



Consolidated Use of Force Policy Manual

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PREFACE

California Senate Bill 230 was signed into law by Governor Newsom on September 12, 2019. This bill requires law enforcement agencies to maintain a policy that provides guidelines on the use of force, utilizing de-escalation techniques and other alternatives to the use of force, specific guidelines for the application of deadly force, and factors for evaluating and reviewing all use of force incidents.

The Oceanside Police Department's Consolidated Use of Force Policy Manual provides comprehensive guidelines to ensure compliance with Senate Bill 230 as well as many other legislative mandates concerning the use of force, accountability and transparency.

Members of the Oceanside Police Department understand that the authority given to police officers to use force is a serious responsibility that must be carried out judiciously and with respect for the human rights, dignity and life of all persons.

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INTRODUCTION

Purpose and Scope

This document is a consolidation of all policies and guidelines on the use of force previously found within the Oceanside Police Department Policy and Procedure Manual. The purpose of the consolidation is to aid in ensuring compliance with California Senate Bill 230 and related legislation, and to provide members with an all-encompassing and more user-friendly document. This document supersedes all said policies and, until further notice, shall be the governing policy document on use of force for the Oceanside Police Department.

In addition to those methods, techniques, and tools set forth below, the guidelines for the application of force contained in this policy shall apply to all Department policies addressing the potential use of force and shall apply equally to all members of the Department regardless of rank or assignment.

Policy

The highest priority of this Department is safeguarding the life, dignity, and liberty of all persons, without prejudice to anyone. This Department recognizes and respects the value of all human life and members shall be guided by the principle of reverence for human life in all investigative, enforcement, and other contacts between themselves and members of the public.

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 reasonable force in carrying out their duties. Officers must understand and have a true appreciation for their authority and limitations. Officers must carry out their duties, including use of force, in a manner that is fair and unbiased.

When interacting with persons in crisis and/or attempting to detain or arrest a person who is uncooperative or actively resisting, and when feasible, officers shall use de-escalation strategies in an effort to persuade the person to voluntarily comply and mitigate the need to use a higher level of force to safely resolve the situation.

Vesting officers with the authority to use reasonable force and to protect the public welfare requires training, monitoring, evaluation, and a careful balancing of all interests. The regulations contained in this policy, and the uses of force herein authorized, comprise the limitations established by the Chief of Police and apply equally to all members of the Department regardless of rank or assignment. Any officer who exceeds these limitations or fails to comply with these regulations shall be subject to disciplinary action, up to and including termination, unless the officer can adequately justify that the action taken was lawful and reasonably appeared necessary based upon the circumstances.

These policies are subject to regular review and updating to reflect developing law enforcement practices and procedures.

Definitions

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.

De-escalation - Taking action or communicating verbally or nonverbally during an encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of higher-level control techniques and with the overall objective of bringing the situation to a successful resolution. De-escalation includes the use of such

techniques as command presence, advisements, warnings and verbal persuasion. De-escalation also includes tactical methods that use time, distance, cover, and concealment in the attempt to de-escalate and not place the safety of the community, officers, persons in crisis, and other involved persons in jeopardy.

Excited delirium - A syndrome or condition characterized by extreme physical agitation, paranoid or irrational behavior, and/or pain insensitivity, often but not necessarily caused by mental illness or substance use.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Flex Cuff – Flexible, plastic apparatus, similar in nature to a zip-tie, that can be used in place of handcuffs. Only Department issued flex cuffs are authorized for use.

Handcuffs – Apparatus used to restrain a person by their wrists. They are generally composed of metal, with two parts joined by a chain or hinge. Approved handcuffs include Smith and Wesson Model 100 nickel or blue finish, or equivalent, with universal key.

Force - The application of any physical or non-physical technique or tactic, chemical agent, or weapon to a person to effect an arrest or detention, overcome resistance, prevent escape, self-defense, or the defense of others.

Great Bodily Injury – Under California law, great bodily injury is defined as a substantial or significant injury. Although vague, and typically left up to a jury to decide, examples of great bodily injury can include: broken bones, prolonged loss of consciousness, severe concussion, protracted loss of any bodily member or organ, protracted impairment of function of any bodily member or organ or bone, a wound requiring extensive suturing, serious disfigurement and severe physical pain inflicted by torture.

Imminent threat of death or serious bodily injury - 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 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.

Member - Any person employed or appointed by this agency, including:

- a. Full- and part-time employees
- b. Sworn peace officers
- c. Reserve officers
- d. Professional staff
- e. Civilian/non-sworn employees
- f. Volunteers
- g. Interns

Excessive Force - A level of force that is found to have violated Section 835a of the Penal Code, the requirements on the use of force required by this section, or any other law or statute.

Intercede - includes, but is not limited to, physically stopping the excessive use of force, recording the excessive force, if equipped with a body-worn camera, and documenting efforts to intervene, efforts to deescalate the offending officer's excessive use of force, and confronting the offending officer about the excessive force during the use of force and, if the officer continues, reporting to dispatch or the watch commander on duty and stating the offending officer's name, unit, location, time, and situation, in order to establish a duty for that officer to intervene. Notification to the watch commander is mandatory in all cases.

Law enforcement agency – Defined as any police department, sheriff’s department, district attorney, county probation department, transit agency police department, school district police department, the police department of any campus of the University of California, the California State University, or community college, the Department of the California Highway Patrol, the Department of Fish and Wildlife, and the Department of Justice.

Non-deadly Force – Any force that does not create a substantial risk of causing death or serious bodily injury.

Officer - Those employees, regardless of rank, who are sworn peace officers and are employees of this agency.

Positional asphyxia - When a subject's body position interferes with his or her breathing, either when the chest is restricted from expanding properly or when the position of the subject's head obstructs the airway. Death may occur from positional asphyxia.

Reasonable – Just, rational, appropriate, ordinary, or usual for the given circumstances.

Retaliation – Defined as demotion, failure to promote to a higher position when warranted by merit, denial of access to training and professional development opportunities, denial of access to resources necessary for an officer to properly perform their duties, or intimidation, harassment, or the threat of injury while on duty or off duty.

Serious Bodily Injury – Unlike great bodily injury, serious bodily injury is specifically defined in the Penal Code to include loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, would requiring extensive suturing, and serious disfigurement.

Shall – Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

Show of Force - The display of any weapon at a subject, including holding a firearm or any weapon at one’s side or in a ready position, for the purpose of effecting an arrest or detention, overcoming the subject’s active resistance to being arrested or detained, preventing the subject’s escape, self-defense, or the defense of others. A show of force is an application of constructive force, which governed by the same standard of objective reasonableness as all other applications of both non-deadly and deadly force.

Totality of the 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 any force.

Weapon – All firearms, projectile delivery devices, batons and improvised impact weapons, personal impact weapons, TASER® devices, light and sound distraction device, chemical agents, and K9s. Although not a weapon, for purposes of this policy, the WRAP restraint device is included within this definition.

WRAP Restraint – A proprietary product produced by Safe Restraints, Inc. The WRAP is composed of nylon and mesh materials that wrap around lower extremities, allowing for the maximum restraint of a subject while in an upright, seated position.

CHAPTER 1 - DE-ESCALATION

1.1 Purpose and Scope

This policy provides guidelines for the utilization of de-escalation strategies and concepts while interacting with persons in crisis and situations in which the use of force may be likely. The Department recognizes there is no way to anticipate every conceivable situation or exceptional circumstance officers may face or specify the exact amount or type of force to be applied in every situation. However, officers are expected to make such determinations in a professional, fair, unbiased and reasonable manner.

1.2 Policy

When interacting with persons in crisis and/or attempting to detain or arrest a person who is uncooperative or actively resisting, and when feasible, officers shall use de-escalation strategies in an effort to persuade the person to voluntarily comply and mitigate the need to use a higher level of force to safely resolve the situation. Such strategies are divided into pre-engagement, engagement, and disengagement activities. The Department recognizes the use of force is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and the sanctity of every human life. The Department further recognizes that the authority to use force vested in officers by the people of California must be carried out in a manner that protects citizens from the excessive use of force. The utilization of de-escalation strategies is expected to maximize the chances for successful resolution of incidents while minimizing use of force encounters.

1.3 Definitions

De-Escalation - Taking action or communicating verbally or nonverbally during an encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of higher-level control techniques and with the overall objective of bringing the situation to a successful resolution. De-escalation includes the use of such techniques as command presence, advisements, warnings and verbal persuasion. De-escalation also includes tactical methods that use time, distance, cover, and concealment in the attempt to de-escalate and not place the safety of the community, officers, persons in crisis, and other involved persons in jeopardy.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or other person.

1.4 Pre-engagement Activities and Considerations

Prior to arriving on scene, and whenever feasible, officers should gather and assess as much information about the incident, involved parties and, more specifically, the person(s) in crisis, as is practical. This should include information concerning factors that may influence a subject's ability to comply with officers, such as:

- Medical condition
- Mental impairment
- Developmental disability
- Physical limitation
- Language barrier
- Drug interaction
- Behavioral crisis
- Fear or anxiety

Whenever feasible, officers should also obtain criminal history information on the involved subject(s) to include possession and access to weapons. Prior to initiating engagement activities, and whenever feasible, officers should develop a contact plan that minimally includes the following:

- Roll identification
- Communication methods and strategies
- Positioning that allows for a buffer zone between officers and the subject(s) of interest
- Available resources such as less-lethal options, PERT, CNT, etc.

1.5 Engagement

The goal of engagement efforts should be to achieve voluntary compliance such that the use of force becomes unnecessary. The Department recognizes that it is impossible to control or predict the actions of persons in crisis and others who are non-compliant. Whenever feasible, the use of the following suggested engagement activities may reduce the likelihood of a violent encounter:

- Follow the plan developed during pre-engagement, if any, and adjust as additional information is obtained or the situation requires
- Use of time to slow down and stabilize the situation
- Avoid language, such as taunting or insults that could escalate the situation
- Attempt to develop rapport
- Consider whether any lack of compliance is deliberate or an inability to comply based on factors listed above in **Pre-Engagement Activities and Considerations**.
- Attempt to determine whether the incident is criminal or crisis in nature and adjust engagement strategies appropriately
- Continually assess risk of ongoing engagement activities versus disengagement

1.6 Disengagement

Disengagement is a tactic designed to avoid potentially violent outcomes. Disengagement may be a viable option for individuals in crisis who pose no additional threats to others or resistant offenders who may be later apprehended under safer conditions. When a determination has been made to disengage, efforts should be made, whenever feasible, to advise involved individuals of the withdrawal from the incident and to ensure they have had the opportunity to establish a position of relative safety with respect to the incident prior to officers departing the scene. Whenever disengagement is determined to be the most appropriate course of action, officers should:

- Provide the involved subject and other involved persons notice of the plan to disengage/withdraw from the situation
- Provide a reasonable opportunity for involved persons to seek a safe location
- Advise them that police presence will cease

Involved persons should be considered reporting parties and/or witness or anyone else who may be in the immediate area and reasonably be impacted by the situation.

1.7 Debrief

Following any significant incident, supervisors are encouraged to debrief and evaluate the event within the context of this policy and its considerations. Debriefs should be informal in nature with an objective of individual and agency development. Each incident can serve to augment the capacities of officers and increase their experience and expertise in handling future events with a goal of protecting the lives and safety of all persons.

1.8 Training

Whenever feasible, de-escalation concepts should be incorporated into Department training, policy development and revision, and be an overarching principle upon which members interact with the community. Instruction of de-escalation techniques and concepts shall take place on an annual basis.

CHAPTER 2 - USE OF FORCE

2.1 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.

2.2 Policy

An officer's use of force shall be in accordance with law and established Department policies and procedures and shall be applied in accordance with the manner and methods taught by the Training Unit. Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

Force is authorized under the following circumstances:

- a. To resist and neutralize an aggressive attack upon the officer or other person
- b. When reasonable to overcome and neutralize resistance to an arrest
- c. When reasonable to overcome and neutralize efforts by a person in custody to escape
- d. When reasonable to stop someone from committing an unlawful act
- e. When reasonable to gain compliance with the lawful orders or directive of a peace officer.

Authorized uses of force include:

- a. The physical restraint of a person that forcibly restricts his/her freedom of movement
- b. The application of a physical hold that inflicts transitory pain when attempting to control a subject
- c. Chemical agent
- d. Personal impact weapon
- e. Baton
- f. Police K9
- g. Conducted energy device
- h. Kinetic energy projectile delivery device
- i. WRAP restraint system
- j. Firearm
- k. Any or other resource or tool authorized by the Department

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. 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 discretion in determining the appropriate use of force in each incident.

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 this agency. 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 be utilized only for a legitimate law enforcement purpose.

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

2.3 Factors Used to Determine the Reasonableness of Force

In determining whether the use of force is reasonable, the decision by an officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments under tense, uncertain, and rapidly evolving situations.

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 and when feasible. 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.
- c. Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- d. The effects of suspected drug or alcohol use.
- e. The individual's mental state or capacity.
- f. The individual's ability to understand and comply with officer commands.
- g. Proximity of weapons or dangerous improvised devices.
- h. The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- i. The availability of other reasonable and feasible options and their possible effectiveness.
- j. Seriousness of the suspected offense or reason for contact with the individual.
- k. Training and experience of the officer.
- l. Potential for injury to officers, suspects, and others.
- m. Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- n. The risk and reasonably foreseeable consequences of escape.
- o. The apparent need for immediate control of the individual or a prompt resolution of the situation.
- p. Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- q. Prior contacts with the individual or awareness of any propensity for violence.
- r. Any other exigent circumstances.

2.4 Medical aid

When it is reasonable and safe to do so, medical assistance shall be provided for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Individuals who have been subjected to prone handcuffing shall be immediately placed in a recovery position unless it is unsafe to do so. Individuals should not be placed on their stomachs for an extended period as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may be provided by an officer on scene to the level of their training, on scene by an emergency medical technician or paramedic, or medical personnel at a hospital or 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.

The on-scene supervisor or, if the on-scene supervisor is 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).

Individuals who exhibit extreme agitation and/or 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 reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

2.5 Prohibited Uses of Force

Except in situations in which deadly force is authorized, the following types and uses of force are prohibited:

- a. The use of the arm-bar restraint, or any other hold that intentionally brings pressure against the trachea or windpipe of a person.
- b. The use of the Carotid Restraint or any other technique that restricts oxygen or blood flow to the head or neck.
- c. Force used for the purpose of punishment.
- d. Force used for the purpose of obtaining a confession, admission, or similar statement or assistance.
- e. Force that exceeds a level of intensity required to accomplish the purpose for which it is approved.
- f. Force that continues beyond the point where resistance or aggressive action has been overcome, or where further force is not required to neutralize the subject.
- g. Force used to accomplish a purpose beyond the authority of the involved member.

2.6 Duty to Intervene

The Oceanside Police Department recognizes our responsibility for the care and well-being of subjects in our custody. Any officer present and observing another officer using force that is plainly and unambiguously beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, immediately intervene to prevent the use of such unreasonable force. Intervention can consist of verbal actions up to physical restraint of the officer. An officer who observes another officer use force that exceeds the degree of force permitted by law or policy shall promptly report these observations to a supervisor. Experience, rank or tenure do not provide an excuse for failing to intervene. For purposes of prompt supervisory notification, such notification shall be made as soon as a scene has been rendered safe.

When a supervisor or manager becomes aware of alleged excessive force, they shall take prompt action to ensure any excessive and/or inappropriate actions have ceased, ensure medical attention is provided if necessary, inform his/her Division Commander, and initiate a use of force investigation in accordance with Chapter 11.

Any retaliation against an officer that reports a suspected violation of a law or regulation of another officer to a supervisor or other person of the law enforcement agency who has the authority to investigate the violation is strictly prohibited.

An officer shall be prohibited from training other officers for a period of at least three years from the date that an abuse of force complaint against the officer is substantiated.

An officer who has received all the required training on the duty to intercede, and fails to act, shall be disciplined up to and including in the same manner as the officer that committed the excessive force.

CHAPTER 3 - FOOT PURSUITS

3.1 Purpose and scope

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of a person(s) on foot.

3.2 Policy

It is the policy of this Department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to Department members, the public or the suspect. Officers are expected to act reasonably, based on the totality of the circumstances.

3.3 Decision to Pursue

The safety of Department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and Department members.

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place Department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available such as:

- a. Containment of the area
- b. Saturation of the area with law enforcement personnel, including assistance from other agencies
- c. A K9 search
- d. Thermal imaging or other sensing technology
- e. Air support
- f. Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit

3.4 General Guidelines

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

- a. The officer is acting alone

- b. Two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort
- c. The officer is unsure of his/her location and direction of travel
- d. The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur
- e. The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended
- f. The officer loses radio contact with the dispatcher or with assisting or backup officers
- g. The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources
- h. The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public
- i. The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension
- j. The officer loses possession of his/her firearm or other essential equipment
- k. The officer or a third party is injured during the pursuit requiring immediate assistance, and there are no other emergency personnel available to render assistance
- l. The suspect's location is no longer definitely known
- m. The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to Department members or the public if the suspect is not immediately apprehended
- n. The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

3.5 Initiating Officer Responsibilities

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- a. Location and direction of travel
- b. Call sign identifier
- c. Reason for the foot pursuit, such as the crime type
- d. Number of suspects and description to include name if known
- e. Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. Whenever directed by a supervisor to terminate the foot pursuit, the officer shall do so immediately. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

3.6 Assisting Officer Responsibilities

Whenever any officer announces that s/he is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officer's maximum access to the radio frequency.

3.7 Supervisor Responsibilities

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; however, the supervisor does not need to be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established Department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

3.8 Dispatch Responsibilities

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

- a. Clearing the radio channel of non-emergency traffic
- b. Coordinating pursuit communications of the involved officers
- c. Broadcasting pursuit updates as well as other pertinent information as necessary
- d. Ensuring that a field supervisor is notified of the foot pursuit
- e. Notifying and coordinating with other involved or affected agencies as practicable
- f. Notifying the Watch Commander as soon as practicable
- g. Logging all pursuit activities in CAD.

3.9 Reporting

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report. Reports should generally include the following information:

- a. Date and time of the foot pursuit
- b. Initial reason and circumstances surrounding the foot pursuit
- c. Course and approximate distance of the foot pursuit
- d. Alleged offenses
- e. Involved vehicles and officers
- f. Whether a suspect was apprehended as well as the means and methods used
- g. Any use of force shall be reported and documented in compliance with the Chapter 11
- h. Arrestee information, if applicable
- i. Any injuries and/or medical treatment
- j. Any property or equipment damage
- k. Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports in accordance with Chapter 11.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted. The supervisor shall complete any applicable actions pursuant to Chapter 11.

CHAPTER 4 - VEHICLE PURSUITS

4.1 Purpose and Scope

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to reduce the potential for pursuit-related collisions. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where Department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuits are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officer's conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under similar circumstances. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

4.2 Policy

This pursuit policy is generally consistent with the San Diego Countywide Pursuit Protocol. The purpose of this protocol is to provide police officers specific guidelines for conducting vehicular pursuits with the highest consideration for public safety and in keeping with CVC § 17004.7(c).

4.3 Definition

A pursuit is an event involving one or more law enforcement officers, who are operating an authorized emergency vehicle, attempting to apprehend a suspect who is operating a motor vehicle, while the suspect is trying to avoid arrest by using evasive tactics, such as high-speed driving, driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to the officer's signal to stop.

4.4 General Guidelines

A police vehicle pursuit exposes the public, officers, and fleeing violators to the potential risk of death, serious injury, or damage to personal property. Officers may be subject to administrative action for negligent emergency vehicle operation and the City may be found liable in civil actions. If the emergency vehicle operation rises to the level of criminal negligence, an officer may be subject to criminal prosecution.

When engaged in a pursuit, officers should continually weigh the seriousness of the violator's suspected crime against the potential for death or injury if the chase is continued. Frequently, discontinuance of a pursuit in the interest of public safety is appropriate. Officers should not assume that all persons who flee from the police and refuse to yield are serious criminal suspects. Experience has shown that many pursuits involve non-violent crimes or traffic violations.

In a pursuit, the violator frequently refuses to give up and the officer feels an obligation to succeed in the pursuit. This psychological phenomenon can cloud one's judgment and may cause the officer to continue

the chase beyond the point where common sense, experience, and good judgment would require the pursuit to be discontinued.

Generally unmarked emergency vehicles equipped with red lights and siren will not become engaged in vehicle pursuits.

4.5 Legal Requirements

A public entity is liable for death, injury, or damage proximately caused by negligent or wrongful act or omission in operation of a motor vehicle by an employee acting within the scope of employment (17001 CVC). A public entity is liable for death or injury to person or property to the same extent as a private person (17002 CVC). A public employee is not liable for civil damages resulting from the operation, in the line of duty, of an authorized emergency vehicle while responding to an emergency call or when in the immediate pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm or other emergency call (17004 CVC). A public agency is immune from liability for injury, death, or damage caused by the collision of a vehicle being operated by an actual or suspected law violator being pursued by peace officer(s) employed by a public entity if the agency adopts a written policy on vehicle pursuits that meets listed minimum standards (17004.7(c) CVC).

The driver of an authorized emergency vehicle is exempt from the "rules of the road" provided that the red light and siren (defined as "yelp" or "wail" only) of the vehicle are activated (21055 CVC). The "rules of the road" exemption does not relieve the driver from the duty to drive with due regard for the safety of all persons using the highway nor does it protect him/her from the consequences of an arbitrary exercise of the privileges granted in that section (21056 CVC).

It is unlawful to drive on the wrong side of a divided roadway, including freeways (against oncoming traffic). Any willful violation of this section, which results in injury to or death of a person shall be punished by imprisonment in the state prison. Emergency vehicle operators may not be immune from prosecution if involved in a wrong way collision that results in injury or death (21651(b) and 21651(c) CVC).

Upon the approach of an authorized emergency vehicle that is sounding a siren and has at least one lighted lamp exhibiting red light, the surrounding traffic shall yield to the emergency vehicle (21806 CVC).

4.6 Authorization

A pursuit may be initiated, after considering Department policy and public safety factors, when in the officer's judgment an individual clearly exhibits the intention of avoiding police contact or arrest by using a vehicle to flee; and the officer has reasonable suspicion that the individual they are attempting to stop or arrest has committed, is about to commit, or is threatening to commit a crime; and/or the officer has reason to believe and fears that the driving ability of the individual is so impaired or reckless without regard to the safety of others as to cause actual or potential death or serious injury to themselves or another person.

4.7 Initiating a Pursuit

When balancing the interests of public safety with effective law enforcement, each officer and supervisor involved in a pursuit should carefully and continuously consider the following factors in determining whether or not to initiate, limit, discontinue, or otherwise control the pursuit.

- a. Seriousness of the offense and its relationship to community safety.
- b. Safety of the public and the pursuing officer.
- c. Traffic conditions (pedestrian and vehicles).
- d. Weather conditions.
- e. Roadway conditions (road design, construction, surfaces, and visibility).
- f. Location/familiarity of pursuing officers with the area of the pursuit.
- g. Speed.

- h. Time of day.
- i. Capabilities and condition of vehicles involved.
- j. Quality of radio communications (Communications Center).
- k. Safety of occupant(s) of vehicle pursued.
- l. Capabilities/conditions of involved personnel.

4.8 Continuation of a Pursuit

A pursuit requires constant evaluation. Each officer and supervisor involved in a pursuit should carefully and continuously consider the initiating factors in determining continuance of the pursuit.

4.9 Discontinuance of a Pursuit

Absolutes for discontinuing a pursuit include:

- a. Approaching the International Border
- b. Directed to do so by a supervisor
- c. The danger posed by continued pursuit, to the officer, the suspect, or the community, is greater than the value of apprehending the suspect(s)

Factors to consider in determining whether a pursuit should be discontinued are the same factors used in pursuit initiation, plus:

- a. Wrong side of divided highway against on-coming traffic (generally prohibited)
- b. Proximity to the pursued vehicle/location of the pursued vehicle is no longer known
- c. Identification of suspects; able to apprehend at a later time
- d. Presence of aerial support

Officers shall not pursue in opposing lanes of traffic on any freeway or divided highway separated by a raised island and/or center divider. Officers may use discretion on surface streets where it is necessary to utilize a two-way left turn lane, center median, non-raised divider, or opposing lanes of traffic when necessary to move through congested traffic as long as such operation is conducted with due regard for the safety of all persons using the highway (per 21056 CVC).

4.10 Pursuing Officers' Responsibilities

Each officer has the responsibility for safely pursuing the suspect and discontinuing the pursuit when the conditions do not support pursuit driving. Generally, absent Department-specific policies, pursuits should be limited to three (3) pursuit units and one (1) supervisor if available. If a K-9 unit is available, one (1) K-9 unit can also assist in the pursuit to be used as a possible suspect apprehension resource at the conclusion of the pursuit.

Note: "Unit" general refers to one pursuit vehicle occupied by one officer. If there are units involved in a pursuit that are two (2) officer units, then less vehicles can be involved in the pursuit as long as sufficient personnel are present to safely take suspects into custody at the conclusion of the pursuit as described in PURSUIT CONCLUSION APPREHENSION TACTICS. Each pursuing officer shall activate all emergency lights, to include the solid red light and sound the siren continuously when involved in a pursuit.

4.10.1 Primary Pursuit Unit

The Primary Pursuit Unit is generally the vehicle closest to the suspect vehicle. The Primary Pursuit Unit should remain so until that status is relinquished to another unit either by the Primary Pursuit Unit or as directed by a supervisor.

Upon initiating a pursuit, the Primary Pursuit Unit shall immediately notify dispatch that a pursuit is in progress, and provide the following information:

- a. Location
- b. Direction and speed of travel
- c. Reason for the pursuit
- d. Description and license plate number of the suspect vehicle
- e. Number of occupants, if known
- f. Identity of occupants, if known
- g. Any other factors necessary to ensure safe and effective pursuit tactics.

During a pursuit, the Primary Pursuit Unit shall continually provide Dispatch with all the changes to the above, and any other pertinent information until the Secondary Unit takes over "calling the pursuit".

4.10.2 Secondary Unit

The Secondary Unit is the unit responsible for backup and immediate cover for the Primary Pursuit Unit. The Secondary Unit shall:

- a. If not assigned, notify Dispatch immediately.
- b. Be prepared to take over primary responsibility for the pursuit if the Primary Pursuit Unit becomes disabled or if requested to do so by the Primary Pursuit Unit.
- c. Under most circumstances, should take over "calling the pursuit".
- d. Provide all changes to information about the pursuit and any additional information available.

4.10.3 Assisting Unit(s)

Units in addition to those listed above require the approval of the pursuit supervisor. The total number of units shall be closely monitored by the assigned supervisor and be carefully evaluated for their need. All units that enter the pursuit shall notify Dispatch immediately and shall discontinue immediately if directed.

4.11 Driving Tactics

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation, continuation and termination. The following are tactics for units involved in the pursuit:

- a. Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- b. Because intersections can present increased risks, the following tactics should be considered:
 - 1) Pursuing units should exercise due caution when proceeding through controlled intersections and clearing them lane-by-lane. This includes units entering the intersection on a green light.

Officers should be aware of the speed they are traveling and adjust or terminate if speeds become unsafe. Some considerations include, but are not limited to:

- a. Road conditions
- b. Type of driving maneuvers
- c. Driver limitations
- d. Vehicle limitations
- e. Weather conditions
- f. Closure Rate – Being able to judge the proper rate of decelerations necessary to negotiate a curve, avoid a hazard, or stop

As a general rule (generally prohibited), officers should not pursue a vehicle driving left of center (wrong way) on a divided highway. Officers are strictly prohibited from driving on the wrong side of a divided highway while in pursuit. In the event that the pursued vehicle does so, the following tactics should be considered:

- a. Requesting assistance from an air unit
- b. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway
- c. Requesting other units to observe exits available to the suspects

Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the Primary Pursuit Unit.

4.12 Additional Units

Officers in other units shall:

- a. Remain alert to the pursuit progress and location
- b. Stay out of the pursuit, unless specifically requested to join by the Primary Pursuit Unit or supervisor
- c. Minimize radio transmissions on the frequency being used for the pursuit
- d. Move to an alternate channel/frequency as directed.

4.13 Supervisory Responsibilities

Upon notification of a pursuit in progress, a Field Supervisor and/or Watch Commander assumes the responsibility to monitor and take appropriate action for pursuit control and shall announce the same over the radio.

All sworn supervisors and the Watch Commander have the authority to order a pursuit discontinued when, in their judgment, the potential safety risks outweigh the need for apprehension.

The supervisor shall ensure that no more units than necessary are involved. The units outlined in the section on PURSUING OFFICERS' RESPONSIBILITIES are generally sufficient for the actual pursuit and for the safe apprehension of suspects at the conclusion of the pursuit. Additional units may be added for safety and security with the supervisor's approval. If involved in the pursuit, supervisors should attempt to maintain a rear position in the pursuit in order to monitor the number of units involved in the pursuit and be aware of overall pursuit management considerations.

The supervisor shall consider the following in deciding to add units:

- a. The type of vehicle being pursued
- b. The seriousness of the offense
- c. The number of occupants in the vehicle being pursued
- d. The danger that the occupants of the vehicle being pursued pose to others

If additional units are added to the pursuit other than those outlined in the section on Pursuing Officers' Responsibilities, the supervisor shall, as soon as reasonably possible, direct the additional units to discontinue the pursuit.

The supervisor shall make a continual assessment during the progress of a pursuit. Factors to be considered include, but are not limited to:

- a. Weather
- b. Vehicle and pedestrian traffic levels
- c. Roadway and environmental conditions

- d. Safety of occupants in the suspect vehicle
- e. The suspect has been identified to the point that later apprehension can be accomplished
- f. Pursuit speed considerations

The supervisor shall ensure that affected allied agencies are notified of the pursuit and specific assistance requested including canine and air support.

The supervisor or designee shall, as necessary, contact pursuing officers at the location of the pursuit termination to provide on-scene supervision, coordination, and evaluation.

The supervisor shall ensure vehicle pursuits are documented in accordance with Chapter 11 and are reported to the California Highway Patrol on an approved form (CHP 187), as mandated by Section 14602.1 of the California Vehicle Code. Each pursuit shall be evaluated for compliance with all codes and policies and appropriate action initiated.

4.14 Communications Center Responsibilities

Upon being notified that a pursuit is in progress, Dispatch shall:

- a. Ensure that a Supervisor is assigned to the pursuit
- b. Notify appropriate law enforcement agencies of the pursuit, specify if assistance is needed, and specific support requested.

During the pursuit, Dispatch shall:

- a. Monitor all radio traffic concerning the pursuit
- b. Move all other radio traffic to an alternative channel/frequency, if necessary
- c. If a Canine Unit is involved in the pursuit, the dispatcher shall broadcast that information for officer safety purposes
- d. Ensure that the proper channels/frequencies are used in compliance with the Law Enforcement Assistance Network (LEAN) protocols

4.15 Motorcycle Units

Motorcycles shall relinquish the primary position to the first marked four-wheel vehicle and disengage the secondary position when a second marked four-wheel vehicle joins the pursuit.

4.16 Unmarked Units

Unmarked units, without emergency equipment, shall not join in a pursuit.

Officers in unmarked vehicles without emergency equipment may become involved in emergency activities involving serious crimes or life endangering situations. In those instances, it may be necessary to follow a suspect vehicle while summoning assistance from a vehicle that is equipped with emergency equipment. Emergency equipment means lights and siren as defined in CVC 21055. When officers in an unmarked vehicle without emergency equipment become aware that a marked unit has arrived, the unmarked unit will disengage.

Unmarked units with emergency equipment may initiate a pursuit, but shall relinquish the primary position to the first marked vehicle and disengage secondary position when a second marked vehicle joins the pursuit.

4.17 Air Support

Units involved in pursuits should request air support assistance. Aircraft can provide valuable information to ground units concerning upcoming traffic congestion, hazards, or other factors which might endanger the safety of the officer(s) or the public.

Air support shall include coordinating the activities of resources on the ground, reporting on the progress of a pursuit, and providing officers and supervisors with information to evaluate whether or not to continue the pursuit.

Once the aircraft is in position, the supervisor, in the interest of safety, shall evaluate the tactical involvement of ground units in the pursuit. In some cases, it may be prudent to discontinue the pursuing units and track the suspect vehicle with air support until the vehicle goes stationary. Once the suspect vehicle has discontinued fleeing, air support can direct pursuing units into positions to establish a perimeter and assist with the apprehension of outstanding suspects on foot.

4.18 Pursuits Approaching or Entering Neighboring Counties

When a pursuit approaches the jurisdictional boundary of a county neighboring San Diego County, the pursuing agency should advise the CHP or Sheriff's Department of the neighboring county prior to entering the jurisdiction.

When entering a neighboring county's jurisdiction, if practical and/or possible, it is recommended that the CHP or the Sheriff's Department for the neighboring county be requested to assume the pursuit.

When transitioning into a neighboring county's jurisdiction, units involved in the pursuit should expect to lose radio communications with the communications center in San Diego managing the pursuit. Units involved in the pursuit should consider switching to a common law enforcement mutual aid frequency (e.g., CALAW8, CALAW1, and VLAW31) to communicate and coordinate with agencies in the neighboring county.

Imperial County uses the Regional Communication System as its primary radio communications system. For pursuits transitioning from San Diego County to Imperial County, San Diego County agencies can continue communicating on the San Diego County law enforcement mutual aid channel Blue 1.

If an agency in the neighboring county has been requested to assume the pursuit, the officer with the initial probable cause and/or that officer's supervisor should trail the pursuit at a reduced speed.

4.19 Pursuits Approaching the International Border

Under no circumstances will pursuing units cross the International Border.

Pursuit units should not approach within fifty (50) feet of the International Border gates.

Due to traffic conditions and physical barriers that exist between traffic lanes near the San Ysidro Port of Entry, pursuits involving a fleeing vehicle wanted for minor, non-violent violations should be discontinued a minimum of one mile prior to the International Border, at supervisory discretion.

In those pursuits where the fleeing vehicle is wanted for a violent and/or atrocious felony(s), pursuing agencies shall use previously agreed upon tactics as a basis for apprehension when the pursued vehicle reaches the International Border.

To give warning to Mexican authorities and to provide them an increased degree of safety, US Customs and/or the San Diego Police Department will be advised by the pursuing agency of any pursuit heading southbound, south of Interstate 8. They in turn, will advise the Mexican authorities. This shall occur whether

or not the pursuit is discontinued. Every effort should be made to update Customs and/or the San Diego Police Department when a pursuit is terminated prior to the International Border.

In the event a pursuit is terminated prior to the International Border, Mexican authorities shall be advised by US Customs and/or the San Diego Police Department.

4.20 Use of Firearms

Officers shall not discharge a firearm at a moving vehicle or the driver of a moving vehicle solely in an attempt to stop the vehicle as the incapacitation of a driver will result in an uncontrolled stop of the vehicle potentially risking further injury to people along the way. If an occupant of a moving vehicle is exhibiting deadly behavior toward an officer or another person, such as by firing a weapon or using the vehicle in an effort to create a mass casualty event, deadly force may be directed at that person in order to stop the deadly behavior. Refer to Chapter 10.

4.21 Forcible Stops (Legal Intervention)

A forcible stop is one in which a vehicle or other object is used to physically stop or otherwise alter the course of another vehicle's movement. These tactics include ramming of vehicles, box-ins, channelization, barricades, or placing of objects in the path of the vehicle, and must be considered a force likely to result in death or great bodily harm and may only be used when deadly force is authorized pursuant to Chapter 10. The Pursuit Immobilization Technique (PIT) is expressly prohibited.

If barricading is deemed absolutely necessary, a supervisor may approve the use of police vehicles if no other suitable equipment is available. In no case will roadways be barricaded by occupied vehicles.

4.22 Road Spikes

Supervisors may authorize the deployment of Department road spikes when requested by an officer if in the supervisor's opinion the deployment would shorten a pursuit, assist in the apprehension of the suspect, and/or minimize the danger to the public.

4.22.1 Deployment Considerations

The following information should be considered prior to the deployment of road spikes:

- a. The reason for the pursuit of the suspect and the violation(s) that have occurred
- b. The distance the pursuit has, or may, travel
- c. The geographic area of the pursuit.

In general, road spikes should not be used in the following situations:

- a. The pursuit is of a two-wheeled vehicle
- b. The vehicle being pursued is transporting a "hazardous material" as defined in the Vehicle Code
- c. The vehicle being pursued is a passenger bus transporting passengers

4.22.2 Method of Deployment

Any deployment of Department road spikes shall be in accordance with the manner and method taught by the Training Unit.

4.22.3 Training

The Department's Training Unit is authorized to formulate training in the use of Road Spikes and, at minimum, to include a lecture and practical exercise.

4.23 Pursuit Conclusion Apprehension Tactics

Pursuits are inherently dangerous for officers and the public. In order to ensure officer safety and public safety and help ensure an appropriate outcome, high-risk vehicle stop tactics (as outlined by P.O.S.T. guidelines and taught by law enforcement academies and agency-specific training) should be utilized at the end of most vehicle pursuits.

The recommended number of minimum personnel required to properly conduct a high-risk vehicle stop is three: a contact officer, cover officer and coordinating officer. Having sufficient personnel for a high-risk vehicle stop involved in the pursuit will allow for a safe and smooth transition from the actual pursuit into the high-risk vehicle stop tactics in an effort to safely arrest or detain the occupants of the pursued vehicle while also maximizing officer and public safety.

4.24 Inter-Agency Pursuits

The guidelines formulated for inter-agency pursuits are designed to provide for the safe coordination of pursuits involving more than one agency. Agencies requested to assist, or receive the transfer of, a pursuit from another agency will continue to balance the interests of public safety in determining whether or not to provide the requested assistance or receive the transfer.

4.24.1 Notification

When a pursuit is approaching or entering another jurisdiction, the agency with primary responsibility for the pursuit shall notify the appropriate agency for that jurisdiction. This shall be accomplished utilizing one of the various radio talk groups as defined by LEAN protocols (LE NCMD, LE SCMD, LE ECMD, BLUE 1).

At the first practical moment, the controlling agency will patch and announce the pursuit over the appropriate radio talk group (LE NCMD, LE SCMD, LE ECMD, BLUE 1). For pursuits in which the Oceanside Police Department is the controlling agency, Dispatch will announce:

- a. "This is the Oceanside Police Department on (talk group) patching a pursuit that is (location)." The purpose of this announcement is to notify allied agencies of the pursuit so that they may monitor its progress.
- b. "At this time, Oceanside Police Department is not (or is) requesting assistance." If a request for assistance is broadcast, then we should be specific as to the type of assistance required (i.e. the involvement of a K9 unit, deployment of spike strips).
- c. If a transfer of the pursuit is to be requested, Dispatch will broadcast: "This is the Oceanside Police Department to (transferring agency). We are requesting that you take over the pursuit."

When the initial call is made, Dispatch will transmit the following information:

- a. Direction of travel, location, and speed
- b. Vehicle and suspect description
- c. Officer safety considerations
- d. Type of crime
- e. Number of occupants
- f. Number of units involved
- g. Unit designator of the pursuit supervisor

- h. Radio frequency(s) being used
- i. Air support being used/or requested
- j. Unit designator of officer(s) involved

The Primary Pursuit Unit, or Pursuit Supervisor, should specify if assistance is needed and the type of assistance requested. The allied agency(s) will assist the initiating agency only by specific request and will provide only the specific services requested. On all requests for assistance or transfer, the agency receiving the request shall identify the supervisor accepting or declining the request.

4.24.2 Communications

Dispatchers should clarify any requests for assistance with the requesting agency and obtain pertinent information as previously listed. Dispatchers shall notify a sworn supervisor of the request and receive direction for the degree of involvement provided to the requesting agency.

In addition to a formal request by an allied agency, officers may be summoned by hand/arm gestures and/or verbal requests. If officers respond to these types of requests, the officer shall immediately notify Dispatch and the supervisor.

During pursuits involving allied agencies, communication centers shall provide coordination between pursuing units and allied agencies including:

- a. Continuously monitor progress of the pursuit, transmitting pertinent information and updates
- b. Coordinate radio communication on the appropriate mutual aid frequency
- c. Relay information via telephone if radio communications from car to car fail

4.24.3 Procedures

Units shall not join an active pursuit unless specifically requested and then only with the approval of a supervisor.

Once a pursuit has been initiated, the initiating agency will generally retain jurisdiction and control of the pursuit, even when the pursuit enters another jurisdiction.

When entering another jurisdiction (including military installation), the pursuit shall be discontinued immediately if a supervisor of that agency recognizes a condition that constitutes an immediate and life-threatening danger to the officers or public and directs discontinuance.

The CHP may respond to specific requests for assistance on pursuits conducted on freeways. Once in place, the CHP will assume control of the pursuit until they relinquish it. When CHP has control of the pursuit, all other units not needed will discontinue their involvement.

When entering another agency's jurisdiction, the Primary Pursuit Unit or the Pursuit Supervisor should determine if the allied agency should be requested to assume the pursuit. An allied agency, which accepts responsibility for the pursuit, may elect to proceed with or discontinue the pursuit.

The officer with initial probable cause and/or that officer's supervisor should trail the pursuit at a reduced speed.

Pursuits should be managed by one Communications Center only. That Communications Center should create the appropriate radio patches with mutual aid channels/frequencies (in compliance with the LEAN protocols) to allow allied agencies to assist as requested, or monitor for their safety.

Allied agencies' units involved in the pursuit switch to the appropriate mutual aid channel and should communicate with the managing Communications Center, in compliance with the LEAN protocols.

4.25 Military Police Pursuits On/Off Military Installations

It is the current policy of Navy and Marine Corps installations in San Diego County to allow marked local, county, state and/or federal law enforcement vehicles to continue pursuits of any suspect that flees onto a military installation. Once on a military installation, the Military Police units will assume the primary pursuit positions and take control of the pursuit.

Use Caution: Navy and Marine Corps Installations in San Diego County may have installed one of the following systems at almost every gate.

- a. It is the policy of all installations to stop any threat at the gate entrance to the military installation rather than allow the threat onto the installation. The standard training given to the MP's/Guards at the entrance gate is to deploy the barrier arresting system in front of any unidentified vehicle that attempts to run through a sentry position without stopping. Officers should exercise caution when following a suspect into any military installation. Officers should also be prepared to immediately stop at the MP/Guard position as these devices are designed to immediately stop any vehicle. The devices may cause extensive damage to a vehicle and possibly serious injuries to any occupants.
- b. In cases where barriers are not installed and/or not properly deployed, the pursuing local, county, state and/or federal law enforcement units can continue the pursuit into the military installation. However, if an arrest is made on a military installation by local, county and/ or state agencies, the transfer of custody may require an arrest warrant to gain physical custody of the suspect(s). Arresting officers shall coordinate custody issues with the on-site military police/Provost Marshal's Office.

It is the current policy of the Navy and Marine Corps installations in San Diego County to pursue vehicles involved in major felony cases off of the military installations. In any case where the Military Police initiates a pursuit that leaves a military installation, the Military Police can only remain actively involved in a pursuit until a minimum of two marked local, county and/or state law enforcement vehicles join the pursuit; then, they must discontinue the pursuit and turn it over to the local, county, state and/or federal enforcement agency.

4.26 Transfer

There is no legal requirement for an agency to assume a pursuit. A supervisor may determine it is in the best interest of public safety and/or the agency to refuse acceptance. Once responsibility is assumed, the pursuit may be discontinued by the assuming agency at any time.

The supervisor of the assuming agency should notify the initiating agency in the most expedient fashion that control has been assumed.

Responsibility for a pursuit transfers when:

- a. The pursuing agency requests the transfer, and
- b. A supervisor of the assuming agency agrees to accept the pursuit, and
- c. A unit of the assuming agency becomes the Primary Pursuit Unit.

An agency accepting transfer and assuming the Primary Pursuit Unit position should have sufficient resources to control the pursuit.

4.27 End of Pursuit Procedures

Responsibilities of the Stopping Agency:

- a. Notify all involved agencies the pursuit has ended, its location, and supervisor to contact

- b. Provide a supervisor at the location(s) where the pursuit ends for coordination with other agencies

Responsibilities of Other Involved Agencies:

- a. The agency who initiated the pursuit shall ensure the officer with probable cause (or that officer's supervisor) contacts the stopping agency's supervisor to provide assistance
- b. All agencies with information, witnesses, or criminal charges related to the pursuit shall contact the stopping agency
- c. All agencies involved in the pursuit shall provide reports as requested by the stopping agency (or booking agency, if different)

4.28 Prisoner Processing

The suspect(s) from the pursuit shall be turned over to the custody of the agency which has the most significant charges. Absent more significant charges by another agency, custody and booking of the suspect(s) shall be the responsibility of the agency initiating the pursuit. The agency assuming custody shall be responsible for processing, booking, and all related reports.

Arrests made on military installations require local law enforcement agencies to liaison with the military and federal law enforcement in order to transfer custody of an arrestee from federal custody.

4.29 Traffic Collision Investigation

The investigation of traffic collisions resulting from the pursuit shall be the responsibility of the agency within whose jurisdiction the collision occurred. The agency with jurisdiction over the collision scene will be the only agency to file the official collision report of record with the State of California. Involved agencies may conduct a concurrent, administrative investigation, as needed, to meet agency specific needs for internal review.

Pursuits terminating in a traffic collision resulting in injury within the jurisdiction of the Oceanside Police Department will be investigated and documented by the Department's Major Accident Investigation Team (MAIT). A Division Commander may request the CHP conduct the investigation if unique circumstances are present that warrant doing so.

4.30 Crime Report Responsibility

Unless otherwise agreed to by the participating agencies, it shall be presumed that the agency with jurisdiction is responsible for the completion of a crime report associated with the pursuit.

4.31 Pursuit Report Requirements

CVC §14602.1 requires all police pursuits be reported on the CHP Pursuit Report (CHP 187). The form shall be prepared on pursuits initiated or assumed by officers of each involved Department. The form will be submitted as an attachment to the associated Arrest, Crime or Officer's Report.

Involved officers and supervisors shall document the pursuit in accordance with Chapter 11.

CHAPTER 5 - USE OF PHYSICAL FORCE

5.1 Purpose and Scope

The use of physical force generally includes a broad range of tactics, but does not include the use of less lethal weaponry or deadly force. Physical force generally includes mere presence of an officer, communication skills, control holds, and personal impact weapons.

5.2 Policy

It is the policy of this Department that the lowest level of force be used that appears to be reasonable based upon the circumstances. Whenever practicable, officers should consider use of their presence and verbalization skills before using physical force. Whenever feasible, officers should consider the use of control holds and personal impact weapons before using other force options. It is recognized that situations are often fluid, rapidly evolving, and officers are authorized to use any level of force that appears reasonably appropriate in order to minimize the risk of injury to themselves, suspects, and other persons.

5.3 Definitions

PRESENCE - The mere presence of a uniformed or other appropriately identified officer can, in some situations, provide for a sense of calm and safety.

VERBALIZATION - Verbalization and the use of reason is the most commonly used technique to effect the arrest of a suspect. Verbalization may be advising, warning, or persuading. Actual field experience demonstrates that certain techniques of verbalization, coupled with an advantageous position, and a mature, professional attitude can prevent further escalation of a situation. These techniques can include: explaining any actions about to be taken; allowing a suspect to save face in front of his/her peers; recognizing a suspect's remarks are not a personal attack against the officer; and allowing a suspect to retain dignity whenever possible. Officers should attempt to de-escalate confrontations by utilizing verbalization techniques prior to, during, and after any use of physical force.

CONTROL HOLDS - Empty hand control is generally used to counter a weaponless suspect's passive or active resistance to an officer's verbal commands. Firm grip and control techniques are designed to safely initiate physical contact and gain control of an uncooperative suspect. When verbalization proves ineffective, a firm grip may be all that is necessary to overcome resistance. If the use of a firm grip is unsuccessful, an officer may decide to utilize a control technique as a restraint or come-a-long hold.

When the suspect's physical actions are actively resistant to a point which prevents the officer from gaining control or effecting an arrest, more aggressive tactics may be necessary. Such tactics may include empty hand control holds, controlled take downs or any combination thereof, which are for the purpose of gaining an advantage while using the lowest level of force that is reasonable, based upon the circumstances, to effect an arrest or detention.

PERSONAL IMPACT WEAPONS - Personal impact weapons generally include hands, elbows, knees, legs and feet. Use of personal impact weapons as blocking and striking implements are appropriate techniques for self-defense. They may also be used to inflict transitory pain on a physically resistive and/or violent subject as a distraction technique in order to gain an advantage, overcome resistance, and place them into custody.

5.4 Emergency Medical Care

Appropriate medical aid treatment for persons upon which force was used will be initiated by the officer at the earliest practical moment.

5.5 Reporting

Any use of force shall be reported in accordance with Chapter 11.

5.6 Training Management

The Training Unit is responsible for developing and implementing training in the use of force.

CHAPTER 6 - RESTRAINT DEVICES

6.1 Purpose and Scope

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

6.2 Policy

Restraint devices may be used to restrain persons subject to a lawful detention and/or arrest. Persons who actively resist may be restrained with more restrictive devices pursuant to this policy.

It is the general policy of this Department that persons under arrest be placed in handcuffs behind their back. However, there may be situations that warrant deviating from normal practices. Therefore, when deciding whether to handcuff an arrestee, officers should carefully balance officer safety concerns with factors including, but not limited to the following:

- a. The circumstances leading to the arrest.
- b. The behavior of the arrested person.
- c. The need to transport the person.
- d. The age and health of the person.
- e. Whether the person is pregnant.
- f. Whether the person has a hearing or speaking disability. In such cases consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- g. Whether the person has any other apparent disability.

A person's behavior may warrant the use of other restraint devices in order to provide for the safety of officers, other persons, and the arrestee. In such cases, additional restraint devices may be utilized in accordance with this policy. Restraint devices shall not be used to punish, demean or embarrass restrained persons.

Force shall not be used against an individual in handcuffs or other restraint device except as reasonable to prevent imminent bodily harm to the officer or another person. The improper use of force against individuals in handcuffs or other restraining devices can constitute excessive force in violation of the United States Constitution and State law, and it may result in criminal prosecution as well as civil liability.

There have been occasions in the past when members of the community have sought the assistance of officers in using restraint devices as part of a "scared-straight" effort to deter minors and others from engaging in poor behavior. While such efforts may be well-intentioned, they are prohibited.

All restraint devices shall be applied in accordance with techniques taught by the Training Unit.

6.3 Definitions

Excited delirium - A syndrome or condition characterized by extreme physical agitation, paranoid or irrational behavior, and/or pain insensitivity, often but not necessarily caused by mental illness or substance use.

Flex Cuff – Flexible, plastic apparatus, similar in nature to a zip-tie, that can be used in place of handcuffs. Only Department issued flex cuffs are authorized for use.

Handcuffs – Apparatus used to restrain a person by their wrists. They are generally composed of metal, with two parts joined by a chain or hinge. Approved handcuffs include Smith and Wesson Model 100 nickel or blue finish, or equivalent, with universal key.

Positional asphyxia - When a subject's body position interferes with his or her breathing, either when the chest is restricted from expanding properly or when the position of the subject's head obstructs the airway. Death may occur from positional asphyxia.

WRAP Restraint – A proprietary product produced by Safe Restraints, Inc. The WRAP is composed of nylon and mesh materials that wrap around lower extremities, allowing for the maximum restraint of a subject while in an upright, seated position.

6.4 Use of Restraints on Detainees

Situations may arise where it may be reasonable to restrain a detainee. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonable to assure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

6.5 Use of Restraints on Juveniles

Juveniles known or perceived to be 14-years of age or older may be handcuffed when the act committed is of a felonious nature, bookable into Juvenile Hall, or when their actions have amounted to crimes where the officer has a reasonable suspicion the person may have a desire to escape, injure themselves, injure the officer, or destroy property.

Juveniles known or perceived to be under 14-years of age generally will not be handcuffed unless their acts have amounted to a dangerous felony or when they are of a state of mind which suggests a reasonable probability of their desire to escape, injure themselves, the officer, or to destroy property.

6.6 Use of Restraints on Pregnant Persons

Persons who are known to be pregnant shall be restrained in the least restrictive manner that is effective for officer safety. No person who is in labor, delivery or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor decides that such restraints are necessary for the safety of the arrestee, officers or others.

6.7 Use of General Restraints

General restraints include devices used to bind the wrists of a person. These include traditional handcuffs and flex cuffs. General restraints are the most commonly used and typically effective in maintaining control over an individual. General restraints should be applied with the person's hands behind their back with knuckles touching and palms facing out. Officers shall ensure cuffs are not too tight, generally done so by ensuring at least two fingers can be placed between the person's wrist and the cuffs, and by double-locking them.

6.8 Use of Maximum Restraints

Maximum restraints include devices used to minimize the ability of physically resistive subjects to injure officers or other persons and cause property damage. Maximum restraints currently utilized by the Department include the WRAP.

Maximum restraints are authorized under the following conditions:

- a. Whenever a subject demonstrates behavior which indicates possible violent and/or combative behavior.
- b. To immobilize a violent/combatative subject.

- c. To limit violent/combative subjects from causing injury to themselves or others.
- d. To prevent violent/combative subjects from causing property damage by kicking.
- e. When conventional methods of restraint are not effective.
- f. In transportation of violent/combative subjects.
- g. In order to facilitate a forced blood draw

Once a subject has been placed in maximum restraints, they will be placed in a recovery position that reduces the incidence of respiratory fatigue or positional asphyxia. At no time will the subject be left unattended while in maximum restraints.

In order to avoid keeping a person in maximum restraints for extended periods of time, they should be transported directly to jail as soon as practical. In general, once applied, maximum restraints should be maintained until removal is required by jail personnel.

6.9 Exposure Limiting Restraints

Exposure limiting restraints include devices designed to minimize exposure from persons who are, or are likely to, spit on individuals and/or inappropriate areas. These include spit hoods and face masks. Exposure limiting restraints can be effective in limiting a person's ability to spit on other person's or inappropriate areas, but require constant monitoring for distress.

Spit hoods are generally composed of a breathable mesh that forms a hood to place over a person's head. Only Department issued spit hoods are authorized for use.

Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport. Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally.

Officers should aid during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained.

If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head, and clothing prior to application of a spit hood.

Those who have been placed in a spit hood shall be monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

A surgical mask or similar device may be used in lieu of a spit hood. Only spit hoods and surgical masks (or similar device) issued by the Department are authorized.

6.10 Special Considerations

Officers are responsible for the safety and well-being of persons in their custody and control.

Persons under restraint may exhibit signs of positional asphyxia or excited delirium due to recent physical exertions, existing physical conditions or drug use, and they must be continually monitored while under restraint.

6.11 Transportation

All restrained persons shall be seat-belted during transportation. Persons placed in maximum restraints shall be continuously monitored while being transported which may necessitate a second officer riding in the vehicle.

6.12 Training

The Training Unit is responsible for developing and implementing training on restraint devices.

6.13 Waist and Ankle Chains

Waist and Ankle Chains – are used to limit the mobility of arrestees. It is an effective means of restraining an arrestee for transport when conventional handcuffing methods are unable to be used. It allows for transporting an arrestee in a seated, upright position, while preventing the arrestees from kicking (e.g., doors, windows, staff, etc.), or transitioning their handcuffs from behind their back to the front. The use of these restraints can also be used if a subject is too large to be handcuffed in the rear, has injuries that prevent them being handcuffed in the rear, and needs to be handcuffed in the front.

1. The waist chains consist of a leg chain that is attached to both the waist and handcuffs around the midsection of the arrestee.
2. The ankle chains may be applied at the officer's discretion however should be used in conjunction with the waist chains.

CHAPTER 7 - LESS-LETHAL DEVICES

7.1 Purpose and Scope

This policy provides guidelines for the use and maintenance of control devices that are authorized by the Department.

7.2 Policy

In order to control subjects who are violent or who demonstrate the intent to be violent, the Oceanside Police Department authorizes officers to use control devices in accordance with the guidelines in this policy.

7.3 Issuing, Carrying and Using Less Lethal Devices

Less lethal devices described in this policy may be carried and used by members of this Department only if the device has been authorized and/or issued by the Department.

Only officers who have successfully completed Department-approved training in the use of any less lethal devices are authorized to carry and use them.

Less lethal devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices. When using control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

7.3.1 User Responsibilities

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices. Any damaged, inoperative, outdated or expended control devices or munitions, shall be returned to the designated person or location responsible for the item's maintenance or dispersal. When damage to City property occurs, an officer's report will be completed and forwarded through the chain of command, when appropriate, explaining the cause of damage.

7.4 Baton Guidelines

The police baton is an authorized weapon for on-duty use by certified officers when it is necessary to defend oneself from attack, subdue a resisting offender, maintain control over an arrestee, or to otherwise enable an officer to perform a lawful duty. The baton is a proper weapon in those situations where lethal force would be inappropriate.

Unless deadly force is authorized, the head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt or vest carrier. All personnel assigned to an administrative position or a non-uniformed detective position, shall carry a baton on their person when engaged in planned enforcement activities and shall have a baton readily available, such as in their assigned vehicle, while working in the field. Members assigned primarily to administrative duties are not required to carry a baton while engaged in routine business matters. However, they will carry a baton on their person if they are assigned to work an enforcement-related function. Exceptions may be made by the employee's respective Division Commander.

7.4.1 Authorized Batons

The following comprise the only batons authorized for use by officers of the Oceanside Police Department:

- a. AETCO, Inc. black aluminum side-handled baton with the rotating handle bushing
- b. Armament Systems and Procedures, Inc. (A.S.P.) black steel expandable baton
- c. Monadnock MP 26" Polycarbonate Straight Baton
- d. Dymondwood 26" or 29" length or other straight baton of similar construction, appearance, size, weight and performance from a reputable manufacturer
- e. KOGA brand straight baton, 42" by 1 1/8", specifically used by trained personnel assigned to the Mobile Field Force

No other type of baton is authorized for use without the express approval of the Chief of Police.

7.4.2 Care and Maintenance

Whether issued by the Department or supplied by the officer, it is the responsibility of the officer to keep and maintain the baton in good condition, and as near original condition as possible. No carved initials or markings are to be engraved upon Department-owned batons, nor are any modifications to be made to any baton.

7.4.3 Authorized Use

The purpose of the baton is to inflict controlled, transitory pain or discomfort to enable the officer to either resist an attack or to gain a physical advantage so that he or she can properly perform their duties. Therefore, officers are authorized to use the baton under the following conditions:

- a. To protect the officer or other person from attack
- b. To subdue a resisting offender
- c. To maintain control over an arrestee
- d. To gain compliance to the officer's lawful orders by persons refusing to obey
- e. In emergencies, as a tool to assist the officer to enter a locked vehicle or building when lawful access is required
- f. Any other instance wherein its use is necessary to ensure the safety of the officer or other person

Officers are authorized to use only the striking and restraint methods as instructed by the Training Unit. Nothing in this policy authorizes an officer to use the baton beyond that which is reasonable to neutralize an aggressive action against the officer or to gain a physical advantage. Once this has been accomplished, further use of the baton is no longer appropriate.

7.4.4 Required Use

Unless the threat of unreasonable additional danger requires the officer to operate without it, uniformed officers, regardless of rank, assigned to field duties will carry an authorized baton when they exit the police vehicle. This includes meal periods in public places. The wearing of a baton in court is optional. Uniformed officers assigned primarily to administrative duties are not required to carry a baton while engaged in routine business matters. However, they will carry a baton if they are assigned to work an enforcement-related function.

7.5 Chemical Agents Guidelines

7.5.1 2-chlorobenzylidene malononitrile (CS) Gas

CS gas is generally used by SWAT and Mobile Field Force teams against barricaded suspects or during crowd control efforts based on the circumstances. Only the Watch Commander, Incident Commander or SWAT Commander may authorize the delivery and use of CS gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of CS gas to control any fires and to assist in providing medical aid.

7.5.2 Oleoresin Capsicum (OC)

As with other control devices, oleoresin capsicum (OC) spray and pelargonic acid vanillylamide (PAVA) projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in or are about to engage in violent behavior. OC and/or PAVA projectiles may be used for crowd control, crowd dispersal, or against barricaded suspects based on the circumstances. PAVA projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

7.5.2.1 OC Spray

Uniformed personnel shall have OC spray readily available for use, such as on their belt or vest in a holster designed for such purpose or in their vehicle. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor. Only Department issued OC spray is authorized for use.

7.5.2.2 PAVA Projectile systems

PAVA projectiles are plastic spheres that are filled with a synthetic capsaicinoid (analog of capsaicin) of pelargonic acid vanillylamide (PAVA). The only authorized PepperBall system is the FTC launcher and PAVA-filled projectiles. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the PAVA powder, the potential exists for the projectiles to inflict serious injury if they strike the head, neck, spine, or groin. Therefore, personnel using a PAVA projectile system should not intentionally target those areas unless deadly force is authorized. PAVA projectiles are generally effective from zero (0) to sixty (60) feet.

Officers encountering a situation that warrants the use of a PAVA projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all PAVA projectile system incidents where the suspect has been hit or exposed to the chemical agent, in accordance with Chapter 11.

7.5.2.3 Precautions

OC should not be used in the immediate vicinity of infants since their respiratory systems are extremely sensitive.

7.5.2.4 Treatment for OC Exposure

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel. Current San Diego Sheriff's Department booking criteria may require the person be medically cleared prior to booking.

7.5.2.5 Post-Application 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 cleanup will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

7.5.2. Use of Chemical Agents during Unlawful Assemblies and Riots

The use of Chemical Agents when used in dispersing assemblies, protests, or demonstrations, that rise to an Unlawful Assembly or Riot, shall comply with Penal Code Section 13652 and 13652.1 updates, as stated in Assembly Bill 48 January 1, 2022.

-13652. (a) Except as otherwise provided in subdivision (b), kinetic energy projectiles and chemical agents shall not be used by any law enforcement agency to disperse any assembly, protest, or demonstration.

(b) Kinetic energy projectiles and chemical agents shall only be deployed by a peace officer that has received training on their proper use by the Commission on Peace Officer Standards and Training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including any peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control, and only in accordance with all of the following requirements:

(1) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.

(2) Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.

(3) Persons are given an objectively reasonable opportunity to disperse and leave the scene.

(4) An objectively reasonable effort has been made to identify persons engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of persons.

(5) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.

(6) Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.

(7) An objectively reasonable effort has been made to extract individuals in distress.

(8) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.

(9) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.

(10) Kinetic energy projectiles or chemical agents shall not be used by any law enforcement agency solely due to any of the following:

(A) A violation of an imposed curfew.

(B) A verbal threat.

(C) Noncompliance with a law enforcement directive.

(11) If the chemical agent to be deployed is tear gas, only a commanding officer at the scene of the assembly, protest, or demonstration may authorize the use of tear gas.

(c) This section does not prevent a law enforcement agency from adopting more stringent policies.

(d) For the purposes of this section, the following terms have the following meanings:

(1) "Kinetic energy projectiles" means any type of device designed as less lethal, to be launched from any device as a projectile that may cause bodily injury through the transfer of kinetic energy and blunt force trauma. For purposes of this section, the term includes, but is not limited to, items commonly referred to as rubber bullets, plastic bullets, beanbag rounds, and foam tipped plastic rounds.

(2) "Chemical agents" means any chemical that can rapidly produce sensory irritation or disabling physical effects in humans, which disappear within a short time following termination of exposure. For purposes of this section, the term includes, but is not limited to, chloroacetophenone tear gas, commonly known as CN tear gas; 2-chlorobenzalmalononitrile gas, commonly known as CS gas; and items commonly referred to as pepper balls, pepper spray, or oleoresin capsicum.

(e) This section does not apply within any county detention facility or any correctional facility of the Department of Corrections and Rehabilitation.

-13652.1. (a) Each law enforcement agency shall, within 60 days of each incident, publish a summary on its internet website of all instances in which a peace officer employed by that agency uses a kinetic energy projectile or chemical agent, as those terms are defined in Section 13652, for crowd control. However, an agency may extend that period for another 30 days if they demonstrate just cause, but in no case longer than 90 days from the time of the incident.

(b) For each incident reported under subdivision (a), the summary shall be limited to that information known to the agency at the time of the report and shall include only the following:

(1) A description of the assembly, protest, demonstration, or incident, including the approximate crowd size and the number of officers involved.

(2) The type of kinetic energy projectile or chemical agent deployed.

(3) The number of rounds or quantity of chemical agent dispersed, as applicable.

(4) The number of documented injuries as a result of the kinetic energy projectile or chemical agent deployment.

(5) The justification for using the kinetic energy projectile or chemical agent, including any de-escalation tactics or protocols and other measures that were taken at the time of the event to deescalate tensions and avoid the necessity of using the kinetic energy projectile or chemical agent.

(c) The Department of Justice shall post on its internet website a compiled list linking each law enforcement agency's reports posted pursuant to subdivision (a).

7.6 Kinetic Energy Projectile Delivery Systems

This Department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation. Kinetic energy projectiles may be delivered with specially marked less lethal shotguns, Def-Tech style 40mm launchers, and PepperBall launchers (as described above).

7.6.1 Munitions

7.6.1.1 Less Lethal Shotguns

The authorized munition for less lethal shotguns is the CTS Super Sock. The CTS Super Sock has a minimum standoff distance of zero feet (0) and can be effective up to seventy-five feet (75). Therefore, the lower extremities should be the intended targets within this distance.

Lethal ammunition is prohibited from use with Less Lethal Shotguns.

7.6.1.2 40mm Launchers

Authorized munitions for the 40mm launcher include the Def-Tech 40mm Smokeless Powder Sponge Round, "Exact Impact" standard and extended ranges. The minimum standoff distance for the standard range round is five (5) feet and can be effective up to 131 feet. The minimum standoff distance for the extended range round is 33 feet and can be effective up to 230 feet.

7.6.2 Shot placement

Unless deadly force is authorized, officers shall avoid intentionally targeting a subject's head, neck, spine, heart, upper abdomen, groin and lower back. Ideal targets include the lower abdomen, extremities, and back.

7.6.3 Deployment and Use

Only Department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions 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 the safe application of approved munitions
- b. The suspect has made credible threats to harm him/herself or others
- c. The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers
- d. There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders
- e. The subject has demonstrated active resistance and a threat of harm.

7.6.4 Deployment Considerations

Before discharging impact munitions, the officer should consider such factors as:

- a. Distance and angle to target
- b. Type of munitions employed
- c. Type and thickness of subject's clothing
- d. The subject's proximity to others
- e. The location of the subject
- f. Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device 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 give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

7.6.5 Safety Procedures

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such. Officers will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

7.6.6 Emergency Medical Care

Appropriate medical aid treatment for persons upon which less lethal munitions and/or weaponry have been utilized will be initiated by the officer at the earliest practical moment.

7.6.7 Use of Kinetic Energy Projectiles during Unlawful Assemblies and Riots

The use of Kinetic Energy Projectile Delivery Systems when used in dispersing assemblies, protests, or demonstrations, that rise to an Unlawful Assembly or Riot, shall be in compliance with Penal Code Section 13652 and 13652.1 updates, as stated in Assembly Bill 48 January 1, 2022.

-13652. (a) Except as otherwise provided in subdivision (b), kinetic energy projectiles and chemical agents shall not be used by any law enforcement agency to disperse any assembly, protest, or demonstration.

(b) Kinetic energy projectiles and chemical agents shall only be deployed by a peace officer that has received training on their proper use by the Commission on Peace Officer Standards and Training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including any peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control, and only in accordance with all of the following requirements:

- (1) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
- (2) Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
- (3) Persons are given an objectively reasonable opportunity to disperse and leave the scene.
- (4) An objectively reasonable effort has been made to identify persons engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of persons.
- (5) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
- (6) Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.
- (7) An objectively reasonable effort has been made to extract individuals in distress.

(8) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.

(9) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.

(10) Kinetic energy projectiles or chemical agents shall not be used by any law enforcement agency solely due to any of the following:

(A) A violation of an imposed curfew.

(B) A verbal threat.

(C) Noncompliance with a law enforcement directive.

(11) If the chemical agent to be deployed is tear gas, only a commanding officer at the scene of the assembly, protest, or demonstration may authorize the use of tear gas.

(c) This section does not prevent a law enforcement agency from adopting more stringent policies.

(d) For the purposes of this section, the following terms have the following meanings:

(1) "Kinetic energy projectiles" means any type of device designed as less lethal, to be launched from any device as a projectile that may cause bodily injury through the transfer of kinetic energy and blunt force trauma. For purposes of this section, the term includes, but is not limited to, items commonly referred to as rubber bullets, plastic bullets, beanbag rounds, and foam tipped plastic rounds.

(2) "Chemical agents" means any chemical that can rapidly produce sensory irritation or disabling physical effects in humans, which disappear within a short time following termination of exposure. For purposes of this section, the term includes, but is not limited to, chloroacetophenone tear gas, commonly known as CN tear gas; 2-chlorobenzalmalononitrile gas, commonly known as CS gas; and items commonly referred to as pepper balls, pepper spray, or oleoresin capsicum.

(e) This section does not apply within any county detention facility or any correctional facility of the Department of Corrections and Rehabilitation.

-13652.1. (a) Each law enforcement agency shall, within 60 days of each incident, publish a summary on its internet website of all instances in which a peace officer employed by that agency uses a kinetic energy projectile or chemical agent, as those terms are defined in Section 13652, for crowd control. However, an agency may extend that period for another 30 days if they demonstrate just cause, but in no case longer than 90 days from the time of the incident.

(b) For each incident reported under subdivision (a), the summary shall be limited to that information known to the agency at the time of the report and shall include only the following:

(1) A description of the assembly, protest, demonstration, or incident, including the approximate crowd size and the number of officers involved.

(2) The type of kinetic energy projectile or chemical agent deployed.

(3) The number of rounds or quantity of chemical agent dispersed, as applicable.

(4) The number of documented injuries as a result of the kinetic energy projectile or chemical agent deployment.

(5) The justification for using the kinetic energy projectile or chemical agent, including any de-escalation tactics or protocols and other measures that were taken at the time of the event to deescalate tensions and avoid the necessity of using the kinetic energy projectile or chemical agent.

(c) The Department of Justice shall post on its internet website a compiled list linking each law enforcement agency's reports posted pursuant to subdivision (a).

7.7 Reporting

Any use of less lethal munitions and/or weaponry shall be reported in accordance with Chapter 11.

7.8 Training

The Training Unit is responsible for developing and implementing training and certification on the use of less lethal munitions and weaponry.

CHAPTER 8 - USE OF POLICE CANINE (K9)

8.1 Purpose and scope

This policy establishes guidelines for the use of K9s to augment police services in the community, including, but not limited to, locating individuals and contraband and apprehending criminal offenders. The sections below are limited to those related to use of force. Complete K9 program policy and procedures can be found in the Canine Unit Operational Manual.

8.2 Policy

It is the policy of the Oceanside Police Department that teams of handlers and K9s meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

8.3 Application

The K-9 Unit provides a unique and valuable service by utilizing highly-trained dogs in a variety of situations that require the animal's special skills. K9 teams should be used for covering other officers in the field, "Priority One" calls for service, and in any situation in which the dog's skills may be helpful. Handlers are to remain active in the field, and shall volunteer for radio calls and/or reports to ease the burden on patrol officers. Handlers should also remember the psychological impact their dog can have on a potentially volatile situation and should cover their fellow officers whenever possible.

8.4 Requests for K9 Teams

Officers are encouraged to request the use of a K9 whenever forced entry to a structure is suspected, and in other circumstances, appear to fall within the Apprehension Guidelines listed below.

All requests for K9 assistance from outside agencies must be approved by the Watch Commander and are subject to the following:

- a. K9 teams shall not be used for any assignment that is inconsistent with this policy.
- b. The K9 handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- c. Calling out off-duty K9 teams is discouraged.
- d. It shall be the responsibility of the K9 handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- e. It shall be the responsibility of the K9 handler to complete all necessary reports and notifications.

8.5 Call Outs

K9 teams are available for emergency call-out. When there are no teams in service and a dog is needed in the field, an on-duty Field Supervisor should first request an on-duty K-9 officer from a neighboring agency. If none are available, the Field Supervisor may contact the K-9 Supervisor for assistance. The handler(s) contacted will evaluate the given field situation and decide as to whether or not their dog is prepared to perform as needed.

8.6 Apprehension Guidelines

A K9 may be used to locate and apprehend a suspect if the K9 handler reasonably believes the individual has either committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

- a. There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer or the handler.
- b. The suspect is physically resisting or threatening to resist arrest and the use of a K9 appears to be reasonable to overcome such resistance.
- c. The suspect is believed to be concealed in an area where entry by an officer other than the K9 would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a K9. Absent a reasonable belief that a suspect has committed, is committing or threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a K9 to apprehend a suspect.

Use of a K9 to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Watch Commander. Absent a change in circumstances that present an imminent threat to officers, the K9 or the public, such K9 use should be conducted on-leash or under conditions that minimize the likelihood the K9 will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the K9 as soon as it becomes reasonably practical. If the K9 has apprehended the suspect with a secure bite, the handler should command the K9 to release the suspect once the suspect is no longer a threat, actively resisting, or has been contacted by other officers.

8.7 Preparation for Deployment

Prior to the use of a K9 to search for or apprehend any suspect, the K9 handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include, but is not limited to:

- a. The nature and seriousness of the suspected offense.
- b. Whether violence or weapons were used or are anticipated.
- c. The degree of resistance or threatened resistance, if any, the suspect has shown.
- d. The suspect's known or perceived age.
- e. The potential for injury to officers or the public caused by the suspect if the K9 is not utilized.
- f. Any potential danger to the public and/or other officers at the scene if the K9 is released.
- g. The potential for the suspect to escape or flee if the K9 is not utilized.
- h. Evaluate the search area for potential hazards.

As circumstances permit, the K9 handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury. It is the K9 handler's responsibility to evaluate each situation and determine whether the use of a K9 is appropriate and reasonable.

The K9 handler shall have the authority to decline the use of the K9 whenever he/she deems deployment is unsuitable. Per Oceanside Police Department Standards of Conduct, supervisors have the authority, within the framework of the law, to issue special orders that may deviate from our Policies and Procedures. Any decision by a supervisor to override a K9 handler's decision not to deploy a K9 must be done with due caution and should only be reserved for unique and unforeseen circumstances. Prior to overriding a K9 handler's decision not to deploy a K9, and time permitting, the supervisor shall ensure that he/she and the K9 handler are acting upon all known information and circumstances relevant to the incident.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the K9. Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the K9.

8.8 Warnings and Announcements

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a K9 will be used if the suspect does not surrender should be made prior to releasing a K9. The handler should allow a reasonable time for a suspect to surrender and should quiet the K9 momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary. If a warning is not to be given, the K9 handler, when practicable, should first advise the supervisor of his/her decision before releasing the K9. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

8.9 Foot Pursuits

Non-handler officers are cautioned regarding pursuing fleeing suspects on foot in cases where a K9 is to be used in making the apprehension. The non-handler officer should position him/herself behind the K9 and handler. In cases where a non-handler officer is engaged in a foot pursuit of a suspect in front of the K-9 officer and a K-9 officer gives a K-9 admonition, the non-handler should stop running and let the dog run by to take up the pursuit.

8.10 Person Searches

The handler will evaluate each situation and determine if the use of a K9 is technically feasible. When a K9 team is called to the scene of a search, the K-9 handler or the K-9 supervisor will take over direction of the portion of the scene related to the search. This may include adjusting the deployment of perimeter personnel, the request for or use of additional, specialized equipment, and the deployment of the dog. The handler should be conscious of tactical considerations at the scene, and should relay any suggestions or deployment requests to the field supervisor or incident commander when necessary.

When a K9 is used for a building search, the handler will direct the activity of the assisting officers. S/He shall evaluate the search for potential hazards, i.e., sharp objects, caustic materials or other animals. In order to avoid possible injury to authorized personnel who may be inside the building on lawful business, officers need to make a reasonable effort to determine if there is a forced entry. In all K9 building searches, the handler is responsible for giving an appropriate K-9 admonishment to alert any building occupants of the upcoming search to reduce the likelihood of injury to innocent parties. The handler should ensure other officers at the scene of their requirements and conduct during the search. Searches may be conducted on or off-leash, depending upon the specific circumstances and the determination of the K-9 handler.

8.11 Article Detection

A K9 trained to find objects or property related to a person or crime may be used to locate or identify articles. A K9 search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

8.12 Narcotic Searches

A narcotic detection-trained K9 may be used in accordance with current law to:

- a. Assist in the search for narcotics during a search warrant service
- b. Obtain a search warrant by using the detection made by the K9 in support of probable cause
- c. Search vehicles, buildings, bags, and any other articles deemed necessary
- d. A narcotic-detection K9 will not be used to search a person for narcotics.

8.13 Vehicle Pursuits and Felony Stops

All personnel are referred to Chapter 4 Pursuit Policy regarding the operation of a police vehicle during pursuits.

It is recommended that a K-9 team be directly involved in a pursuit or felony hot stop. At the discretion of the field Supervisor, a K-9 team may replace a unit already in a pursuit, augment units already engaged in pursuit, or continue in a pursuit to assist in the event the pursuit is handed over to an allied law enforcement agency. K9 teams should be the lead unit in a vehicle pursuit, which allows for the K9 to be deployed safely and effectively to apprehend a suspect.

8.14 SWAT Interoperability

There are occasions when the need for K-9 support arises during a tactical or critical incident at which the Special Weapons and Tactics (SWAT) team has been deployed. Specific handlers and K9s attend a specialized course, SWAT K9 Interacting During Deployment School (SKIDDS).

8.15 Injured Handler Procedures

All officers shall consider the following course of action in the event a K9 handler is injured and unable to command his/her K9. If the handler is down, it is possible the dog will stand guard and prevent anyone from approaching. In the event a K-9 handler is incapacitated, the following actions should take place:

- a. Immediately request the assistance of another K-9 handler or the K-9 Supervisor
- b. Do not rush towards the handler or dog
- c. Call to the handler and if possible, the handler will call the dog off
- d. If the handler is unable to assist, move the handler's car, or a patrol car as close as possible to the downed handler and K9
- e. In an authoritative voice, call to the dog giving the appropriate command "House" or "Car!" to which the dog may comply with this command and enter the vehicle
- f. Close the door after the dog has entered the vehicle, keeping the K9 inside

In some cases, another handler, the K-9 Supervisor, or a properly trained non-handler officer, may be required to assist the K-9 into the patrol car. To accomplish this, the same procedure as outlined above will be followed. However, the other handler, K-9 Supervisor or officer will wear a training bite sleeve and will be placed in the rear of the vehicle where the dog is to be contained. Once the vehicle is in position, the door closest to the dog can be opened and the K-9 can bite the sleeve. The helper can then back out the opposite door and feed the sleeve to the dog by sliding his/her arm out of the sleeve. Close both doors as soon as the dog has entered the vehicle.

8.16 Conduct of Non-Handler Members

Police K9s are well-trained animals, and are trained to perform specific duties. All non-handler members are cautioned with regard to petting or attempting to become friendly with the dogs. The dogs must not be petted unless the dog's handler is present and has given permission for such act to take place. Under no circumstances will a member attempt to pet a dog which is in a vehicle and/or unattended.

8.17 Transportation of Ride-Alongs and Prisoners

Transportation of non-prisoners and non-police personnel or persons who are not familiar with K9 training must be limited. Such transportation shall be made only after the handler has instructed the person to be transported in the manner which they should conduct themselves in the K9 unit. Prisoners shall not be transported in a K-9 vehicle.

8.18 Reporting Bites and Injuries

Apprehensions by police service dogs are divided into two classifications:

Contact – When the police dog makes physical contact with the suspect. Contact may or may not involve the biting of the suspect. A bite is defined as contact between the mouth of a K9 and the clothed or unclothed portion of the body of a human being during which the surface of the person's skin is punctured by the teeth of the dog.

Non-contact – When the police dog does not make physical contact with the suspect, but is directly responsible for the successful completion of the arrest. Examples of such could be, but not limited to, tracking a suspect who is found hiding, or upon hearing a K-9 admonition or barking, the suspect surrenders.

K9 uses and shows of force shall be reported in accordance to Chapter 11 Reporting the Use of Force. The injured person shall be promptly treated by emergency medical services personnel and, if appropriate, transported to an appropriate medical facility for further treatment.

8.19 Unintended Bites

Medical attention shall be provided to any individual injured by a police K9 as soon as practical. Any unintended bite or injury caused by a K9, whether on or off duty, shall be promptly reported to the K9 Supervisor and documented in an Officer's Report. The supervisor will ensure a Potential Claim investigation is completed, along with notifications to the chain of command and Risk Management.

K9s used by law enforcement agencies are generally exempt from impoundment and reporting requirements. However, the K9 shall be made available for examination at any reasonable time if requested by the local health Department. The K9 handler shall also notify the local health Department if the K9 exhibits any abnormal behavior after a bite (Health and Safety Code § 121685).

8.20 Potential Claims

No member shall make any statement of liability acceptance by the Department for injuries inflicted by a Department K9. Should an inquiry be made, the member will advise the injured person that they may submit a written claim to the Risk Management Office. The City's Risk Manager will evaluate the claim. The Risk Manager will then make an appropriate disposition. The K9 Supervisor or on-duty Field Supervisor shall complete a Potential Claim Investigation pursuant to the Administrative Processes Manual.

8.21 Training & Certification

Before assignment in the field, each K9 team shall be trained and certified to meet current POST guidelines or other recognized and approved certification standards. Cross-trained K9 teams, or those canine teams trained exclusively for the detection of narcotics shall also be trained and certified by the California Narcotic Canine Association (CNCA) or other entity with similar certification standards.

All K9 training should be conducted while on-duty, unless otherwise approved by the K9 Supervisor or Watch Commander.

The Department will pay for professional training; all basic and formal maintenance training will be conducted by the Department Trainer(s). A K9 Team may be placed into service pursuant to written authorization from the trainer, and approval of unit supervisor or designee. The criteria for the certification shall be POST approved and monitored by a qualified evaluator.

Each K9 team shall thereafter be recertified to a current POST, CNCA or other recognized and approved certification standards on a bi-annual basis. This certification will be monitored by the Department's Trainer or designee. Additional training considerations are as follows:

- a. K9 teams should receive training as defined in the current contract with the Oceanside Police Department K9 training provider.
- b. K9 handlers are encouraged to engage in additional training with approval of the K9 Supervisor.
- c. To ensure all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by this Department.

8.21.1 Failure to successfully complete training and/or certification

Any team that receives a less than satisfactory overall rating at the qualification will be given two (2) weeks in which to train and re-test. Failure by any team to attain Fully Functional status after the additional two (2) weeks may result in the dog's removal from active field duty until any problems have been corrected. Continued failure to qualify may result in the handler and/or dog being removed from the unit. Any decision to remove a handler from the unit will be made after consultation with the Department's Trainer and at the direction of the Department's Chain of Command in compliance with the current M.O.U.

8.22 Training Records

Each handler is required to keep current records regarding training, deployments, veterinarian care and certifications. Daily activities involving training or deployments shall be entered into the KATZ computer data base no later than the end of the handler's work week. Medical/Veterinarian care, certification documents along with the original purchase/genealogy documents will be maintained in a digital/cloud data base. Upon retirement or death of a K-9, the dog's file will be sent to City archives for storage pursuant to the City's Retention Schedule.

8.23 Licensing

All Oceanside Police Department dogs are required to be licensed annually, and it is the responsibility of each handler to ensure their dog's license status is current. The licensing fees are waived by the North County Humane Society per OCC 4.18(d)(1).

8.24 Narcotics Training Aids

Training aids are required to effectively train and maintain the skills of K9s. Officers possessing, using or transporting controlled substances for K9 training purposes must comply with federal and state requirements. Alternatively, the Oceanside Police Department may work with outside trainers with the applicable licenses or permits.

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection K9 training in compliance with state and federal laws (Health & Safety Code § 11367.5; 21 USC § 823(f)).

Per H&S 11367.5(a) the Chief of Police may authorize the utilization of specific narcotics material for use by K9 Handlers and/or the Department's official K9 trainer in the training of their animals in narcotic detection.

California Health and Safety Code, Section 11367.5(a) states:

"Any Sheriff, Chief of Police, the Chief of the Division of Law Enforcement, or the Commissioner of the California Highway Patrol, or a designee thereof, may, in his or her discretion, provide controlled substance in his or her possession and control to any duly authorized peace officer or civilian drug detection K9 trainer

working under the direction of a law enforcement agency, provided the controlled substances are no longer needed as criminal evidence and provided the person receiving the controlled substances, if required by the Federal Drug Enforcement Administration, possesses a current and valid Federal Drug Enforcement Administration registration which specifically authorizes the recipient to possess controlled substances while providing substance abuse training to law enforcement or the community or while providing K9 drug detection training.”

For purposes of section 11367.5(a), the Patrol Division Captain shall serve as the Chief’s designee.

The following are the types of drugs the Narcotic Detection Handler/K9 are trained to detect:

- a. Cocaine
- b. Heroin
- c. Methamphetamine

8.25 Kennels and Equipment

Kennels are provided by the City of Oceanside. This may include support construction such as a cement slab for the kennel area, a chain link pen, and a shelter (dog house). Upon re-assignment of a handler from the unit, if the pen and shelter are still in good working order, they will be removed for reassembly at the residence of the new officer being assigned. Required K9 equipment is to be issued to each handler per the K9 Unit Operational Manual.

CHAPTER 9 - CONDUCTED ENERGY WEAPON

9.1 Purpose and Scope

This policy provides guidelines for the issuance and use of TASER® devices.

9.2 Policy

The TASER® device is intended to control a violent or potentially violent individual under the circumstances authorized herein while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to suspects and officers.

9.3 Issuance and Carrying TASER® Devices

Upon completion of training, all sworn personnel shall be issued a TASER®. All sworn personnel working in the field and wearing a Department uniform, shall carry the TASER® on their person while on duty. All personnel assigned to an administrative position or a non-uniformed detective position, shall carry a TASER® on their person when engaged in planned enforcement activities and shall have a TASER® readily available, such as in their assigned vehicle, while working in the field. Members assigned primarily to administrative duties are not required to carry a TASER® while engaged in routine business matters. However, they will carry a TASER® on their person if they are assigned to work an enforcement-related function. Exceptions may be made by the employee's respective Division Commander. For sworn personnel at the rank of Lieutenant or higher, carrying of the TASER® is optional.

While working in a uniformed capacity officers shall wear the device in an approved holster or vest carrier. When carried on the officer's duty belt officers shall carry the TASER® device on the opposite side of their duty weapon. A cross draw or weak hand draw is acceptable.

Officers who carry the TASER® on an outer vest, may carry it on their dominant side, only if it is mounted for a cross draw with the non-dominant hand. Officers who carry their TASER® on their non-dominant side, may draw from a cross draw or weak hand draw position. In addition:

- a. All TASER® devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- b. Officers shall be responsible for ensuring that their issued TASER® device is properly maintained and in good working order.
- c. Officers will not attempt to use or hold both a firearm and the TASER® device at the same time.

Officers shall only use the TASER® device and cartridges that have been issued by the Department. Members issued a TASER® are responsible for ensuring the date and time is updated on a monthly basis by plugging the battery into the dock.

9.4 Verbal and Visual Warnings

A verbal warning of the intended use of the TASER® device 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.
- b. Provide other officers and individuals with a warning that the TASER® device may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may use the arc switch to display the electrical arc or the laser in a further attempt to gain compliance prior to the application of the

TASER® device. The aiming laser should never be intentionally directed into the eyes of another person as it may permanently impair his/her vision.

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 TASER® device in the related report.

9.5 Use of the TASER® Device

The TASER® device has limitations and restrictions requiring consideration before its use. The TASER® device should only be used when its operator can safely approach the subject within the operational range of the device. Although the TASER® device is generally effective in controlling most individuals, officers should be aware that the device is not 100% effective and may not achieve the intended results. Therefore, officers should be prepared with other options.

9.6 Application of the TASER® Device

The TASER® device may be used when the circumstances perceived by the officer at the time indicate that such application is reasonable to control a person who is actively resisting, posing an immediate threat of harm to the officer or other person(s), and when considering the severity of the underlying crime.

The TASER® device may only be deployed at a fleeing subject who is wanted for a violent felony crime involving actual or intended physical injury to another or threats of same to another. The TASER® device shall not be used to apprehend a fleeing subject who is wanted for a non-violent felony crime.

9.7 Special Deployment Considerations

The use of the TASER® device on certain individuals, listed below, should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- a. Individuals who are known to be pregnant.
- b. Elderly individuals or obvious juveniles.
- c. Individuals with obviously low body mass.
- d. Individuals who are handcuffed or otherwise restrained.
- e. Individuals who have been recently sprayed with a flammable chemical agent or any unknown substance, or who are otherwise in close proximity to any known combustible vapor or flammable material.
- f. Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles, in or around body of water).

9.8 Drive Stun Applications

A drive stun is the placing of the TASER® in direct and continuous contact with a subject's person while activating the TASER® arc button. A drive stun application causes localized pain and does not cause neuromuscular incapacitation. The use of a drive stun is authorized to supplement the probe-mode in order to complete the circuit. The use of a drive stun is also authorized as a pain compliance technique in instances when a subject is displaying active resistance with no threat of harm, and when done so in accordance with methods taught by the Training Unit.

9.9 Prohibited Use

The TASER® device shall not be used to psychologically torment, elicit statements or to punish any individual.

9.10 Targeting Considerations

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest, heart, and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the TASER® device probes to a precise target area, officers shall monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

9.11 Multiple Applications of the TASER® Device

When deploying the TASER® device, officers shall allow a reasonable time before subsequent use in order to allow the suspect an opportunity to comply, if possible, dependent on the totality of the circumstances.

When Officers apply the TASER® device they should evaluate the situation before deploying a second set of darts or re-energizing the initial set of darts. Multiple applications of the TASER® device against a single individual should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the TASER® device appears to be ineffective in gaining control of an individual, the officer should consider the following factors before additional applications of the TASER® device:

- a. Whether the probes are making proper contact.
- b. Whether the individual has the ability and has been given a reasonable opportunity to comply.
- c. Whether verbal commands, other options or tactics may be more effective.

Officers should generally avoid intentionally applying more than one TASER® device at a time against a single subject.

9.12 Actions Following Deployments

Officers shall place the subject in handcuffs or other restraints as soon as possible and monitor the subject for signs of medical distress. Officers shall notify a supervisor of all TASER® device discharges.

9.13 Dangerous Animals

The TASER® device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

9.14 Off-Duty Considerations

Officers are not authorized to carry Department TASER® devices while off-duty. Officers shall ensure that TASER® devices are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

9.15 Documentation

Officers shall document all TASER® device discharges, use as a drive/stun tool, use of the arc switch or laser for de-escalation in the related arrest/crime report. If the subject is not arrested (e.g. W&I 5150 case) the use of a TASER® shall be documented on an Officer's Report. Notification shall also be made to a supervisor in compliance with Chapter 11. Unintentional discharges will be reported to a supervisor as soon as possible and documented in the report.

9.16 Medical Treatment/Dart Removal

Absent extenuating circumstances, an officer should not attempt to remove TASER® darts that are embedded in a suspect's skin. Only appropriate medical personnel should remove these darts. Used TASER® device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by TASER® device probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories shall, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- a. The person is suspected of being under the influence of controlled substances and/or alcohol
- b. The person may be pregnant
- c. The person reasonably appears to need medical attention
- d. The TASER® device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck)
- e. The person requests medical treatment

9.17 Supervisor Responsibilities

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the TASER® device may be used and shall respond to incidents in accordance with Chapter 11.

9.18 Training

Personnel who are authorized to carry the TASER® device shall be permitted to do so only after successfully completing the initial Department-approved training. Proficiency training for personnel who have been issued TASER® devices shall occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Unit. All training and proficiency for TASER® devices will be documented in the officer's training file.

Command staff, supervisors and investigators should receive TASER® device training as appropriate for the investigations they conduct and review.

The TASER® Training Coordinator is responsible for ensuring that all members who carry TASER® devices have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of TASER® devices during training could result in injury to personnel and should not be mandatory for certification.

The Training Coordinator will ensure that all training includes:

- a. A review of this policy
- b. A review of the Use of Force Policy
- c. Performing weak-hand draws or cross-draws to reduce the possibility of accidentally drawing and firing a firearm
- d. Target area considerations, to include techniques or options to reduce the accidental application of probes near the head, neck, chest and groin
- e. Handcuffing a subject during the application of the TASER® device and transitioning to other force options
- f. De-escalation techniques
- g. Restraint techniques that do not impair respiration following the application of the TASER® device

CHAPTER 10 - USE OF DEADLY FORCE

10.1 Purpose and Scope

The purpose of this policy is to provide guidelines on the use of deadly force.

10.2 Policy

It is the policy of this Department that all members exercise the use of force judiciously and with respect for human rights and dignity and for the sanctity of every human life. It is recognized that the use of deadly force, while rare in occurrence, bears life-altering and, at times, life-ending consequences for those involved. It is also recognized that decisions to use deadly force are often made under extremely tense and rapidly evolving circumstances.

10.3 Authorization

Deadly force is authorized only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for the following reasons:

- a. To defend against an imminent threat of death or serious bodily injury to the officer or another person
- b. To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes the person will cause death or serious bodily injury to another unless immediately apprehended
- c. When feasible, the officer shall, prior to the use of deadly force, 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 suspect is aware of those facts.
- d. Officers shall not use deadly force against a person based on the danger that person poses to themselves, if the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.

Officers are required to consider their surroundings and potential risks to bystanders, to the extent reasonable under the circumstances, before discharging a firearm.

10.4 Authority to Draw and Display Firearms

Except for maintenance, safekeeping, inspection by a supervisor or member of the Firearms Training Unit, during Department approved training, or as otherwise authorized by Department policy, officers shall not remove their duty weapon from its holster.

The pointing of a firearm at a person is a seizure under the 4th Amendment and requires legal justification. No officer shall point a firearm at or in the direction of a person unless he or she reasonably believes doing so is necessary for the safety of others or for his or her own safety. When an officer determines that the threat is over, the officer shall holster his or her firearm or place or hold a shoulder weapon in such a manner that the muzzle is directed in an upright position or pointed at the ground.

Uses and shows of force involving firearms shall be reported according to Chapter 11.

10.5 Physical Contact

Unless deadly force is authorized, officers should avoid drawing a firearm while in physical contact with a suspect.

10.6 Warning Shots

Warning shots are inherently dangerous and are generally prohibited unless:

- a. There is a defined target;
- b. The use of deadly force is authorized;
- c. The warning shot will not pose a substantial risk of injury or death to the officer or others; and
- d. The officer reasonably believes that the warning shot will reduce the possibility that deadly force will have to be used.

10.7 Shooting at Vehicles

Officers shall avoid placing themselves in the path of a moving vehicle and/or shall move out of the path of an approaching vehicle unless doing so, under the totality of the circumstances, is not feasible.

Officers shall not discharge a firearm at a moving vehicle or the driver of a moving vehicle solely in an attempt to stop the vehicle as the incapacitation of a driver will result in an uncontrolled stop of the vehicle, potentially risking further injury to people along the way. If an occupant of a moving vehicle is exhibiting deadly behavior toward an officer or another person, such as by firing a weapon or using the vehicle in an effort to create a mass casualty event, deadly force may be directed at that person in order to stop the deadly behavior.

10.8 Animals

An officer may use deadly force to end the misery of a seriously injured animal or to kill a dangerous animal that may pose a threat of serious bodily injury to a member or the public.

CHAPTER 11 - REPORTING THE USE OF FORCE

11.1 Purpose and Scope

The purpose of this policy is to provide guidelines on reporting, documenting, and investigating uses and shows force.

11.2 Policy

It is the policy of this Department that uses and shows of force be thoroughly documented and reviewed for consistency with Department policy and training.

11.3 Reporting the Use of Force

Any use or show of force by a member of this Department shall be documented promptly, completely and accurately in an arrest, crime or officer's report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use or show 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.

11.4 Definitions

Show of Force – The display of any weapon at a subject, including holding a firearm or any weapon at one's side or in a ready position, for the purpose of effecting an arrest or detention, overcoming the subject's active resistance to being arrested or detained, preventing the subject's escape, self-defense, or the defense of others. A show of force is an application of constructive force, which governed by the same standard of objective reasonableness as all other applications of both non-deadly and deadly force.

Use of Force – The application of physical techniques or tactics, chemical agents, or weapons to another person, including hits or misses with firearms, conducted energy devices, and kinetic energy projectiles, as well as the deployment of light and sound distraction devices. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained. For reporting purposes, a pursuit is considered a use of force.

Weapon – All firearms, projectile delivery devices, batons and improvised impact weapons, personal impact weapons, TASER® devices, light and sound distraction device, chemical agents, and K9s. Although not a weapon, for purposes of this policy the WRAP restraint device is included within this definition.

11.5 Report Content

Documenting the use and/or show of force shall be done in a complete and thorough manner. Reports shall provide a clear and detailed description of the incident, efforts made to gain compliance, the behavior of the involved subject(s), all types of force used or attempted and reasons justifying their application. Reports shall also include the following as applicable:

- a. Any attempts to de-escalate the situation (refer to Chapter 1) or why attempts were not made.
- b. Any warnings given or reasons for not doing so.
- c. The existence or lack of any injuries sustained by the subject(s).
- d. Any complaints of pain from the subject(s).
- e. Any medical attention provided or offered and refused, and, if applicable, reasons why medical attention was not provided.
- f. Attempts to locate witnesses and any subsequent statements received.

- g. A description of any evidence collected, where it was collected from, and its relevance to the incident.

For incidents requiring immediate notification to a supervisor (see below), the report shall indicate the name of the supervisor. All use and/or show of force reports shall be completed prior to the end of shift unless an exception is authorized by a supervisor, in which case the report shall be completed by the end of the next work shift.

11.6 Notification to Supervisors

Supervisory notification shall be made while still on scene and as soon as practicable in all instances of uses and shows of force.

11.6.1 Exceptions

The following situations are not considered to be uses or shows of force for purposes of this policy:

- a. Holding one's firearm or any weapon at one's side or in a ready position while on approach to a potentially dangerous encounter is not a use or show of force, unless doing so ultimately resulted in effecting an arrest or detention, overcoming a subject's active resistance to being arrested or detained, preventing a subject's escape, self-defense, or the defense of others.
- b. The arrival and subsequent presence of a K9 after a subject has been detained or arrested.
- c. The inadvertent and unintentional show of force towards an uninvolved party, such as when clearing a building subsequent to an alarm call and encountering a cleaning crew.

11.7 Supervisor Responsibilities

When a supervisor is notified that a Use of Force has occurred, the supervisor will respond to the scene where this force was applied, if possible, and walk the scene. The supervisor will speak with the officer(s) involved in the Use of Force and obtain brief statements encapsulating the incident.

The supervisor will then ensure that a witness canvass is conducted, identification of all available witnesses, and recorded statements are obtained. This will include obtaining statements from individuals that claim to have not witnessed the incident from the beginning stages; this will preclude individuals from providing false statements at a later time. It is not necessary for the supervisor to personally interview these witnesses, officers on scene other than those directly involved with the Use of Force, may obtain those statements and document them in a case numbered report.

The supervisor will conduct a recorded interview with the subject upon whom force was applied. If the suspect is in custody, the interview should occur post Miranda Admonition. In those cases where the suspect invokes, the supervisor should not attempt to gain a statement from the suspect.

If the subject upon whom physical force was used decides to speak with the supervisor, it is important to ask some specific questions regarding the Use of Force. The following should not be considered an all-inclusive list of questions to ask, but rather a guideline. Supervisors should ask clarifying and follow-up questions when appropriate.

- Did you know the Officers were Police Officers?
- How did you know they were Police Officers?
- Did you hear the Officers say anything?
- What did they say?
- Did you comply with the Officer's instructions?
- If not, why?
- Are you injured?

- If so, where?
- Did you (insert violent act used by subject) the Officer?
- Do you have any pre-existing injuries?

The recorded interview or attempted interview will be submitted into the digital evidence system (AXON) under the case number for the event.

If an allied agency is involved in the use of force, the Supervisor will ensure that all personnel involved are identified. If personnel from the assisting outside agency are directly involved in the Use of Force, request they complete a report outlining their observations and actions. It is also essential the supervisor obtain the contact information of all allied agency Personnel involved and that of their supervisor. The allied agency case number should be obtained, and if possible, secure a copy of the allied agency report. If a copy allied agency's report is obtained, the supervisor will ensure it is scanned into RMS as an attachment to the OPD case number.

The supervisor will ensure that photos of the suspect's injuries or lack of injuries are obtained, provided this can be accomplished reasonably. The supervisor will also confirm that the scene is processed for any other relevant documentation related to the Use of Force.

The supervisor shall notify their Chain of Command regarding the Use of Force Incident as early as reasonably possible and provide significant details regarding the incident.

In cases where an employee has been injured or exposed to a communicable disease or blood borne pathogen, the supervisor will complete the appropriate Work Injury Report, and notify Human Resources and the Chain of Command. (See Work Injury Reporting)

As Use of Force Incidents can incur damage to City of Oceanside property or private property, the supervisor will complete the requisite documentation. That documentation may include: Potential Claims, Accident Review or Property Review. (See the corresponding section of this document)

If a supervisor suspects misconduct relating to the use of force, they shall indicate in the Blue Team comments "Request UOF Board Review" and forward the incident via Chain of Command to the Division Captain. In cases where the misconduct is egregious, the supervisor will consult their Chain of Command and take the most appropriate action, including relieving personnel of duty and/or placing them on administrative leave.

The supervisor will review all completed reports for accuracy and thoroughness. As the justification for the Use of Force often hinges upon the state of mind of the person using this physical force, the supervisor will ensure the officers involved detail their observations, actions, and their interpretation of the suspect's actions based upon their training and experience. Most importantly, the supervisor will verify that the officer's written account adequately memorializes their state of mind prior to and during their application of physical force on the suspect.

The supervisor will complete a case numbered report using the same case number of the incident. The report shall not unnecessarily repeat information already contained in other reports. This report will minimally outline the following:

- Location of Incident
- A synopsis of the Supervisor's actions
- The direction the Supervisor gave to personnel regarding this incident
- The personnel involved in the incident
- How the Supervisor was notified of the incident (Radio Call, Officers Request, Phone Call, etc.)
- The appearance of injuries to the suspect/ lack of injuries to the suspect
- Injuries to any officers

The supervisor completing the Use of Force documentation will complete the appropriate documentation of this incident in “Blue Team” software, maintained by professional standards.

The supervisor shall route this documentation through the chain of command via “Blue Team.” The supervisor shall ensure that all reports documenting this incident have been reviewed and all photos and recordings related to this incident have been submitted to the digital evidence system (AXON). These items can be accessed by anyone that needs to review the incident, thus eliminating the need to produce hard copies of reports, photos, and audio recordings.

If any other documentation is produced as a result of a Use of Force, the supervisor shall follow the format delineated in this manual, and include the attachments listed for that documentation.

In the event of an officer involved shooting, a use of force resulting in great bodily injury or death, or death resulting from police action, the supervisor shall initiate protocols listed in Chapter 12.

11.8 Shows of Force and Circumstances that do not Require an On-Scene Investigation

An on-scene investigation is not required for a show of force. For purposes of this policy, the following circumstances also do not require an on-scene investigation:

- a. Any application of a WRAP that does not involve a use of force.
- b. Use of a canine resulting in no physical contact.
- c. Use of control hold or other pain compliance technique to overcome resistance that does not result in a complaint of pain or visible injury.
- d. Pursuits that are terminated or cancelled.

Upon notification of a show of force or any of the above circumstances, the supervisor is not required to complete an on scene Use of Force Investigation. However, the supervisor shall review all associated reports and BWC footage to ensure compliance with this policy and complete a BlueTeam® entry.

11.9 Multiple Officer Incidents and Arrest and/or Search Warrant Operations

During the response to multiple officer incidents and the execution of arrest and/or search warrant operations that typically include numerous officers with weapons trained in the direction of a threat, a supervisor is given the discretion to determine which officers are required to submit a written report. When making such a determination, primary officers who trained their weapons at subject individuals should be directed to document their actions in a written report. The actions of officers who displayed weapons in the direction of a subject, in a supportive role, can be documented in the primary officer’s written report. For example, in the instance of a four-person arrest team in which multiple officers displayed a weapon in the direction of a subject in order to gain compliance, and absent any injury, complaint of pain, or threat of a lawsuit, a supervisor can designate one member of the arrest team as a primary officer and direct that officer to complete a written report detailing his/her actions and the actions of the remaining members of the arrest team. Supervisors should exercise their discretion in favor of ensuring incidents are thoroughly documented, with the understanding there will be situations in which it is unnecessary for every officer to complete a report.

CHAPTER 12 – INVESTIGATIONS OF OFFICER-INVOLVED SHOOTINGS AND USES OF FORCE RESULTING IN DEATH

12.1 Purpose and Scope

The purpose of this policy is to establish procedures for the investigation of officer-involved shootings and other uses of force resulting in death.

12.2 Policy

It is the policy of the Oceanside Police Department to comply with the Protocol for Investigation & Review of Peace Officer Involved Shootings and Other Use of Force Where Death Occurs (referred to as “OIS Protocol”) and to ensure investigations are conducted in a thorough, objective, fair, and impartial manner. The aforementioned Protocol has been agreed to in a Memorandum of Understanding between the District Attorney, Sheriff, and all Chiefs of Police in San Diego County.

12.3 Compliance with the OIS Protocol

All members will comply with the OIS Protocol.

12.4 Jurisdiction

Jurisdiction for criminal investigations is determined based on the location of the shooting or death. Jurisdiction for administrative and civil investigations generally rests with the employing agency.

12.5 Incidents within the City of Oceanside Involving Oceanside Police Officers

The following procedure will be used in instances where an officer intentionally discharges a firearm resulting in injury or death or engages in other uses of force that result in death. Refer to the section later in this chapter for cases involving unintentional firearms discharge and the dispatch of animals.

12.5.1 Scene Responsibilities

The initial moments following a shooting or other action resulting in death are likely to be highly intense with few resources readily available to carry out the following duties. Involved officers may have to begin establishing control, rendering medical aid, and summoning other resources. The most senior non-involved officer should assume these duties as soon as practical until relieved by a supervisor.

- a. Establish tactical control of the scene and incident
- b. Provide necessary medical assistance
- c. Obtain the necessary public safety information
- d. Set inner and outer perimeters and take other action as warranted to preserve evidence and protect the scene
- e. Conduct timely suspect and informational broadcasts
- f. Coordinate a search for the suspect
- g. Notify the Watch Commander

The first supervisor on scene shall, in addition to the above, ensure completion of the following:

- a. Attempt to obtain a brief overview of the situation

- b. If necessary, administratively order an involved officer(s) to provide public safety information necessary to secure the scene, identify injured parties and pursue suspects
 - 1) Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information
 - 2) The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information
- c. Provide all available information to the Watch Commander and Dispatch, and conduct timely suspect and informational broadcasts
- d. Take command of and secure the incident scene with additional OPD members until properly relieved by another supervisor or other assigned personnel
- e. Facilitate a detailed briefing for investigative personnel

12.5.2 Admonitions and Escort Officers

As soon as practical, the on-supervisor shall admonish the involved officer(s) not to discuss the matter with anyone other than assigned Department investigators or their legal representatives. The on-scene supervisor shall assign an escort officer(s) to the involved officer(s) and admonish them not to engage in conversations related to the incident. Escort officers are responsible for transporting the involved officer(s) from the scene to the police Department and to remain with the involved officer(s) until relieved by a supervisor or investigative personnel.

12.5.3 Watch Commander Responsibilities

The Watch Commander shall be responsible for coordinating all aspects of the incident until relieved by other personnel. The Watch Commander will assign a supervisor or designee, to monitor and coordinate activities at the police Department. The supervisor will be responsible for monitoring the activities of involved personnel, aiding them with family contacts, facilitating the response of peer support personnel, chaplain and labor representative, if desired, and meet any other reasonable needs of the involved officer(s) while awaiting the arrival of investigative personnel. The Watch Commander shall be the point of contact for media until relieved by the Public Information Officer or other assigned personnel.

12.5.4 Notifications

In all incidents of firearms discharges involving injury or death and uses of force resulting in death, the Watch Commander shall have notification made to the:

- a. Patrol Division Commander, who will notify the Chief of Police and involved member's Division Commander as applicable
- b. General Investigations Lieutenant and/or Crimes of Violence Sergeant
- c. Professional Standards Lieutenant, who will notify the Department Legal Advisor
- d. Public Information Officer

12.5.5 Investigations Responsibilities

The General Investigations Lieutenant and/or Crimes of Violence Sergeant will cause an immediate response to the scene by investigative personnel and ensure the following occurs:

- a. Immediately notify the Investigations Division Captain and District Attorney per the OIS Protocol
- b. Designate a team of supervisory and investigative personnel to respond to the scene and investigate the incident
- c. Request a trained armorer from the FTU respond to assist in the recovery and inspection of the involved officer(s) weapon(s) and ammunition. In general, the recovery of the involved officer(s) weapon will be done at the station
- d. The FTU will be responsible for issuing a replacement weapon and ammunition

- e. When applicable, assign a sergeant or designee to the hospital to serve as a liaison between medical personnel, Department personnel, and family members of the involved officer(s)
- f. Ensure a thorough investigation is conducted
- g. Ensure staff is prepared for and conducts a 3-day presentation to the District Attorney's Office, per the OIS Protocol
- h. Ensure the completed investigation is submitted to the District Attorney's Office for review, per the OIS Protocol.
- i. Ensure the completed investigation is submitted to the Chief of Police for review and administrative processing.

12.5.6 Transfer of Criminal Investigation to Another Agency

There may be occasions and circumstances in which having another agency conduct the criminal investigation is warranted. The Chief of Police may transfer the investigation to the District Attorney, the Attorney General or other law enforcement agency with proper jurisdiction.

12.6 Incidents within the City of Oceanside Involving Officers from other Jurisdictions

In the event that an officer from another agency is involved in a shooting resulting in injury or death or other use of force resulting in death, the same procedures apply as if the officer were a member of the Oceanside Police Department. In general, it is the responsibility of the employing agency to provide resources for aiding their involved member with family contacts, facilitating the response of peer support personnel, chaplain and labor representative. However, nothing precludes the Oceanside Police Department from assisting in these efforts until the employing agency is able to do so.

The Watch Commander will ensure the involved officer's employing agency is notified. The employing agency may conduct a concurrent investigation. Concurrent investigations shall be conducted jointly with full cooperation by investigators from all involved agencies. Information or reports developed in concurrent investigations shall be made available to all involved agencies, as needed and permitted by law. The Oceanside Police Department, as the primary investigating agency, shall be responsible for completing the investigation, providing the District Attorney's Office with a 3-day presentation, and submitting a final case report to the District Attorney.

Intentional firearm discharges that do not result in injury or death do not fall within the scope of the OIS Protocol. The Watch Commander shall ensure the incident is thoroughly documented and has the discretion to request the assistance of the Crimes of Violence Unit. The Watch Commander shall make the following notifications:

- a. Involved officer's employing agency
- b. Patrol Division Commander, who will notify the Chief of Police
- c. General Investigations Lieutenant and/or Crimes of Violence Sergeant, as needed
- d. Public Information Officer

12.7 Incidents Involving Oceanside Police Officers Outside the City Limits

Whenever an officer is involved in an intentional shooting, with or without injury, or other use of force, outside the city limits, the officer shall immediately notify the agency having jurisdiction and the Oceanside Police Department Watch Commander. Upon receiving such notification, the Watch Commander shall complete the following notifications:

- a. The agency of jurisdiction, if not already aware
- b. The involved member's Division Commander, who will notify the Chief of Police
- c. Professional Standards Lieutenant, who will notify the Department Legal Advisor

d. Public Information Officer

When applicable, the involved member's Division Commander will assign a supervisor or other Police Department representative who will be responsible for monitoring the activities of the involved officer, aiding them with family contacts, facilitating the response of peer support personnel, chaplain and labor representative, if desired, and meet any other reasonable needs of the involved officer(s).

The Professional Standards Lieutenant will assign staff to liaison with the agency of jurisdiction and conduct a parallel, administrative investigation.

Upon receiving notification of a shooting that did not result in an injury or death, the Watch Commander shall complete the following notifications:

- a. The agency of jurisdiction, if not already aware
- b. The involved member's Division Commander, who will notify the Chief of Police
- c. Professional Standards Lieutenant, who will notify the Department Legal Advisor
- d. Public Information Officer

The Professional Standards Lieutenant will assign staff to liaison with the agency of jurisdiction, collect reports completed by that agency, and complete and administrative investigation.

12.8 Unintentional Discharge of Firearms

In all incidents of an unintentional discharge of a firearm, on or off duty, except on a supervised range or during a training exercise that does not result in death or injury, the Watch Commander shall:

- a. Notify the Division Commander of the involved officer
- b. Ensure the incident is investigated and reported in accordance with Chapter 11
- c. Have the officers weapon inspected by the FTU

The involved member's Division Commander shall complete an administrative review of the firearms discharge and make a recommendation to the Chief of Police on disciplinary action, remedial training, and/or equipment needs.

12.9 Dispatch of Animals within the City

There may be occasions when it is necessary to end the misery of a seriously injured animal or to kill a dangerous animal that may pose a threat of serious bodily injury to the officer or a member of the public. Prior to taking such action, attempts to have Animal Control representatives respond should be made. If it reasonably appears an animal will continue to needlessly suffer, and there is a delayed response by Animal Control representatives, officers are authorized to dispatch the animal. Prior to doing so, consideration should be given to the direction of the firearm in order to minimize any potential for a ricochet or errant round to endanger others. Care and discretion should also be given to potential onlookers, who should be apprised, when reasonable, of the pending action.

In cases of dangerous animals that are a risk to public safety, officers should consider available options to lethal force, when feasible. If Animal Control representatives are unavailable or there is an immediate need to protect the life and safety of others prior to their arrival, deadly force is authorized to dispatch a dangerous animal.

The shooting of animal shall be reported and investigated in accordance with Chapter 11.

12.10 Media and Release of Records

The Public Information Officer (PIO) shall be the primary liaison between the Department and the media. Media inquiries for incidents in which the Oceanside Police Department has jurisdiction will be routed to the PIO. Once a case has been delivered to the District Attorney's Office, media inquiries are to be routed to the District Attorney's PIO for response. Inquiries regarding incidents involving Department members in other jurisdictions will generally be referred to the agency of jurisdiction.

Requests for incident reports and personnel file information shall be released in accordance with Penal Code 832.7

12.11 Shooting and Major Use of Force Policy Compliance Review

Upon completion of the criminal and administrative investigations of an officer-involved shooting or other use of force involving death, an administrative review for policy compliance is completed. The Professional Standards Unit shall be responsible for completing an Administrative Investigation. The member's Division Commander shall review the investigative reports and render a finding. Findings include:

- a. *Within Policy* - The firearms discharge or use of force was authorized by Department Policy
- b. *Out of Policy* - The firearms discharge or use of force was not consistent with Department Policy
- c. *Out of Policy and Lawful* - The firearms discharge or other use of force exceeded policy limitations, however, the officer's actions were sufficiently justified as legal, safe, and necessary
- d. *Out of Policy and Unlawful* - The firearms discharge or use of force exceeded policy limitations and violated law

The Division Commander shall forward his/her recommendations to the Chief of Police, who will make the final determination. Dispositions can range from case closure with no further action up to termination and referral for criminal prosecution.

12.12 Training Review

The Training Committee, comprised of Training Unit staff and Program Coordinators from various training disciplines, shall meet regularly to review specified incidents. The purpose of the review is to provide for critical analysis of tactics and decision-making in order to identify deficiencies in, and make changes to, Department-wide training. Individual committee members may be called upon as expert witnesses during administrative investigations, however, the committee is not part of an administrative, policy review body and does not serve to partake in the disciplinary process.

The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to the incident. Specific incidents the Training Committee should review include, but are not limited to:

- a. Any incident involving the death or serious injury of an employee and/or member of the public
- b. Incidents involving a high risk of death, serious injury or civil liability
- c. Incidents identified by a supervisor as appropriate to review to identify possible training needs.

The Training Committee should convene on a regular basis as determined by the Training Unit to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Support Operations Division Captain, who will determine whether to implement the recommendations. The recommendations should not identify specific facts of any incidents, such as identities of employees involved or the date, time and location of the incident, but should focus on the areas of improvement that have been identified.

12.13 Post Incident Trauma Procedures

The discharge of a firearm and other major uses of force can be traumatic events and often result from unpredicted, spontaneous, and rapidly evolving incidents. Officers involved are often required to make split-second decisions under extremely difficult circumstances which will be the subject of careful and thorough examination by the public, the Department, the District Attorney's Office, and/or other concerned agencies. Moreover, such incidents may expose an officer to administrative, civil, and/or criminal legal actions. These circumstances can be physically and psychologically traumatic, and have a significant impact personally, professionally, and with family.

Members who are directly involved in a shooting that results in injury or death or other use of force resulting in death shall be referred to a Department-approved psychologist or psychiatrist for mandatory counseling prior to returning to full-duty status. The Department endeavors for the counseling to occur no later than 72 hours after the incident. Members will be placed on paid, administrative leave until being cleared for full-duty status.

CHAPTER 13 - TRAINING

13.1 Purpose and Scope

This policy applies to all members. The purpose of this policy is to ensure members are properly positioned with skills and abilities to perform at a high level and carry out the mission of the Department.

13.2 Policy

The Department recognizes the need for robust, contemporary and frequent training with a focus on critical-thinking and decision-making. It is the policy of this Department that all sworn members will undergo critical-thinking and decision-making, scenario-based training on an annual basis. All members will undergo biennial training on various disciplines as outlined below.

13.3 Critical Skills for Sworn Members

Critical skills training shall be inclusive of the subjects covered in each chapter of this manual. The Training Unit shall development courses of instruction on critical skills, utilizing scenario-based training methods whenever possible. All sworn members shall demonstrate proficiency and will immediately remediate less than satisfactory performance, prior to returning to field duty. Should a member repeatedly fail to demonstrate proficiency, the Training Unit will develop an Individual Training Plan (ITP) for the member. In consultation with the member's chain of command, the member may be placed on station duty or assigned to a Training Officer until proficiency is demonstrated. Failure to satisfactorily complete the ITP may result in disciplinary action, up to and including termination.

13.4 Technical Skills for Sworn and Professional Staff Members

Technical skills vary based upon position classification. The Training Unit will utilize subject matter experts within the Department to develop bi-annual technical skills training and certification programs. Members are required to demonstrate proficiency and will immediately remediate less than satisfactory performance before returning to normal duty. Should a member repeatedly fail to demonstrate proficiency, the Training Unit will develop an ITP for the member. In consultation with the member's chain of command, the member be placed on modified duty and/or assigned to a Training Officer until proficiency is demonstrated. Failure to satisfactorily complete the ITP may result in disciplinary action, up to and including termination.

13.5 Human Relations Skills for all Members

Human Relations skills training shall be included for all members. Human Relations skills shall minimally include the following:

- a. Cultural Awareness and Competency
- b. Interactions with Vulnerable Populations
- c. Crisis Communications
- d. Customer Service
- e. Bias Awareness and Prevention

For purposes of this policy, Vulnerable Populations include, but are not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.

Human Relations skills training shall occur biennially and meet standards published by POST. Members may demonstrate proficiency by successfully completing written and/or practical exams and will immediately remediate less than satisfactory performance, prior to returning to normal duty. Should a member repeatedly fail to demonstrate proficiency, the Training Unit will develop an ITP for the member.

In consultation with the member's chain of command, the member may be placed on modified duty or assigned to a Training Officer until proficiency is demonstrated. Failure to satisfactorily complete the ITP may result in disciplinary action, up to and including termination.

13.6 Other Mandated Training

The Training Unit shall be responsible for developing other training programs according to mandates originating from the Department, the City of Oceanside, POST, or other regulatory entity.

CHAPTER 14 - CIVILIAN COMPLAINTS

Policy & Procedures Vol. II, Sec. 400 – Personnel Complaints

(*Amended 5/23)

400.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of members of the Oceanside Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment, or other routine or unplanned contact of a member in the normal course of duty by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

400.2 POLICY

The Oceanside Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state, and local law, municipal and county rules, and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

400.3 DEFINITIONS

Personnel Complaint: Any allegation against an individual member(s) of the Department concerning conduct or performance that, if true, would constitute a violation of City or Department policy, federal, state, or local law, policy, or rule.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state, or local law, policy, or rule shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures, or the response to specific incidents by the Department.

Externally Generated Complaint: Any Personnel Complaint originating from members of the public. All Externally Generated Complaints will be subject to an Administrative Investigation, and the entire investigation will be reviewed by the City of Oceanside's Standing Oversight Committee.

Internally Generated Complaint: Any Personnel Complaint originating from a member(s) of the Oceanside Police Department. Internally Generated Complaints that allege policy violations that, if true, would reasonably result in discipline should be subject to an Administrative Investigation.

Administrative Investigation: The process by which a member(s) is investigated, regardless of the origin of the personnel complaint, for an alleged violation of policy, law, or rule which could lead to disciplinary action. Members subjected to an Administrative Investigation will be afforded procedural rights per POBR (Government Code § 3300-3313).

Disciplinary Action: Any action that may lead to dismissal, demotion, suspension, reductions in salary, written reprimand, or transfer for purposes of punishment.

Performance Inquiry Report: A report completed by a supervisor documenting circumstances in which a member of the public reported conduct that met the definition of a Personnel Complaint; however, the civilian did not wish to file a Personnel Complaint. These reports will be stored in the member's

Supervisor Log and may only be used for evaluation and supervisory/subordinate counseling. Allegations of "Serious Misconduct" cannot be documented on the Performance Inquiry Report, regardless of the civilian's desire to file a complaint.

Serious Misconduct: Defined in PC 13510.8 as any of the following allegations:

- 1.) Dishonesty
- 2.) Abuse of Power
- 3.) Physical Abuse
- 4.) Sexual Assault
- 5.) Demonstrating Bias
- 6.) Egregious and repeated acts that violate the law
- 7.) Participation in a law enforcement gang
- 8.) Failure to cooperate with an investigation into misconduct
- 9.) Failure to intercede

400.3.1 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

Externally Generated Complaints - Individuals from the public may make complaints in any form, including in writing, by email, online, in person, or by telephone. Written complaints will be routed to the Professional Standards Unit. Phone/In-Person complaints will be directed to an appropriate, on-duty supervisor. Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

Internally Generated Complaints - Supervisors may initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, would likely result in disciplinary action. Any member desiring to make a personnel complaint should report the misconduct to a supervisor.

Tort Claims and Lawsuits - Tort claims and lawsuits may generate a Personnel Complaint.

400.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

400.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website.

Personnel complaint forms in languages other than English may also be provided as determined necessary or practicable.

400.4.2 ACCEPTANCE

All complaints will be accepted by any department member and directed to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. Upon receipt of a verbal complaint, the supervisor should ensure the complainant understands it is a misdemeanor to make a complaint they know to be false (Penal Code § 148.6).

A complainant shall be provided with a copy of their statement at the time it is filed with the Department (Penal Code § 832.7).

400.4.3 AVAILABILITY OF WRITTEN PROCEDURES

The Department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

400.5 DOCUMENTATION

Externally Generated Complaints: All written complaints will be routed to the Professional Standards Unit. Members of the Professional Standards Unit are responsible for inputting the written complaint into IAPro as a “Civilian Complaint.” Supervisors receiving Personnel Complaints from members of the public by phone or in person will document the complaint by completing a “Civilian Complaint” incident in BlueTeam which will be sent, via the chain of command, to their Division Captain.

Performance Inquiry Report: Circumstances in which a member of the public reported conduct that met the definition of a Personnel Complaint, but the civilian does not wish to file a Personnel Complaint will be documented by the supervisor on a Performance Inquiry Report. These reports will be stored in the member’s Supervisor Log and will not be retained in excess of 1 year. Allegations of “Serious Misconduct” cannot be documented on the Performance Inquiry Report, regardless of the civilian’s desire to file a complaint. Allegations of “Serious Misconduct” must be reported to POST and should be subject to an Administrative Investigation.

Internally Generated Complaints: Supervisors reporting alleged misconduct which originated from their own observations, or reported to them from any source, may document the complaint with a “Request for Direction” entry in BlueTeam which will be sent, via the chain of command, to their Division Captain. The Division Captain, or authorized designee, has the discretion to authorize an Administrative Investigation. Internally generated complaints alleging policy violations that, if true, would reasonably result in discipline should be subject to an Administrative Investigation. If the Division Captain determines an Administrative Investigation is warranted, they will forward the incident in BlueTeam to the Professional Standards Unit. Members of the Professional Standards Unit will change the incident type from “Request for Direction” to “Administrative Investigation.”

Tort Claims and Lawsuits - Upon receipt of a tort claim or lawsuit, the Professional Standards Unit will input the claim/lawsuit into IAPro using the incident type “Lawsuits.” If the claim/lawsuit alleged conduct that met the definition of a Personnel Complaint, the Professional Standards Unit will forward the claim/lawsuit to the Assistant Chief of Police for review. The Assistant Chief of Police will consult with the City Attorney’s Office and determine if an Administrative Investigation is warranted. If an Administrative Investigation is warranted, the Professional Standards Unit will change the incident type in IAPro from “Lawsuits” to “Administrative Investigation.”

400.6 ADMINISTRATIVE INVESTIGATIONS

A Division Captain, the Assistant Chief of Police, the Chief of Police, or an authorized designee, has the authority to initiate an Administrative Investigation.

The Professional Standards Lieutenant may initiate an Administrative Investigation based on a written Civilian Complaint. In these cases, the Professional Standards Lieutenant will notify the accused member’s Division Captain of the forthcoming Administrative Investigation.

Allegations of misconduct will be administratively investigated as follows:

400.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for Administrative Investigations shall rest with the Professional Standards Unit. The Assistant Chief of Police, or an authorized designee, may direct another supervisor to complete an Administrative Investigation.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors receiving or reporting personnel complaints include, but are not limited to, the following:

- (a) Ensuring that upon receiving or initiating any personnel complaint, a BlueTeam entry is completed and routed to their Division Captain, via their chain of command, as soon as practical.
- (b) Ensuring that the nature of the complaint is defined as clearly as possible and relevant evidence is preserved and/or attached in BlueTeam.
- (c) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Professional Standards Lieutenant, Division Captain, and the Assistant Chief of Police are notified via the chain of command as soon as practical.
- (d) Ensuring the Professional Standards Unit is immediately notified of all allegations of "Serious Misconduct" as defined in PC 13510.8.
- (e) Ensuring that the procedural rights of the accused member(s) are followed (Government Code § 3303 et seq.).

400.6.2 ADMINISTRATIVE INVESTIGATION FORMAT

Administrative Investigations shall be thorough, complete and essentially follow this format:

Cover Page(s) – Including memorandum headings, the identity of the complainant, involved member(s), witnesses, allegation(s), and a list of any relevant attachments.

Summary - A brief summary of the allegation, case, and any relevant background.

Investigation – A chronological account of investigative steps from the time the case was assigned, including all interviews and follow-up activities.

Conclusion – A synopsis of the facts as they pertain to each specific allegation and individual member(s).

400.6.3 DISPOSITIONS

Upon completion of an Administrative Investigation, the accused member's Division Captain, or authorized designee, will review the entire case and determine a disposition for each allegation.

Each allegation shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful, and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of an officer were found to violate law or department policy (Penal Code § 832.8).

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the Division Captain, or authorized designee, may determine a disposition with regard to any additional allegations.

In the event a complainant becomes uncooperative, unresponsive, or withdraws the complaint during an investigation, the investigation may be suspended, or a disposition may be determined based on the available evidence.

400.6.4 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor responsible for conducting an Administrative Investigation shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

400.7 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Assistant Chief of Police, or authorized designee, may temporarily assign an accused employee to administrative leave.

Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons, and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally, a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift and will report as ordered.

400.8 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator should be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate Administrative Investigation may parallel a criminal investigation.

The Assistant Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Assistant Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be advised of their constitutional rights (Government Code § 3303(h)) prior to their interview in the Administrative Investigation. The member should not be administratively ordered to provide any information in the criminal investigation.

The Oceanside Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent Administrative Investigation is conducted.

400.9 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of an Administrative Investigation, the entire file should be forwarded to the accused member's Division Captain for review and disposition.

400.9.1 DIVISION CAPTAIN RESPONSIBILITIES

Upon receipt of any Administrative Investigation, the Division Captain, or authorized designee, of the involved member, shall review the entire investigative file, the member's personnel file, and any other relevant materials.

The Division Captain will determine the disposition of each allegation.

(a) Externally Generated Personnel Complaints: The Division Captain will send the entire case, including their disposition, to the Professional Standards Unit to coordinate review by the Standing Oversight Committee.

(b) Internally Generated Personnel Complaints: The Division Captain will send the entire case, including their disposition, to the Assistant Chief for review and disciplinary recommendations (if applicable).

Prior to forwarding the disposition to the Standing Oversight Committee or Assistant Chief of Police, the Division Captain may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

400.9.2 STANDING OVERSIGHT COMMITTEE

Per the City of Oceanside Police & Fire Commission Bylaws, the Standing Oversight Committee (SOC) is responsible for reviewing and evaluating all externally generated personnel complaints. The SOC will be provided access to the entire case file after the personal identifying information of all involved persons has been redacted.

The SOC will make one of the following dispositions: **Agree** or **Disagree**

Agree: The SOC concurs with the finding(s) of the investigation, and the investigation was thorough, complete, objective, impartial, and accurate. In these cases, the matter will be referred back to the Police Department for final disposition.

Disagree: The SOC does not concur with the finding(s). In these cases, the SOC will issue a report to the Police Department detailing its conclusion.

The SOC disposition, along with the entire case, will be presented to the Assistant Chief of Police for review. In cases where the SOC disagreed with the Police Department's investigation, the Assistant Chief of Police may send the case back to the investigator for further investigation or action.

400.9.3 ASSISTANT CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any Administrative Investigation, the Assistant Chief of Police, or authorized designee, shall review all accompanying materials. The Assistant Chief of Police may modify any disposition and/or may return the Administrative Investigation to the Division Captain or investigator for further investigation or action.

Once the Assistant Chief of Police is satisfied that no further investigation or action is required by staff, the Assistant Chief of Police shall determine the amount of discipline, if any, that should be imposed. For cases with dispositions other than "sustained," the Assistant Chief of Police may add comments to the case and will send the case to the Professional Standards Unit for filing.

In the event disciplinary action is proposed, the Assistant Chief of Police, or authorized designee, shall provide the member with a pre-disciplinary procedural due process hearing (Skelly) by providing written notice of the charges, proposed action, and reasons for the proposed action (Letter of Intent to Discipline). This hearing will be held by the Chief of Police or authorized designee. Written notice shall be provided to the member within one year from the date of discovery of the misconduct (Government Code § 3304(d)) and within 30 days of the decision to impose discipline (Government Code § 3304(f)). The Assistant Chief of Police, or authorized designee, shall also provide the member with the following:

(a) Access to all of the materials considered by the Assistant Chief of Police in recommending the proposed discipline.

(b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.

1. Upon a showing of good cause by the member, the Assistant Chief of Police may grant a reasonable extension of time for the member to respond.
2. If the member elects to respond orally, the presentation may be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

The proposed discipline will be implemented if the member waives their right to a pre-disciplinary procedural due process hearing (Skelly).

400.9.4 CHIEF OF POLICE RESPONSIBILITIES

If the accused member elects to participate in a pre-disciplinary procedural due process hearing (Skelly), the Chief of Police, or authorized designee, shall consider all information received regarding the proposed discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

400.9.5 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The disposition of any civilian's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(f)).

400.10 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to the imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted, or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

400.11 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

400.12 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding, and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that an officer has been placed on a Brady list or is otherwise subject to Brady restrictions may not be introduced unless the underlying allegations of misconduct have

been independently established. Thereafter, such Brady evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

400.13 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At-will, probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position but shall be given the opportunity to appear before the Chief of Police or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing, and the decision of the Chief of Police shall be final.

400.14 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

Pursuant to Penal Code § 832.5, all Personnel Complaints and any reports relating to these complaints shall be retained for a period of no less than 5 years for records where there was not a sustained finding of misconduct and for not less than 15 years where there was a sustained finding of misconduct. A record shall not be destroyed while a request related to that record is being processed or any process or litigation to determine whether the record is subject to release is ongoing.

CHAPTER 15 - ACCOUNTABILITY AND TRANSPARENCY

15.1 Purpose and Scope

The purpose of this policy is to ensure compliance with legislative mandates regarding disclosures of use of force and allegations of sexual assault and dishonesty against officers.

15.2 Policy

It is the policy of this Department to comply with all mandated public disclosure requirements.

15.3 Public Disclosures Pursuant to Penal Code § 832.7

The Professional Standards Unit in cooperation with the Records Section shall ensure compliance with Penal Code § 832.7. Information subject to disclosure includes the following:

- a. Discharge of a firearm at a person
- b. Use of force resulting in death or great bodily injury
- c. Sustained finding of unreasonable/excessive force
- d. Sustained finding of failure to intervene against another officer using unreasonable/excessive force
- e. Sustained finding of sexual assault by an officer against a member of the public

- f. Sustained finding of dishonesty related to the reporting, investigation, or prosecution of a crime, directly relating to the reporting of, or investigation of misconduct by, another officer, including, but not limited to, any sustained finding of perjury, false statements, filing of false reports, destruction, falsifying, or concealing of evidence
- g. Sustained finding of prejudice/discrimination of protected classes
- h. Sustained finding of unlawful arrest/unlawful search and seizure

15.4 Content of Disclosure

Materials to be disclosed include:

- a. All investigative reports
- b. Photographic, audio, and video evidence
- c. Transcripts or recordings of interviews
- d. Autopsy reports
- e. All materials compiled and presented for review to the District Attorney or any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take
- f. Documents reflecting modifications of discipline due to the Skelly or grievance process
- g. Letters indicating final imposition of discipline or other documentation reflecting implementation or corrective action

Materials not subject to disclosure include:

- a. Personnel data, including marital status, family members, educational and employment history, home addresses, or similar information
- b. Medical history
- c. Election of employee benefits
- d. Employee advancement, appraisal, or discipline except as specifically required by Penal Code § 832.7
- e. Complaints, or investigations of complaints, concerning an event or transaction in which he or she participated, or which he or she perceived, and pertaining to the manner in which he or she performed his or her duties except as specifically required by Penal Code § 832.7.
- f. Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy

15.5 Incidents Involving Multiple Officers

For cases that involve multiple officers, only information about allegations of misconduct as referenced above, or the analysis or disposition of an investigation of, an officer shall not be released unless it relates to a sustained finding against that officer. Factual information about the action of an officer during an incident, or the statements of an officer about an incident, shall be released if they are relevant to a sustained finding against another officer.

15.6 Information Subject to Redaction

There may be occasions in which it is necessary to redact certain information. Redaction may only take place for the following purposes:

- a. To remove personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of officers.
- b. To preserve the anonymity of complainants and witnesses.
- c. To protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly

outweighs the strong public interest in records about misconduct and serious use of force by officers.

- d. Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.

15.7 Disclosure Timelines

The California Public Records Act (CPRA) generally requires the Department to respond to requests for information with ten (10) days of receipt. There are several exceptions.

If criminal charges are filed related to a use of force incident, the Department may delay disclosure until a verdict on those charges is returned at trial, or, if a plea of guilty or no contest is entered, the time to withdraw that plea has expired.

During an active criminal investigation related to an officer-involved shooting or the use of force resulting in death or great bodily injury, the Department may delay disclosure for up to 60 days from the date the force occurred or until the District Attorney determines whether to file criminal charges related to the use of force, or whichever is sooner. The Department may extend the delay further if disclosure could reasonably be expected to interfere with a criminal enforcement proceeding. If disclosure is delayed under one of these provisions, the Department must provide, in writing, the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. This writing shall include the estimated date for disclosure of the withheld information. After 60 days from the use of force, the Department may continue to delay the disclosure of records or information if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer who used the force. If disclosure continues pursuant to this clause, the Department shall, at 180-day intervals as necessary, provide, in writing, the specific basis for the determination that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding. The writing shall include the estimated date for the disclosure of the withheld information. Information withheld shall be disclosed when the specific basis for withholding is resolved, when the investigation or proceeding is no longer active, or by no later than 18 months after the date of the incident, whichever occurs sooner unless extraordinary circumstances warrant continued delay due to the ongoing investigation or proceeding pursuant to PC 832.7(b). The same provisions apply in situations involving a criminal enforcement proceeding against someone other than the officer who used the force.

Responses to requests for information pertaining to sustained allegations of dishonesty or sexual assault are subject to disclosure once a final determination has been made by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code sections § 3304 and § 3304.5.

15.8 Public Disclosure Pursuant to Government Code § 6254(f)(4)

The Professional Standards Unit in cooperation with the Records Section shall ensure compliance with Government Code § 6254(f)(4). Information subject to disclosure includes video and audio recordings of “critical incidents,” which are defined as incidents involving the discharge of a firearm at a person by an officer, or an incident in which the use of force by an officer against a person resulted in death or great bodily injury.

15.9 Information Subject to Redaction

The Professional Standards Unit and/or Records Section is authorized to use redaction technology when necessary to protect individual privacy rights. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the requester shall be provided, in writing, the specific basis for the expectation of privacy.

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following persons:

- a. The person in the recording whose privacy is to be protected, or his/her authorized representative.
- b. If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.
- c. If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 6254(f)(4)).

15.10 Delay of Disclosure

The California Public Records Act (CPRA) generally requires the Department to respond to requests for information with ten (10) day of receipt. There are several exceptions. Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

- a. Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident.
- b. Delay of disclosure may continue after the initial 45 days and up to one year if the Department demonstrates that disclosure would substantially interfere with the investigation.
- c. Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation.