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### **3-10/000.00 PREAMBLE TO THE USE OF FORCE POLICY**

The Los Angeles County Sheriff's Department is committed to the sanctity and preservation of life, human rights, and the dignity of every individual as described in Our Core Values. Department members are sometimes required to use force in self-defense, defense of others, and during the execution of lawful duties. In all situations, Department members are required to conduct themselves in accordance with lawful and constitutional standards.

As leaders on the Sheriff's Department, all members shall view their duties in the context of safety for themselves and others, with an emphasis on respect, professionalism, and reverence for human life, even when force is required.

In cases where Sheriff's Department personnel must take action to conduct lawful duties where there is not necessarily an immediate physical threat, members shall take into account and communicate (where applicable) tactical considerations predicated on preventing the use of force whenever possible.

For planned tactical operations, such as service of warrants, parole compliance searches, tactical cell extractions, and prolonged passive resistance, members shall develop a tactical plan predicated on preventing the use of force whenever possible. Supervisors shall be present during planned tactical operations.

The Sheriff's Department is committed to upholding lawful, professional, and ethical standards through assertive leadership and supervision before, during, and after force incidents. This includes force prevention efforts, effective tactics, dispassionate and objective review, and analysis of every incident.

### **3-10/005.00 FORCE PREVENTION PRINCIPLES**

Department members shall only use that level of force which is objectively reasonable, and force should be used as a last resort. Department members should endeavor to de-escalate confrontations through tactical communication, warnings, and other common sense methods preventing the need to use force whenever reasonably possible.

When force must be used, Deputies and staff shall endeavor to use restraint techniques when possible, and use only that level of force necessary for the situation.

### **3-10/010.00 USE OF FORCE DEFINED**

Force is defined as any physical effort used to control or restrain another, or to overcome the resistance of another.

### **3-10/020.00 AUTHORIZED USE OF FORCE**

Department members are authorized to use only that amount of force that is objectively reasonable to perform their duties. "Objectively reasonable" means that Department members shall evaluate each situation requiring the use of force in light of the known circumstances, including, but not limited to, the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the member or others, and whether the suspect is actively resisting, in determining the necessity for force and the appropriate level of force. Department members maintain the right to self-defense and have a duty to protect the lives of others.

### **3-10/030.00 UNREASONABLE FORCE**

Department members shall use only that force which is objectively reasonable. Unreasonable force is that force that is unnecessary or excessive given the totality of the circumstances presented to Department members at the time the force is applied. Unreasonable force is prohibited. The use of unreasonable force will subject Department members to discipline and/or prosecution.

NOTE: The basis in determining whether force is "unreasonable" shall be consistent with the Supreme Court decision of ***Graham v. Connor, 490 U.S. 386 (1989)***.

### **3-10/040.00 PROHIBITED FORCE**

The following uses of force are prohibited unless circumstances justify the use of deadly force:

- head strike(s) with an impact weapon;
- deliberately or recklessly striking an individual's head against a hard, fixed object (e.g., roadway, driveway, concrete floor, wall, jail bars, etc.);
- from a standing position kicking an individual in the head with a shod foot while the individual is lying on the ground/floor; and/or,
- kneeling an individual in the head, deliberately or recklessly causing their head to strike the ground, floor, or other hard, fixed object.

### **3-10/050.00 DIRECTED FORCE DEFINED**

Force used in the execution of one's duties under the immediate direction of a supervisor shall be classified as **Directed Force**.

### **3-10/060.00 RESCUE FORCE DEFINED**

When a Department member is compelled to use force in order to prevent harm from occurring to medical staff, professional staff, or any non-Department member, the force used in such instances shall be classified as **Rescue Force**.

### **3-10/070.00 MEDICAL ASSISTANCE FORCE DEFINED**

When a Department member restrains an individual under the immediate direction and supervision of medical staff, any force used in such instances shall be classified as **Medical Assistance Force**.

### **3-10/200.00 USE OF FIREARMS AND DEADLY FORCE**

The Department's policy on use of firearms and deadly force is:

- discharging a firearm at another human being is an application of deadly force and must, therefore, be objectively reasonable. Each Department member discharging a firearm must establish independent reasoning for using deadly force. The fact that other law enforcement personnel discharge firearms is not by itself sufficient to justify the decision by a Department member to shoot;
- Department members may use deadly force in self-defense or in the defense of others, only when they reasonably believe that death or serious physical injury is about to be inflicted upon themselves or others;
- Department members may use deadly force to effect the arrest or prevent the escape of a fleeing felon only when they have probable cause to believe that the suspect represents a significant threat of death or serious physical injury to the member or other person(s). If feasible, members shall identify themselves and state their intention to shoot before firing at a fleeing felon;
- the firing of warning shots is inherently dangerous. They should not be fired except under the most compelling circumstances. Warning shots may be fired in an effort to stop a person only when the Department member is authorized to use deadly force, and if the member reasonably believes a warning shot can be fired safely in light of all the circumstances of the encounter; and
- cover fire is defined as target specific controlled fire which is directed at an adversary who poses an immediate and on-going lethal threat. This tactic shall only be utilized when the use of deadly force is legally justified. Target acquisition and communication are key elements in the successful use of this tactic. Department members employing cover fire must establish their reason(s) for utilizing this tactic.



### **3-10/210.00 USE OF FIREARMS ON ANIMALS**

The shooting of animals that are not a threat of serious bodily injury to a person has proved to be inherently dangerous to bystanders as well as Deputy personnel. Therefore, Department members shall not use firearms to shoot animals fighting with other animals (e.g., dogs).

If it becomes necessary to destroy an injured (euthanasia) by use of a firearm and the conditions are such that there is an extended or inappropriate response time by the animal control agency, authorization to use a firearm on an animal must be obtained from an on-scene supervisor.

Personnel may use firearms to employ deadly force when dealing with animals when they reasonably believe that death or serious physical injury is about to be inflicted upon themselves or others.

### **3-10/220.00 USE OF FIREARMS AGAINST MOVING VEHICLES**

This section reinforces the Department's Core Values and underscores the reverence for human life.

The use of firearms against moving motor vehicles is inherently dangerous and almost always ineffective.

For the purposes of this section, an assaultive motor vehicle shall not presumptively justify a Department member's use of deadly force. A Department member threatened by an oncoming motor vehicle shall move out of its path instead of discharging a firearm at it or its occupant(s), allow the vehicle to pass, and utilize other tactical or investigative means to apprehend the suspect. If Department members decide to engage the vehicle in a pursuit, that pursuit shall be governed by the Department's pursuit policy (section 5-09/210.00 et seq.).

When on foot, Department members, except as required for fixed-point traffic control, shall not position themselves or remain in the path of a moving motor vehicle. Additionally, they shall not stop in a position directly in front of or behind a driver-occupied, stationary motor vehicle. Such positions are inherently unsafe.

A Department member shall not discharge a firearm at a motor vehicle or its occupant(s) in response to a threat posed solely by the vehicle unless the member has an objectively reasonable belief that:

- the vehicle or suspect poses an immediate threat of death or serious physical injury to the Department member or another person; and
- the Department member has no reasonable alternative course of action to prevent the death or serious physical injury.

In the extraordinary instance that a Department member feels compelled to fire at a motor vehicle or its occupant(s), the conduct of the involved personnel shall be evaluated in accordance with sound tactical principles including the following:

- cover and/or tactical relocation;
- safe distance;
- incident command and tactical leadership;
- coordinated personnel placement;
- tactical approach;
- regard for viable target acquisition;
- due regard for background, including the location, other traffic, and innocent persons;
- due regard for crossfire; and
- controlled fire and management of ammunition.

### **3-10/100.00 USE OF FORCE REPORTING PROCEDURES**

The Sheriff's Department recognizes each use of force by its members requires a thorough, fair, and objective review.

Any use of force (A) which is greater than that required for un-resisted Department-approved 1) searching or handcuffing, 2) control holds or come-alongs, or 3) hobbling or (B) which results in an injury or a complaint of pain constitutes Reportable Force and must be reported.

NOTE: Throughout this section, the term "suspect" is used to refer to any individual upon whom force has been used.

#### **Reportable Force Categories**

There are three categories of Reportable Force.

**Category 1 Force** involves any of the following where there is no injury:

- searching and handcuffing techniques resisted by a suspect;
- hobbling resisted by a suspect;
- control holds or come-alongs resisted by a suspect;
- take downs; and/or
- use of Oleoresin Capsicum spray, Freeze +P or Deep Freeze aerosols, or Oleoresin Capsicum powder from a Pepperball projectile (when a suspect is not struck by a Pepperball projectile) if it causes only discomfort and does not involve injury or lasting pain.

**Category 2 Force** involves any of the following:

- any identifiable injury;
- a complaint of pain that a medical evaluation determines is attributable to an identifiable injury; and
- any application of force other than those defined in Category 1 Force, but does not rise to the level of Category 3 Force.

**Category 3 Force** involves any of the following:

- all shootings in which a shot was intentionally fired at a person by a Department member;
- any type of shooting by a Department member which results in a person being hit,
- force resulting in admittance to a hospital;
- any death following a use of force by any Department member;
- all head strikes with impact weapons;

- kick(s), delivered from a standing position, to an individual's head with a shod foot while the individual is lying on the ground/floor;
- knee strike(s) to an individual's head deliberately or recklessly causing their head to strike the ground, floor, or other hard, fixed object;
- deliberately or recklessly striking an individual's head against a hard, fixed object,
- skeletal fractures, with the exception of minor fractures of the nose, fingers or toes, caused by any Department member;
- all canine bites; or
- any force which results in a response from the IAB Force/Shooting Response Team, as defined in MPP section 3-10/130.00.

IAB will be notified of all canine bites requiring medical treatment. Due to the specialized nature of these investigations, canine bites will initially be investigated by the SEB/CSD Sergeant, unless the incident meets the criteria for an IAB Force/Shooting Response Team response. All canine bites shall also be reviewed by the Executive Force Review Committee, with an additional level of oversight conducted by the Office of Independent Review and monitoring by Special Counsel.

#### Responsibilities for Reporting the Use of Force

In all cases in which members use Reportable Force, they shall make a verbal notification to their immediate supervisor (with a minimum rank of Sergeant) as soon as safely possible. Unless otherwise specifically directed by the Watch Commander/Supervising Lieutenant, the member shall complete a written first report of the force incident prior to the member going off duty.

Each assisting member who used force, including partners, shall submit a separate supplementary report detailing his or her actions prior to the member going of duty.

Department members witnessing Reportable Force used by another Department member or by anyone working with or on behalf of the Department shall similarly advise their immediate supervisor, who will determine whether a separate report/memorandum by the member witness is required prior to the member going off duty.

Members witnessing Reportable Force used by employees of another law enforcement agency shall, as soon as safely possible, advise their immediate supervisor and write a memorandum documenting their presence or, if applicable, provide a copy of their patrol log.

**NOTE:** Refer to MPP section 3-10/300.00 through 3-10/600.00 for the use of force reporting and review procedures involving shootings by Department members.

When feasible, written reports shall be reviewed and approved by the supervisor to whom the force incident was initially reported. A reference to the verbal notification and the name of the supervisor to whom it was made shall be included in the first report.

Each member reporting force in a report or memorandum shall describe in detail the force incident, including the actions of the suspect necessitating the use of force and the specific force used in response to the suspect's actions. Any injuries or complaint of injuries, and any medical treatment or refusal of medical treatment, shall be documented in the first report, supplementary reports or memoranda.

When force is used during crowd control situations and an arrest cannot be made, or the suspect(s) cannot be identified, Department members shall report their individual uses of force, directed or otherwise, to an on-scene supervisor as soon as safely possible. The application of force applied to a group, or members of a group who are not arrested or cannot be identified, shall be documented on a single use of force memorandum by the on-scene supervisor and approved by the Incident Commander.

Reporting of force used in crowd control situations in which suspects are arrested, or can be identified, shall be reported as an individual use of force consistent with this policy.

### Force Allegations

Allegations of force, whether made by the person upon whom the alleged force was used or by a third party, shall be investigated in a timely manner similar to a force investigation (e.g., interview the complainant and witnesses, collect evidence, gather documents, respond to the scene, take photographs, etc.). The Department member to whom the force allegation was reported shall report the allegation to their immediate supervisor (with a minimum rank of Sergeant). That supervisor shall immediately conduct an inquiry in order to determine the validity of the allegation (i.e., whether it is corroborated by statements and/or evidence). However, if that supervisor was alleged to have been involved in, or a witness to, the incident, the inquiry shall be assigned to another supervisor.

The supervisor conducting the inquiry shall adhere to the following guidelines:

- follow up on information provided by the individual making the allegation (i.e., interview person(s) whom the individual said were present and/or witnessed the incident, look for and collect evidence that the individual mentions);
- collect evidence and take statements;
- take photographs of the location, if appropriate;
- review any medical records (in cases of an inmate, review the inmate injury report). If an inmate injury report was not prepared for an inmate, ensure that one is prepared and the inmate is medically treated;
- photograph all visible injuries (if applicable); and, thoroughly document/describe all statements taken and evidence collected; and
- determine if the force incident was recorded and secure any such recordings of the incident.

An inquiry into a force allegation shall be documented in a memorandum from the

supervisor to the Unit Commander and shall include the supervisor's conclusions regarding the validity to the allegation. The Unit Commander shall take one of the following actions:

- close the inquiry if there is no validity to the allegation;
- initiate an administrative investigation if the inquiry reveals possible misconduct that could result in discipline, such as unreported use of force; or
- initiate a criminal investigation if the inquiry reveals reasonable suspicion that a crime occurred (e.g., assault under the color of authority).

Closed force allegation inquiries shall be forwarded to the concerned Division Chief or Division Director for review/concurrence and subsequently forwarded to the Discovery Unit for retention.

### **3-10/115.00 VIDEO REVIEW AND ADMONISHMENT**

The Sheriff's Department and its personnel have a duty to accurately report the facts of every force incident through normal reporting procedures. This includes amendments and supplemental reports when additional information or clarification is available.

Department members shall prepare all necessary written reports related to a force incident prior to reviewing a video recording of the incident. Upon completion of the written report, involved Department members shall be provided the opportunity to review the recorded incident for the purposes of refreshing their memory after the Field Sergeant or immediate supervisor has reviewed the first reports and any separate supplemental reports of the force incident, and concluded that there is no such evidence of apparent misconduct, or a failure to properly notify. Once the video tape has been reviewed, personnel will have the opportunity to acknowledge in their report that they observed the video and that it either refreshed their memory, adding any corrective language, or that the original written statements were accurate.

Because Department personnel are required to provide a written account of their actions prior to viewing video recordings, the Department will not assume an adverse inference when personnel amend or supplement their reports if a video review prompts further recollection of incident details. Whether an adverse inference should be drawn from amendment or supplement will depend upon the facts and circumstances in each case.

Any review of a recording by a Department member shall be documented in their reports and should not be undertaken in the presence of another Department member who was either involved in, or a witness to, the force incident. Should the review enable a Department member to provide greater clarity to any incident based upon additional recollection or perception of specific actions, the member shall either amend their initial report, or prepare a separate supplemental report. Any additional information should be

added with transitional language such as, "After reviewing video of the incident, additional details are noted as follows:".

Prior to reviewing any video recording, Department members shall read the following admonition:

## **VIDEO ADMONISHMENT**

*You are about to view a video recording. It is important to understand that while this recording depicts visual information from the scene, the human eye and brain could perceive some things in stressful situations differently than a camera records them, so this photographic record may not reflect how the involved personnel actually perceived the event.*

*The recording may depict things that personnel did not see or hear. Personnel may have seen or heard things that were not recorded by the camera. Depending on the speed of the camera, some action elements may not have been recorded or may have happened faster than personnel could perceive and absorb them. The camera has captured a 2-dimensional image, which may be different from a person's 3-dimensional observations. Lighting and angles may also have contributed to different perceptions.*

*This recording is being shown in order to facilitate recollection of the incident. Video images are only one piece of evidence to be considered in reconstructing and evaluating the totality of the circumstances. Some elements may require further exploration and explanation before the investigation is concluded.*

### ***Additional admonishment to personnel involved in recorded incident:***

*If the video appears to show some details of the incident differently from what you recall, you should note those differences in your report.*

## **3-10/110.00 USE OF FORCE REVIEW PROCEDURES**

### **Immediate Supervisor's Responsibilities**

#### **Responding to Force Incidents**

The Field Sergeant or immediate supervisor shall respond without unnecessary delay to any incident involving Reportable Force, and advise the Watch Commander or Supervising Lieutenant of any Reportable Force incident.

With respect to any Category 1 or Category 2 Force incident, the Field Sergeant or immediate supervisor shall do the following:

- locate and interview all potential witnesses, including Department personnel and, in custody force cases, medical staff, chaplains, and any other civilians who may

have been present, and document their statements, including those who could have witnessed but claim not to have witnessed the incident;

- photograph and/or record the scene in conditions as near as possible to those at the time of the force incident, if appropriate;
- determine if the force incident was recorded and secure any such recordings of the incident whenever able to do so;
- ensure that Department members who used force or witnessed force prepare required reports in a timely manner;
- review first reports and separate supplemental reports or memorandums to ensure that, consistent with this section, they describe in detail the actions of the suspect necessitating the use of force and the specific force used in response to the suspect's actions;
- in cases where a recording has been secured, if the supervisor determines, after their initial review of the video and the incident reports, that there is evidence of apparent misconduct, or it appears that a Department member failed to make proper notifications of the incident, the supervisor should consult with the Watch Commander or Supervising Lieutenant before proceeding further (refer to Watch Commander/Supervising Lieutenant's Responsibilities subsection);
- after first reports and separate supplemental reports have been reviewed by the supervisor, and where there is no such evidence of apparent misconduct, or a failure to properly notify, afford Department members an opportunity to review the recording of the force incident to facilitate recollection of additional details (refer to MPP section 3-10/115.00, Video Review);
- complete a "Supervisor's Report, Use of Force" (SH-R-438 P) documenting each member who used force, or witnessed force;
- interview the attending physician or other qualified medical personnel, when the suspect is taken to a medical facility for examination, as to the extent and nature of the suspect's injuries, or lack thereof, and whether the injuries are consistent with the degree of force reported;
- if the suspect is admitted to a medical facility or requires further medical treatment, it is the supervisor's responsibility to follow up with medical staff to ascertain if the injury was more serious than initially believed and make any necessary notifications in a timely manner;
- photograph and/or record the members' injuries, if appropriate.

In incidents involving the Total Appendage Restraint Procedure (TARP), the supervisor shall ascertain and document the Incident Details section of the SH-R-438P the following information, if possible:

- how long the suspect was restrained with the TARP;
- the emergency medical services agency that responded to the scene of the TARPing;
- how the suspect was transported and in what body position(s) they were placed during the transport;
- the length of time of the transport phase;
- the observations of the suspect's psychological/physical condition while TARPed



- and during the transport phase; and
- any alleged recent drug usage by the suspect or indications by them that they suffer from cardiac or respiratory diseases (e.g., asthma, bronchitis, emphysema, etc.).

For additional information, refer to MPP section 3-01/110.22, Total Appendage Restraint Procedure.

If the force incident is a Category 3 Force incident that results in a response from the IAB Force/Shooting Response Team, the Field Sergeant's or immediate supervisor's function shall be limited to notifying the Watch Commander or Supervising Lieutenant of the force incident; identifying witnesses; ensuring that the members who used force or witnessed force do not communicate with each other until they have prepared their report or have been interviewed by investigators; and preserving the scene and evidence as appropriate.

### Force Packages

Sergeants/immediate supervisors reviewing reports or memos regarding force incidents shall ensure that all pertinent information is contained in them. Particular attention should be given to the description of the use of force and the suspect's actions that led to the use of force. The Sergeant/immediate supervisor shall ensure that copies of such reports or memos are forwarded to the concerned Watch Commander/Supervising Lieutenant for inclusion in the force package.

### Watch Commander/Supervising Lieutenant's Responsibilities

#### Interviewing Suspects

The Watch Commander or Supervising Lieutenant shall, with extreme priority, personally examine any suspect upon whom force has been used and, except in Category 3 Force incidents, interview the suspect regarding the incident.

Except in the most compelling of circumstances, personnel involved in a use of force, including participants, witnesses, and supervisors directing force, shall not be present when the interview is conducted. If compelling circumstances require their presence, detailed justification shall be made in all supervisors' subsequent reports.

When interviewing suspects regarding use of force incidents, the Watch Commander/Supervising Lieutenant shall ask the suspect if they have any injuries, the nature of the injuries, and if they want medical treatment. These questions must be asked whether or not the suspect has any apparent injuries (refer to MPP section 3-10/105.00 Medical Treatment and Transporting Suspects). If the suspect is taken to a medical facility for examination or treatment, the Watch Commander/Supervising Lieutenant shall ensure that a supervisor interviews the examining physician or qualified medical personnel as

to the extent of the injuries, or lack thereof, and whether the injuries are consistent with the force reported.

The Watch Commander/Supervising Lieutenant shall ensure that the interview of the suspect is recorded on video and, if appropriate, photographs are also taken, paying particular attention to any known or alleged areas of injury (obtain suspect consent for photographing injuries hidden by clothing). Where practical, the suspect should not be interviewed during actual medical treatment. Prior to beginning the interview, the time, date and location of the interview shall be clearly stated, along with the names, ranks, and employee numbers of all persons present.

When a suspect must be transported from the field directly to County-USC Medical Center, IRC, CRDF, or Twin Towers for booking, the Watch Commander or Supervising Lieutenant shall arrange to interview the suspect at the booking site.

### Completion of Investigations

After interviewing a suspect in incidents involving Directed Force, the Watch Commander/Supervising Lieutenant shall determine who should complete the initial investigation. When a Unit supervisor who did not direct the force is available, that non-involved supervisor should complete the initial investigation. If a non-involved supervisor is not available, the Watch Commander/Supervising Lieutenant should consider the totality of the initial factors, including the severity of the force and the suspect's interview in determining whether the supervisor who directed the force should complete the initial investigation or, if necessary, the initial investigation should be completed by the Watch Commander/Supervising Lieutenant. In instances in which a non-involved supervisor is assigned to complete the initial investigation, the supervisor who directed the force shall prepare a supplemental report, or memo, detailing their actions for inclusion with the force package.

Except in the case of an IAB Force/Shooting Response Team rollout, in situations involving very large numbers of potential witnesses, the Watch Commander or Supervising Lieutenant shall determine the appropriate scope of the witness canvass that would be necessary to sufficiently document the force incident.

In cases where a supervisor has reviewed video of an incident and determined that there is evidence of apparent misconduct, or it appears that a Department member failed to make proper notifications of the incident, the Watch Commander/Supervising Lieutenant shall determine the nature and seriousness of the matter. The Watch Commander/Supervising Lieutenant shall then contact the Unit Commander, who shall decide if an administrative or criminal investigation is warranted, including the necessity for an immediate response by IAB or ICIB. If an administrative or criminal investigation is initiated, then the force investigation will be conducted as part of that investigation. If it is determined that an administrative or criminal investigation is not warranted, then the force investigation shall be completed by the Watch Commander/Supervising Lieutenant. If an involved employee is not allowed to view video of an incident due to

possible misconduct, the Watch Commander/Supervising Lieutenant shall notify the member he or she may be subject to an investigation.

### Force Packages

The Watch Commander/Supervising Lieutenant shall prepare and submit a force review package to the Unit Commander for all reviews of force not conducted by an IAB Force/Shooting Response Team as soon as possible, but no later than 21 days after the incident, unless otherwise directed. The Watch Commander/Supervising Lieutenant is responsible for detailing the results of his or her review and recommendation as to whether further action or investigation is warranted in the appropriate section of the SH-R-438P. The force package shall include the following items:

- “Supervisor’s Report, Use of Force” (SH-R-438P);
- copy of SH-R-49 and related supplemental reports and/or memos;
- copy of in-service rosters for the concerned shift(s);
- documentation showing suitable treatment from qualified medical personnel was sought and/or received;
- photographs and/or video recordings of suspect’s injuries or areas of alleged injury (copies of booking photographs may also provide excellent documentation);
- copies of any recorded interviews conducted by supervisors during the investigation; and
- any related material which is deemed significant or serves to further document the incident, such as dispatch or complaint telephone tapes, other photos, etc.

### Requesting an IAB Force/Shooting Response Team

The Watch Commander/Supervising Lieutenant is responsible for making an immediate verbal notification to the on-call Internal Affairs Bureau Lieutenant in any of the following situations:

- all shootings by any Department member, both on-duty and off-duty, including accidental discharges, warning shots, and shooting at animals;
- all incidents in which Deputy personnel are shot;
- hospitalizations due to injuries caused by any Department member;
- skeletal fractures caused by any Department member;
- Category 2 or 3 Force used by any Department member during or following a vehicular or foot pursuit;
- all large party situations where Category 2 or 3 Force is used;
- injury or complaint of injury to a person's head, or neck area, resulting in medical evaluation and/or treatment, following contact with any Department member. (This does not apply to contamination due to Oleoresin Capsicum spray, Freeze +P or Deep Freeze aerosols, or Pepperball projectile powder);
- all head strikes with impact weapons;
- kick(s) to an individual’s head with a shod foot;

- knee strike(s) to an individual's head;
- any situation wherein a Department member pushes, shoves, takes down, or otherwise causes a person to hit their head against a hard object (e.g. roadway, driveway, concrete floor, wall, door jamb, jail bars, etc.);
- canine bites resulting in medical treatment;
- any death following a contact with any Department member;
- all inmate deaths;
- any of the above uses of force witnessed by a Department member applied by personnel from another law enforcement agency involved in an operation with Department personnel; or
- at any scene where the Sheriff's Response Team (SRT) is deployed.

The Internal Affairs Bureau Lieutenant shall determine whether the response of an IAB Force/Shooting Response Team is appropriate. If a response team is to be sent, the Internal Affairs Bureau Lieutenant shall direct the Watch Commander/Supervising Lieutenant as to whether to conduct a suspect interview.

The Watch Commander/Supervising Lieutenant shall make an immediate verbal notification to the Unit Commander of any incident requiring an IAB Force/Shooting Response Team response. (Refer to MPP section 3-10/130.00 Activation of an IAB Force/Shooting Response Teams.) The Watch Commander shall respond to the location when an employee discharges a firearm, whether intentional or unintentional. The involved employee's Unit Commander shall respond to the location (if within Los Angeles County) when the employee, on or off duty, intentionally discharges a firearm at a person, whether or not anyone is hit, as well as to any type of shooting by the employee which results in a person being hit. The involved employee's Division Commander shall also be verbally notified and shall respond to the location (if within Los Angeles County) when the employee, on or off duty, intentionally discharges a firearm at a person, whether or not anyone is hit, as well as to any type of shooting by the employee which results in a person being hit. Exceptions must be approved by the involved employee's Division Chief or Division Director.

In any situation in which an IAB Force/Shooting Response Team responds to conduct a force review, the Watch Commander/Supervising Lieutenant shall cooperate with and assist team personnel in conducting the review. Neither the Watch Commander/Supervising Lieutenant nor the Sergeant shall conduct a suspect interview unless directed to do so by the Internal Affairs Bureau Lieutenant. A Unit-level force review package shall not be submitted on any force incident which is documented by IAB Force/Shooting Response Team personnel who have responded to the scene.

#### Unit Commander's Responsibilities

The Unit Commander shall ensure that preliminary data is entered into the Preliminary Data Entry (PDE) system within the first 24 hours of the force incident, or as soon as possible thereafter.

## Force Packages

The Unit Commander shall promptly evaluate all force packages and the Watch Commander/Supervising Lieutenant's findings concerning the use of force. The Unit Commander shall determine if further action or investigation is necessary.

In determining if further action or investigation is necessary, the Unit Commander shall consider whether the reports and witness statements are complete and consistent; there are unexplained injuries to the suspect against whom force was used or injuries to the head, eyes, throat, spine or groin areas; the suspect was in mechanical restraints when force was applied; the objective evidence corroborates any allegations of unreasonable force by the suspect; and only authorized tactics, equipment and devices were used in accordance with Department policies and procedures. There shall be a presumption that further investigation is necessary if a suspect sustains unexplained injuries or there is evidence that head strikes were used by Department members (whether by fists, knees, feet, or weapons) against a handcuffed suspect.

If further investigation is warranted, the Unit Commander may either initiate an administrative investigation or request an investigation by the Internal Criminal Investigations Bureau, or both. The Unit Commander shall ensure that the member(s) who used force are notified as soon as possible in any case requiring further investigation.

Unit Commanders shall hold supervisors accountable for the quality and timeliness of their investigations.

The Unit Commander shall ensure that unit-level force packages are completed, reviewed/approved, and processed in a timely manner. The Unit Commander shall ensure that Unit personnel utilize a tracking system in order to track force packages.

The Unit Commander shall ensure that completed/approved force packages are either submitted to the Discovery Unit, or forwarded to Division, as required below. Force packages not submitted to the Discovery Unit within 60 days will be considered overdue.

In all use of force incidents wherein the on-call IAB Lieutenant was notified, or when a suspect was transported to a hospital for medical treatment, the Unit Commander shall forward the force review package to the Division Chief or Division Director for their review.

Any force package requiring Division review shall be forwarded within 35 days of the incident, unless otherwise directed by the Chief or Division Director.

Involved employees are entitled to a copy of the completed SH-R-438P. The Unit Commander shall ensure that the involved employee(s) receive a copy, if so requested.

## Use of Force Analysis

It is imperative that leaders of the Los Angeles County Sheriff's Department be personally informed about issues involving the use of force.

Whenever a Department supervisor or manager prepares or receives an analysis, the concerned Unit Commander shall ensure that a copy of any analysis on systemic issues regarding use of force investigations or use of force trends in the Unit Commander's facility is delivered to the Office of the Sheriff and the Office of the Assistant Sheriffs.

To honor the Department's commitment to transparency, the concerned Unit Commander shall also ensure that a copy of the analysis also is delivered to the Office of Independent Review (OIR), and the Law Enforcement Division Chief in the Office of the Los Angeles County Counsel.

## Division Chief's or Division Director's Responsibilities

The Division Chief or Division Director shall review all use of force incidents in which the on-call IAB Lieutenant was notified or in which a suspect was transported to a medical facility for treatment. The Division Chief or Division Director shall note their concurrence with the Unit-level force review on the documents and forward the approved force package to the Discovery Unit. In the event that the Division Chief or Division Director does not concur, they may specify to the Unit Commander the additional steps necessary to satisfactorily complete the package or notify Unit Commander of IAB or ICIB and request an administrative and/or criminal investigation.

## **3-10/105.00 MEDICAL TREATMENT AND TRANSPORTING SUSPECTS**

### Medical Treatment

A suspect must be transported to a medical facility for examination/treatment by qualified medical personnel whenever the person:

- suffers a gunshot wound;
- strikes their head on a hard object, or sustains a blow to the head/face, as a result of the application of force by a member, regardless of how minor any injury to the head/face may appear. The member transporting the suspect shall inform the doctor that the suspect was struck on the head or struck their head;
- is restrained with a carotid restraint, or any kind of neck/throat restraint, whether or not they are rendered unconscious. The member transporting the suspect shall inform the medical staff of the fact that the suspect was restrained with a carotid restraint and whether or not they were rendered unconscious;
- is hit with a specialized weapon projectile (such as an Arwen round, Taser dart, Stunbag, Pepperball projectile, etc.);
- is subjected to a Taser used in the drive stun mode;

- sustains a canine bite resulting in any bleeding or penetration of the skin;
- has injuries that appear to require medical treatment;
- alleges any injury and requests medical treatment, whether or not they have any apparent injuries;
- alleges that substantial force was used against them, whether or not they have any apparent injuries or requests medical treatment;
- was wearing the electronic immobilization belt during its activation (unless qualified medical clearance is obtained in the field); or
- has the Total Appendage Restraint Procedure (TARP) applied on them (unless qualified medical clearance is obtained in the field). Refer to MPP section 3-01/110.22, Total Appendage Restraint Procedure, for additional information.

### Transporting Suspects

Whenever a suspect upon whom force was used is transported to a medical facility for examination or treatment prior to booking or housing in a custody facility, the transporting member shall immediately advise the Field Sergeant or immediate supervisor. Except in the most compelling of circumstances, personnel involved in a Category 2 or 3 Force, including participants, witnesses, and supervisors directing force, shall not transport the suspects. If compelling circumstances require that the suspect be transported by involved personnel, detailed justification shall be made in all supervisors' subsequent reports. The Sergeant shall immediately advise the Watch Commander or Supervising Lieutenant that the suspect is being treated or examined following a member's use of force.

Any doubt regarding the need for medical treatment shall be resolved by transporting the suspect to an appropriate medical facility.

If the suspect refuses medical treatment in any of the cases previously described, they shall be transported to a medical facility and required to personally inform the medical staff of their refusal to receive medical treatment. The member transporting the suspect shall include in the appropriate report or memorandum the name of the medical personnel to whom the suspect indicated their refusal and the name of the medical staff member authorizing booking at the Station or regular jail housing. In addition, an effort should be made to have the medical staff complete an admission report on the suspect and to indicate the suspect's refusal of medical treatment on that report.

If the medical staff indicates that the suspect should be treated despite their refusal, the suspect shall be transported to the County-USC Medical Center Jail Ward or to the appropriate Custody Division medical facility for treatment or medical review.

### **3-10/120.00 IAB FORCE/SHOOTING RESPONSE TEAMS**

To enhance the Department's quality assurance and control, and ensure Department-wide consistency in our review process, IAB Force/Shooting Response Teams shall

respond to and investigate certain force and high-risk incidents and prepare reports that include, but not be limited to, the following: multi-perspective reviews of the incident; reviews of adherence to policy and performance standards; reviews of adherence to Department training; recommendations for changes in policy and training; assessments of the civil liability the Department is exposed to by our operations and procedures; and reviews of other pertinent issues.

The IAB Force/Shooting Response Teams consist of representatives from various Department Units, such as Internal Affairs Bureau, Training Bureau, Civil Litigation, Traffic Services, Medical Services, Risk Management, and Custody Training depending on the type of incident and the expertise required.

### **3-10/130.00 ACTIVATION OF THE IAB FORCE/SHOOTING RESPONSE TEAMS**

Watch Commanders and Supervising Lieutenants are required to make immediate verbal notification to the on call IAB Lieutenant whenever any of the following occur:

- all shootings by any Department member, both on-duty and off-duty, including accidental discharges, warning shots, and shooting at animals;
- all incidents in which Deputy personnel are shot;
- hospitalizations due to injuries caused by any Department member;
- skeletal fractures caused by any Department member;
- Category 2 or 3 Force used by any Department member during or following a vehicular or foot pursuit;
- all large party situations where Category 2 or 3 Force is used;
- injury or complaint of injury to a person's head, or neck area resulting in medical evaluation and/or treatment, following contact with any Department member (This does not apply to contamination due to Oleoresin Capsicum spray, Freeze +P or Deep Freeze aerosols, or Pepperball projectile powder);
- all head strikes with impact weapons;
- kick(s) to an individual's head with a shod foot;
- knee strike(s) to an individual's head;
- any situation wherein a Department member pushes, shoves, takes down, or otherwise causes a person to hit their head against a hard object (e.g. roadway, driveway, concrete floor, wall, door jamb, jail bars, etc.);
- canine bites resulting in medical treatment;
- any death following a contact with any Department member;
- all inmate deaths;
- any of the above use of force witnessed by a Department member applied by personnel from another law enforcement agency involved in an operation with Department personnel; or
- at any scene where the Sheriff's Response Team (SRT) is deployed.

The on-call IAB Lieutenant shall evaluate the information and determine if an IAB Force/Shooting Response Team activation is required. The on-call Lieutenant shall also



determine the appropriate make-up of each team and will cause the notification of those personnel.

The following types of incidents shall require mandatory activation of an IAB Force/Shooting Response Team by the on-call IAB Lieutenant:

Inmate deaths from other than obvious natural causes, including murders, suicides, overdoses, or accidents, and

The following Category 3 Force:

- all shootings in which a shot was intentionally fired at a person by a Department member;
- any type of shooting by a Department member which results in a person being hit,
- force resulting in admittance to a hospital;
- any death following a use of force by any Department member;
- all head strikes with impact weapons;
- kick(s), delivered from a standing position, to an individual's head with a shod foot while the individual is lying on the ground/floor;
- knee strike(s) to an individual's head deliberately or recklessly causing their head to strike the ground, floor, or other hard, fixed object;
- deliberately or recklessly striking an individual's head against a hard, fixed object; or
- skeletal fractures, with the exception of minor fractures of the nose, fingers or toes, caused by any Department member.

The IAB Force/Shooting Response Team shall prepare an administrative review of each incident which shall be submitted to the Executive Force Review Committee, with an additional level of independent oversight. The Captain of Internal Affairs Bureau is responsible for establishing an incident file containing the IAB Force/Shooting Response Team's reports, and for ensuring that they are entered into the Personnel Performance Index (PPI).

If at any time the response team IAB Lieutenant determines that an administrative investigation is warranted, he or she shall brief the concerned Unit Commander, and, with the concurrence of the concerned Division Chief or Division Director, shall direct the IAB investigators to commence an investigation. If it is determined that the conduct of any Department member may have been criminal in nature, the IAB Force/Shooting Response Team Lieutenant shall immediately notify the concerned Unit Commander, and with concurrence of the concerned Division Chief or Division Director, turn the investigation over to the Internal Criminal Investigations Bureau (ICIB).

### **3-10/140.00 EXECUTIVE FORCE REVIEW COMMITTEE**

The Executive Force Review Committee is comprised of three Area Commanders, one of whom shall be designated as the Chairperson by the Internal Investigations Division Chief.

The Executive Force Review Committee shall evaluate every shooting and force incident wherein the activation of an Internal Affairs Bureau (IAB) Force/Shooting Response Team is required pursuant to section 3-10/130.00, Activation of IAB Force/Shooting Response Team.

The Executive Force Review Committee shall meet regularly to review and evaluate all cases enumerated above. In addition to the concerned employee's Unit Commander, meeting participants shall include the Internal Affairs Bureau investigator, as well as representatives from the Training Bureau, Advocacy Unit, and Risk Management Bureau.

The members of the Executive Force Review Committee shall be provided copies of the IAB Force/Shooting Response Team's investigations prior to each meeting. In addition, documents may be provided by the Training Bureau, Risk Management Bureau, or any other relevant/appropriate Department Bureau or Unit. Based on these reports, the members of the committee shall evaluate each incident and determine if the conduct of Department personnel was within established policies and/or consistent with established procedures. The committee members shall also evaluate the tactics of the personnel involved, whether the actions of Department personnel were consistent with Department training, and whether Department members used/deployed proper safety equipment.

After their initial review of the incident, the members of the Executive Force Review Committee may 1) make a finding and determine the level of discipline if the committee determines that the investigation has revealed that an employee violated Department policy, or 2) return the case for additional investigation and direct that the case be re-presented to the committee for disposition.

NOTE: An administrative or criminal investigation may be opened at any time during the force/shooting investigation, if warranted (refer to MPP 3-10/130.00 Activation of IAB Force/Shooting Response Teams).

The Executive Force Review Committee Chairperson shall report the finding of the committee to the concerned employee's Unit Commander via memorandum. If the employee's conduct is determined to be in violation of established Department policy, the specific Manual of Policy and Procedures section(s) shall be cited. Exemplary performance or conduct will also be acknowledged and appropriate commendations recommended. Similarly, recommendations to debrief involved and/or uninvolved personnel, provide additional training, or conduct counseling also are included in the final memorandum. Issues concerning tactics, training, and/or policy revisions shall be

cited and a memorandum forwarded to the appropriate Department Unit/Bureau for consideration.

**NOTE:** In cases where the Executive Force Review Committee fails to reach a unanimous decision, the matter will be referred to the Chief of Internal Investigations Division for review and resolution before the case is adjudicated and/or any findings are published. If a unanimous decision still cannot be reached, the Chief shall present the case facts to the Sheriff for a final decision.

The findings of the Executive Force Review Committee shall be forwarded to the concerned employee's Unit Commander. Within thirty (30) business days, the concerned Unit Commander shall evaluate the committee's findings, act on their recommendation(s), document his/her actions, and return the documents, through channels, to the committee chairperson. If the Executive Force Review Committee has determined that a violation of an established policy occurred, the committee shall identify the policy violation(s) and determine the appropriate level of discipline for each employee deemed to have violated Department policy.

In the event the concerned Unit Commander disagrees with the findings and/or recommendations of the Executive Force Review Committee, the dissent must be articulated in a memorandum to the concerned Division Chief or Division Director. The Unit Commander shall also consult with the Office of Independent Review before forwarding the memorandum to his or her Division Chief or Division Director. The Division Chief or Division Director shall present the matter to the Chief of the Internal Investigations Division for review and concurrence before the case is adjudicated and/or any findings are published. If a concurrence cannot be reached, the Internal Investigations Division Chief shall present the case facts to the Sheriff for a final decision.

The concerned Unit Commander is responsible for ensuring adherence to any recommendations by the Executive Force Review Committee. Any action taken shall be documented by the concerned Unit Commander on the "Unit Commander Response" and returned to the committee Chairperson.

The entire IAB Force/Shooting Response Team case file, including all reports and documents describing the Executive Force Review Committee's findings and recommendations, the concerned Unit Commander's response, documentation of all remedial and/or disciplinary actions taken, and appropriate disposition sheets shall be maintained by the Executive Force Review Committee staff. All appropriate databases shall be updated based upon the information contained within the IAB Force/Shooting Response Team case file.

### **3-10/150.00 TACTICAL INCIDENTS**

The fundamental duty of all sworn personnel is to protect life and property.

Members shall be guided by sound tactical principles when involved in any tactical incident. The tactics employed by Department members shall be governed by applicable Department policies, accepted training practices, the exigency of the circumstances, and the application of sound judgment and common sense. Adherence to policies, training, and supervision is critical in preventing an unreasonable response to fear and resolving incidents in the safest manner possible. When reasonable under the totality of circumstances, personnel should use de-escalation techniques such as advisements, verbal persuasion, and other force prevention tactics focused on increasing officer and/or public safety. The Department's Core Values, a reverence for human life, and the safety of all parties shall be considered when deciding on a resolution to a tactical incident.

Following any tactical incident, regardless of significance, the conduct of Department personnel may be evaluated for compliance with established Department policies and state and federal statutes. A primary consideration in determining sound tactics is whether the actions by personnel increase or decrease officer safety, and/or public safety. All personnel shall be prepared to clearly articulate the circumstances which supported their decisions.

NOTE: Tactical incidents include, but are not limited to, responses to crimes in progress, building searches and/or area containment, barricaded suspects, hostage situations, active shooters, foot or vehicle pursuits, pedestrian or traffic stops, missing persons, and any other law enforcement situation where sound principles and tactics should be employed.

The concepts commonly referred to as the six "C"s - COMMAND, CONTAIN, CONTROL, COMMUNICATE, COORDINATE, and CONTINGENCY - shall serve as a guide for all personnel involved.

Tactical incidents commonly share characteristics which must be constantly evaluated and, in most cases, analyzed to ensure a successful conclusion and enhance officer safety in future similar events. A seventh "C" - CRITIQUE - is equally important and shall be performed at the conclusion of any tactical incident.

The scope and sophistication of this critique (commonly referred to as a "debriefing") shall be dictated by the scope and sophistication of the incident. The critique should include a comprehensive analysis of those tactics and techniques which contributed to the success of the operation, while thoroughly evaluating those which proved unproductive. The critique shall be performed in a timely manner (preferably immediately following the event), attended by all involved members and, when appropriate, facilitated by a supervisor. Discretion shall be used by supervisors when critiquing actions which appear to be in violation of Department policy or established law. Supervisors and managers shall make every effort to maintain the technical and tactical proficiency of their subordinates through training, debriefings, tactical

discussions, and engaged supervision.

### Incident Command

Personnel at the scene of, or directly involved in, a tactical incident shall demonstrate regard for incident command. In addition, all personnel have a positive duty to actively provide appropriate coordination and ensure communication is shared among participating Department members.

To ensure clarity, avoid confusion, and minimize risk to those involved, the following list of commonly used leadership/incident command terms and their definitions/significance is provided. All personnel shall expect that their conduct may be evaluated based on their adherence to the following principles.

<b>Command</b>	The exercise of <b><i>complete authority</i></b> to direct the actions of others during a tactical incident.
<b>Communication</b>	Accomplished by radio, telephone, direct voice, hand and arm signals, or any other means in which the recipient(s) receives and understands the message and intent.
<b>Contain</b>	A coordinated response for the purpose of isolating and apprehending a person(s) attempting to avoid arrest, detention, or detection, or to locate critically missing person(s).
<b>Contingency</b>	A backup plan or the coordinated process of considering a future, unplanned event.
<b>Control</b>	When a supervisor or Deputy is able to communicate with and coordinate or direct the actions of other personnel.
<b>Coordination</b>	When command personnel are able to organize and direct the actions of all personnel at the scene of a tactical operation to reduce friction, eliminate conflict(s), and integrate efforts to achieve a successful resolution to a specific mission.
<b>Critique</b>	A comprehensive debriefing conducted with all personnel involved in an incident to discuss tactics and other issues identified during a tactical operation. The critique should include a comprehensive analysis of those tactics and techniques which contributed to the success of the operation, while thoroughly evaluating those which proved unproductive. The critique shall be performed in a timely manner (preferably immediately following the event), attended by all involved members and, when appropriate, facilitated by a supervisor.
<b>Tactical Dilemma</b>	A choice between two or more disagreeable alternatives. The

goal of every adversarial operation is to place the suspect in a position where surrender is likely and resistance is futile. Dilemmas can be created with space or time.

### High Risk or Armed Suspects

The intent of this section is to increase Deputy safety and minimize the potential for Deputy-created jeopardy where Deputies place themselves unnecessarily in harm's way.

When dealing with a high risk or suspected armed suspect, sworn members shall be cautiously persistent in performing their duties. Consistent with this philosophy, while every situation is not absolute, in many cases, it may be safer to chase to contain rather than chase to apprehend.

This policy shall be considered when assessing the tactical performance of Deputies involved in deadly force situations. Moreover, the following specific tactical considerations should be utilized when a Deputy is confronting high risk or armed suspects.

### Specific Tactical Considerations

Similarly, the following list of definitions and their significance are general principles which shall be considered and/or employed by all personnel involved in a tactical operation (where appropriate).

<b>Concealment</b>	Anything which conceals a person from view.
<b>Cover</b>	Anything which provides protection from bullets or other projectiles fired or thrown. Cover is subjective and its effectiveness depends upon the threat's ballistic capability (handgun, rifle, etc...).
<b>Cover Fire</b>	Target specific controlled fire which is directed at an adversary who poses an immediate and ongoing lethal threat. This tactic shall only be utilized when the use of deadly force is legally justified. Target acquisition and communication are key elements in the successful use of this tactic. Department members employing cover fire must establish their reason(s) for utilizing this tactic.
<b>Tactics</b>	The methods and concepts used to accomplish a particular objective or mission.
<b>Cross Fire</b>	A situation created when Deputy personnel find themselves in a position where their field of fire and/or shooting backdrop is

occupied by another Deputy who may engage the same intended target.

**Danger Area**

Any area which lacks or has limited cover and avenues of escape and offers a significant advantage to an adversary (doorway, hallway, staircase, alley, open area, etc...).

**Designated Shooter**

Deputy personnel assigned to deploy a firearm to protect other Deputies performing a specific mission in an operation and otherwise unable to defend themselves. Designated shooters are responsible for covering a specific threat while other Deputies involved in the operation perform specific tasks that may require their weapon be holstered or secured. These specific tasks/personnel include, but are not limited to, searches of suspects, arrest team personnel, personnel assigned the deployment of less lethal weapons, crowd control personnel, and employees involved in K-9 searches.

**Field of Fire**

The lane of fire between a shooter and an intended target that will likely be subjected to the impact of fired rounds. A field of fire is not restricted to a direct line between the shooter and intended target, but may be altered as a result of ricochets, or skipped or fragmented rounds. A field of fire is limited by the individual characteristics of the weapon deployed.

**Fire Discipline**

A controlled and measured rate of gunfire, usually two or three round bursts, which emphasizes maximum accuracy and efficiency and is achieved through constant reassessment and target re-acquisition (if necessary).

**Independent Action**

Any independent act taken outside a plan and/or without communicating or coordinating intentions with other involved personnel.

**Kill Zone**

An area in which concentrated fire is intended to neutralize an adversary by exploiting terrain and the impact of fire.

**Partner Splitting**

Partner splitting during a foot pursuit occurs when loss of visual contact, distance, or obstacles, separates partners to a degree that they cannot immediately assist each other should a confrontation take place.

**Point of Aim**

The specific location the muzzle of a weapon is directed and a fired round is intended to strike.

**Shooting Backdrop**

An area behind an intended target which may be subjected to the impact of rounds fired from a weapon. A shooting backdrop will rarely be static as it will change as the target and/or shooter change their position and point of aim.

<b>Sight Alignment</b>	When the top of the front sight is even with the top of the rear sight and there is an equal amount of light visible on either side of the front sight (Combat shooting sight alignment is defined as the use of the front sight blade only and is generally used at close distances, usually under fifteen (15) feet.).
<b>Target Acquisition</b>	The practice of identifying a specific threat and placing that threat within point of aim or sight alignment.
<b>Tactical Position of Advantage</b>	A position which maximizes the ability to control, monitor, or engage a threat in the safest manner possible.

### **3-10/300.00 DEPUTY-INVOLVED SHOOTINGS - GENERAL PROVISIONS**

#### Definitions:

**Hit Shooting:** Department member intentionally shoots at a person and any person is hit.

NOTE: Any type of shooting by a Department member which results in a person being hit will be investigated and documented in the same manner as a "hit shooting."  
Exception: Incidents involving persons injured by gunfire at a Department range may or may not be handled according to the "hit shooting" protocol depending on the circumstances.

**Non-Hit Shooting:** Department member intentionally shoots at a person and no one is hit.

**Warning Shot:** Department member intentionally shoots as a warning, without intent to shoot at a person.

**Animal Shootings:** Department member intentionally shoots at an animal, whether or not an animal is hit.

**Accidental Discharge:** Department member accidentally discharges a firearm.

**Shooting - Other:** Department member intentionally shoots at an object.

Immediate action shall be taken to care for the injured, to apprehend suspects and to protect the scene. Assisting personnel should attempt to locate and identify any witnesses to the incident. Deputies shall refrain from discussing the incident until the arrival of the first supervisor. The involved personnel should briefly inform the supervisor of the circumstances surrounding the incident and what action has been taken.



The involved Deputies shall then be immediately transported, by a supervisor, if possible, or if not, by uninvolved Deputies, to the Station, Unit of assignment or other suitable location. Involved personnel shall refrain from discussing the incident with anyone else until after being interviewed by Homicide Bureau investigators, or in shootings where no one has been wounded or killed, until each has written a detailed report articulating the circumstances leading to the encounter, the hazards/threats faced by Deputies or others and the reasons that the decision to use deadly force was made.

The Watch Commander or Supervising Lieutenant is responsible for making an immediate verbal notification to Homicide Bureau following any incident in which shots fired by a Deputy result in a person being hit, and in any incident in which a Deputy is shot. The Watch Commander or Supervising Lieutenant is also responsible for making an immediate verbal notification to the IAB on-call Lieutenant following any Deputy-involved shooting, including those in which no one is hit, as well as accidental discharges, warning shots and shooting at animals. The Watch Commander shall make an immediate verbal notification to the Unit Commander anytime an IAB Force/Shooting Response Team is activated. The Watch Commander shall respond to the location. The involved employee's Unit Commander shall respond to the location (if within Los Angeles County) when the employee, on or off duty, intentionally discharges a firearm at a person, whether or not anyone is hit, as well as to any type of shooting by the employee which results in a person being hit. The Station Unit Commander shall also respond to every hit and non-hit Deputy-involved shooting (on or off duty) within their Station jurisdiction regardless of the involved employee's Unit of assignment.

The involved employee's Division Commander shall also be verbally notified and shall respond to the location (if within Los Angeles County) when the employee, on or off duty, intentionally discharges a firearm at a person, whether or not anyone is hit, as well as to any type of shooting by the employee which results in a person being hit. Exceptions must be approved by the involved employee's Division Chief or Division Director. If the location of the shooting is outside Los Angeles County, the involved employee's Division Commander shall evaluate the incident and determine whether their immediate response is necessary.

Except under exigent circumstances, a Deputy-involved shooting scene shall be kept intact and protected until the conclusion of Homicide Bureau's investigation and/or the IAB Force/Shooting Response Team review. Expended brass, cartridges, magazines, etc., shall be left undisturbed. Fired weapons should be holstered or secured, consistent with standard evidence retrieval and preservation methods. Once secured, weapons shall not be handled or examined, except by Homicide Bureau investigators or by the IAB Force/Shooting Response Team personnel. Should a weapon be discarded during an incident, it shall be left undisturbed if at all possible.

In any situation in which an IAB Force/Shooting Response Team responds and conducts a shooting review, the Watch Commander/Supervising Lieutenant shall cooperate with and assist team personnel in conducting the review; however, Unit level

personnel will not produce a shots fired or incident review. The Watch Commander/Supervising Lieutenant shall be responsible for securing the incident scene and identifying and sequestering witnesses as appropriate. In Deputy-involved shooting incidents, witness interviews shall be conducted by Homicide investigators or, when no hit has occurred, by the IAB Force/Shooting Response Team members. The IAB Force/Shooting Response Team members may request Unit-level supervisors to assist with witness interviews in "non-hit" shooting incidents.

### **3-10/310.00 PRELIMINARY RESPONSIBILITIES**

Deputy-involved shootings are likely the most critical incidents in which Department personnel become involved; therefore, they appropriately warrant an in-depth and objective analysis. A central component in this process is the collection of statements from every identifiable witness. The investigative process must be undertaken promptly and with the highest level of investigatory integrity, while at the same time, honoring the rights and needs of Department members.

The following investigative protocols have been established by the Department in order to ensure these objectives:

Personnel, either involved in, or a witness to, the event, shall not discuss the circumstances of the incident among themselves or with uninvolved persons prior to being interviewed by assigned Departmental investigators.

NOTE: The provisions of this policy regarding witness' statements shall not affect communications required for tactical needs or subsequent suspect apprehension.

Members who were either involved in or witnessed the incident may consult individually with legal counsel or labor representatives telephonically or in person before providing an interview with Departmental investigators. Members who were either involved in or witnessed the incident shall not consult with legal counsel and or labor representatives collectively or in groups (e.g. two or more members consulting at the same time with the same legal counsel/labor representative).

The Watch Commander and all supervisors shall take reasonable steps to ensure that the provisions of this policy are followed. Whenever practical, Watch Commanders or their designee shall attempt to have involved personnel and witness personnel gather in the company of a supervisor until they have provided a statement to Departmental investigators. This practice shall in no way interfere with the member's individual access to legal/labor counsel, spiritual counsel, or otherwise impede access or availability to family members.

### **3-10/400.00 DEPUTY - INVOLVED SHOOTINGS - PERSON HIT**

In any Deputy-involved shooting in which a person is hit, the following responsibilities shall be carried out by the members/Units designated.

### **3-10/410.00 DEPUTY RESPONSIBILITIES**

The Deputy assigned to write the first report (SH-R-49) shall provide details briefly describing the initial contact between Department personnel and the suspect. The report shall conclude by stating that a shooting occurred. No further details about the shooting or why it occurred shall be written. With the exception of those firing weapons or witnessing the shooting, supplemental reports shall be written by all personnel involved with the shooting incident/scene to document their observations and actions.

A canvass of the immediate area for witnesses shall be conducted without delay and area canvass cards (SH-R-471) shall be completed and given to Homicide investigators. Deputies canvassing an area who submit supplemental reports need only write what area was canvassed and how many canvass cards were turned in to Homicide investigators.

Supplemental reports of civilian witness statements shall not be written by Field Deputies unless exigent circumstances exist. For example, if a witness refuses to stay at the scene, and a Deputy believes the witness' statement cannot be taken at a later time and must be taken immediately, the Deputy identifying the witness may interview the person and complete a supplemental report to document the interview. If possible, the interview should be recorded (audio or video).

### **3-10/420.00 SUPERVISOR'S RESPONSIBILITIES**

The first supervisor to arrive at the scene shall ensure that the injured have been cared for, suspects have been apprehended, and the scene has been protected. After obtaining a brief description of the circumstances from them, the supervisor shall ensure that involved personnel are transported to the Station, Unit of assignment, or other suitable location without delay by uninvolved Deputies.

The first supervisor at the scene shall ensure that all civilian witnesses have been identified and shall attempt to have the witnesses, except for immediate family members, transported to the Station to be interviewed by Homicide investigators. Immediate family members of the wounded or deceased person, who may be witnesses, shall also be identified. If possible, considering the emotional impact of the situation, brief facts should be obtained to determine the extent of their knowledge of the incident. This information shall be furnished to Homicide Bureau investigators, who have the responsibility of determining the need for interviewing family members.

Supervisors, both at the scene and at the Station, shall ensure that no one questions or interviews involved personnel, except as set forth above, until the arrival of Homicide investigators, and that the witnesses are cared for and kept separated as space permits.

ALTHOUGH DEPUTIES INVOLVED IN THE SHOOTING MUST BE SEQUESTERED, THOSE WHO HAVE WOUNDED OR KILLED SOMEONE SHALL HAVE A DEPARTMENT MEMBER REMAIN WITH THEM UNTIL HOMICIDE BUREAU CAN CONDUCT INTERVIEWS.

Deputies who have sustained minor injuries, not requiring hospitalization, should remain in their current attire and postpone cleaning up until they have been photographed.

#### Watch Commander Responsibilities

The Watch Commander shall assign a Department member to provide aid and assistance as needed. That person shall avoid discussing the facts of the incident with personnel involved in the shooting. Numerous interviews of personnel involved in shootings prior to the arrival of Homicide Bureau personnel can negatively affect the ability of some individuals to relate facts accurately to Homicide investigators. All mandated notifications which the Watch Commander makes shall be verbal. A Chief's Memo regarding the incident will not be written. No written notifications of the event shall be forwarded to the media, local dignitaries, or personnel of any rank. These notification procedures shall also apply to Deputy involved non-hit shootings as well.

#### Unit Commander Responsibilities

It shall be the responsibility of each Unit Commander to ensure that a sufficient supply of "Deputy Involved Shooting Information and Resources" pamphlets are maintained and available for distribution in the aftermath of a shooting incident or upon request.

#### Area Commander Responsibilities

It shall be the responsibility of the involved employee's Division Commander to complete the "Deputy Involved Shooting Commander's Checklist." For shootings which involve employees from different Divisions, the Commander responsible for completing the checklist will be decided upon mutual agreement by the involved employees' Division Commanders. It is critical that the Commander review each section of the checklist for applicability to the incident and implement the recommended actions as needed. The checklist shall be submitted to the involved employee's Division Chief or Division Director on the first business day following the incident. It shall be retained within the Division's shooting book.

The Commander will ensure that the "Deputy Involved Shooting Information and Resources" pamphlets are distributed to all concerned parties, as appropriate. The

pamphlet is designed to provide information about what occurs in the aftermath of a Deputy-involved shooting incident.

The Commander shall be responsible for ensuring that the concerned investigative Units' needs are met, for arbitrating any conflicts between investigative Units, and for approving any deviation from the hit and non-hit shooting investigation protocols.

The on-scene Tactical Commander shall be responsible for handling all Commander level responsibilities associated with a Special Enforcement Bureau/SWT response.

### **3-10/430.00 UNIT RESPONSIBILITY - DEPUTY SHOT**

A Sergeant or Lieutenant from the injured Deputy's Unit shall respond to the hospital to act in a liaison role between medical personnel and Department personnel. This supervisor is responsible for organizing the information flow between the hospital and the Department, arranging security details (if appropriate), maintaining order and communicating with the Return to Work Unit.

### **3-10/440.00 HOMICIDE BUREAU'S RESPONSIBILITIES**

Homicide Bureau is responsible for conducting a thorough investigation into the incident. They are responsible for conducting the investigation of the scene and interviewing all concerned persons. Homicide Bureau investigators shall respond to the scene to conduct their investigation and then to the Station/Unit to interview the involved Deputies and other witnesses.

Homicide investigators shall interview all parties separately, and shall complete the detailed supplemental report of the actual shooting incident. The report shall include all witness statements. Department members' statements regarding the incident shall be tape-recorded.

The investigation conducted by Homicide Bureau investigators shall be submitted to the District Attorney's Special Investigations Division.

The Homicide Bureau Lieutenant shall interview the involved Deputies without delay. He shall fully inform the Unit Commander, as well as the IAB Force/Shooting Response Team, of the results of his preliminary interview and shall keep them fully informed of the significant developments of the investigation as they occur. As soon as practical, a Homicide Lieutenant will give concerned Department executives, IAB personnel, and District Attorney personnel a briefing of the incident and a walk-through of the shooting scene.

### **3-10/450.00 INTERNAL INVESTIGATIONS DIVISION (IID) RESPONSIBILITY**

The IAB Force/Shooting Response Team is responsible for conducting administrative reviews of shootings. In shooting situations where a person has been wounded or killed, team personnel shall cooperate with Homicide personnel and vice versa to gather the facts necessary for their review (see section 3-10/120.00).

### **3-10/460.00 CRITICAL INCIDENT RESPONSE - DEPARTMENT PSYCHOLOGIST**

Personnel involved in shooting incidents or other life threatening events often experience significant trauma. Incidents that can result in trauma include: wounding or fatally shooting, firing or attempting to fire, being fired upon and other life threatening events such as struggling with an armed suspect who has a position of advantage. These circumstances have the potential to affect the performance and health of the employees involved. A debriefing conducted by a Department psychologist can assist in reducing potential problems.

The exact impact varies with each individual and is difficult to predict. In some cases, there is no change in the individual. In others, the change may occur immediately, several hours or even days, weeks, or months later.

It is the responsibility of the concerned Unit Commander to arrange a debriefing between a Department psychologist and all involved personnel in any incident described above, no later than five days following the incident. This is to provide each employee with the opportunity to discuss the incident in a confidential environment. Employees shall be required to attend the debriefing.

The Department psychologist will only confirm that this first appointment was kept, but will not provide any information on the content of the session unless the employee requests such disclosure.

Employee Support Services Bureau will conduct a follow up contact with each employee via e-mail or phone at two weeks and four months. Should a subsequent debriefing be indicated, or requested by the employee, that debriefing shall be compensated under the provisions of the employee's Memorandum of Understanding. Unit Commanders should encourage attendance at these confidential debriefings geared to preventing problems related to the shooting or life threatening incident. The employee may also request a confidential follow-up session at any time after the first session.

In all shootings involving death or serious injury, the employee who fired the weapon, or was fired upon should be given the option of three days leave, three to five days posting in an assignment where risk exposure is minimal, or a combination of the two. Such options allow an employee an opportunity to marshal their natural coping skills to deal with the emotional impact of the incident, prior to returning to their former assignment.

For this type of incident, every effort should be made to schedule the debriefing with the Department psychologist during this three to five day time period.

There are times when entire Units may be adversely impacted by one or a series of shootings. A Department psychologist is available to conduct group debriefings upon request. When warranted, the psychologist may respond to the scene for an emergency debriefing/assessment.

In addition to the above, Unit Commanders should encourage, and/or at times require, those personnel involved in any event that has the potential to overwhelm their normal coping skills to attend a debriefing. Such events include traumatic traffic collisions, death of an infant or child during a rescue operation, career threatening injuries, death of a partner or colleague, and physical confrontation with a suspect or inmate which involves substantial danger to the employee.

### **3-10/470.00 COMMUNICATIONS AND RUMOR CONTROL**

The Homicide Bureau Lieutenant is responsible for updating the concerned Unit Commander concerning significant developments of any Homicide Bureau investigation. He is also responsible for providing information to the Sheriff's Headquarters Bureau to allow timely notification of the media.

The concerned Unit Commander, once he has been briefed by the Homicide Lieutenant, is responsible for the timely notification of his Area Commander, Division Chief or Division Director, the Assistant Sheriff, and the Sheriff or his executive assistant.

The Homicide Bureau is responsible for preparing a comprehensive memo concerning the facts of the incident. This memo shall be directed to the Sheriff from the Chief of the Detective Division. Distribution will be made to major Department executives, IID Headquarters, the IAB Unit Commander and the concerned Divisions. This memo shall be available at the beginning of the next business day following the shooting. The information shall be simultaneously furnished to the Sheriff's Headquarters Bureau, which is responsible for preparing Department messages to all Units for rumor control.

### **3-10/500.00 DEPUTY - INVOLVED SHOOTINGS - NO ONE HIT**

In situations in which Deputy personnel fire at another person and no one is hit, the procedures previously outlined for scene preservation shall be adhered to. Involved Deputies shall be ordered into the Station, Unit of assignment, or other suitable location to complete a detailed report of the shooting. The report must make clear the circumstances leading to the encounter, the hazards/threats faced by Deputies or others and the reasons that the decision to use deadly force was made. After obtaining a brief description of the circumstances from involved personnel, supervisors, both at

the scene and at the Station, shall ensure that no one questions or interviews them until this report is completed.

The IAB Force/Shooting Response Team shall conduct an administrative review of all situations in which Deputy personnel fire at another person and miss.

In situations involving accidental discharges or the shooting of animals, involved personnel and supervisors shall proceed according to the direction of the on-call IAB Lieutenant upon notification.

**3-10/600.00 STATISTICAL COMPILATION - SHOTS FIRED BY OR AT DEPUTIES - NO PERSON WOUNDED OR KILLED**

The Internal Affairs Bureau is responsible for the total compilation of all shots fired data. All Division headquarters are required to enter such information into the CARS system by the 4<sup>th</sup> business day of each month, for statistical purposes. Internal Affairs Bureau shall then forward a composite report to the Sheriff.



## **5-06/040.00 INTENDED PURPOSE OF LESS-LETHAL WEAPONS**

The intended purpose of less-lethal weapons is to temporarily interrupt a suspect's behavior. The application of less-lethal weapons alone cannot be expected to render the suspect harmless. Less-lethal weapons are intended to be tools of transition and Deputies must be prepared to fully exploit the brief opportunity to safely take the suspect into custody. This may be as simple as using a control hold or handcuffing. It may also consist of a repeated application of the less-lethal tool or the transition to another tool or tactic. The response to the application of any less-lethal weapon must be constantly assessed and its use continually evaluated.

## **5-06/040.05 USE OF LESS-LETHAL WEAPONS**

Only qualified Department personnel, who have successfully passed Department training and are currently certified in the use of the weapon, shall carry a less-lethal weapon. Less-lethal weapons include, but are not limited to, the following devices covered under this section:

- Baton Launching Systems,
- Electro-Muscular Disruption Devices (Taser),
- 12-Gauge stunbag,
- Pepperball launchers, Noise/Flash Diversionary Devices,
- Chemical agents (small aerosol containers).

Personnel carrying a less-lethal weapon system shall record the weapon's information per divisional directive (i.e., MDT/MDC entry, armory sign out log, or any other means a unit has adopted for accounting for these weapons).

The use of a less-lethal weapon will be at the discretion of the individual Deputy. Deputy personnel encountering a situation which may require the use of a less-lethal weapon system, when feasible, will immediately notify a supervisor.

Guidelines for the use of less-lethal weapon platforms fall under the "Situational Use of Force Options Chart." All Department personnel utilizing these weapons must do so only when objectively reasonable given the circumstances and shall be governed by MPP section 3-10/100.00, "Use of Force Review and Reporting Procedures."

## **5-06/040.10 LESS-LETHAL WEAPON SYSTEMS**

All Less-Lethal Weapon Systems and ammunition for these weapon systems shall be as specified and approved by the Weapons Training Unit prior to being carried. The Weapons Training Unit will maintain a list of approved weapon systems and ammunition at Biscailuz Center and on their web site.

## **5-06/040.15 BATON LAUNCHING PLATFORMS**

These weapons are to be transported in specially designed equipment drawers or hard cases. Prior to the beginning of the shift, authorized personnel who carry these weapons shall inspect the weapon.

37mm rounds are supplied in both a "Low Energy" and "Standard Energy." Minimum range for either round is three feet.

40 mm launching platform ammunition is available in various configurations for the use on individual targets or area of effect, such as group dispersal. Minimum range for 40 mm ammunition is three feet for indirect fire (skip fire) and five feet for direct fire.

The intended target zone for all baton launching platforms is low center mass unless the ammunition design dictates otherwise. The user shall not target the head or neck area when confronted with less than life threatening situations.

## **5-06/040.20 12 GAUGE STUNBAG WEAPONS**

The StunBag uses a less lethal "bean bag" round that is designed to be launched from a conventional 12 gauge shotgun. Only distinctively marked StunBag shotguns shall be used for the delivery of these rounds. These shotguns are to be stored in specially designated, department approved cases.

A StunBag shotgun shall be carried in a patrol vehicle assigned to general field law enforcement or traffic unit if one is available.

Authorized personnel carrying a StunBag shotgun shall inspect the weapon as they would a regular duty shotgun (check firing pin, etc.). Once the weapon passes inspection, it shall be carried with the slide forward with the barrel chamber empty, safety on, and loaded with four authorized StunBag rounds in the magazine tube.

Under no circumstances shall these weapons be loaded with buckshot or rifled slug duty ammunition.

Minimum range for the Stunbag is 30 feet. Firing the Stunbag under the minimum distance may cause projectile penetration.

The intended target zone for a StunBag bean bag is low center mass unless the situation dictates otherwise. The user shall not target the head or neck area when confronted with less than life threatening situations.

## **5-06/040.25 DEPLOYMENT OF NOISE/FLASH DIVERSIONARY DEVICES**

Noise/flash diversionary devices (NFDD) are less lethal weapons used to facilitate an effective resolution to assaultive or high risk situations where disorienting or moving an individual or group of people, to effect an arrest or clear an area, is desired.

A Stingball Grenade is a NFDD which explodes to disperse small rubber balls, accompanied by a loud noise and bright flash designed to disorient subjects.

A Flashbang Grenade is a NFDD which explodes with a loud noise and bright flash designed to disorient subjects but does not disperse projectiles.

Personnel using NFDD should avoid throwing grenades directly at individuals, in order to reduce the potential for flash burns or permanent hearing loss to the intended target when the grenade explodes. Use of these grenades in flammable environments is prohibited due to the high temperatures generated during deflagration, and their use in areas with combustible materials must be carefully considered to avoid fire.

Personnel using NFDD grenades must wear suitable eye and hand protection while handling or throwing grenades.

## **5-06/040.30 SA200 AND TAC 700 PEPPERBALL LAUNCHER**

The SA200 and TAC 700 Pepperball Launchers are designed as less lethal weapons for use in a wide variety of tactical applications encountered within law enforcement. They may be used as an area treatment device to deploy chemical agents upon resistive suspects or as a direct fire weapon on assaultive / high risk suspects. The intended target zone for the Pepperball Launcher is low center mass, unless the situation dictates otherwise.

Caution shall be used when using nylon glass breaking balls. Each nylon round shall be loaded individually into the breach of an SA 200 Pepperball gun. The nylon round shall not be fired from a TAC 700.

The SA200 and TAC 700 shall not be altered or modified in any way. Only approved munitions shall be fired in this weapon. All repairs to the weapon shall be made by the Department armorer.

## **5-06/040.35 PROCEDURE FOR USE OF INDIVIDUALLY ISSUED OLEORESIN CAPSICUM (OC) AND OC+ CHLOROBENZYLIDENE MALONONITRILE (CS) BLENDED AEROSOL AGENTS**

Personally issued aerosol chemical agents are dispensed from the following canisters:

- Two or four ounce OC spray,
- Two or four ounce OC+CS blended agents spray.

Individually issued OC or OC+CS blended agents may be used in situations where a Deputy must use physical force to protect himself or other persons from assault, to overcome resistance to effect an arrest, or to restrain a violent person in custody. Personnel must be aware when using the individually issued OC or OC+CS blended agents that the intended target is the face/eyes and the maximum effective range is 10-12 feet.

The following policy guidelines must be followed at all times:

- Each uniformed personnel from the rank of Lieutenant and below will be issued OC or OC+CS blended agents upon completion of the required training. OC or OC+CS blended agents shall be carried by all on-duty, uniform personnel while engaged in enforcement activities. OC or OC+CS blended agents shall also be carried by all non-uniform personnel actively engaged in patrol or investigative activities. Any exception shall be at the discretion of the Division Chief,
- OC or OC+CS blended agents may only be carried, on or off-duty, by Department members who have received Departmental training in its use. Non-sworn personnel who are authorized by their respective Division Chief may carry and/or use OC or OC+CS blended agents while in the performance of their duties; OC and OC+CS blended agents were developed to create a strong irritant, which may effect the eyes, respiratory areas, and the skin. These agents may cause a complaint of discomfort as opposed to a complaint of pain. A complaint of discomfort (i.e. irritation or redness) to the eyes, respiratory areas, or skin after any use of OC or OC + CS blended aerosol agents shall be reported as a less significant force and shall be governed by MPP section 3-10/100.00, "Use of Force Review and Reporting Procedures." A complaint of pain (i.e. blindness, chemical burns, or an allergic reaction) shall be reported as significant force and shall be governed by MPP section 3-10/100.00, "Use of Force Review and Reporting Procedures."

#### **5-06/040.40 PROCEDURE FOR USE OF TACTICAL CANISTERS OF OC AND OC+CS BLENDED AEROSOL AGENTS**

Only authorized aerosol agents may be dispensed from tactical sized canisters. Authorized agents may be used in situations where a Sergeant or Team Leader must direct physical force to protect Deputies and other persons from assault, to overcome resistance, to effect an arrest, or to restrain a violent person in custody when it is apparent that individually issued chemical agents would be less effective.

Personnel carrying any of these agents shall wear Department approved particulate masks during the application of the agent.

#### **5-06/040.45 USE OF CHEMICAL AGENTS**

The authorized use of CS chemical agents during disturbances, riots, barricaded suspects or mentally ill persons, shall have as a primary objective one or all of the following:

- Prevention of violence,
- Suppression and dispersal of unlawful assemblies with minimum hazard to the public and law enforcement,
- Incapacitation and removal of a barricaded person or suspect endangering life, property and public safety and security,
- Area/building deprivation to prevent further destruction of property when other means are not practical.

CS chemical agents shall not be employed, or their use threatened, to disperse demonstrators or others who are not actually endangering public safety and security.

#### **5-06/040.50 AUTHORIZATION FOR USE OF CS CHEMICAL AGENTS**

The use of CS agents may be authorized by the Watch Commander or, if applicable, the Incident Commander, or by a Sergeant.

The person authorizing the use of CS agents shall be held accountable for its use and be fully prepared to justify that decision.

#### **5-06/040.55 CS GRENADES AND THEIR USE WITH LAUNCHING SYSTEMS**

Currently, CS grenades utilized by the Department are of the flammable type. The possibility of a structure fire should be considered when making the decision for their use. For this reason, fire equipment shall be requested to the scene prior to the use of burning type gas inside a structure. In situations where the potential to start fires is a concern but the need to use chemical agents exists, consider using a non-burning agent.

#### **5-06/040.60 DECONTAMINATION AND MEDICAL CLEARANCE PROCEDURES**

All individuals effected with Oleoresin Capsicum, OC+CS blended agents, or CS agents shall be transported without delay to the Station where the individual can self-decontaminate. It shall be the responsibility of the transporting Deputy(ies) to ensure the individual has access to water where decontamination can take place. This procedure applies to individuals who do not have other medical conditions. In a case where Oleoresin Capsicum, OC+CS blended agents, or CS agents aggravate an existing condition or causes a medical condition, medical clearance shall be obtained through a

qualified medical facility, paramedic evaluation or other medical practitioner (i.e., registered nurse, licensed vocational nurse or EMT).

#### **5-06/040.65 40-MM FERRET AND 12-GAUGE PROJECTILES**

The 40-MM Ferret and 12-gauge non-flammable CS chemical agent projectiles are designed to be used against suspects who have barricaded themselves. Only personnel assigned to S.E.B. are authorized to use these munitions.

#### **5-06/040.70 PARACHUTE FLARES**

The use of parachute flares may be authorized by the rank of Captain and above.

Because of the extreme fire hazard, fire equipment shall be requested at the scene prior to the use of parachute flares. Flares may not be used in fire hazard areas.

#### **5-06/040.75 RESPONSIBILITY AND INVENTORY**

Under the direction of the Advanced Training Bureau Commander, the range master shall be responsible for maintaining the Department's supply of chemical agents.

Those Units having a supply of chemical agents on hand shall be responsible for conducting a yearly inventory and providing the range master with a copy of that inventory by the last day of June of each year.

#### **5-06/040.80 CHEMICAL AGENT USE REPORT**

This form shall be used in all instances when CS chemical agents are used. The complete form shall be filled in when chemical agents are used during crowd control and barricade situations. If Oleoresin Capsicum, Deep Freeze, or Freeze +P spray is used during crowd control and barricade situations, its use shall be documented as outlined in section 3-10/100.00 of this manual and under the "Notable Events" section of the "Supervisor's Report of Special Operations" (refer to EOP 4-4).

#### **5-06/040.85 RESPIRATOR MASKS**

Protective respirator masks currently being issued to Department employees are designed to protect the employee. Several different types of canister filters are currently being used by the Department. Employees shall be aware of the specific type of canister filter they are using and their limitations. Concerned Department members should understand the filtering capacity and the limitation of the mask being used. The

filtering element of any mask creates a resistance to normal breathing efficiency. Prolonged periods of strenuous activity while wearing the mask will hasten fatigue.

#### **5-06/040.90 ELECTRONIC IMMOBILIZATION BELT**

Upon approval by the Unit Commander, or by court order, personnel assigned to Major Crimes Bureau conducting prisoner extraditions may use the Electronic Immobilization Belt, in accordance with established Department procedures. These are the only Department personnel authorized to use the Electronic Immobilization Belt.

The Electronic Immobilization Belt is a less lethal electronic restraint device designed for the control and temporary immobilization of County inmates, prisoners from other jurisdictions and defendants. The belt is designed to provide a greater measure of control of suspects whose actions pose a threat to their own safety, or the safety of others. Activation of the Electronic Immobilization Belt, while it is being worn, shall be in accordance with the Department's Situational Use of Force Options Chart in the "High Risk/Assaultive" category.

The Department approved Electronic Immobilization Belt shall consist of a belt carrier, transmitter, receiver, stun package and a power source. The belt carrier shall be made of four inch wide heavy duty nylon, with built-in restraints for additional security. The receiver shall be controlled by an "on/off" key lock switch. An additional belt carrier made of five inch wide soft nylon, with no additional restraint levels can also be used interchangeably with the listed components. Personnel will be qualified to use the Electronic Immobilization Belt only after successfully completing Department approved training.

#### **5-06/040.95 ELECTRONIC IMMOBILIZATION DEVICE (TASER) PROCEDURES**

The TASER is a less lethal hand held electronic immobilization device used for controlling assaultive/high risk persons. The purpose of this device is to facilitate a safe and effective response in order to minimize injury to suspects and deputies.

##### **Use of the Electronic Immobilization Device (TASER)**

The following policy guidelines shall be adhered to:

- Only a Departmentally approved TASER shall be utilized by personnel,
- A TASER shall be issued to and used only by those personnel who have completed the Department's TASER Training Program,
- Personnel authorized to carry a TASER on duty, may purchase a Departmentally approved TASER for on and off duty use,
- Prior to the use of the TASER, whenever practical, Department personnel shall request a supervisor,

- Any individual subjected to an application of the TASER, in either the "probe" or the "touch/drive stun" mode, shall be taken to a medical facility prior to booking, for appropriate medical treatment and/or removal of the probes,
- Application of the TASER shall be discontinued once the suspect does not pose an immediate threat to themselves, Department personnel or the public.

Except in emergent circumstances, the TASER should not be applied to the following or used in any other situation where there is a reasonably foreseeable likelihood of severe injury or death. In the extraordinary instance that Department personnel feel compelled to utilize the TASER in the following circumstances, the conduct of the involved personnel shall be evaluated in accordance to the Use of Force policy with sound tactical principles.

- Handcuffed persons,
- Persons detained in a police vehicle,
- Persons detained in any booking or holding cell,
- Persons in control of a motor vehicle,
- Persons in danger of falling or becoming entangled in machinery or heavy equipment which could result in death or serious bodily injury,
- Persons near flammable or combustible fumes,
- Persons near any body of water that may present a drowning risk,
- Persons known to have a pacemaker or known to be pregnant.

The Custody Division Manual may define criteria for a unique application of the TASER within a custodial setting.

### Verbal Warning

Unless it would compromise officer safety or is impractical due to circumstances, a verbal warning of the intended use of the TASER shall precede the activation of the device in order to:

- Provide the individual with a reasonable opportunity to voluntarily comply.
- Provide other sworn personnel and individuals with a warning that a TASER may be activated.

The fact that a verbal and/or other warning was given or reasons it was not given shall be documented in any related reports.

Authorized Department personnel discharging a TASER shall request the response of a supervisor if not already en route or on-scene.

### Reporting the Use of the Electronic Immobilization Device (TASER)

The use of the TASER, either by utilizing the probes or the touch/drive stun mode, shall be reported as a "significant" use of force as defined in the Department Manual of Policy



and Procedures, section 3-10/100.00, "Use of Force Reporting and Review Procedures."

Whenever a use of a TASER requires force reporting, a download of the TASER stored data and video shall be conducted and submitted with the force package.

#### Personally Owned Electronic Immobilization Devices (TASER)

Authorized Department personnel shall only carry Department authorized Electronic Immobilization Devices (TASER) whether on or off-duty.

Personally owned TASERs shall be available for computer download upon the request of a supervisor. The device shall meet the specification of the Weapons Training Center, and shall only be used in accordance with this section.

Department personnel shall record all personally owned Department-authorized TASERs (carried on-duty and off-duty) with Personnel Administration when the devices are purchased or obtained, sold or disposed of, stolen or lost.

### **5-06/110.25 USE OF FORCE AND FIREARMS**

Deputies shall adhere to the Department's established policy governing the use of firearms (Policy and Ethics Chapter). Personnel must maintain strict fire control discipline. The person in charge shall issue specific and appropriate instructions regarding use of weapons and all personnel shall scrupulously follow those instructions. The concept of "directed fire by selected marksmen" is valid.

Should the individual deputy come under direct and deadly attack by the suspect, or if the suspect attacks or attempts to attack the hostage with deadly force, it is not required that a deputy wait for instructions to protect himself or the hostage. However, individual action should be undertaken only under the gravest of circumstances. As previously stated, the safety of hostages and deputies is of paramount concern.

### **5-09/210.15 PURSUIT - VEHICLE OPERATION AND TACTICS**

In order to minimize the likelihood of a pursuit, Deputies intending to stop vehicles shall, when practical and safe, be within close proximity to the vehicle prior to activating their red light and/or siren. Some individuals, who would not otherwise flee, may attempt to evade law enforcement when given several blocks warning of an intended stop. Deputies shall use red lights and siren as required by law to close their distance to a vehicle they are attempting to stop if necessitated by law, traffic, or road conditions. Unless the intended stop becomes a pursuit as described in MPP section 5-09/210.00, notification to SCC is not required (refer to MPP section 5-09/200.00).

#### Offensive Tactics

There shall be no attempt to stop the suspect vehicle by boxing in, heading off, ramming, or driving alongside of the pursued vehicle while it is in motion. Pursuits shall be primarily following actions. However, a patrol car may be used to block a suspect vehicle which has stopped or is nearly at rest when injury is unlikely and property damage would be minimal. If, during a prolonged slow-speed pursuit, it is apparent that the pursued vehicle may be safely "boxed in," the Watch Commander may authorize this maneuver. Personnel involved must not use this maneuver if there is a likelihood that the suspect may have a firearm and a "cross-fire" or other hazardous situation may occur. Should a suspect evade a "boxing in" maneuver, it should not generally be attempted again.

### Roadblocks

Unless absolutely necessary, and then only in the absence of another viable alternative, Deputy personnel shall not use their vehicles or place anything else in the roadway as roadblocks, since this tactic has generally been found to be ineffective and counter-productive.

### Pursuit Termination Technology/Devices

Department members are authorized to deploy pursuit termination technologies (e.g., spike strips) in an attempt to terminate a pursuit; when appropriate and upon notification to the primary unit (prior to the Watch Commander taking command) or Watch Commander. Only Department-authorized pursuit termination technologies may be used by qualified Department members. Assisting agencies may deploy pursuit termination technology approved by the agency in accordance with that agency's policy, if requested by the Watch Commander. The Training Bureau shall maintain records of any training required by this section. A list of approved pursuit termination technologies shall be maintained by Field Operations Support Services.

### Passing

There shall be no attempt by Deputies to pass other field units involved in the pursuit unless the passing Deputy receives specific permission from the unit to be passed.

### Surveillance Mode

Surveillance Mode is the authorized aerial surveillance of a suspect vehicle by an Aero unit after ground units have ceased their vehicle pursuit operation. Surveillance Mode is a separate tactical operation from the preceding ground pursuit and is not considered a continuation of the pursuit. However, it must be managed with the same diligence and priority as a pursuit. The duration of surveillance mode must be constantly evaluated against the reason for the pursuit and the resources committed to the operation.

In pursuits involving an Aero unit, wherein the pursuit becomes unreasonably dangerous because of the Deputy's speed, the suspect's speed or other factors, the

Watch Commander shall order all ground units to discontinue their pursuit. The primary unit in the pursuit, the Aero unit, or any supervisor may order Surveillance Mode. The Aero unit shall follow the vehicle until it stops and the suspect exits the vehicle or the operation is terminated by the Watch Commander.

Once Surveillance Mode has been established, all vehicles involved in the pursuit shall cease their pursuit, discontinue their Code 3 operation, reduce their speed, and allow the Aero unit to monitor the suspect vehicle. It is the intent of Surveillance Mode operations that no ground police vehicles be visible to suspect vehicle occupants, and that the suspect(s) is unaware of the Aero unit's presence. The Aero unit shall advise the Watch Commander of the rooftop number of any unit that does not immediately reduce its speed and disengage from the pursuit. If the suspect vehicle does not slow to normal traffic speeds after a reasonably short time during Surveillance Mode, the operation shall be discontinued. If the suspect vehicle stops, ground units will be advised and a tactical containment may be initiated unless prohibited by the Watch Commander. Refer to MPP section 3-10/150.00, Tactical Incidents. Once the suspect vehicle has stopped, the Watch Commander may allow a primary and one or more back-up units to respond to the terminus Code 3.

The Watch Commander, Aero unit, Field Supervisor, or primary unit is encouraged to employ Surveillance Mode as an operational tactic to allow termination of a pursuit, whether or not "unreasonably dangerous" conditions exist.

### **5-09/210.20 USE OF FIREARMS DURING PURSUITS**

The use of firearms against moving motor vehicles is inherently dangerous and almost always ineffective. Personnel engaged in pursuits shall conform to the policy regarding use of firearms against motor vehicles as described in MPP section 3-10/220.00, Assaults by Moving Vehicles - Firearms Policy.

### **5-09/220.05 DEPUTY HAS BEEN FIRED UPON**

When a deputy has been involved in a shooting and has been fired upon, he shall broadcast a "998" through SCC if the situation warrants. Often, deputies who are involved in shootings either wound or kill their opponent and terminate the shooting incident in a matter of seconds. To issue a Code 998 broadcast when only minimal assistance is required would cause needless hazard to responding deputies rolling rapidly to a non-emergent situation. Code 998 will not be used merely to signify that a deputy has fired his weapon.

The response shall be the same as for a "997" unless the requesting deputy limits or increases the number of field units required.

### **3-02/035.00 PREAMBLE TO FORCE MANUAL – CUSTODY DIVISION MANUAL**

It is the Sheriff's Department's responsibility to provide a safe custody environment for the inmates and a safe working environment for Sheriff's personnel. All employees shall view their professional duties in the context of safety for themselves, other employees, and inmates.

All jail personnel should maintain a professional demeanor, according to each situation, keeping in mind the Department's Core Values. All Department members shall focus on upholding safety, respect and professionalism, even in situations where force is required. Our collective and individual goal is to prevent force through effective communication emphasizing safety, respect, and professionalism as emphasized in the Department's Core Values.

### **3-02/035.05 FORCE PREVENTION POLICY**

Department members shall only use that level of force which is objectively reasonable to uphold safety in the jails and should be used as a last resort. Reasonable efforts, depending on each situation, should be made by jail personnel to de-escalate incidents by first using sound verbal communications when possible. If verbal communications fail, reasonable efforts should be made to call a supervisor to assist in seeking compliance from disruptive inmates (Refer to CDM 5-05/090.05, Handling Insubordinate, Recalcitrant, Hostile or Aggressive Inmates).

When force must be used, deputies and staff shall endeavor to use restraint techniques when possible, and use only that level of force required for the situation.

NOTE: In the Supreme Court decision of ***Hudson v. McMillan, 503 U.S. 1 (1992)***, it was held that, "the use of excessive physical force against a prisoner may constitute cruel and unusual punishment even though the inmate does not suffer serious injury." The "core judicial inquiry is. . .whether force was applied in a good faith effort to maintain or restore discipline. . . In determining whether the use of force was wanton and unnecessary, it may also be proper to evaluate the need for application of force, the relationship between that need and the amount of force used, the threat 'reasonably perceived by the responsible officials,' and 'any efforts made to temper the severity of a forceful response.' The absence of serious injury is therefore relevant to the Eighth Amendment inquiry, but does not end it."

### **3-02/035.10 PLANNED, DIRECTED AND SUPERVISED FORCE**

When force is required, every effort shall be made to plan, supervise, and direct force in an effort to control confrontations in a calm and professional manner.

In cases where Sheriff's Department personnel must take action to conduct lawful duties where there is not necessarily an immediate physical threat, such as prolonged passive resistance or cell extractions, there shall be a tactical plan predicated on preventing the use of force whenever possible. Supervisors shall be present during planned tactical operations.

### **3-02/035.10 PLANNED USE OF FORCE FOR INMATES WITH SPECIAL NEEDS**

If a situation arises involving a special needs inmate, the appropriate medical or mental health staff should be consulted, whenever possible, prior to the planned use of force.

### **5-12/005.05 ANTI-RETALIATION POLICY**

Inmates shall not be subject to retaliation for any reason. When inmate conduct requires a response from Department members, it shall be handled through the criminal justice system, inmate disciplinary system, or other methods consistent with the Department's Core Values, policies, and procedures.

Inmates shall not be threatened, intimidated, mistreated, abused, denied privileges, denied access to programs or services, or disciplined in retaliation for speaking with a legal representative, any inmate advocacy organization, any investigative entity, or for expressing dissatisfaction with any Department personnel or any conditions of confinement such as:

- Meals,
- Housing,
- Exercise,
- Visiting,
- Mail,
- Showers,
- Phones,
- Commissary,
- Medical treatment or medications,

- The performance of duties of Custody, Department of Mental Health, or Medical Services personnel.

Inmates are part of a community inside the jail system and shall not be discouraged from filing or expressing complaints, requests, or recommendations to Department members. Inmates shall also have the right to communicate with legal representatives, inmate advocacy organizations, or any investigative entities about complaints or personal legal matters. Members shall not ask inmates for details of their communications, or interfere with the intent to discourage complaints. Department member's relationships and communications with inmates shall remain professional at all times.

Department members shall not remove, destroy, or deprive an inmate from correspondence, including names, phone numbers, contact information, or any information that is used for legitimate and lawful purposes.

The unit commander shall immediately forward a copy of the retaliation complaint to Custody Services Division Headquarters. The complaint shall be reviewed by the area commander, as directed by the respective Division chief, and forwarded to the appropriate unit for handling within the fifteen (15) day time frame as outlined in the inmate complaint policy.

## **4-01/025.00 INMATE ASSAULT AND FORCE REPORTING IN F.A.S.T.**

### **Supervisor Responsibility**

When **any** assault, inmate on staff or inmate on inmate (e.g. battery, assault with a deadly weapon, etc.) occurs within the Custody Services Divisions, it is the responsibility of the handling supervisor to ensure the completion of the Inmate Assault Load Sheet. This form shall be completed in addition to any other required reports (see Custody Division Manual section 4-07/010.00, "Notification and Reporting of Significant Incidents"). Data from load sheets shall be entered into the Facilities Automated Statistical Tracking (F.A.S.T.) system. Inmate Assault Load Sheets shall not be completed if an Inmate Disturbance Load Sheet is completed (see Custody Division Manual section 4-01/020.00, "Disturbance Reporting"). The handling supervisor shall also ensure the completion of a load sheet for any reportable force incident.

### **Watch Commander Responsibility**

Following any inmate assault or use of force, the watch commander shall ensure that all required load sheets are completed by the handling supervisor prior to the end of the shift. A copy of the completed load sheet(s) shall be forwarded to the Unit Statistical Coordinator for entry into the F.A.S.T. system.

The original load sheet shall be placed into the URN file. A second copy shall be placed in the related use of force package(s).

### **Statistical Coordinator Responsibility**

Upon receipt of a load sheet, the Unit Statistical Coordinator shall ensure that data is entered into the F.A.S.T. system by the next business day. Load Sheets generated from Friday afternoons through Sunday shall be input on Monday (holidays exempt).

### **Unit Commander Responsibility**

Prior to the final approval of a use of force packet, unit commanders shall ensure the data from load sheets was accurately captured in F.A.S.T. and the Command Accountability Reporting System (C.A.R.S.).

## **4-01/025.10 INMATE RETALIATION REPORTING IN F.A.S.T.**

The unit commander shall be responsible for reviewing all retaliation complaints, and ensure all allegations of retaliation are entered into the Facility Automated Statistical Tracking (FAST) system as well as forwarded to the Area Commander. The unit commander should refer to the inmate complaint policy and 5-12/005.05 Anti-Retaliation Policy for the handling of retaliation complaints.

The Unit Statistical Coordinator shall ensure that data is entered into the F.A.S.T. system by the next business day. Load Sheets generated from Friday afternoons through Sunday shall be input on Monday (holidays exempt).

#### **4-07/005.00 CUSTODY FORCE REVIEW COMMITTEE**

The Sheriff's Department has created a custody facility specific Custody Force Review Committee comprised of three commanders assigned to one of the Custody Services Divisions, one of whom will be appointed as Chairperson. Additionally, a member of the Office of Independent Review (OIR) will participate as a monitor and provide input. The goals of the Custody Force Review Committee are to evaluate the force applied within custody facilities, the quality of Use of Force investigations, and the effectiveness of supervision in their units.

The Custody Force Review Committee (CFRC) shall review all Category 2 force incidents subject to oversight by the Custody Force Response Team (CFRT). Refer to CDM 4-07/005.05, Custody Force Response Team. In addition, the CFRC can review incidents at the request of a unit commander, or based on factors such as an increase in force incidents by facility, shift, or employee.

The CFRC will calendar completed force packages for review and will require the unit commander (or his or her designee); the handling facility sergeant, and the approving watch commander to attend. They shall be prepared to discuss specifics of the force incident, answer questions about the incident and the force review, and justify their recommendations regarding the incident. The CFRC shall review the force incident as a whole, including the events that precipitated the use of force and any prevention efforts (if applicable), as well as the quality of the force review. The handling Custody Force Response Team sergeant will present the basic facts of each incident and will act as a subject matter resource.

The CFRC chairperson shall report the Committee's finding, including recommendations, to the specific unit commander via memorandum. Recommendations to debrief involved and/or uninvolved personnel provide additional training, or conduct counseling shall be included in the Committee's memorandum. Exemplary performance or conduct shall also be acknowledged and appropriate commendations recommended.

The unit commander shall evaluate the Committee's findings, act on their recommendation(s), document their actions, address any disagreements, and report back to the Committee within thirty (30) business days.

If the CFRC determines that the force incident may have involved a violation of the Department policy, the specific Manual of Policy and Procedures section(s) shall be cited in the Committee's findings. The CFRC shall order that an administrative investigation be opened and assigned to the appropriate unit, which in the case of Category 2 force incidents shall be the Internal Affairs Bureau.



When completed, the administrative investigation shall be returned to the respective facility unit commander for disposition. Prior to issuing a Letter of Intent, the unit commander shall report on the findings of the investigation at the next scheduled CFRC session. The disposition shall then be processed through normal channels with the respective Custody Services Division chief having final approval. Discipline imposed as a result of CFRC review can be grieved via the normal grievance process.

Issues concerning tactics, training, and/or policy revisions shall be cited and a memorandum forwarded to the appropriate Department Unit/Bureau for consideration. After review by the CFRC, the Force Package shall be returned to the facility for processing to the Discovery Unit.

#### **4-07/005.05 CUSTODY FORCE RESPONSE TEAM**

The goal of the Custody Force Response Team (CFRT) is to ensure high quality force investigations through incident oversight and investigative evaluation. The (CFRT) is comprised of sergeants, designated to respond to specific force incidents, where they shall monitor various aspects of the inquiry, including but not limited to: interviewing participant employees, inmates, and witnesses, examining any video or evidence and monitoring the facility supervisor as they conduct their inquiry.

#### **CFRT Notification**

Watch commanders shall make immediate verbal notification to the CFRT lieutenant whenever any of the following force incident criteria are present:

- Significant inmates injuries as a result of employee contact or alleged contact
- Significant employee injuries as a result of inmate contact
- Taser use
- Carotid restraint

Significant injuries consist of more than minor redness, swelling, or bruising. Complaints of pain will not be considered notification criteria unless the complaint is regarding the head, neck, or spine; or, may possibly be indicative of an internal injury.

In addition, watch commanders may notify the CRFT lieutenant whenever he or she believes that the investigation of a force incident requires additional oversight and expertise.

All notifications shall be made through Sheriff's Headquarters Bureau: (323) 267-4800.

## **CFRT Response**

The CFRT lieutenant shall evaluate the information and determine if response is appropriate and, if so, shall notify the unit commander that the CFRT shall oversee the force investigation and assign a Response Team sergeant to act as an on-scene resource for the handling supervisor, providing information, guidance, analysis and recommendations.

The Response Team sergeants shall in the course of reviewing the incident, the Response Team sergeant may give specific direction to the handling supervisor, if appropriate. The facility supervisor has the primary responsibility of handling and documenting the force incident; however, the CFRT has the authority to take control and assume responsibility for the investigation. In the event of policy violations the CFRT lieutenant may initiate a request for an administrative (internal) investigation, through proper channels.

In examining force incidents, Response Team sergeants shall pay particular attention to events that precipitated the use of force and the tactics used. In incidents where multiple employees are participants, additional focus shall be placed on the actions of responding personnel and the tactics involved in their engagement.

## **Unit Commander Duties**

The unit commander shall forward the completed Use of Force package to the Custody Training and Standards Bureau captain no later than 30 days after the incident. The force investigation will then be scheduled for a CFRC review hearing. Refer to CDM 4-07/0050.05, "Custody Force Review Committee."

When an unforeseen circumstance interferes with a unit's ability to meet the above stated time lines, the unit commander shall advise the CFRC chairperson (commander) and formally request an extension in writing, explaining the reason for the delay.

## **4-07/010.00 NOTIFICATION AND REPORTING OF SIGNIFICANT INCIDENTS**

All significant incidents shall be reported to the Division/Department executives. Significant incidents of a serious/extraordinary nature shall be entered into the Custody Division Operational Log. The purpose of the log is to immediately inform the Division and Department executives of all incidents, actions, and/or events beyond the normal scope of routine operations. The unit watch commander shall promptly notify the Inmate Reception Center's (IRC) watch deputy by phone of any significant incidents. The IRC watch deputy shall enter all significant incidents in the Custody Division Operational Log and shall maintain the log.

Reference to the Custody Division Manual, section 7-52/000.00, "Significant Incident Notification Matrix," may assist personnel in determining those events to be reported. Significant incidents include, but are not limited to:

- Death or serious injury of any Custody Services Division employee (on or off duty),
- Employee relieved of duty,
- Officer-involved shooting (on or off duty),
- In-custody inmate deaths (natural, accidental, homicide, suicide)\*,
- Attempted suicides, where the inmate was transported to the hospital\*,
- Major disasters at Custody Services Division facility\*,
- Riots or major inmate disturbances (require a Department and Division Log Entry). Minor inmate disturbances do not require a Department or Division Operations Log entry\*,
- Escape or attempted escape\*,
- Major mechanical failure causing a serious disruption at any Custody Services Division facility\*,
- Special Weapons Team responses,
- Any significant incident (visit or arrest) involving a contract city, elected official, foreign official, consular, dignitary, or person of notoriety.
- Facility inspections by other county or government agencies\*,
- Local court decisions affecting any Custody Services Division facility (housing, injunctions, suits, etc.),
- Interviews by news media,
- Any incident of significant risk management liability\*,
- Off duty incidents,
- Erroneous releases,
- Mattress sleepers.

\*In the event of the above significant incidents marked with an (\*) occur *in* any facility within Custody Services Divisions, the watch commander (or designee) shall contact Custody Support Services (CSS) via telephone at (424) 234-6798, within thirty (30) minutes from the time of occurrence.

Additionally, all significant incidents require a memorandum to the respective Division chief from a unit commander and/or a memo from the respective Division chief to the Sheriff. This report shall be typed, approved by the unit watch commander, and delivered or E-mailed to the respective Division chief's office without delay.

If the significant incident occurs during the evening or early-morning hours, or during a weekend/holiday period, the report/memorandum shall be delivered to the respective Division chief's office prior to 0830 hours the following business day. A copy of the Significant Incident Notification Log of the incident shall accompany the memo.

The concerned unit's watch commander shall also initiate the following actions in response to a significant incident:

- Notify all Custody unit commanders via computer E-mail system in the event of a riot or major inmate disturbance,
- Initiate E-mail to appropriate units, including the respective Division chief's office,

- Telephonically notify the concerned area commander prior to sending the required memorandum,
- Ensure that the proper Significant Incident Notification Log forms have been filled out completely and a copy forwarded with the appropriate memorandums.

#### Minor Inmate Disturbances

It is not necessary to report minor inmate disturbances for inclusion in the Custody Division Operational Logs. However, minor inmate disturbances shall be recorded in the facility log. Notification of the incident to the area commander and the respective Division chief by memorandum is required.

Refer to the Custody Division Manual, section 7-18/000.00, "Facility Significant Incident Log", section 7-34/000.00, "Inmate Significant Incident Log", and section 7-17/000.00, "Employee Significant Incident Log."

#### **4-07/015.00 NOTIFICATION OF INCIDENTS TO CUSTODY INVESTIGATIVE SERVICES UNIT (CISU)**

Unit commanders, or their designees, shall notify CISU upon the discovery of a serious criminal event.

A serious criminal event includes but is not limited to the following:

- Attempted murder,
- Assault with a deadly weapon (resulting in great bodily Injury and/or hospitalization),
- Assault on staff (resulting in felonious injury, including 69 PC, 148 PC and 243(b) PC),
- Significant sexual assault,
- Attempt escape,
- Any significant inmate disturbance event, particularly those deemed to be of a racial motivation.

The CISU lieutenant or sergeant shall determine the appropriateness for an immediate response of investigative resources based on the nature of the crime/incident.

All CISU notifications during normal business hours shall be made directly to CISU. After normal hours, notifications shall be made to the Twin Towers Correctional

Facility's (TTCF) Main Control which shall make immediate contact with the CISU lieutenant or designated sergeant who will in turn, contact the individual requestor of services.

#### **4-07/015.05 USE OF FORCE PACKAGE**

Watch commanders/supervising lieutenants of the Custody Services Divisions shall prepare and submit a force review package to the unit commander for all reviews of force not conducted by an Internal Affairs Bureau (IAB) Force/Shooting Response Team. In addition to the required items set forth in the Manual of Policy and Procedures (MPP) Use of Force policies, Custody Services Division force review packages shall include the following items:

- Involved employee's use of force memos if no SH-R-49 was submitted,
- In cases of hospital/urgent care treatment or when the inmate is scheduled for a follow-up examination, that a timely additional investigation was conducted to verify the injuries or inmate's medical status,
- Audio or video recordings (Closed Circuit Television (CCTV) or hand-held camera) of the actual incident (if applicable),
- In instances of the Total Appendage Restraint Procedure (TARP) being applied, the TARP-related information obtained from the immediate supervisor, as outlined in the Immediate Supervisor's Responsibilities subsection, shall be documented in the memorandum. For additional information, refer to Manual of Policy and Procedures (MPP) section 3-01/110.22, "Total Appendage Restraint Procedure (TARP)",
- Inmate Inventory by Permanent Housing Location (Purge), if applicable,

#### **Review of Multi-media Documentation**

Custody Services Division watch commanders shall personally review any facility CCTV footage, video and audio recordings, and any photographs that are related to a force investigation they are assigned to review and approve.

Watch commanders shall include the following notation at the end of the "Watch Commander's Review" section of the Supervisor's Report on Use of Force (Form SH-R-438P):

*"I have viewed all video and audio recordings (including facility CCTV, handheld camera footage of the incident, interviews, and photographs) that document any aspect of this force incident."*

If the facility has a CCTV system and no video is available for the incident, the watch commander shall indicate the reason (for example: the system was down, no camera is positioned to cover that area of the facility). The watch commander shall document if a

repair request was submitted, if a new camera needs to be installed to provide additional coverage, or whatever remedy was required to address the problem.

The unit commander shall follow-up on the video issues noted by the watch commander and shall ensure the problem is remedied.

#### Submission of Force Package

Refer to MPP section 3-10/110.00, "Use of Force Review Procedures."

### **5- 03/115.00 PREGNANT INMATES**

Upon arrival at a custody housing facility, female inmates shall be screened by medical personnel and, if requested, provided a pregnancy examination. Inmates who are deemed by medical staff to be pregnant shall receive the following considerations:

- A balanced, nutritious diet approved by a doctor,
- Prenatal and postpartum information and healthcare, including, but not limited to, access to necessary vitamins as recommended by a doctor,
- Information pertaining to childbirth education and infant care,
- A dental cleaning

#### Restraining Pregnant Inmates

When security demands require the restraint of a pregnant inmate, while either in a custody facility or during transportation, the inmate shall be restrained in the least restrictive manner possible. The method of restraint shall be consistent with the legitimate security needs of each inmate, as determined by the inmate's criminal history and propensity for violence or escape.

#### Labor and Childbirth

Pursuant to California Penal Code Section 6030(f), "...at no time shall a woman who is in labor be shackled by the wrists, ankles, or both including during transport to a hospital, during delivery, and while in recovery after giving birth, except as provided in [Penal Code] Section 5007.7."

In accordance with Penal Code Section 5007.7, an inmate may not be shackled after they are declared to be in active labor, "...unless deemed necessary for the safety and security of the inmate, the staff, and the public."

If security demands dictate that an inmate be shackled while she is in labor, special consideration shall be made to secure the inmate in the least restrictive manner, consistent with the legitimate security needs of the inmate, and in a way which will not interfere with the birthing process or endanger the safety of the inmate or the baby.

As soon as practically possible, the facility watch commander shall be notified about an inmate who has been shackled while in labor. The details of the incident, including the reason for restraint, shall be documented in the facility log book.

### **5-03/130.05 SAFETY CHAIR**

Unit commanders shall ensure that procedures related to the use of the Safety Chair conform to the policy of the Custody Services Divisions.

The Safety Chair is intended to be used for short term security, temporary control and transportation of an inmate who has been identified as violent, self-destructive, or a high security risk. Safety Chairs shall never be used as punishment, harassment, or for the sole purpose of knowingly causing harm to an inmate. This is not a medically ordered restraint device but rather a security restraint device as noted in Title 15, Section 1058.

Only the “Emergency Restraint Chair, Inc.” brand Safety Chair shall be used unless the unit commander receives the prior approval of the respective Custody Services Division chief. The Safety Chair shall not be modified from the original specifications unless done so by the manufacturer.

Only trained personnel shall be authorized to perform, assist, or supervise the placement or removal of an inmate in the Safety Chair. The concerned facility’s training unit shall maintain a record of custody personnel trained in the use of the Safety Chair.

#### **Use of the Safety Chair**

The Safety Chair shall only be used when other less restrictive alternatives have failed, or it is apparent that they will be ineffective in controlling the inmate. Except in exigent circumstances, prior approval shall be obtained from a supervisor at the permanent rank of sergeant or above and the supervisor shall be present during the inmate’s placement in the chair. It is the responsibility of the supervisor to ensure that the entire procedure is video recorded. Without exception, all inmates placed in the Safety Chair shall be expedited to their final destination.

If an inmate complains of pain, the inmate shall be medically evaluated immediately after placement in the Safety Chair. This medical evaluation as to whether the inmate shall remain in the safety chair shall take precedence over the custodial evaluation. All Department policies regarding injuries sustained by inmates and use of force procedures shall remain in effect. Pregnant inmates shall not be placed in the Safety Chair. Personnel should ensure that all of the inmate’s personal property, excluding jail clothing, has been removed (i.e. jewelry, glasses, shoes, boots, socks, etc.). Whenever

possible, the cooperation of the inmate shall be sought in order to seat them in the Safety Chair on their own.

### Monitoring Inmates Secured In The Safety Chair

The following criteria shall apply in each incident when an inmate is secured in the Safety Chair:

- The inmate shall remain in continual, direct visual contact at all times by the designated custodial personnel,
- Twice every thirty (30) minutes, at least fifteen (15) minutes apart, custodial personnel shall check the inmate and document any comments regarding the health and physical condition of the inmate. All components shall be physically checked to ensure they are properly secured and present no obvious physical signs of circulatory restrictions to the inmate's extremities,
- The maximum time an inmate shall be secured in the Safety Chair is **two (2) hours**, unless exigent circumstances require the need to keep the inmate secured in the Safety Chair. Approval shall be obtained from a supervisor at the permanent rank of lieutenant or above, or on-duty watch commander, in consultation with medical staff, for any extension past the two (2) hours and the reason for the extension noted on the "Record of Inmate Checks, Safety Chair Log."
- All observations and actions taken shall be documented in the "Record Of Inmate Checks, Safety Chair Log" and the Uniform Daily Activity Log,
- If observations indicate that the inmate is and has been calm for a minimum of thirty (30) minutes, a supervisor at the permanent rank of sergeant or above shall be summoned to observe the inmate and make the determination if the inmate should be removed from the Safety Chair.

If an inmate is held in the safety chair for a two (2) hour period, then it is required that the inmate be removed from the safety chair for a minimum of thirty (30) minutes prior to any subsequent application (unless exigent circumstances apply as noted above). Inmates secured in the Safety Chair shall not be denied food, water or beverages, prescribed medications or access to a bathroom, unless there is substantial cause to do so. If there is compelling and substantial justification for denying an inmate secured in the Safety Chair any of the above listed items or services, the watch commander shall obtain the concurrence of available medical staff.

### Medical Evaluation When Released From The Safety Chair

Inmates that complain of pain or have any visual signs of injury shall be medically evaluated immediately upon release from the Safety Chair.



## Reporting Use Of Force

The un-resisted placement of an inmate into the safety chair for secured movement through the facility may not necessarily constitute a use of reportable force. However, if in the course of applying restraints, the inmate struggles or resists in any way, it does constitute a use of force and must be reported pursuant to the Department Manual of Policy and Procedures, section 3-10/100.00, "Use of Force Reporting and Review Procedures."

In all instances that the safety chair is utilized, a unit reference number shall be drawn, and a "Safety Chair: Inmate Security Check Log" shall be completed. A copy of the form shall be forwarded to the statistical coordinator for entry into Facility Automated Statistical Tracking (FAST).

The video recording and all appropriate paper work shall be maintained at the concerned facility for four (4) years. If the inmate is injured as a result of utilizing the safety chair, or if there is a significant risk management factor or a lawsuit is filed, all documentation shall be maintained indefinitely.

## **5-03/130.00 MEDICALLY ORDERED RESTRAINT DEVICES**

Unit commanders shall ensure that procedures related to the use of medically ordered restraint devices conform to the policy of the Custody Services Divisions. Restraint devices shall only be used on inmates who display behavior which results in the destruction of property, or pose a serious threat to themselves or others. Restraint devices are used to immobilize an inmate's extremities and prevent them from being ambulatory. Restraint devices shall not be used under any circumstances to punish or harm an inmate. Caution must be exercised when using restraint devices to guard against the risk of any medical distress or asphyxia. The longer the time the procedure or device is used the greater medical risk or asphyxia.

This section does not apply to the use of handcuffs, shackles, safety chairs, or other restraint devices when used to restrain inmates for security reasons pursuant to Title 15, Minimum Standards For Local Detention Facilities, section 1058 "Use of Restraint Devices." See Custody Division Manual 5-03/130.05, "Safety Chair" for Policy and Procedure pertaining to the safety chair. Examples of restraint devices include, but are not limited to:

- 3 and 4 point restraint systems,
- Soft ties,
- Padded belts,

- Restraint boards.

Only restraints specifically manufactured for the purpose of safely restraining persons shall be used. Restraint devices shall not be modified from their original specifications unless done so by the manufacturer. All restraint devices shall have the prior approval of the respective Custody Services Division chief. Restraint devices shall never be used as punishment, harassment, or for the sole purpose of knowingly causing harm to an inmate.

Only trained personnel shall be authorized to perform or assist in the placement or removal of restraint devices. The concerned facility's training unit shall maintain a record of custody personnel trained in the use of each restraint device. The entire restraint procedure shall be video recorded and a sergeant trained in the use of restraints shall be present during the entire restraint procedure.

Any incident requiring the use of restraints shall be recorded in the Watch Commander's Log. The watch commander shall provide a memorandum to the unit commander which shall include the following information:

- Date and time of occurrence,
- Inmate's name and booking number,
- Location,
- Personnel involved,
- Reason for the use of the restraint device,
- Condition of the inmate before and after release from the restraint device,
- Name of the physician or psychiatrist ordering restraints and the reason,
- Name of the nurse who medically assessed the inmate after the restraints were applied and the location where the assessment occurred,
- The area where the inmate was housed prior to being placed into restraints,
- The classification of the inmate (mentally ill, homosexual, general population, etc.),
- Any other significant information related to the inmate's health,
- How long the inmate was in the restraint device.

Additionally, all restraint procedures shall be reported to the Inmate Reception Center watch deputy for entry into the Custody Division Operations Log.

The video recording and all appropriate paper work shall be maintained at the concerned facility for four (4) years. If the inmate is injured as a result of applying the restraints, or if there is a significant risk management factor or a lawsuit is filed, all documentation shall be maintained indefinitely.

Prior to force being directed by any Department supervisor in the application of a restraint device, all reasonable and appropriate alternatives shall be considered in an effort to solicit cooperation. This may include counseling the inmate regarding the need for restraints. If in the course of applying restraints, any resistance is encountered, the use of force shall be reasonable and reported pursuant to the Department Manual of Policy and Procedures, section 3-10/100.00, "Use of Force Reporting Procedures."

### Restraining Pregnant Inmates

Restraint devices specified in this section shall only be used on pregnant inmates or inmates suspected of being pregnant under the most compelling circumstances and then only after consulting with medical personnel (physician or psychiatrist). In considering the use of restraint devices on pregnant inmates, personnel shall first establish articulable facts to demonstrate that the inmate poses an immediate threat of great bodily injury or death to herself, her fetus, others, or who display behavior that results in the destruction of property. The use of medically ordered restraint devices shall be at the direction of medical personnel, and a nurse, psychiatrist or physician shall be present during the entire restraint procedure. Medical personnel shall assess the inmate's condition and position, once the restraints have been applied.

### 3 and 4 Point Restraints

The use of restraints is a medical procedure and, except in the case of exigent circumstances, their use shall only be authorized by a Sheriff's Medical Services physician or a Department of Mental Health psychiatrist. Whenever a physician or psychiatrist directs that an inmate be placed into restraints, Medical Services staff and a Department supervisor, at the permanent rank of sergeant or above, shall be present. The supervisor shall monitor the movement of the inmate from his housing location to the designated area for application of restraints, and remain while the restraints are being applied. Movement of the inmate to the Medical Services Building shall not be unnecessarily delayed.

Immediately upon application of restraints, medical staff shall evaluate the inmate. If the medical evaluation indicates that restraints place the inmate's health at risk, the restraints shall be removed. Immediate removal of restraints without the direction of medical personnel may also occur in emergencies including, but not limited to:

- Emergency evacuations (i.e., fire, earthquake, etc.),
- Cessation of breathing,
- Heart attack.

In every exigent circumstance where restraints are removed without medical concurrence, the watch commander shall be notified immediately.

### Application of Medically Ordered Restraints

Custody personnel shall assist in the placement and removal of restraints at the request of the medical staff. Application of restraints is a tactical event, which requires pre-planning on the part of the sergeant and requires strong command and control. The sergeant shall supervise and manage the custodial personnel in the application of restraints. Prior to applying medically ordered restraints, the sergeant shall review the order for restraints. If more than two (2) hours has elapsed since the order was given the sergeant shall request a reevaluation of the need for restraints, based upon the inmate's current condition. The sergeant shall then advise the inmate of the reason for the intended application of restraints and attempt to gain the inmate's cooperation with the application of the restraints. The sergeant shall ensure that sufficient personnel, trained in the application of restraints, are present, and that all assisting personnel are thoroughly briefed regarding their individual duties and responsibilities in applying the restraints. Under most circumstances at least one custodial personnel per limb shall be assigned to restrain the inmate. When the specific individual limb restraint takes place, two personnel shall be used during that portion of the procedure; one to constrain the limb, the other to apply the restraint. Deviation from this procedure may only occur under exigent circumstances.

When applying restraints, custodial personnel must be cognizant of the inmate's physical condition. Since the application of restraints is a medical procedure, personnel must consider that preexisting medical or mental health conditions may exist. The application of pressure upon the neck, throat, chest, diaphragm, or abdomen of the inmate, or any control technique that impairs the inmates ability to breathe, shall be avoided in all but the most compelling of circumstances. The sergeant shall ensure that the inmate has unrestricted breathing during and after the application of restraints. The sergeant shall diligently monitor personnel to assure that the control techniques being used comply with this section. Any person involved with the application of restraints, especially the sergeant and the medical services clinician, have the duty to terminate the procedure immediately if they detect any action that puts the personnel or the inmate in unreasonable danger of a life threatening situation, injury, or medical distress.

All restraining procedures shall be videotaped, uninterrupted, including:

- Transport of the inmate to the Medical Services Building (MSB) medical clinic or the Infirmary,

- All conversations between the sergeant and the inmate,
- Placement of the restraints on the inmate,
- Medical Services' staff assessment of the inmate's medical condition and comfort immediately after the restraints have been applied.

The un-resisted placement of an inmate into restraints does not necessarily constitute a use of reportable force as stated in the Manual of Policy and Procedures. However, if in the course of applying restraints, the inmate struggles or resists in any way, it does constitute a use of force and must be reported pursuant to the Department Manual of Policy and Procedures, section 3-10/100.00, "Use of Force Reporting Procedures."

### Monitoring Restrained Inmates

An inmate placed in restraints shall be housed in the MSB clinic area, separately from all other inmates. Custody personnel and Medical Services staff are responsible for conducting safety checks of all inmates placed in restraints, consisting of a direct visual observation check to ensure that the inmate is breathing. Safety checks are conducted at least twice during every thirty (30) minute period at least fifteen (15) minutes apart. Department of Mental Health personnel may require additional safety checks for the mentally ill inmates who are placed in restraints. Safety checks shall be documented on a safety check log.

### **5-04/020.00 JAIL MENTAL EVALUATION TEAM (JMET)**

Four (4) Custody Services Division: Specialized Programs - Jail Mental Evaluation Teams (JMET) address the needs of mentally ill inmates within the custody of the Los Angeles County Sheriff's Department. The primary responsibility of the JMET teams is to identify mentally ill inmates who may be in need of attention to address their special needs.

All inmates in the general population shall have access to Mental Health Services. Custody personnel or Medical Services may request evaluations. During routine working hours access to Mental Health Services will be provided by JMET members.

Each team consists of one deputy and one mental health clinician. Two North teams are assigned to, and responsible for, every facility within the Pitchess Detention Center and are available Monday through Saturday. Two South teams are responsible for the Century Regional Detention Facility, Twin Towers Correctional Facility, and Men's Central Jail and are available Monday through Friday. All teams are available during day-shift hours.

### Command and Control

JMET is based at the Twin Towers Correctional Facility (TTCF), and works under the command of the TTCF captain. Members report to the TTCF Mental Health Liaison lieutenant.

Telephonic notification and written statements of significant incidents; e.g. use of force, injury to JMET staff members, shall be made and submitted to the TTCF Mental Health Liaison lieutenant (or his/her designee).

### Crisis Situations

During their normal working hours JMET shall be available to watch commanders to respond to crisis situations and/or tactical situations. Watch commanders may consider the use of JMET in situations including, but not limited to:

- Barricade situations,
- Suicidal ideation,
- Exhibition of bizarre behavior,
- Hunger strike,
- Threatening others.

In these circumstances, JMET may act as consultants, or may be used to communicate with the inmate in an effort to defuse a situation.

### JMET Referrals

When a staff member from an affected facility encounters an inmate whom they feel may need the attention of a mental health clinician, the appropriate JMET shall be notified. Each facility shall designate a central point where staff members can log referrals to the JMET. Members of the JMET shall review the referral log and interview the inmates in question to assess their mental health needs. In no way does this preclude any custody personnel from taking emergent action if they perceive that an inmate needs immediate attention.

In some cases, JMET may determine the inmate is not suitable to remain in a general population setting. In such cases, a Behavioral Observation and Mental Health Referral (Form SH-J-407) shall be completed and arrangements made to transfer the inmate to the Inmate Reception Center (IRC) for a more intensive medical health evaluation, and placement in an appropriate level of mental health housing. These may include:

- TTCF, Tower I (male inmates),

- TTCF, Tower II (female inmates),
- Correctional Treatment Center (CTC), Department of Mental Health, Forensic In-Patient Program (FIP).

Transportation of an inmate to TTCF mental health housing shall be provided by the facility from which the inmate is being transported. JMET members may accompany the transporting facility deputy if it is apparent that the presence of JMET will reduce the risk of violent or self-injurious behavior on the part of the inmate.

Staff members may refer an inmate to JMET who may not be in need of mental health housing. In those situations, JMET will determine if further mental health intervention is needed.

### Medical Services

JMET referrals are brought to the originating facility's clinic for evaluation prior to transfer. JMET referrals shall be prioritized by Medical Services personnel. These inmates shall be medically cleared to determine if they are appropriate for transfer to mental health housing at TTCF. JMET shall recommend the appropriate housing location at TTCF based on their initial assessment of the inmate. The watch commander, in conjunction with Medical Services personnel, shall make the final determination for immediate or routine transportation of the inmate. Alternate transportation shall be arranged if the inmate's condition decompensates and warrants any urgency as determined by JMET.

NOTE: It is the intent of this policy that all inmates referred by JMET receive a medical evaluation prior to their transport to TTCF, however, no inmate shall be unduly delayed in this process. If the watch commander of the originating facility determines that a medical evaluation will cause an unnecessary delay in the movement of the inmate, then the watch commander may authorize the immediate transport of the inmate to the IRC main clinic, where a medical evaluation shall occur. The name of the watch commander making this authorization shall be noted on the Behavioral Observation and Mental Health Referral (BOMHR) form (SH-J-407).

The medical section of the original Behavioral Observation and Mental Health Referral (BOMHR) form shall be completed and identified as a JMET referral. The words "JMET Referral" shall be stamped or handwritten across the top in red ink with the recommended housing location clearly visible in the upper right hand corner.

The following documents shall be given to the escorting deputy in a sealed envelope with the name of the facility, the inmate's name, booking number, and the name of the handling medical staff printed legibly on the outside of the envelope:

- Original Behavioral Observation and Mental Health Referral (BOMHR) form,

- Medical chart and/or relevant medical documents,
- Jail Records Card (JRC).

Medical Services shall notify the following by facsimile of the Behavioral Observation and Mental Health Referral (BOMHR) form, to ensure appropriate housing and handling of the inmate:

- Department of Mental Health personnel,
- IRC Medical Services Clinic.

Facsimile copies of the BOMHR forms sent to the IRC Clinic shall be collected by that shift's supervising nurse who shall retain them pending the inmate's arrival. The supervising nurse shall also take delivery of the medical chart when it arrives, and ensure that the chart is delivered to Health Information Management Services for appropriate disposition.

#### Transporting Deputy

The transporting facility deputy shall ensure that the appropriate paperwork accompanies the inmate to IRC. Upon arrival at IRC, the inmate and paperwork shall be delivered to the IRC Clinic.

#### Confidentiality

Custody Division JMET personnel shall maintain the confidentiality of all JMET referrals pursuant to Welfare and Institutions Code, Article 7, section 5328, "Legal and Civil Rights of Persons Involuntarily Detained." Additionally, all JMET members shall have a signed Oath of Confidentiality on file at TTCF. This oath mandates that an inmate's mental health history as well as current information obtained from a JMET contact is considered confidential.

### **5-05/080.00 INMATE EXTRACTIONS**

Inmate extractions are accomplished through directed force in situations where it becomes necessary to remove an inmate, who refuses to exit a confined area. A confined area is defined as any cell or area that can be isolated or controlled. The goals of an inmate extraction are to restore order, maintain the security of the facility and safely remove inmates, when necessary, using only the force necessary and reasonable to accomplish the objective.

Inmate extraction teams shall maintain a high level of proficiency through training. Recurrent training shall include use of force policies and related legal issues, the use of



special weapons and related policies, and the use of specialized equipment, tactical options, team discipline, and team leadership.

In keeping with the tenets of the department's force prevention policy, the inmate shall be afforded the opportunity to comply with instructions and exit voluntarily prior to implementing such measures. If the inmate exits the confined area as the result of verbal commands only, it is not considered an inmate extraction. In no case shall any of these measures be used to punish an inmate for refusing to comply.

When simple instructions and requests fail to cause an inmate to exit the confined area, a supervisor at the rank of sergeant shall be notified. If the sergeant is unsuccessful in gaining the inmate's cooperation, the watch commander and the inmate extraction team shall be notified and respond to the area. Deputies who have been involved with the circumstances or conflict with an individual inmate that led to the need for an extraction shall not be part of the extraction team. Negotiations with the inmate shall resume to attempt to gain his/her cooperation.

In the event of an extraction, the "Watch Commander's Extraction Checklist" as well as the "Use of Force - EXTRACTION, Incident Analysis/Review Package" shall be completed. Department force reporting procedures as outlined in the Department Manual of Policy and Procedure (MPP), section 3-10/100.00, "Use of Force Reporting Procedures" also apply.

#### Court Removal Orders and Subpoenas

In the event the extraction is based upon a court removal order or subpoena, the watch commander shall contact the judge of the concerned court. The judge shall be advised that force may be necessary to extract the inmate from a confined area to ensure the court appearance. The judge will be offered an opportunity to enforce, rescind or delay the removal order. If the judge demands the inmate appear in court, the inmate shall be extracted on the verbal order of the court. Authorization for the removal from the judge may be relayed and accepted via the court clerk or bailiff. Following the verbal order, the judge will send a facsimile of a minute order requiring the inmate's appearance in court to the unit commander of the concerned facility. In the event that the judge of the concerned court is not available the watch commander shall make every effort to contact the presiding judge of the court and follow the same procedures. A record of all contacts between custody facilities and courts, and copies of minute orders shall be included and/or documented on the Watch Commanders Extraction Checklist.

#### Immediate Extractions

The watch commander may authorize staff to conduct an immediate extraction when the behavior of the inmate(s) constitutes an immediate and serious threat to the safety of that inmate, staff, visitors, other inmates (i.e., assaults and suicide attempts), or to the institution (i.e., controlling disturbances, including the massive destruction of property).

Nothing in this policy precludes personnel from entering any confined area to effect the rescue of an inmate in the event of exigent or life-threatening circumstances. However, any such actions by staff must be clearly articulable and documented.

### Controlled Extractions

Controlled extractions occur in situations where an inmate is in an area that can be isolated or controlled. It does not normally involve an immediate threat to loss of life, substantial loss of property, or institutional security. Controlled extractions may only be authorized by the watch commander.

The unit commander shall be notified of all Controlled Extractions prior to the commencement of the extraction. This notification shall be documented in the Watch Commanders' Incident Analysis/Overview. In the event the unit commander is not available, the inmate extraction may proceed at the watch commander's discretion, and the attempt to notify the unit commander shall be documented as noted above.

### Watch Commander Responsibilities

Once it is determined that an inmate extraction may be necessary, the watch commander shall be notified and shall:

- Respond to the location and assume the role of incident commander,
- Confer with the team leader to ensure the criteria is met for an inmate extraction,
- Complete the Watch Commander's Extraction Checklist,
- Notify the unit commander,
- Consult with, medical staff, and mental health professionals, and clergy as necessary,
- Plan the extraction and tactics to be used with the team leader,
- Approve the plan, and standby during team and supporting personnel (i.e., safety officers, medical staff) briefing, deployment and completion of the extraction,
- Ensure that the safety officer (second team leader, or additional sergeant) is on-scene and directing medical personnel to the extracted inmate,
- Ensure that the inmate is immediately escorted to medical personnel by a supervisor and the appropriate number of personnel who were not directly involved with the extraction,
- Conduct the necessary interviews,
- Video recording the entire extraction/removal,
- Video recording interviews of all inmates involved in the incident,
- Visual documentation of all injuries. Each inmate shall be questioned relative to his injuries on the video recording,
- Specific mention in the Watch Commander's Report of Force memo of those inmates injured, including the nature and extent of their injuries,

- Specific commentary as to the decision factors that led to the utilization of the extraction team, their methods and the tactical equipment employed,
- Ensure that extractions initiated on information provided by medical or mental health staff are fully documented on the Watch Commander's Extraction Checklist and Supervisors Report on Use of Force (SH-R-438) as appropriate.

In situations involving anticipated extractions of inmates in multiple cells or of an entire row, the watch commander shall carefully evaluate all circumstances prior to authorizing the extraction team's deployment. In these cases, extraction teams should be used after all other reasonable efforts have failed and based on the belief that no less intrusive methods or tactics are appropriate.

#### Medical/Mental Health /Clergy Intervention

An extraction shall not be accomplished without the physical presence of medical personnel in all but life threatening or exigent circumstances. Additionally, in all but emergency situations, a mental health professional and a member of the clergy shall be summoned to the scene. The mental health professional and the clergy shall make a reasonable attempt, absent dangerous or life threatening circumstances, to gain voluntary cooperation prior to extracting the inmate. If attempts by mental health professionals and clergy fail to elicit cooperation from the inmate, the watch commander may order negotiations to cease and initiate a tactical response to conclude the incident.

If a medical or mental health staff member requests that an extraction be conducted for medical or psychiatric purposes and the clinician determines that the inmate's medical/mental health needs preclude any waiting or cool-down period that individual shall personally direct the request to the watch commander, who shall be on-scene. Requests shall include information regarding the inmate's clinical history and condition and shall be completely documented.

#### Use of Chemical Agents During Inmate Extractions

Chemical agents shall be considered as the initial tools of choice in extractions and will, when feasible, be employed before any other weapons are used. In such cases, it is important that the agent be given time to take effect and teams should consider delaying entry until such time as agents have been given sufficient time to gain the desired effect. The goal is to remove the inmate from the confined area without physical contact by extraction team members if possible, thus reducing the risk of injury to staff and inmates. Before choosing and using a chemical agent in a particular area, the watch commander shall ensure that implementation is appropriate and will not result in air duct transfer. Personnel shall monitor the involved inmate(s) at all times for signs of medical or mental health distress.

### **5-05/080.05 INMATE EXTRACTION TEAMS**

Inmate extractions are tactical operations and should only be exercised when all peaceful solutions have been exhausted.

Inmate extraction teams shall be selected by each facility Captain. Facility Captains shall consider the following qualities when selecting extraction team members:

- Maturity
- Physical Ability
- Communication Skills
- Work History

Additionally, Custody Training and Standards Bureau staff shall evaluate personnel during formal extraction training and provide feedback to unit commanders for extraction team selection purposes, based on personnel performance.

### **5-05/080.10 USE OF SPECIAL WEAPONS DURING INMATE EXTRACTIONS**

The watch commander may authorize the use of any weapon as indicated in Custody Division Manual Section 3-03/020.00, "Authorized Special Weapons." The use of direct-fire special weapons during extractions shall be used only after all other options have been unsuccessful, or are impractical, and then only under the following conditions with the watch commander's prior approval:

- 40 MM Specialty Impact Munitions: Use of impact munitions shall be limited to situations wherein an inmate is suspected of being armed with a weapon that could be utilized to cause serious bodily injury, or when the inmate's actions clearly demonstrate the intent to engage in an assault against the extraction team or other inmate. Impact munitions shall not be used against passive resistors.
- 40 MM Baton Round: Use of these weapons shall be limited to situations wherein an inmate is known to be armed with a deadly weapon or object that could be utilized to inflict serious bodily injury, or to overcome the inmate's use of deadly force or other assault that could result in serious bodily injury or death. Further, it shall be used only as a last resort, when no other less-lethal means, including the Stinger round, can reasonably be employed to neutralize the threat. The 40 mm Baton round and Stinger rounds shall not

be utilized against an inmate or group of inmates as merely a diversionary tactic.

Strict control shall be maintained with the ultimate responsibility for the use of these weapons resting with the unit commander. Within this responsibility, the unit commander must ensure that watch commanders are cognizant of all Departmental orders and regulations pertaining to their use, and that the manufacturers guidelines are followed.

#### **5-05/090.00 ESCORTING PROCEDURES FOR COMBATIVE OR UNCOOPERATIVE INMATES**

The following procedures are to be used in conjunction with all current use of force policies as well as all other applicable procedures, policies, and guidelines. At all times Department members shall employ appropriate defensive tactics and control techniques.

Uncooperative inmates being escorted shall be properly handcuffed and searched prior to movement. To reduce the opportunity for inmates to make false allegations, inmates shall be kept in normal traffic areas.

Inmates who are uncooperative and combative, or have a history of making false allegations, shall be escorted by two Department members, one member being a supervisor. The movement shall be video recorded.

Personnel involved in an incident/altercation with a recalcitrant, uncooperative, or combative inmate shall not be part of the escorting team.

No section of this policy is intended to preclude Department personnel from making contrary decisions due to exigent/unique circumstances.

Reference the following Custody Division Manual sections 3-04/010.00, "Treatment of Inmates."

#### **5-05/090.05 HANDLING INSUBORDINATE, RECALCITRANT, HOSTILE, OR AGGRESSIVE INMATES**

The following procedures are to be used in conjunction with all current use of force policies as well as all other applicable policies, procedures, and guidelines. When confronted with an immediate threat by an inmate to their safety or the safety of others, personnel shall take necessary and reasonable actions to defend themselves and control the inmate.

An insubordinate or recalcitrant inmate shall be defined as any inmate who displays any of the following characteristics:

- Is continually verbally defiant,
- Uncooperative to any verbal commands given by personnel,
- Displays aggressive, assaultive, hostile, or violent behavior toward personnel or other inmates,
- Passively resists the efforts of personnel by ignoring commands or not acknowledging their presence.

Personnel encountering such inmates shall be guided by the following:

- Withstanding the imminent threat of physical injury or the need for immediate intervention, personnel shall request the presence of appropriate back-up and a sergeant or supervising line deputy, prior to handling any recalcitrant inmate.
- Personnel should not make an attempt to enter a cell, dayroom, holding area or confined space to contact or remove an uncooperative, aggressive, hostile or armed inmate unless an immediate threat is present. A sergeant shall develop a planned tactical approach to the situation that will reduce the possibility of physical confrontation or injuries. Tactical equipment, such as OC spray, may be utilized if an inmate displays resistive behavior.
- In the instance of an immediate threat of physical harm or the need for immediate intervention, custody personnel shall not be restricted from taking appropriate action, including the use of force. Should the need arise to use force; all personnel shall immediately contact a sergeant at the conclusion of the incident.
- When the inmate is, or appears to be mentally ill, personnel shall request a sergeant and a mental health professional to respond.
- Should the need arise to confront and/or handcuff a recalcitrant, hostile or aggressive inmate, they shall be searched and kept in normal traffic areas and not be taken to secluded areas such as recreation yards, dayrooms, or laundry rooms, without the direction of a supervisor.
- Inmates who are uncooperative and combative, or have a history of making false allegations, shall be escorted by two deputy or custody assistants, and one sergeant. The movement should be videotaped in order to safeguard personnel against potential future litigation.

- Personnel involved in an altercation with an insubordinate inmate shall not be part of the escorting team.

## **5-05/100.00 VIDEO RECORDING PROCEDURES**

The Sheriff's Department utilizes video cameras in the Custody Services Division to enhance safety and effectiveness for personnel in the performance of their duties, and to provide a reviewable electronic record of incidents.

Regardless of the method of recording, use of video equipment at a Sheriff's Department facility by personnel shall be restricted to law enforcement functions, and is subject to all applicable laws, policies and procedures.

### **Portable Video Cameras**

Portable video cameras are handheld devices used to record incidents, interviews, crime scenes, and any other situation requiring an audio/visual accounting.

### **Recording Incidents with a Portable Video Camera**

Reasonable attempts should be made to record significant incidents with a portable video camera including, but not limited to, the following:

- Inmate disturbances,
- Inmate extractions,
- Recalcitrant inmates,
- Application of restraints,
- Medical removals which pose a significant risk or have the potential to become violent,
- Use of force by Department personnel,
- Housing area or facility searches,
- Any incident/event which may pose risk management and/or liability issues,
- All Emergency Response Team (ERT) activations, except for training exercises.

Video recording equipment should normally only be used by trained personnel who have successfully completed the "Video Operator Course" presented by the Custody Training and Standards Bureau. The training sergeant at each unit shall maintain a list of trained personnel.

A designated video operator should respond to the incident and begin recording, using the wide angle field of view. Since the first obligation of on-scene supervisors is safety, and leadership of personnel, supervisors should not assume the role of video operator under most circumstances. The video operator shall state the date, time, their name, rank, employee number, location, and provide factual narration during the incident, i.e., "watch commander is on scene," "Emergency Response Team is on scene," name civilians on scene such as a nurse or mental health clinician evaluating the inmate, "facility is on lock down," and any necessary details about the incident. Only factual information shall be narrated while recording on video.

Generally, once recording on video has begun, it should not be paused or stopped until the entire incident has been brought to completion in order to establish a time line for the incident. If a battery, tape, or memory storage device change becomes necessary, the video operator shall re-introduce his/her name, rank, employee number, time and state the reason for the interruption. The video tape or memory storage device should include documenting injuries, evidence, emergency medical treatment, and statements by all concerned parties.

In the case of emergency medical treatment, recording on video should generally continue after medical staff arrives and during the course of medical treatment, until the inmate is completely stable, no longer resisting, and the medical staff has completed their tasks. Outside medical personnel, rendering aid while inside a County jail facility, shall also be recorded on video until they leave the facility.

When documenting inmate injuries, all inmates in or near the incident should be captured on video. When documenting a large inmate disturbance, the incident commander should be recorded on video directing inmates with injuries to come forward.

A deputy should state the inmate's name, booking number, and housing location. The inmate should describe his/her injury(s) and how it occurred. The injury(s) should be thoroughly recorded on video.

Because the dynamics of an incident are constantly changing, the video operator should periodically pan around the entire area to show as much of the surroundings as possible, personnel present, and conversations between the inmate(s) and personnel. Whenever possible, only the on-scene supervisor should make the decision when to stop recording.

### Fixed Video Surveillance

Fixed video surveillance involves cameras permanently or temporarily mounted at designated locations to continuously record all activities.

The Sheriff's Department's primary objectives with fixed video surveillance are to:



- Record/document events as they occur,
- Provide real-time intelligence for Department personnel,
- Provide video evidence of actions by inmates and staff,
- Produce a deterrent effect against inmate violence,
- Provide for post-incident analysis.

### Retention of Recordings

Supervisors shall review all available video recordings as soon as reasonably possible following any force incident, or any significant facility incident. If a supervisor determines a recording may have evidentiary value, or should be preserved by the Department for official use, the recording shall be saved on the server and to a video medium, such as a CD or DVD. A copy of the video shall be retained in accordance with applicable laws, Department policies and procedures regarding handling of video and/or evidence.

Video copied to CD, DVD, or other memory storage device should be properly labeled with the following:

- Inmate's name and booking number,
- URN number, Reference number, and/or Administrative Case Number,
- Date, time, and location of incident,
- Brief description of incident,
- Name, rank, and employee number of video operator, or person who created the copy.

Incidents not associated with an URN or Reference Number, recorded on video, shall be held at the discretion of the watch commander, for a minimum of twenty five (25) months. Fixed video surveillance cameras will record continuously and the contents shall be retained in electronic storage devices for a minimum of twenty five (25) months, unless otherwise directed in writing by the respective Custody Services Division chief.

If there is no video trained personnel on-duty to retrieve a recording, the supervisor shall notify the unit commander and the video manager of the following:

- Request to save potentially recorded video footage onto a DVD or CD,
- Date, time, URN/Administrative Case Number,

- Description of the incident,
- Description of what may have been recorded on the surveillance system,
- Location of the incident and specific surveillance cameras which may have recorded the incident.

The requesting supervisor shall follow up to ensure the requested surveillance recording is saved and retained in accordance with established procedures as described above. Supervisors shall ensure that all reportable incidents clearly document whether or not an incident was captured on video.

### Unit Commander Responsibilities

Unit commanders shall develop and implement procedures for video recording significant incidents occurring in their facility, and ensuring proper handling and preservation of video, as prescribed by Department policy. The unit commander shall designate a supervisor to be the Video Manager, who is responsible for ensuring video equipment and storage is properly maintained, regular tests are being completed, and proper video evidence retention procedures are in place.

### General Video Equipment Inspection

Watch commanders shall ensure all video recording equipment is inspected once per shift. This requires the watch commander to ensure that personnel who use video equipment inspect their devices at the beginning of each shift to confirm the following:

- All video recording equipment is accounted for,
- All equipment is working properly,
  - Any necessary repairs are documented and the proper paperwork completed and forwarded to the designated person.

### Portable Video Equipment Inspection

- Ensure that sufficient batteries are charged,
- The camera should be pre-set to record in a high quality mode, and should be pre-set not to record the internal time and/or date, as that information can be erroneously programmed,
- When applicable, there should be a blank tape or memory storage device in the video camera and at least two additional blank tapes or memory storage devices available at the beginning of each shift,
- The portable video equipment inspection shall be documented on the Uniform Daily Activity Log.

### Fixed Video Equipment Inspection

- The watch commander shall confirm all surveillance cameras are properly functioning and recording at the beginning of each shift by logging into the system and retrieving a sample recording from the previous shift.
- The watch commander shall notify the designated video manager of any malfunctions, submit necessary work orders through proper channels, and document all actions taken on the Watch Commander's Log., including who was notified and the requested corrective action.
- The designated video manager shall ensure all high-definition cameras are recording at no less than 5 frames per second, with picture resolution no less than 720p, unless otherwise directed in writing by the respective Custody Services Division chief.
- The fixed video equipment inspection shall be documented on the facility Watch Commander's Log.

NOTE: Data Systems Bureau (DSB) is responsible for establishing protocols governing the security and remote monitoring of server rooms at each facility. The rooms shall remain locked and shall not be accessed by unit personnel, except in case of emergency, or at the immediate direction of DSB.

Questions regarding video operator procedures, training, video recording equipment, and requests for video editing or copies may be directed to the Custody Training and Standards Bureau Video Unit.

### **3-03/000.00 SPECIAL WEAPONS**

#### **3-03/010.00 DEPLOYMENT OF SPECIAL WEAPONS**

The deployment and use of special weapons are aggressive and decisive actions that can help achieve the goal of protection of life and property, and the restoration of order and security in Custody facilities.

The policy of the Custody Services Divisions is to provide personnel with special equipment and training considered necessary to facilitate a safe and effective response to situations which may jeopardize the life and safety of personnel, inmates, and/or the security and operations of Custody facilities. It is also the policy of the Custody Services Divisions to require the highest level of supervisory review and approval prior to, and during, deployment of special weapons within Custody facilities.

Consistent with these objectives, it is the policy of the Custody Services Divisions that:

- Strict control shall be maintained, with the ultimate responsibility for the use of special weapons resting with the unit commander,
- The unit commander shall ensure that watch commanders are cognizant of all Department orders and regulations pertaining to the use of special weapons,
- Authorization for the deployment of special weapons can only be given by the watch commander, incident commander, or higher authority in the chain of command. In no instance will authorization be given for the use of these weapons by other than authorized personnel,
- Authorization for the use of special weapons can only be given by a sergeant or by a senior deputy acting in the capacity as an Emergency Response Team leader,
- Authorization for the use of the Omni Blast 100 Distraction Device can only be given by the watch commander, incident commander, or higher authority,
- Authorization to use special weapons shall only be given to qualified personnel. Qualified personnel are those personnel who have completed the required training designated for that weapon. Daily in-service sheets shall indicate those qualified personnel authorized and trained to use special weapons. Each unit shall maintain a current list of personnel so qualified,
- Supervisors may allow qualified personnel to use their designated weapon without direct supervision, should an inmate pose a substantial threat of inflicting serious injury upon any person,

- Deputy personnel, when encountering a situation demanding deployment of special weapons, shall immediately notify the watch commander or incident commander of the circumstances, and request deployment of special weapons. The watch commander or incident commander shall immediately review the situation and provide further direction based upon this assessment,
- Special weapons maintained at each unit shall be stored in the armory and/or other secured area (meeting the specifications of an armory) determined by the unit commander, and will not be issued for any purpose of a routine nature,
- Cleaning of special weapons is to be accomplished in similar fashion as are other Department weapons. Maintenance and repairs will be performed by the range staff, armories, and weapons training staff. Unit personnel will not normally be required to break down or “field strip” these weapons, except as required for cleaning purposes,
- Notifications of the use of special weapons in custody facilities shall be reported as a “Significant Incident”. Notifications and reports shall be accomplished pursuant to the Custody Division Manual, section 4-07/010.00, “Notification and Reporting of Significant Incidents,” and the Department Manual of the Policy and Procedures, use of force policies.

### **3-03/020.00 AUTHORIZED SPECIAL WEAPONS**

The following list constitutes the less lethal special weapons and chemical agents which can be deployed pursuant to the Custody Division Manual, section 3-03/010.00, Deployment of Special Weapons:

- Stinger Grenade, as described in the Custody Division Manual, section 3-03/020.05,
- Specialty Impact Munitions and Weapons Systems, as described in the Custody Division Manual, section 3-03/020.10,
- Omni Blast 100 Distraction Device, as described in the Custody Division Manual, section 3-03/020.40,
- Baton Launching Weapon Systems, as described in the Custody Division Manual, section 3-03/020.15,
- Aerosol Chemical Agents, as described in the Custody Division Manual, section 3-03/020.30:
  - The Mark 46 O.C. canister,
  - The Mark 9 O.C. canister,
  - OC/CS Mark 9 canister.
  - OC/CS aerosols grenade.

- Chemical Agents, as described in the Department Manual of Policy and Procedures, sections 5-06/040.45, "Use of Chemical Agents," 5-06/040.05, "Use of Less-Lethal Weapons," and 5-06/040.15, "Baton Launching Platforms,"
- SA200 Pepperball Launcher, as described in the Custody Division Manual, section 3-03/020.35

NOTE: The TASER shall not be classified as a Special Weapon and may be carried by all personnel in compliance with the Custody Division Manual, section 3-03/020.20, "Electronic Immobilization Device (TASER) Procedures."

For a list of approved chemical agents by manufacture and model contact the Uniform and Safety Committee.

These weapons and chemical agents are considered less lethal. However, their potential to inflict serious or fatal injuries in certain circumstances must not be dismissed.

This section does not preclude the introduction of future weapons or weapon systems for use within the Custody Division. Prior testing and evaluation of all weapons are required before approval and use. All testing shall be conducted by the Custody Training and Standards Bureau, in conjunction with the Weapons Training Section of the Advanced Training Bureau. Test results shall be submitted to the respective Custody Division chief for review and approval prior to use in any custody facility.

### **3-03/020.05 STINGER GRENADE**

The stinger (sting ball) grenade is designed as a less lethal weapon for use in a wide variety of tactical applications encountered within the Custody Services Division.

The purpose of this device is to facilitate a safe and effective response to situations which may jeopardize the life and safety of personnel, inmates, and/or the security and operations of the facility.

The Model 15 RP (Rubber Pellet Only) Stinger Grenade manufactured by Defense Technology is the only approved stinger grenade for use in the Custody Services Divisions. No other versions of the Model 15 Stinger Grenade are approved for use, including the Model 15 RP/CS and the Model 15 RP/OC.

The deployment of this grenade is an aggressive and decisive action that can help achieve the goal of protection of life and property, and the restoration of order. In no instance will authorization be given for the use of these weapons by other than authorized personnel. Refer to Custody Division Manual, section 3-03/010.00, "Deployment of Special Weapons." All members utilizing this weapon shall do so only when fully justified, and in conformance with the Department's use of force policies and

Section 3-03/010.00 of the Custody Division Manual," Deployment of Special Weapons."

Members will be considered qualified to use the weapon only after attending, and successfully completing, a training class presented under the direction of the Custody Training and Standards Bureau.

All personnel throwing this grenade shall wear a safety glove and a helmet with face shield or safety goggles. If the safety pin is removed and the need to deploy no longer exists, personnel shall not replace the stinger grenade pin back into the spoon handle. Personnel shall take the stinger grenade to a safe location, in close proximity, (each facility shall create a Unit Order, designating safe locations within or near the facility that are deemed safe for disposing of live Stinger grenades) and detonate it.

Stinger grenades that do not detonate shall be disposed of by contacting the LASD Arson Explosives Bureau; (323) 881-7510.

### **3-03/020.10 SPECIALTY IMPACT MUNITIONS**

The 37mm and 40mm specialty impact munitions are less lethal crowd control ordnance, that may also be used against individuals. This ordnance is fired from their respective 37mm or 40mm gas guns and is delivered in a controlled pattern. There are four weapons systems that are authorized to launch this ordnance. The following impact weapons and munitions are approved for use within the Custody Services Divisions:

#### **37mm**

Weapons:

- Any single shot gas gun, or the L-8 tactical launcher.

Munitions:

- 27A and 27B (containing .32 caliber hard rubber balls),
- 28A and 28B (containing .60 caliber hard rubber balls),
- 20F (containing 5 1.5 foam rubber batons with a length of 1.5 inches and a diameter of 1.5 inches).

#### **40mm**

Weapons:

- Penn Arms, Model 1377, multi-launcher,

- Defense Technology, Model 1325, rifled single shot, full stock launcher.

Munitions:

- 40B (containing .60 caliber rubber balls),
- 40F (containing 3 foam batons with a height of 1.0 inch and a diameter of 1.4 inches),
- eXact iMpack XM 1006 (silver aluminum casing containing 1 projectile consisting of a plastic body and a foam sponge nose with a height of 2.48 inches and a diameter of 1.6 inches),
- Extended Range eXact iMpack XM 1006 (black aluminum casing containing 1 projectile consisting of a plastic body and a foam sponge nose with a height of 2.40 inches and a diameter of 1.6 inches).
- Muzzle Blast “CS” (Powder Dispersion Round)
- Muzzle Blast “OC” (Powder Dispersion Round)

These munitions are designed as tools that can be utilized during tactical entries and special operations that may be encountered in the Custody Services Divisions.

The Extended Range eXact iMpack XM 1006’s use shall not be used to engage targets that are at a distance of less than thirty three feet, absent of life threatening situations, and shall be limited to outdoor and long distance applications only.

Although classified as less lethal weapons, their potential to inflict serious injuries cannot be dismissed. Due to this potential, personnel firing these cartridges shall avoid deliberately shooting anyone in the head, neck, or spinal column, or at distances of less than five feet, absent life threatening situations. Additionally, the 27A/B, 28 A/B, and 40B rounds shall not be fired at anyone above the knees unless there are life threatening circumstances. These rounds are designed to be ricocheted, skip fired, or direct fired at an intended target. They shall not be used to fire warning shots under any circumstances.

The purpose of these munitions is to facilitate a safe, effective, response to situations which may jeopardize the life and safety of our personnel, inmates, and/or the security and operation of a facility.

The deployment of specialty impact munitions is an aggressive and decisive action that can help achieve the goal of protection of life and property, and the restoration of order in a custody facility. In no instance will authorization be given for the use of these weapons by other than authorized personnel. Refer to Custody Division Manual, section 3-03/010.00, “Deployment of Special Weapons.” All members utilizing this weapon system shall do so only when fully justified, and in conformance with:



- The Department Manual of Policy and Procedures use of force policies,
- The Custody Division Manual, section 3-03/010.00, “Deployment of Special Weapons,”
- The 37mm/40mm specialty impact munitions shall only be used as part of a tactical plan, and shall not be used against passive resisters, or to punish an inmate.

### **3-03/020.15 BATON LAUNCHING WEAPON SYSTEMS**

The Baton Launching Weapon System is designed as a less lethal specialty impact weapon. There are four authorized baton launching weapon configurations, two 37mm and two 40mm. The two authorized 37mm baton launching weapon systems are the single shot gas gun conversion weapon (PL37) and the single shot (SL1). Both of these weapons fire a solid projectile. The two authorized 40mm weapon systems are: the Defense Technology, Model #1325, rifled single shot, full stock launcher; and the Penn Arms, Model #1377, multi-launcher.

The weapons are designed to be utilized during tactical entries and special operations which may be encountered in Custody Division.

Although classified as less lethal weapons, these systems are considered to be firearms and their potential to inflict serious or fatal injuries cannot be dismissed. Due to this potential, other options should be given serious consideration prior to their use. In addition, these weapons shall not be employed against inmates during inmate extractions, unless they are armed or pose a substantial threat of inflicting serious bodily injury upon any person. Personnel discharging these weapons shall avoid deliberately shooting anyone in the head, neck, or spinal column unless the situation dictates the use of deadly force. Warning shots shall not be fired under any circumstances.

The purpose of these weapon systems is to facilitate a safe and effective response to situations which jeopardize the life and safety of personnel, inmates, and/or the security and operations of a custody facility.

The deployment of these weapons is an aggressive and decisive action that can help achieve the goal of protection of life and property, and the restoration of order in custody facilities. In no instance will authorization be given for the use of these weapons by other than authorized personnel. Refer to Custody Division Manual, section 3-03/010.00, “Deployment of Special Weapons.” All members utilizing this weapon system shall do so only when fully justified, and in conformance with the Department’s use of force policies and the Custody Division Manual, section 3-03/010.00, “Deployment of Special Weapons.”

Members will be considered qualified to use the weapon only after attending, and successfully completing, the required training class presented by the Custody Training and Standards Bureau.

### **3-03/020.20 ELECTRONIC IMMOBILIZATION DEVICE (TASER) PROCEDURES**

The TASER is a less lethal hand held electronic immobilization device used for controlling assaultive/high risk persons.

The purpose of the TASER is to facilitate a safe and effective response to situations which jeopardize the life and safety of personnel, inmates, and/or the security and operations of custody facilities.

The TASER can be deployed on a routine basis with prior approval from the unit commander. If a TASER has been deployed, the sworn personnel issued the TASER shall be authorized to use it in compliance with the assaultive - high risk category of the Situational Use of Force Options chart.

Deputies shall carry the TASER on their support side (opposite duty firearm) in a holster. The weak side draw or cross draw methods are both acceptable.

The use of any TASER is considered significant force. All sworn personnel utilizing this weapon must do so when fully justified, and in conformance with:

- Department Manual of Policy and Procedures use of force policies.
- Department Manual of Policy and Procedures, section 5-06/040.95, "Electronic Immobilization Device (TASER) Procedures."
- Sworn Personnel will be considered qualified to use the weapon only after attending, and successfully completing, the Department's TASER Training Program presented under the direction of the Custody Training and Standards Bureau.
- Departmentally approved TASERs may be purchased by sworn personnel. Personally owned TASERs may be carried only after the approval of their unit commander, inspection by the Custody Training and Standards Bureau, and successfully completing the Department's TASER Training Program. Personally owned TASERs shall be available for computer download upon the request of a supervisor.

In addition to the above procedures, sworn personnel utilizing this weapon in a Custody facility shall abide by the following:

- Sworn personnel may demonstrate a “sparking” of the weapon in an effort to gain voluntary compliance of the suspect. In the event the TASER is “sparked” by Sworn personnel, a notation shall be made in their Uniform Daily Activity Log (UDAL), if applicable, and/or submit a memorandum to their direct supervisor fully justifying their actions.
- Deputies, when feasible, shall give a warning prior to activating the TASER.
- In all in-custody related deaths or death associated with the employment of the TASER; the used TASER, cartridges, wiring, and the DARTS (after removal of the DARTS by medical personnel) shall be retained and booked as evidence.

Any individual subjected to an application of the TASER, in either the "probe" or the "touch/drive stun" mode, shall be taken to a medical facility, for appropriate medical treatment and/or removal of the probes.

### **3-03/020.25 CHEMICAL AGENTS**

For the purposes of this policy, chemical agents are generally classified in the following three categories:

- Incendiary (flammable),
- Non-incendiary (non-flammable),
- Aerosol.

The authorized use of any chemical agent during any disturbance or riotous situation in Custody Division shall have as a primary objective, one or more of the following:

- Prevention of violence,
- Suppression and dispersal of riotous assemblies of inmates with minimum hazard to inmates and officers,
- Incapacitation and restraint of violent inmates who are endangering life, property and/or security.

The use of incendiary CS agents shall be authorized by the Watch Commander, and the use authorized by a Sergeant or B-1 Deputy acting as a team leader.

Currently, CS grenades utilized by the Department are the flammable type. The possibility of a structure fire should be considered when making the decision for their use. For this reason, fire equipment shall be requested to the scene prior to the use of incendiary types of gas inside a structure. In situations where the potential to start fires is a concern but the need to use chemical agents exists, consider using a non-burning agent.

### **3-03/020.30 AEROSOL CHEMICAL AGENTS**

The following aerosol chemical agents are classified as special weapons:

- Mark 9 Oleoresin Capsicum (OC) aerosol canister,
- Mark 46 (OC) aerosol canister,
- Orthochlorbenzalmalononitrile (CS) + (OC) blend canisters larger than 4ounces,

The deployment and use of these chemical agents are subject to the provisions of the Custody Division Manual, section 3-03/010.00, "Deployment of Special Weapons."

The use of some of these aerosol chemical agents have the potential to affect those deploying them. For this reason, all personnel should be aware of the possibility of being exposed to the agent. Personnel deploying, OC and OC/CS blend agents classified as "Special Weapons" shall wear Department approved particulate masks during the application of the agent.

The following aerosol chemical agents are not classified as special weapons and may be carried by all personnel:

- Two to four ounce (OC) spray canisters,
- Two to four ounce (OC) foam canisters,
- Two to four ounce OC/CS blend canisters.

Aerosol chemical agents are defensive weapons designed to incapacitate aggressive individuals with no permanent after effects. These weapons allow a subject to be controlled with a minimum of contact on the part of the user.

When dealing with a hostile/violent individual, deputies may use (Personal Carry) aerosol chemical agents without prior authorization, and must notify their immediate supervisor and the watch commander immediately after such use. All incidents involving the use of aerosol chemical agents shall be recorded on the facility log and reported to the unit commander through the watch commander.

All inmates exposed to chemical agents shall be given medical assistance as soon as possible after exposure.

The use of aerosol chemical agents constitutes the use of force. Department policy regarding the use of force shall be complied with, in addition to the other requirements of this section. All members utilizing aerosol chemical agents must do so only when fully justified, and in conformance with:

- Department Manual of Policy and Procedures use of force policies,

- Department Manual of Policy and Procedures, section 5-06/040.45, "Use of Chemical Agents,"
- Custody Division Manual, section 3-03/010.00, "Deployment of Special Weapons."

Members will be considered qualified to use aerosol chemical agents only after successful completion of the Academy course of instruction or upon successful completion of the course of instruction presented under the direction of the Custody Training and Standards Bureau. No Department member shall use a chemical agent or variation of a chemical agent in which they have not been certified in its use.

### **3-03/020.35 SA200 PEPPERBALL LAUNCHER**

The SA200 Pepperball Launcher is designed as a less lethal weapon for use in a wide variety of tactical applications encountered within the Custody Services Divisions. The purpose of this weapon is to facilitate a safe and effective response to situations which may jeopardize the life and safety of personnel, inmates, and/or the security of the facility.

The deployment of the SA200 is an aggressive and decisive action that can help achieve the goal of protection of life and property, and the restoration of order in custody facilities. Authorization for the deployment of special weapons can only be given by the watch commander/incident commander or higher authority in the chain of command. Authorization for the use of special weapons can only be given by a supervisor of a rank not lower than sergeant, or by a senior deputy acting in the capacity of an emergency response team leader (refer to Custody Division Manual, section 3-03/010.00, "Deployment of Special Weapons"). In no instance will authorization be given for the use of these weapons by other than authorized personnel. All members utilizing this weapon shall do so only when fully justified, and in conformance with the Department Manual of Policy and Procedures use of force policies and Custody Division Manual, section 3-03/010.00, "Deployment of Special Weapons."

Members will be considered qualified to use the weapon only after attending, and successfully completing, a training class presented by the Custody Training and Standards Bureau.

There are two tactical applications for this weapon. First, it may be used as an area treatment device to deploy chemical agents. When used in this manner, the launcher will be pointed toward a solid object, such as a ceiling or wall, and is effective at distances up to 100 feet. Second, it may be used as a direct fire weapon against an individual. When used in this way, the launcher may be direct fired at a target at a

minimum distance of three feet. The weapon shall be fired at the waist, or below, of a potential target.

The SA200 shall not be altered or modified in any way. Only approved munitions shall be fired in this weapon. All repairs to the weapon shall be made by the Department armorer.

Operators of this launcher shall wear appropriate eye protection.

## **1-02/070.00 MANAGING UNCOOPERATIVE, ARGUMENTATIVE, OR HIGHLY-EMOTIONAL PERSONS TOC**

Any person (referred to hereafter as “Hostile Persons”) who exhibits uncooperative, argumentative, or highly-emotional behavior present a greater safety risk to themselves, others, and safety personnel.

This policy directs Court Services Division personnel to ensure the following when dealing with a hostile person: sound judgment, tactics, adequate backup, supervisory presence, the implementation of specialized equipment, and appropriate documentation. Nothing in this policy is intended to delay or restrict personnel from the quick performance of their duty when the necessity exists to prevent injury or violence. This policy applies to all persons in or out of custody.

When personnel encounter a hostile person in any location, especially in situations likely to require physical force, a supervisor shall be notified as soon as possible. Questionable circumstances shall be resolved in favor of notification. When the situation permits, personnel shall await the arrival of backup and supervisors before attempting to physically control or escort hostile persons.

Except when necessary to prevent immediate injury or escape, personnel shall not enter a cell or an area confining a hostile person until a supervisor arrives. Hostile persons shall be kept in view of other personnel. All escorts shall be of at least two personnel, one being a supervisor (a Supervising Bonus Deputy or above) and such escorts shall be video recorded whenever possible.

### **Duties of Supervisors**

Supervisors shall prioritize responses to situations involving hostile persons, direct the application of force when appropriate, deploy specialized equipment as needed, ensure recorded documentation of the incident whenever possible, and remain until the situation is resolved. Whenever hostile persons are to be escorted to or from courtrooms, supervisors shall advise the concerned bench officer to discuss physical restraint options and to inform them of the intent to use audio or video recording devices.

Supervisors shall be cognizant that a hostile person’s behavior may provoke antagonistic or emotional responses. Supervisors shall ensure that hostile persons are managed firmly and with resolute action, and must be aware of the potential for increased emotion on the part of involved personnel.

When selecting escorts for a hostile person, supervisors shall avoid utilizing personnel previously involved in altercations with them or personnel toward whom a hostile person is directing hostility.

Supervisors shall ensure that specialized weapons, restraint devices, recording

documentation equipment, and supplies are securely maintained for immediate deployment to escalating situations. Supervisors shall also ensure that a sufficient number of assigned personnel, on duty, are appropriately trained in the use and deployment of available equipment.

#### Affected Directives/Publications

Manual of Policy and Procedure, Use of Force Policies.

### **2-06/035.00 INMATE LOCKUP REMOVAL PROCEDURES**

Court Services Division personnel will follow the inmate lockup removal procedures listed below.

#### Inmate Lockup Removal Defined

The goal of the inmate removal policy is to restore order, maintain security within facilities, and to secure recalcitrant inmates within the Department Use of Force Guidelines.

When considering the removal of an inmate(s), the Branch Supervisor shall examine the exigency of the circumstances, i.e., whether a response can be planned or immediate intervention is required.

#### Emergency versus Planned Removal

Emergency- Situations occur when the circumstances constitute an immediate and serious threat to the safety of the staff, visitors, or the inmate(s). For instance these circumstances could include assaults, attempted suicides, major disturbances, destruction of property or restoring security that has been compromised. Emergency removals may be authorized by the Branch Supervisor. - "Directed Force"

Planned- Situations occur when an inmate is in an area where they can be isolated or controlled. These situations do not normally involve immediate threats to life or security. Situations that do not involve the threat of immediate danger to others must be evaluated thoroughly before a removal team is deployed. Removal teams should not be used indiscriminately and shall only be utilized in situations meeting the necessary criteria.

#### Court Removal Orders and Subpoenas for an Inmate to Appear in Court

In the event that the extraction is based upon a Court Removal Order or Subpoena, the Branch Supervisor shall contact the judge of the concerned court. The judge shall be advised that force may be necessary to extract the inmate from a cell to ensure the court appearance.



The judge will be offered an opportunity to enforce, rescind or delay the Removal Order. If the judge demands the inmate to appear in court, the inmate shall be extracted based on the verbal order of the court.

Authorization for the removal from the judge may be relayed and accepted via the court clerk or bailiff. Following the verbal order, the judge will provide a Minute Order requiring the inmate's appearance in court to the Branch Supervisor of the concerned facility. A record of all contacts between Court Services Division personnel and court personnel, and a copy of the Minute Order shall be included in the required Use of Force Report Package.

#### Inmate Remanded to the Custody of the Sheriff's Department

Once the inmate is remanded to the custody of the Sheriff's Department, it is not necessary to obtain an order to return the inmate to their respective jail housing location.

#### Branch Supervisor's Responsibilities

##### Emergent

If the Branch Supervisor determines the needed lockup removal is of an emergent nature, he/she shall activate the Branch Lockup Response Team and assume the role of Team Leader (See - Team Leader Responsibilities). The Branch Supervisor shall attempt to notify the Area Lieutenant prior to making entry. If the Area Lieutenant cannot be reached in a reasonable amount of time, this policy shall not preclude the Branch Supervisor from taking the necessary steps to remove the inmate.

If the Branch Supervisor determines that there is not enough manpower within the Branch to handle the situation, he/she may request additional personnel from another Branch. In an emergent situation, the supervisor shall consider the option of requesting the assistance of the nearest LASD patrol station or local law enforcement agency.

##### Planned

If the Branch Supervisor determines that a planned lockup removal may be necessary, the supervisor shall immediately notify the Area Lieutenant. The supervisor will continue to monitor the behavior and actions of the inmate. If the supervisor determines that a serious threat to the safety of the staff, visitors, or the inmate(s) occurs, they may implement an emergent removal.

Once the Area Lieutenant arrives, the Branch Supervisor will explain the circumstances involving the removal. At that time the Area Lieutenant will assume overall command and responsibility of the incident.

Note: The Branch Supervisor or designee shall videotape behavior and removal of inmate. When the situation is resolved, the videotape(s) shall be sealed in an envelope, listing the proper identifying information on the envelope and forward to the Unit Commander with the completed force package. If no force is used, the videotape may be turned over to the Training Coordinator of the Bureau for possible training purposes.

#### Area Lieutenant's Responsibilities - Emergent Removal

The Area Lieutenant is responsible for ensuring that the Use of Force Report Package and necessary notifications, as required by the Department Manual, are completed. If the inmate sustains any injuries, they will be medically treated per the Department's Use of Force policy. The Area Lieutenant will also ensure the Branch staff conducts periodic lockup removal team training.

#### Area Lieutenant's Responsibilities - Planned Removal

The Area Lieutenant shall respond to the scene to evaluate the need for deployment of the Removal Team. Should use of the Removal Team be authorized, the Area Lieutenant shall approve the Branch Supervisor's Tactical Plan. Area Lieutenants of facilities which lack personnel resources sufficient to incorporate a full team shall develop mutual aid training and response plans between Units. The Area Lieutenant shall remain at the scene until the lockup removal procedure is complete. If force is utilized, the Area Lieutenant will ensure the necessary interviews and documentation is conducted. He/she will document, in detail, the factors that lead to the tactics used and the eventual deployment of the Removal Team. He/she will see to it that the inmate is medically treated per the Department's Use of Force policy. CST will be notified as soon as possible in order to remove the recalcitrant inmate from the local Branch back to his custody housing facility. The Bench Officer handling the involved inmate shall be notified as soon as possible. As with any major incident, the Unit Commander and Area Commander of that Branch Court will be notified at the onset of this type of incident.

#### Use of Department Resources

Court Services Division personnel may utilize any of the Department's resources (i.e., Mental Evaluation Team, Crisis Negotiation Team or Special Weapons Team) to assist them in resolving the situation (506/110.15).

The decision to request any Department resources shall be made by the Branch Supervisor or Incident Commander. Special consideration will be given to the availability of the resource, anticipated response times and the current status of the incident.

#### Removal Team Composition

While it is not practical to create a specific blueprint, the following will be the basic removal team configuration:

- Removal teams ideally consist of five members
- The team shall be under the immediate control of the Branch Supervisor, who will command at a minimum:
- (2) Shield Deputies
- (2) Capture Deputies
- (1) Video Operator

It is critical that each team member know his/her role in the inmate removal process. This will tend to avoid omission or duplication of effort.

#### Individual Team Member Responsibilities:

##### Team Leader (Branch Supervisor):

- Maintains overall supervision of the removal team
- Directs the use of force
- Presents a concise tactical plan to the Area Lieutenant, which will be approved prior to implementation
- Ensures that all team members understand their individual duties
- Controls deployment of equipment
- Maintains all verbal contact with inmate
- Deploys team, controls entry, and actions of team during removal
- Oversees well-being of team members and inmate during and after removal
- Ensure that incident reports are complete and correct
- Debriefs team members
- Ensures equipment is cleaned, as necessary, and returned to proper storage areas
- Notifications

Note: Once the tactical portion of the operation begins, the team leader or Area Lieutenant should be the only person authorized to give orders until the conclusion of the removal process.

All other team members are to remain silent during the entire removal process, unless a severe threat to a team member arises, i.e., an inmate produces a deadly weapon.

Shield Personnel (2 Deputies): • Enters location first and makes initial contact with inmate, using the shield in order to establish preliminary control

- Discards shield when appropriate to assist capture Deputies in the handcuffing or securing of the inmate
- Assists in the transport of the inmate to another location, if necessary
- Takes possession of, and has responsibility for, safeguarding the shield

##### Capture Personnel (2 Deputies):

- Physically backs up shield Deputies upon entry into location
- Handcuffs inmate

- Applies TARP, if necessary, and only upon the team leader's approval. Places inmate on their side
- Assists in the transport of the inmate to another location, if necessary
- Video Operator:
  - Establishes equipment - camera, sufficient video tape and batteries
  - Prior to deployment of the removal team, immediately responds to incident location and begins filming
  - Films removal team during briefing and during incident
  - Films inmate's behavior prior to, during, and after the removal
  - Films actual removal and continues filming until inmate is compliant and cooperative
  - Films the inmate being transported to another location after the removal
  - Films inmate interviews regarding the incident, including examination of visible or alleged injuries
- Upon completion, gives the videotape(s) to the Branch Supervisor to be included in the completed force package
- Marks and packages tapes

## **2-06/040.05 INMATE INCIDENTS (Custody Division Manual 4-01/010.50)**

All incidents involving an inmate shall be classified according to the following definitions. This information shall, when required, be reported to Sheriff's Headquarters Bureau through appropriate Bureau Headquarters. These classifications have been defined by the Custody Division for all facilities where inmates are handled. Deputies shall not impose discipline on inmates in court holding facilities. If an inmate creates a disturbance while in the court holding facility, complete an Inmate Incident Report (Refer to IRTS) Forward a copy to the watch commander where the inmate is housed for disposition. Make a notation in the Daily Facility Lockup/Title 15 Log.

**Inmate Incident Defined:** An inmate incident is an event that may disrupt normal operations involving one or more inmates. It may require direct Deputy intervention and the application of force to restore order. An inmate incident may result in injuries or require an Emergency Response Team (ERT) deployment, or be very minor in scope, wherein restoring order is accomplished with verbal commands only.

**Minor Inmate Disturbance:** A minor inmate disturbance normally involves a group of inmates (three or more). It may disrupt normal operations and requires direct officer intervention. Normal operations are resumed quickly. A minor disturbance may result in minor injuries to inmates or no injuries to inmates, and minor damage, or no damage to the facility. Minor inmate disturbances do not require a Department or Division Operations Log entry.

**Major Inmate Disturbance:** A major inmate disturbance generally involves the majority of inmates in the affected area and disrupts normal operations. There may be serious injuries to inmates and/or substantial damage to the facility. Significant direct officer

intervention, which may include resources from other facilities, is required to resume normal operations.

**Inmate Riot:** An inmate riot is a violent disruption involving significant time and loss of control of portions of the inmate population. The safety of facility personnel and inmates is in serious jeopardy; the integrity of facility security is compromised. Additional Division and/or Department resources are required to resolve the situation and resume normal operations.

**Modified Lock Down:** A modified lock-down is a temporary security status that requires securing a specific area, or the entire facility, so inmate movement and/or facility access are limited. However, normal operations for those areas unaffected may be continued.

**Lock down:** A facility lock-down is a temporary security status that maximizes control of a facility by isolating/limiting inmate movement. Normal operations are suspended and routine activities are halted. A lock-down may affect a specific area or an entire facility. The purpose of a lock-down is to immediately secure inmates and to control the affected area of the facility. The primary concern of a lock-down is the preservation of life/property and the prevention of an escape. Lock-downs may be ordered in any situation necessary to maintain the safety and security of the facility, staff or inmates, including, but not limited to:

- Inmate disturbances,
- Riots,
- Escapes,
- Natural disasters,
- Fires,
- Any lost items which might pose a security risk.

All non-essential persons should be removed from the area that is affected. Depending on the circumstances, custodial personnel along with other resources (i.e. fire equipment, ordinance, etc.) should be re-deployed.

## **2-06/045.05 SAFETY CHAIR**

The use of the Safety Chair is intended for short term security and control of inmates identified as violent, self-destructive, a danger to themselves or others, or a high security risk. The Safety Chair shall never be used as punishment or harassment. This is not a medically ordered restraint device; but rather, a security restraint device as noted in Title 15, Section 1058.

Only the “Emergency Restraint Chair, Inc.” brand Safety Chair shall be used unless, the Unit Commander receives the prior approval from the Chief of Court Services Division. The Safety Chair shall not be modified from the original specifications, unless done so by the manufacturer.

Only those personnel who have been trained in the use of the Safety Chair shall be authorized to perform, assist, or supervise the placement or removal of an inmate in the Safety Chair. Court Services Division Training Unit shall maintain a record of Court Services Division personnel trained in the use of the Safety Chair.

#### Use of the Safety Chair

The Safety Chair shall only be used when other less restrictive alternatives have failed, or it is apparent that they will be ineffective in controlling the inmate. Prior approval shall be obtained from a supervisor at the permanent rank of Sergeant or above, and a Sergeant shall be present during the inmate's placement in the chair, except in exigent circumstances. It is the responsibility of the supervisor to ensure that the entire procedure is videotaped. Without exception, all inmates placed in the Safety Chair shall be expedited to their final destination.

If an inmate complains of pain, the inmate shall be medically evaluated immediately after placement in the Safety Chair. This medical evaluation as to whether the inmate shall remain in the Safety Chair shall take precedence over the custodial evaluation. All Department policies regarding injuries sustained by inmates and use of force procedures shall remain in effect. Pregnant inmates shall not be placed in the Safety Chair. Personnel should ensure that all of the inmate's personal property, excluding jail clothing, has been removed (i.e. jewelry, glasses, shoes, boots, socks, etc.). Whenever possible, the cooperation of the inmate shall be sought in order to seat them in the Safety Chair on their own.

#### Monitoring Inmates Secured in the Safety Chair

The following criteria shall apply in each incident when an inmate is secured in the Safety Chair:

The inmate shall remain in continual, direct visual contact at all times by designated personnel twice every 30 minutes (at least 15 minutes apart), designated personnel shall check the inmate and document any comments regarding the health and physical condition of the inmate. All components shall be physically checked to ensure they are properly secured and presents no obvious physical signs of circulatory restrictions to the inmate's extremities.

The maximum time an inmate shall be secured in the Safety Chair is two hours, unless exigent circumstances require the need to keep the inmate secured in the Safety Chair. The Area Lieutenant, or higher, shall approve any extension past the two hours and the reason for the extension noted on the "Record of Inmate Checks, Safety Chair Log." All observations and actions taken shall be documented in the "Record of Inmate Checks, Safety Chair Log" and the Daily Activity Log.

If observations indicate that the inmate is and has been calm for a minimum of 30 minutes, a supervisor, at the permanent rank of Sergeant or above shall be summoned

to observe the inmate and determine if the inmate should be removed from the Safety Chair (exception: judge approved the Safety Chair to secure an inmate for court hearing purposes and the court proceedings are still in session).

Note: Prior to deploying any "Court Restraint Device" during a court session, including the Safety Chair, Department personnel shall obtain a written Court Order from the Bench Officer. The original Court Order shall be placed in the court files and a copy will be attached to the "COURT RESTRAINT DEVICE RECORD" per Court Services Division Manual - Bailiff Volume- 3-14/020.15.

If an inmate is held in the Safety Chair for a two hour period, it is required that the inmate be removed from the Safety Chair for a minimum of thirty (30) minutes prior to any subsequent application (unless exigent circumstances as noted above, or the inmate is in trial as noted above). Inmates secured in the Safety Chair shall not be denied food, water or beverages, prescribed medications or access to a bathroom, unless there is substantial cause to do so. If there is compelling and substantial justification for denying an inmate secured in the Safety Chair any of the above listed items or services, the Area Lieutenant or above, shall be notified and concur with such denial.

#### Medical Evaluation Released from the Safety Chair

Inmates that complain of pain or have any visual signs of injury shall be medically evaluated immediately upon release from the Safety Chair.

#### Reporting Use of Force

The un-resisted placement of an inmate into the Safety Chair for secure movement through the facility does not constitute a use of reportable force. However, if in the course of applying restraints, the inmate struggles or resists in any way, it constitutes a use of force and shall be reported pursuant to the Department Manual of Policy and Procedures, Use of Force Policies.

#### Tracking the Use of the Safety Chair

In all instances that the Safety Chair is utilized, a "Safety Chair - Inmate Security Check Log" shall be completed. A data entry shall also be completed in the Courthouse Activity Log (CAL). The original "Safety Chair - Inmate Security Check Log" and videotape shall be maintained at the concerned Branch for four (4) years. A copy of the "Safety Chair - Inmate Security Check Log" shall be forwarded to the Court Services Division Training Unit.

If the inmate is injured as a result of utilizing the Safety Chair, or there is an incident regarding the use of force, the original of the "Safety Chair - Inmate Security Check Log" and the video shall be supplied with the Use of Force Package, and a copy of the

“Safety Chair - Inmate Security Check Log” shall be maintained at the concerned Branches noted above.

### **3-14/020.10 STEALTH BELT TOC**

The "Stealth Belt" is designed to be utilized during inmate movement and courtroom proceedings. The purpose of the belt is to provide a greater measure of control for suspects or defendants whose actions pose a serious or significant threat to their own safety, the safety of officers or potential damage to property.

Prior to deploying the "Stealth Belt" during a court session, Department personnel shall have approval from the Branch Supervisor and the bench officer. Each time the "Stealth Belt" is deployed, it shall be documented by completing the Court Services Division "Court Restraint Device Record" form (Refer to: 3-14/020.15).

The secured inmate must always be under the direct supervision of department personnel and at no time is the inmate to be left unattended while wearing the "Stealth Belt."

The equipment will be kept in a secure location when not in use. Refer to Court Services Manual, Administration Volume Section 1-04/050.00-Weapon and Safety Equipment Storage and Control.

### **4-04/055.00 DETENTIONS AND ARRESTS / USE OF FORCE TOC**

Security Officers and Security Assistants are not peace officers. Authority to arrest is that of a private person, under Section 837 of the Penal Code.

A Security Assistant's sole responsibility is to deter criminal acts by their uniformed presence and to observe and report suspicious acts on County property.

Security Officers are responsible for observing, deterring, pursuing, and detaining persons who have committed a crime on County property. Security personnel may make an arrest, if an offense is committed in their presence, but may also detain the person for further investigation by peace officer personnel. Only peace officer personnel are authorized to make an arrest of a person, based upon reasonable cause that the person has committed a crime.

If the suspect is arrested, the Security Officer may assist peace officers during the arrest of the suspect and preparation of required reports.

Security Officers are authorized to physically detain a person who has committed a crime in their presence, using that force which is reasonable and necessary to prevent escape or to overcome resistance.



Security Officers will not perform checks for wants or warrants.

## **COURT SERVICES WEAPONS**

### **Deployment of Special Weapons**

The deployment of special weapons can help to achieve the goal of safely resolving an incident; minimizing potential serious injury to Deputy personnel, staff and/or inmates. The decision to deploy the special weapons listed below shall be at the discretion of the Branch Supervisor. The weapon of choice will be dictated by the circumstances presented, and the impact on the courthouse operation at the time of the incident.

### **Use of less Lethal Chemical Weapons During Extractions**

Oleoresin Capsicum (OC)/Clear-out/Freeze plus P, may, where feasible, be employed. Careful consideration shall be made before choosing and using a chemical agent in a particular area (i.e.: air handlers/cross contamination). The Branch Supervisor shall ensure that implementation is appropriate. In such cases it is important that the agent be given time to take effect and teams should consider delaying entry until such time.

### **Use of X-26/M-26 Taser**

Use of the X-26/M-26 Taser shall be limited to situations where an inmate's violent actions necessitate its use. The inmate's action/behavior must fall under the Assaultive/High-Risk category of the Department's Use of Force Policy. X-26/M-26 may be deployed at the Branch Supervisor's discretion. - Directed Force

### **Use of the Total Appendage Restraint Procedure (TARP)**

Use of the TARP shall be limited to situations where an inmate's violent actions necessitate its use. When utilized, every effort shall be made to ensure that a TARPed person either remains on their side (the left side is preferable) or is seated upright and monitored in order to prevent cardiac arrest.

### **Use of the Sage SI-1**

Use of the SAGE SL-1 shall be limited to situations wherein an inmate is known to be armed with a deadly weapon or in possession of an object that could be used to inflict serious bodily injury, or to overcome the inmate's use of deadly force or other assault that could result in serious body injury or death.