specified by the firearms and control device manufacturer, if applicable. Appropriate training records will be maintained by each department and will comply with POST guidelines for roster retention and submission.

The Chief of Police or designee shall ensure that all personnel who are authorized to carry a firearm and control device have been properly trained and certified to carry the specific firearm and control device and are retrained or recertified as necessary. Additionally, the Chief of Police or designee will ensure:

- (a) Proficiency training shall be monitored and documented by a certified instructor;
- (b) All training and proficiency will be documented in the officer's training file;
- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of the Department's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a specific control device or knowledge of the Use of Force Policy after remedial training, the officer will be restricted from carrying the delivery system and may be subject to discipline.

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#### 300.34.3 INSPECTION

Officers will inspect the authorized control devices assigned to them to ensure that the device is in proper working order before use.

#### 300.34.4 USE OF CONTROL DEVICES

Control devices may be used when a decision has been made to restrain, arrest or gain control of an individual or group of individuals who are engaging in, or have demonstrated the intent to engage in violent behavior and reasonably appear to have the potential to harm officers, themselves or others, and the use of the device appears objectively reasonable under the circumstances.

#### 300.34.5 USE OF CONTROL DEVICES IN CROWD CONTROL SITUATIONS

Unless exigent circumstances exist, the use of force in crowd control situations should be authorized by the Chief of Police or the designee after consultation with the Chancellor or their designee.

#### 300.34.6 IMPACT AREAS

When using control devices, officers should carefully consider potential impact areas and foreseeable injuries and avoid unintentional targets.

#### 300.34.7 WARNINGS

When reasonable and practicable, a warning and opportunity to comply should precede the use of these devices.

#### 300.34.8 DRAWING OR EXHIBITING CONTROL DEVICES

When a control device is drawn or exhibited to gain compliance from a subject, the circumstances shall be documented. A baton held in port arms position does not need to be documented.

### **300.35 CONTROL DEVICES - CHEMICAL AGENTS**

Chemical agents may include CS, CN, oleoresin capsicum (OC), and HC.

#### 300.35.1 AUTHORIZATION

Only the Chief of Police, Watch Commander, or Incident Commander may authorize the delivery and use of chemical agents other than OC, and only after evaluating all conditions known at the time and determining that such force appears to be objectively reasonable under the totality of the circumstances.

#### 300.35.2 USE FOR DISPERSAL

Chemical agents should not be used against individuals or groups who merely fail to disperse and do not reasonably appear to present a risk to the safety of officers or the public.

#### 300.35.3 NOTIFICATION OF FIRE PERSONNEL

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of chemical agents to control any fires and/or to assist in providing medical aid or gas evacuation if needed.

## *Use of Force*

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### 300.35.4 POST-EXPOSURE ASSISTANCE

Persons who have been sprayed with or otherwise affected by the use of chemical agents should be promptly provided with sufficient clean water to thoroughly flush the affected area(s) when practicable.

### 300.35.5 POST-EXPOSURE NOTICE

Whenever chemical agents have been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean-up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

## **300.36 CONTROL DEVICES - POLICE BATONS**

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

### 300.36.1 BATON USE

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an immediate threat of serious bodily injury or death to the officer or others.

### 300.36.2 BATON USE IN CROWD CONTROL SITUATIONS

During crowd control situations, subjects may be encountered who refuse to disperse or respond to verbal directions. When this type of behavior confronts officers, the baton may be used as a pushing instrument to gain compliance. It may also be used as an impact weapon depending on the degree of active resistance or assaultive resistance demonstrated by the subject. In both circumstances, officers shall use only that amount of force that is objectively reasonable, and verbalization of commands should continue throughout this situation.

## **300.37 CONTROL DEVICES - CONDUCTED ENERGY DEVICES (CED'S)**

The appropriate use of such a device is intended to result in fewer serious injuries to officers and suspects.

### 300.37.1 AUTHORIZATION AND TRAINING

Only members who have successfully completed department-approved training may be issued and carry the CED. Officers shall only use the CED and cartridges that have been issued by the Department.

## *Use of Force*

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### 300.37.2 CARRYING OF CED

Uniformed officers who have been issued the CED shall wear the device in an approved holster on their person. When in uniform, officers shall carry the CED device in a weak-side holster on the side opposite the duty weapon.

### 300.37.3 ADDITIONAL CED POLICIES

For those UC Police Departments who authorize their officers to carry CED's, there may be additional policies and procedures that apply. Refer to the respective UC Police Department's LEXIPOL policies regarding the CED, if applicable.

## **300.38 CONTROL DEVICES - PROJECTILE DEVICES**

Projectile devices may de-escalate a dangerous or potentially deadly situation, and may compel an individual to cease their actions when such projectile devices present a reasonable option, as described below.

### 300.38.1 APPROVAL

Only approved impact projectile devices shall be carried and deployed.

### 300.38.2 USE OF PROJECTILE DEVICES

Officers are not required or compelled to use projectile devices in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for proper application of approved munitions;
- (b) The suspect has made credible threats to harm themselves or others;
- (c) The suspect is engaged in aggressive or violent behavior, or is throwing rocks, bottles or other dangerous projectiles at people and/or officers;
- (d) In crowd control situations when the Chief of Police, Incident Commander or designee authorizes the delivery and use of the device.

### 300.38.3 PRE-DEPLOYMENT INSPECTION

Officers will inspect the delivery system and impact projectiles assigned to them before use to ensure that the device is in proper working order, and that the impact projectiles are of the approved type and appear to be free from defects.

### 300.38.4 STORAGE

When it is not deployed, the delivery system and impact projectiles will be unloaded and securely stored.

## **300.39 CAROTID CONTROL HOLD**

The carotid control hold is not authorized.

### *Use of Force*

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#### **300.39.1 POST-APPLICATION ASSISTANCE**

Although the carotid hold is not authorized by this policy, there may be situations where another agency or person has applied a carotid hold, or other similar technique, to an individual. When any UCPD officer is involved in such an incident, that officer shall ensure that the person promptly receives medical attention, and ensure that the person is monitored until that takes place. The use of the carotid control hold, or similar technique, by another agency or person shall be thoroughly documented by the officer in any related reports.

#### **300.40 TRAINING**

Officers, investigators, and supervisors will receive periodic training on this policy and demonstrate their knowledge and understanding (Government Code §7286(b)). Subject to available resources, the Training Officer should ensure that officers receive periodic training on de-escalation tactics, including alternatives to force. Training should also include: (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.

#### **300.41 REGULAR REVIEW**

The Council of Chiefs or designee shall regularly review and update this policy to reflect developing practices and procedures.

At least annually, the Chief of Police shall designate a member to prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include: (a) the identification of any trends in the use of force by members. (b) training needs recommendations. (c) equipment needs recommendations. (d) policy revision recommendations.

#### **300.42 POSTING OF POLICY**

Each UC police department shall make this policy accessible to the public.

#### **300.43 PUBLIC RECORDS**

Public records shall be released in accordance with Penal Code §832.7.

#### **300.44 COMPLAINTS REGARDING USE OF FORCE**

Procedures for the filing, investigation, and reporting of citizen complaints regarding use of force incidents are contained in Section §1008 - Personnel Complaints.