I. PURPOSE

This directive:

A. outlines the Department policy on use of force response options and the expectations for members when assessing the need to use force and employing force options.

B. describes the concepts of Force Mitigation and the Department’s commitment to de-escalation when responding to all incidents to ensure effective police-public encounters.

C. outlines the various force options and the circumstances in which they are authorized when Department members are met with resistance or threats.

D. satisfies CALEA Law Enforcement Standard Chapter 4.

II. POLICY

A. Sanctity of Human Life. All incidents will be resolved with the foremost regard for the preservation of human life and the safety of all persons involved, as detailed in General Order G03-02, “De-Escalation, Self-Restraint, and Use of Force.” A member’s decision to use or not use force will be made in accordance with G03-02, “Use of Force.”

B. De-Escalation. Department members have an affirmative and mandatory duty to de-escalate conflict in order to avoid the need for any force. Members will use appropriate trauma-informed, disability-informed, and developmentally-appropriate de-escalation techniques to prevent or reduce the need for force when it is safe and feasible to do so based on the totality of the circumstances as a mandatory first response. If force must be used, members will limit force to the least amount necessary under the circumstances and only use force that is proportional to—not greater than—the actions of the person. This requires continually assessing the situation and modifying the use of force as circumstances change and in ways that are consistent with ensuring the safety of all persons involved, including stopping or reducing the use of force when it is no longer necessary.

C. When Force is Authorized. De-escalation and force mitigation are the primary aims of this policy. Department members may not use any force, except when necessary to address an imminent threat of bodily harm, and as a last resort after other non-violent means have been exhausted. When force is used, members may use only the least amount necessary under the circumstances, and the amount of force must be proportional to the threat. Officers are prohibited from using more force than necessary to address the imminent threat of bodily harm and must immediately reduce the level of force as the threat diminishes. Department members’ use of force must be objectively reasonable, necessary, and proportional to the threat, actions, and level of resistance offered by a subject, under the totality of the circumstances.

D. The Department expects members to develop and display the skills and abilities that allow them to regularly resolve confrontations without resorting to force, or by using only the amount of force required under the circumstances. Use of force incidents will be evaluated by the member’s actions in using force, as well as their actions prior to using force, to determine whether the force used was necessary and proportional. No officer shall be penalized for taking sufficient time to resolve an incident without use of force.
E. Sworn members will, whenever possible, identify themselves as police officers prior to taking any police action, unless identification would jeopardize the safety of the member or others or compromise the integrity of an investigation.

F. Members will continually assess situations and determine:

1. the appropriate Force Mitigation Principles to employ, including trauma-informed, disability-informed, and developmentally-appropriate de-escalation techniques;

2. if any use of force is necessary;

3. the authorized force option based on the totality of the circumstances, including individualized factors about the person such as age, physical impairment, frailty, pregnancy, and risk posed;

4. if the seriousness of the situation requires an immediate response or whether the member can employ other force options or the Force Mitigation Principles; and

5. if the level of force employed should be modified based upon the subject person’s actions or other changes in the circumstances. The level of force will be de-escalated immediately as resistance decreases, provided that the member remains in control and as safety permits.

G. Members will modify their force in relation to the threat of bodily harm presented and amount of continued resistance offered by the subject person.

1. As the threat diminishes, subject offers less resistance, the member will immediately lower the amount or type of force used.

2. As the threat increases, subject increases resistance, the member may increase the amount or type of force used, but the member will not use more force than necessary or proportional to the threat presented.

H. Consistent with the Department policy that all uses of force must be objectively reasonable, necessary, and proportional, Department members are prohibited from using force against a person who is secured and restrained with handcuffs or other restraining devices (e.g., flexible restraining devices), unless the member:

1. The person presents an imminent threat of bodily harm must act to prevent injury to the Department member, the restrained individual, or another person, and

2. The member has exhausted all other available forms of control, or

3. is compelled by other law enforcement objectives.

I. If the Department member is responding to an incident involving persons in need of mental health treatment, the member will act in accordance with the Department directive titled “Responding to Incidents Involving Persons In Need Of Mental Health Treatment.”

III. PRINCIPLES OF FORCE MITIGATION

The definition of force includes any physical contact beyond compliant handcuffing, either directly or through the use of equipment, to compel a person’s compliance. It includes pointing a firearm, Taser, or other weapon at a person or a person’s pet. It also includes non-physical actions intended to intimidate or denigrate a person. During all potential use of force incidents, when it is safe and feasible to do so—Department members shall use the principles of Force Mitigation as a mandatory first response to ensure effective police-public encounters and avoid or minimize any use of force. The concepts of Force Mitigation include:

A. Continual Communication

1. Members will attempt to use verbal control techniques to avoid or minimize confrontations prior to, during, and after the use of physical force.

2. When it is safe and feasible, members will attempt to use continual communication, including exercising persuasion, advice, and instruction prior to the use of physical force.
3. Members should attempt to establish and maintain verbal communication in all police-public encounters and to continually evaluate the effectiveness of that communication. Members will:
   a. when practical, establish and maintain one-on-one communication where only one member speaks at a time.
   b. vary the level of assertiveness of their communication depending on the type of police-public encounter and whether a serious crime has been committed or life or property is at risk.
   c. when appropriate, employ appropriate trauma-informed communications techniques, including using a calm and respectful-neutral tone and acknowledging any fear, confusion, or mistrust by the subject person, and asking questions and issuing respectful warnings.

4. When encountering noncompliance to lawful verbal direction, members are not required permitted to immediately use force. Before resorting to force, members will consider:
   a. whether a person may be noncompliant due to limited English proficiency or other language barriers, a medical condition, disability, age/developmental immaturity, behavioral health crisis, and/or drug or alcohol use.
   b. adjusting their verbal communication or using other communication techniques, including hand signals or other visual cues.
   c. allowing a different member to initiate verbal communications.

   NOTE: Members should refrain from giving simultaneous directions to avoid any potential conflicts.

   NOTE: Members will, when practical, request assistance from specialized units, including a Crisis Intervention Team (CIT) trained officer.

5. When it is safe and feasible, members will provide a warning prior to the use of physical Force and will allow sufficient time for the person to comply. Members may provide multiple warnings to encourage compliance without resorting to force.

B. Tactical Positioning

1. When it is safe and reasonable to do so, members should make advantageous use of positioning, distance, and cover by isolating and containing a subject person, creating distance between the member and a potential threat, or utilizing barriers or cover. Members will continuously evaluate the member’s positioning, subject person’s actions, and available force options.

2. Members should attempt to establish a zone of safety for the security of the responding members and the public. The zone of safety can be established when:
   a. the incident scene has been secured;
b. the scene can be continually monitored or adjusted to maintain safety;
c. the subject does not pose a continuing threat to Department members or the public;
d. the subject can be continually monitored; and
e. the subject can be contained throughout the incident.

3. Members should provide for a safe and effective route for additional Department members and other resources to approach the incident scene.

C. Time as a Tactic

1. When it is safe and reasonable to do so, members should use time as a tactic by slowing down the pace of the incident or waiting out the person.

2. In order to use time as a tactic, a zone of safety should be established for the security of responding members and the public.

3. Using time as a tactic may:
   a. permit the de-escalation of the subject's emotions and allow the subject an opportunity to comply with the lawful verbal direction;
   b. allow for continued communication with the subject and the adjustment of the verbal control techniques employed by the members; and
   c. allow for the arrival of additional members, special units and equipment, and other tactical resources.

4. When it is safe and feasible to do so, Department members will allow individuals to voluntarily comply with lawful verbal direction (e.g., allowing individuals the opportunity to submit to an arrest before force is used).

IV. LEVELS OF RESISTANCE

A. Cooperative SubjectPerson: a person who is compliant without the need for physical force. The following non-force options are authorized when dealing with a cooperative subject:

1. Police Presence

   Police presence is established through identification of authority and proximity to the subject. Mere police presence may result in compliant behavior by the subject.

   Police presence alone is the only force option authorized for use with subjects who are fully cooperative without the need for further intervention.

2. Verbal Response

   Verbal response consists of persuasion, advice, instruction, and warning in the form of verbal statements or commands that may result in compliant behavior.

   Whenever it is safe and feasible, members will attempt to de-escalate confrontations by utilizing verbal control techniques prior to, during, and after the use of physical force.

B. Resister: a person who is uncooperative, but does not present an imminent threat of bodily harm to another person. Resisters are further subdivided into two categories (1) passive resister; and (2) active resister.

   1. Passive Resister: a person who fails to comply (non-movement) with verbal or other direction. In addition to the force options listed in item IV-A for Cooperative Subjects, the following non-force options are authorized when dealing with a passive resister:
1. Police Presence
   a. Police presence is established through identification of authority and proximity to the subject. Mere police presence may result in compliant behavior by the subject. Police presence alone is the only force option authorized for use with subjects who are fully cooperative without the need for further intervention.

2. Verbal Response
   a. Verbal response consists of persuasion, advice, instruction, and warning in the form of verbal statements or commands that may result in compliant behavior. Whenever it is safe and feasible, members will attempt to de-escalate confrontations by utilizing verbal control techniques prior to, during, and after the use of physical force.

3. Holding Techniques
   Holding techniques include a firm grip, grabbing an arm, wristlocks, and come-along holds (i.e., escort holds that are not elevated to compliance techniques), as well as any combination of the above.

C. Assailant Threat: A person who is using or threatening the imminent use of force against another person or himself/herself which is likely to cause physical injury. Assailant Threats are further subdivided into three categories: (1) a person whose actions constitute an imminent threat of bodily harm are aggressively offensive with or without weapons, to a Department member, to another person, or to themselves; and (2) a person for whom there is probable cause to arrest for a violent crime such as murder, attempted murder, aggravated discharge of a firearm, rape, aggravated criminal sexual assault, aggravated vehicular hijacking, or kidnapping, AND who attempts to evade arrest for such a crime; and (3) a person whose actions constitute an imminent threat of death or great bodily harm to a Department member or to another person.

1. Non-Deadly Threat. The person’s actions constitute an imminent threat of bodily harm. In addition to the force options authorized in Items IV-A and IV-B for Cooperative Subjects and Resisters, the following force options are authorized when dealing with this type of assailant non-deadly threat:
   a. Compliance Techniques
      Compliance techniques are designed to amplify nonimpact pressure and increase the potential for controlling a subject.
      (1) The goal of applying joint manipulation and pressure point techniques to pressure sensitive areas of the body is to elicit and maintain established control through non-impact pressure compliance.
      (2) Using a Long Range Acoustic Device (LRAD) to emit high-decibel focused sound waves to cause discomfort. Any use of the LRAD requires authorization from the Superintendent or his or her designee.

      NOTE: The LRAD is not considered a use of force when used to deliver verbal messages or warnings at a decibel level not intended to cause discomfort.
b. **Control Instruments**

Control instruments are designed to amplify nonimpact pressure in order to increase the potential for controlling a **subject**. These instruments are placed mainly on the sensors of the skin covering bone. Control instruments are tools (e.g., baton) applied to joints and pressure sensitive areas of the body with non-impact pressure.

c. **Oleoresin Capsicum (OC) Spray and Capsaicin II Powder Agent Deployment**

Oleoresin capsicum and Capsaicin II powder are highly inflammatory agents that occur naturally in cayenne peppers. The use of OC spray and Capsaicin II powder agent is intended to increase control by disorienting the **subject** and interfering with the **subject’s** ability to use imminent force or resist arrest.

1. Department members are prohibited from using OC spray or Capsaicin II powder on a noncompliant crowd or group of people who does not present an imminent threat of bodily harm. To the extent individuals within a larger group present an imminent threat of bodily harm, members are prohibited from deploying OC spray or Capsaicin II powder against the individual if doing so would pose a significant risk of spraying other individuals who do not present an imminent threat of bodily harm.

2. Department members are prohibited from using OC spray or Capsaicin II powder in enclosed areas, including in a vehicle.

3. Department members shall assist exposed persons with decontamination and water flushing immediately after the application of the OC spray or Capsaicin II powder. The Department will ensure that all members equipped with OC spray or Capsaicin II powder will also have access to equipment to assist individuals with decontamination and water flushing after application of OC spray or Capsaicin II powder.

c. **Oleoresin Capsicum is only authorized to use against the two types of passive resisters described below AND only after the required authorization is received. No other use of oleoresin capsicum is authorized against passive resisters.**

1. Occupant(s) of a motor vehicle who is passively resisting arrest and only after obtaining authorization from an on-scene supervisor of the rank of sergeant or above.

2. Noncompliant groups, crowds, or an individual taking part in a group or crowd (e.g., demonstrations, celebrations), only after obtaining authorization from the Superintendent or his or her designee.

**NOTE:** Only Department-issued Capsaicin II powder agent projectiles and launchers may be used and only after the member has received Department-authorized training in their safe handling and deployment.

4. For further guidance and restrictions on the use of OC spray, members will refer to the Department directive titled "Oleoresin Capsicum (OC) Devices and Other Chemical Agent Use Incidents."
2. **Active Resister:** A person who attempts to create distance between himself or herself and the member’s reach with the intent to avoid physical control and/or defeat the arrest. This type of resistance includes, but is not limited, to evasive movement of the arm, flailing arms, and full flight by running.

A subject who is attempting to avoid apprehension and who fails to comply with a sworn member’s orders to reveal themselves is considered an Active Resister.

In addition to the force options authorized in Items IV-A and IV-B-1 for Cooperative Subjects and Passive Resisters, the following force options are authorized when dealing with an active resister:

2.a. **Stunning**

Stunning is diffused-pressure striking or slapping the subject to increase control by disorienting the subject and interfering with his or her ability to resist.

2.b. **Oleoresin Capsicum (OC) Spray**

Oleoresin capsicum is an authorized force option against active resisters. If the active resister is part of a group or crowd, OC Spray is authorized only after obtaining approval from the Superintendent or his or her designee.

2.c. **Takedown**

The act of physically directing a subject to the ground to limit physical resistance, prevent escape, or increase the potential for controlling the subject.

1. **Direct Mechanical**

Direct mechanical techniques are forceful, concentrated striking movements such as punching and kicking, or focused pressure strikes and pressures. These techniques can be combined with take-downs or pins against the ground or other objects.

2. **Person Suspected of a Violent Crime**. A department member has probable cause to suspect the person has committed a serious violent crime, such as murder, attempted murder, aggravated discharge of a firearm, rape, aggravated criminal sexual assault, aggravated vehicular hijacking, or kidnapping, and upon attempting to make such an arrest, the person flees or otherwise attempts to evade arrest. In addition to the force options authorized in Items IV-B IV-C-1 for Resisters and Non-Deadly Threats, the following force options are authorized when dealing with this type of suspected violent criminal:

- **Canines Used by Canine Handlers**

A canine under the control of a canine handler is an authorized force option when used consistent with the provisions of the Department directive titled "Canine Use Incidents."

- **Taser**

The Taser is a device used to control and subdue a subject through the application of electrical impulses that override the central nervous system and cause uncontrollable muscle contractions.

Only Department-issued Tasers may be used and only after the member has received Department-authorized training in their safe handling and deployment.

Using the Taser to drive stun is prohibited.

For further guidance and restrictions on the use of a Taser, members will refer to the Department directive titled "Taser Use Incidents."

- **Assailant:** A subject who is using or threatening the use of force against another person or himself/herself which is likely to cause physical injury. Assailants are further subdivided into two categories: (1)
1. The subject’s actions are aggressively offensive with or without weapons. This category of assailant may include a subject who is armed with a deadly weapon but whose actions do not constitute an imminent threat of death or great bodily harm.

a. In addition to the force options authorized in Items IV-A and IV-B for Cooperative Subjects and Resisters, the following force options are authorized when dealing with this type of assailant:

b. (1) Direct Mechanical

Direct mechanical techniques are forceful, concentrated striking movements such as punching and striking, or focused pressure strikes and pressures. These techniques can be combined with take-downs or pins against the ground or other objects.

a. (2) Impact Weapons

Impact weapons are designed to establish control by means of applying mechanical impact to a subject in order to disable elements of his or her musculoskeletal structure.

(1) Members will avoid the use of flashlights, radios, firearms, or any item not specifically designed as an impact weapon, unless reasonably necessary and no other practical options are available.

(2) Members are prohibited from using impact weapons on a person’s head or neck, or groin, unless the person presents an imminent threat of death or great bodily harm.

(2)(3) For further guidance and restrictions on the use of impact weapons, members will refer to the Department directive titled “Baton Use Incidents.”

b. (3) Impact Munitions

b. (a) Impact munitions are projectiles intended to impact and incapacitate a potentially dangerous subject from a safe distance, thereby reducing resistance and gaining compliance while reducing the probability of serious injury or death.

(1) Capaicasin II powder agent projectiles fired from a powder agent deployment system is considered an impact munition.

(2) The use of Capaicasin II powder agent projectiles as an impact munition requires authorization from the Superintendent or his or her designee, and are subject to the same requirements set forth in Item IV-C-1-c above.

(1)(b) Only Department-issued impact munitions may be used and only after the member has received Department-authorized training in their safe handling and deployment.

(4) Members are prohibited from using impact munitions on a person’s head, neck, or groin, unless the person presents an imminent threat of death or great bodily harm.
c. **Tasers**

Department members are prohibited from pointing or deploying a Taser unless the person presents an imminent threat of death or great bodily harm, or attempts to evade a lawful arrest for a serious violent crime such as murder, attempted murder, aggravated discharge of a firearm, aggravated criminal sexual assault, aggravated vehicular hijacking, or kidnapping. The Taser is a device used to control and subdue a person through the application of electrical impulses that override the central nervous system and cause uncontrollable muscle contractions. Tasers are a potentially deadly use of force and should never to be considered a “tool of convenience.”

1. Only Department-issued Tasers may be used and only after the member has received Department-authorized training in their safe handling and deployment, as well as on the harm and injuries, including deaths, that have resulted from the use of Tasers.

2. Members are prohibited from intentionally using a Taser on a person’s head, neck, chest, or groin.

3. Using the Taser to drive stun is prohibited.

4. Using the Taser to force compliance with a command, or as a means of pain compliance, punishment, or retaliation, is prohibited.

5. Using the Taser against children and students in schools or people who are especially vulnerable is prohibited unless the person presents an imminent threat of death or great bodily harm.

6. Using the Taser against persons who are restrained or simply running away is prohibited unless the person presents an imminent threat of death or great bodily harm.

7. For further guidance and restrictions on the use of a Taser, members will refer to the Department directive titled “Taser Use Incidents.”

2. **Deadly Threat.** The subject person’s actions constitute an imminent threat of death or great bodily harm to a Department member or to another person. In addition to the force options authorized in Items IV-A, IV-B, and IV-C-1, and IV-C-2 for Cooperative Subjects, Resisters, and Assailants, Non-Deadly Threats, and People Suspected of Violent Crimes, firearms and other deadly force responses are authorized when dealing with this type of assailant/deadly threat:

a. Department members are prohibited from using deadly force, except as a last resort and when necessary to respond to an imminent threat of death or great bodily harm. For further guidance and restrictions on the use of deadly force as a last resort, members will refer to Department directive titled “Use of Force.”

b. Department members are prohibited from pointing or discharging a firearm at a person unless the person presents an imminent threat of death or great bodily harm. For further guidance and restrictions on the use of firearms, members will refer to Department directive titled “Firearms Discharge Incidents Involving Sworn Members.”

c. Department members are prohibited from using deadly force against a person who is a threat only to himself or herself or to property.

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**Commented [A3]:** If the CPD rejects a deadly force standard for Taser use generally, the Working Group alternatively recommends that Tasers be limited to situations in which a person presents an imminent threat of bodily harm to another person. In addition, the Working Group recommends that a deadly force standard be applied for Taser use against people who are especially vulnerable, as described in our Recommendations document.

**Commented [A4]:** The Working Group’s recommendations on this policy are forthcoming.

**Commented [A5]:** The Working Group’s recommendations on this policy are forthcoming.
d. Chokeholds or other maneuvers for applying direct pressure on a windpipe or airway are prohibited.

(1) A chokehold is defined as applying direct pressure to a person's trachea (windpipe) or airway (the front of the neck) with the intention of reducing the intake of air.

(2) Holding and control techniques involving contact with the neck, but which are not intended to reduce the intake of air are not defined as chokeholds.

(3) Members will not use chokeholds or other maneuvers for intentionally putting pressure on a person's airway as a takedown technique, unless the use of deadly force is authorized.

(4) Under no circumstances will a member use a chokehold, or any lesser contact with the neck area, to prevent the destruction of evidence by ingestion.

e. Department members are prohibited from using any carotid artery restraints or any other compliance technique that compresses the blood vessels in the neck to inhibit or restrict blood flow to carotid arteries, causing the subjectperson to lose oxygen to the brain, unless the use of deadly force is authorized.

NOTE: Holding and control techniques involving contact with the neck, but which are not intended to inhibit or restrict blood flow to carotid arteries are not defined as carotid artery restraints.

V. POST-USE OF FORCE POSITIONING AND MONITORING

A. Department members engaged in the use of force or application of authorized restraining devices are reminded of the dangers involved with positional asphyxia and will refer to the Department directive titled "Restraining Arrestees" for specific procedures concerning the physical restraint of persons in Department custody.

B. After gaining control of a subjectperson, members will:

1. notavoid sitting, kneeling, or standing on a subjectperson's chest or neck, which may reduce the subjectperson's ability to breathe.

2. position the subjectperson in a manner to allow free breathing. Whenever feasible, the subjectperson will not be forced to lie on his or her stomach.

3. monitor a subjectperson until transported to a secure location.

4. request and offer medical aid to any injured Department member, bystander, or subjectpersons consistent with the procedures outlined in the Department directive titled "Use of Force."

Authenticated by: KC

Charlie Beck
Interim Superintendent of Police

T18-102 RCL/MWK
GLOSSARY TERMS:

1. **Zone of Safety**
   The distance to be maintained between the subject and the responding member(s). This distance should be greater than the effective range of the weapon (other than a firearm) and it may vary with each situation (e.g., type of weapon possessed, condition of the subject, surrounding area).