

De-escalation and Use of Force

300.1 PURPOSE AND SCOPE

The primary purpose of this directive is to ensure officers respect the sanctity of life when making decisions regarding use of force. Sworn peace officers have been granted the extraordinary authority to use force when necessary to accomplish lawful ends. That authority is grounded in the responsibility of officers to comply with the laws of the State of California regarding the use of force and to comply with the provisions of this policy. Equally important is law enforcement's obligation to prepare individual officers in the best way possible to exercise that authority.

In situations where law enforcement officers are justified in using force, they should use the minimum amount of force necessary to accomplish lawful objectives based on circumstances and what is objectively reasonable. Use of force may never be considered routine. In exercising this authority, officers must respect the sanctity of all human life. Officers must act in all possible respects to preserve human life by using distance and cover, when possible, to gain time to consider alternatives to avoid unnecessary uses of force and minimize the force used while still protecting themselves and the public.

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 (Government Code § 7286).

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

Retaliation prohibitions for reporting suspected violations are addressed in the Anti-Retaliation Policy.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Active resistance - The subject takes action to prevent being taken into custody or controlled with the goal of escape, and not injury to the officer. The action may include twisting, pulling, holding onto fixed objects, or running away.

Assaultive actions - The subject takes action that indicates intent to injure an officer or other person. This level of aggression may manifest itself through punching, kicking, or pushing and may include extreme physical force up to and including the discharge of a firearm or use of blunt or bladed weapon, or improvised weapon.

Deadly force - Any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to the discharge of a firearm (Penal Code § 835a).

San Leandro Police Department

San Leandro PD Policy Manual

De-escalation and Use of Force

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

Disengagement - A tactic designed to avoid or minimize potentially violent, or otherwise unsafe outcomes for both the individual being contacted and/or the officer. Disengagement may be a viable option for individuals who pose no additional threats to others, there is no crime, or for offenders who may later be apprehended under safer conditions.

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 (Government Code § 7286(a)).

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Imminent threat - Based on the totality of the circumstance, 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 officer's subjective fear of future harm alone is insufficient as an imminent threat. Imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code 835a).

Necessary - No reasonably effective alternative to the use of force appeared at the time and that the amount of force used was reasonable based on the Department's policy and training to effect the lawful purpose intended.

Passive resistance - The subject does not cooperate with an officer's commands but does not take action to prevent being taken into custody or controlled (i.e. A protester who lies down in front of a business).

Pre-event Conduct - The actions of police personnel, to include the process of gathering and assessing all of the information and resources available to officers prior to an event.

Reasonable - Refer to Use of Force section below for full discussion related to definition of reasonable.

Serious bodily injury - A serious impairment of physical condition, including but not limited to the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement (Penal Code § 243(f)(4)).

Stage - A police strategic tactic intended to form a team, gather resources and assist with planning prior to arriving on the scene and contacting the involved persons. The location of the staging area is dependent upon the factors known to officers at the time and should be conducted at an appropriate distance away from the incident.

Tactical repositioning - A tactic considered when circumstances reasonably appear to be conducive and advantageous to physically move or change an officer's location. The intent is to

San Leandro Police Department

San Leandro PD Policy Manual

De-escalation and Use of Force

seize opportunities to gain additional time, distance and cover in a manner that supports safety for members of the community, officers, and the suspect. When appropriate, the objective is to consider tactical repositioning as an option in support of de-escalation techniques and to increase an officer's reaction time and tactical options. Tactical repositioning is not considered a "retreat" as outlined in PC835a(d) and should be included as another option for officers to consider when attempting an arrest.

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 force (Penal Code § 835a).

300.2 POLICY

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 have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

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

If reasonably safe and feasible, officers shall evaluate and use de-escalation strategies and/or techniques to gain voluntary compliance from an individual to gain or maintain control of an incident while reducing the need for physical coercion. These strategies and/or techniques are used to increase time and distance from the individual while attempting to establish effective communication.

300.2.1 DUTY TO INTERCEDE

Any officer present and observing another law enforcement officer or an employee using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, shall, when in a position to do so, intercede (as defined by Government Code § 7286) to prevent the use of unreasonable force.

When observing force used by a law enforcement officer or other employee, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers or other employees may have additional information regarding the threat posed by the subject (Government Code § 7286(b)).

300.2.2 FAIR AND UNBIASED USE OF FORCE

Officers are expected to carry out their duties, including the use of force, in a manner that is fair and unbiased (Government Code § 7286(b)). See the Bias-Based Policing Policy for additional guidance.

San Leandro Police Department

San Leandro PD Policy Manual

De-escalation and Use of Force

300.2.3 DUTY TO REPORT EXCESSIVE FORCE

Any officer who observes a law enforcement officer or an employee use force that potentially exceeds what the officer reasonably believes to be necessary shall immediately report these observations to a supervisor (Government Code § 7286(b)).

As used in this subsection, "immediately" means as soon as it is safe and feasible to do so.

300.2.4 FAILURE TO INTERCEDE

An officer who has received the required training on the duty to intercede and then fails to act to intercede when required by law, may be disciplined in the same manner as the officer who used force beyond that which is necessary (Government Code § 7286(b)).

300.2.5 DE-ESCALATION

As time and circumstances reasonably permit, and when community and officer safety would not be compromised, officers and employees shall consider strategies and use other available resources and techniques intended to decrease the intensity of the situation, increase officer and community safety, and decrease the need for using force.

Officers shall evaluate the totality of circumstances, which includes an officer's pre-event conduct, presented at the time in each situation, and when feasible, consider and utilize reasonably available alternative tactics and techniques that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code 7286(b)(1)). While not an exhaustive list, the following are actions and available resources which may be considered:

- (a) Summoning additional resources which can respond in a reasonably timely manner (Hostage Negotiation Team, Mobile Evaluation Team, officers with Crisis Intervention Training).
- (b) Discussing and formulating a plan with responding officers prior to entering an unstable situation if there is no apparent need for immediate action.
- (c) Gather intelligence concerning the incident and/or the involved person(s) from available sources.
- (d) Evaluate if the person has any of the following conditions which may prevent or delay effective de-escalation:
 - 1. Physical disability
 - 2. Mental health disability
 - 3. Developmental disability
 - 4. Intellectual disability
 - 5. Under the influence of drugs (prescribed or otherwise) or alcohol or both
- (e) Use available cover and concealment as appropriate.
- (f) Utilize distance and space to maximize non-confrontational contact and dialogue.

San Leandro Police Department

San Leandro PD Policy Manual

De-escalation and Use of Force

- (g) Minimize extraneous environmental distractions, such as loud noises, bright lights, and non-essential personnel.
- (h) Communicate with the person in a calm, slow, non-threatening manner and tone.
 - 1. Provide clear, concise directions or commands
 - 2. Allow person to express themselves verbally; allow the person to "vent"
 - 3. Ask open-ended questions
 - 4. Recognize the importance of verbal and non-verbal communication being in sync
- (i) Deploy less lethal resources.
- (j) Tactical repositioning of resources and personnel.
- (k) Disengagement
 - 1. Officers seeking to disengage from an incident shall, when practicable, communicate this intent to involved individuals when disengaging. . Officers should try to ensure those affected have an opportunity to establish a relatively safe position and are aware that officers will not be present to provide protection.
- (l) Staging and Use of Cover Officers
 - 1. The purpose of this section is to communicate the department's expectation that when practical, officers contact suspects and subjects with a cover officer or appropriate number of police resources in direct support of the safety of the community, responding officers and suspect(s).The intent of the policy to minimize situations where a single officer is put in a position to confront a single suspect or subject. The department recognizes situations when this may not be possible. However, officers should use good judgement and decision making when they are in a situation when they are alone and are forced to confront single or multiple suspects or subjects.
 - (a) The purpose of this section is to communicate the department's expectation that when practical, officers contact suspects and subjects with a cover officer or appropriate number of police resources in direct support of the safety of the community, responding officers and suspect(s).The intent of the policy to minimize situations where a single officer is put in a position to confront a single suspect or subject. The department recognizes situations when this may not be possible. However, officers should use good judgement and decision making when they are in a situation when they are alone and are forced to confront single or multiple suspects or subjects.
 - (b) Officers should, when reasonably safe and feasible, stage and/or respond with two (2) or more officers when dispatched to calls for service involving subjects who:
 - 1. have committed or threatened to commit a felony;
 - 2. are suspected of committing acts of violence;

San Leandro Police Department

San Leandro PD Policy Manual

De-escalation and Use of Force

3. are currently or potentially armed with a weapon;
 4. are known to be violent;
 5. are reported as experiencing a mental health crisis; or observed behavior would lead a reasonable officer to conclude that the person is experiencing a mental health crisis.
- (c) Officers shall not attempt to physically detain or arrest a person suffering a mental health crisis unless two (2) or more officers are on the scene. The objective is to minimize the potential for a use of force, and the level of force necessary to take the person safely into custody.
- (d) Exceptions to these expectations include the following:
1. An immediate response is needed to prevent imminent death or serious bodily injury, or a delayed response would reasonably result in an increased risk to the public.
 2. Unanticipated circumstances or suspect initiated contact.
 3. Based on the totality of the circumstances known at the time of the call, the safety of the community, responding officers, and the suspect/subject, a supervisor or manager may increase or decrease the number of responding officers.
 4. Officers may request additional officers at any time based on their assessment of the situation. However, responding officers may only decrease the number of responding officers with supervisor approval.
 5. It is recognized that officers' duties may include unique assignments, deployment as a member of specialized unit or a work detail which may limit their ability to stage and utilize a cover officer prior to taking police action (SRO Unit, MET, Special Events, Traffic Enforcement, Investigative Units, etc.). With this understanding, officers working these assignments shall, when reasonable and feasible, consider other de-escalation techniques as required by this policy and law.

300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a).

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 well-reasoned discretion in determining the appropriate use of force in

San Leandro Police Department

San Leandro PD Policy Manual

De-escalation and Use of Force

each incident. 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 (Government Code § 7286(b)).

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 approved tools, weapons, or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish 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.

300.3.1 USE OF FORCE TO EFFECT AN ARREST

Any peace officer may use objectively reasonable force to effect an arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (Penal Code § 835a).

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit (Government Code § 7286(b)). These factors include but are not limited to:

- (a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time (Penal Code § 835a).
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The conduct of the involved officer leading up to the use of force (Penal Code § 835a).
- (e) The effects of suspected drugs or alcohol.
- (f) The individual's apparent mental state or capacity (Penal Code § 835a).
- (g) The individual's apparent ability to understand and comply with officer commands (Penal Code § 835a).
- (h) Proximity of weapons or dangerous improvised devices.

San Leandro Police Department

San Leandro PD Policy Manual

De-escalation and Use of Force

- (i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
- (k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.
- (l) Training and experience of the officer.
- (m) Potential for injury to officers, suspects, bystanders, and others.
- (n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (o) The risk and reasonably foreseeable consequences of escape.
- (p) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (r) Prior contacts with the subject or awareness of any propensity for violence.
- (s) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer.
- (c) Whether the person has been given sufficient opportunity to comply.

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

300.3.4 RESTRICTIONS ON THE USE OF CAROTID CONTROL HOLD

Officers of this department are not authorized to use a carotid restraint hold. A carotid restraint means a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person's neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person (Government Code § 7286.5).

San Leandro Police Department

San Leandro PD Policy Manual

De-escalation and Use of Force

300.3.5 RESTRICTIONS ON THE USE OF A CHOKE HOLD

Officers of this department are not authorized to use a choke hold. A choke hold means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe (Government Code § 7286.5).

300.3.6 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the San Leandro Police Department for this specific purpose.

300.4 DEADLY FORCE APPLICATIONS

Where feasible, the officer shall, prior to the use of deadly force, make reasonable efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts (Penal Code 835a).

If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers shall evaluate and use other reasonably available resources and techniques when determining whether to use deadly force. To the extent that it is reasonably practical, officers should consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)).

The use of deadly force is only justified when the officer reasonably believes it is necessary in the following circumstances (Penal Code § 835a):

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury to the officer or another person.
- (b) An officer may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

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

An "imminent" threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the officer or another person. An officer's subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).

San Leandro Police Department

San Leandro PD Policy Manual

De-escalation and Use of Force

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and may involve additional considerations and risks. When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others (Government Code § 7286(b)).

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.4.2 DISPLAYING OF FIREARMS

Given that individuals might perceive the display of a firearm as a potential application of force, officers should carefully evaluate each tactical situation and use sound discretion when drawing a firearm in public by considering the following guidelines (Government Code § 7286(b)):

- (a) If the officer does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms should generally be kept in the low-ready or other position not directed toward an individual.
- (b) If the officer reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such threat until the officer no longer perceives such threat. Officers shall document the details of the firearm being directed at individuals.

Once it is reasonably safe to do so, officers should carefully secure all firearms.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department requires the completion of a use of force review in certain incidents. Based on circumstances, a supervisor may direct an uninvolved officer to complete a police report.

300.5.1 NOTIFICATION TO SUPERVISORS

Any use of force by an officer shall be reported immediately to a supervisor, including but not limited to the following circumstances (Penal Code § 832.13)::

- (a) The application caused a visible injury;
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain;
- (d) The individual indicates intent to pursue litigation.

San Leandro Police Department

San Leandro PD Policy Manual

De-escalation and Use of Force

- (e) Any less lethal deployment, including a TASER device or OC spray (even if the subject was not hit).
- (f) Any application of a restraint device other than handcuffs, shackles or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked by any means, including impact weapons.
- (i) Any maneuver that results in a subject being taken down to the ground (regardless of injury);
- (j) K-9 bites;
- (k) An individual alleges unreasonable force was used or that any of the above has occurred.

Additional situations that require supervisory notification and documentation in an officer's report:

Whenever an individual arrested by a member of this Department has received an obviously recent injury, and it has been clearly determined the injury occurred solely as a result of an incident prior to police contact (accidents, injuries inflicted by other parties, etc.);

Whenever an individual arrested or detained by this Department has received an injury while in police custody which is not a result of the application of force. This would include persons whose injuries are a result of tripping, resistance to handcuffing, restraints, or who injure themselves during resistive behavior while confined within police vehicles or interview rooms.

As used in this subsection, "immediately" means as soon as it is safe and feasible to do so.

300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

Statistical data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is to be reported to the California Department of Justice as required by Government Code § 12525.2. See the Records Unit Policy.

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, properly trained officers should promptly provide or procure medical assistance for any person injured or claiming to have been injured in a use of force incident (Government Code § 7286(b)).

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff, or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. Any employee equipped with a PVRs (body worn camera), and

San Leandro Police Department

San Leandro PD Policy Manual

De-escalation and Use of Force

routinely wears the device in the course of their duties, shall use the PVRs to record the refusal of medical assistance.

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).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain, 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 shall request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

All individuals who have been medically cleared at a hospital shall be transported to an Alameda County jail facility for booking, if warranted. For investigative purposes, if after an individual has been medically cleared at a hospital, a Watch Commander may authorize for that individual to be transported to the San Leandro Police Department jail facility.

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITY

If reasonably available, a supervisor shall respond to an incident in which there has been a reported application of force that requires a use of force review. The responding supervisor is expected to (Government Code 7286(b)):

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

San Leandro Police Department

San Leandro PD Policy Manual

De-escalation and Use of Force

- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Review any PVRs footage of the incident.
- (h) Determine if there is any indication that the subject may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (i) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.
- (j) Complete and submit a use of force review, within 10 scheduled working days of the incident, to the Watch Commander.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit and document the reason they could not respond.

300.7.1 WATCH COMMANDER RESPONSIBILITY

The Watch Commander shall review all pertinent reports and the use of force review to ensure compliance and forward to the Bureau of Operations Captain within 7 scheduled working days of receiving the review.

300.8 USE OF FORCE COMPLAINTS

The receipt, processing, and investigation of civilian complaints involving use of force incidents should be handled in accordance with the Personnel Complaints Policy (Government Code § 7286(b)).

300.9 TRAINING

Officers, investigators, and supervisors will receive periodic training on this policy and demonstrate their knowledge and understanding (Government Code § 7286(b)).

Subject to available resources, the Professional Standards and Training Lieutenant should ensure that officers receive periodic training on de-escalation tactics, including alternatives to force.

Training should also include (Government Code § 7286(b)):

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities.
- (b) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

San Leandro Police Department

San Leandro PD Policy Manual

De-escalation and Use of Force

See the Training Policy for restrictions relating to officers who are the subject of a sustained use of force complaint.

300.10 USE OF FORCE ANALYSIS

At least annually, the Bureau of Services Captain should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

300.11 POLICY REVIEW

The Chief of Police or the authorized designee should regularly review and update this policy to reflect developing practices and procedures (Government Code § 7286(b)).

300.12 POLICY AVAILABILITY

The Chief of Police or the authorized designee should ensure this policy is accessible to the public (Government Code § 7286(c)).

300.13 PUBLIC RECORDS REQUESTS

Requests for public records involving an officer's personnel records shall be processed in accordance with Penal Code § 832.7 and the Personnel Records and Records Maintenance and Release policies (Government Code § 7286(b)).

300.14 RESCINDED POLICY

This policy rescinds San Leandro Operation Directives 87-26 and 87-39.