



USE OF FORCE

300.1 PURPOSE AND SCOPE

This policy recognizes that the use of force by law enforcement requires constant evaluation. Even at its lowest level, the use of force is a serious responsibility. The purpose of this policy is to provide officers of the UCLA Police Department with guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, each officer is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

This Policy Manual is designed to operate in concert with the Universitywide Police Policies and Administrative Procedures. If a conflict exists between this Policy Manual and the Universitywide Police Policies and Administrative Procedures, the manual that is most current with respect to law, procedures or any other topic, shall prevail.

300.1.1 PHILOSOPHY

The use of force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied encounters with the public and when warranted, may use force in carrying out his/her duties. Officers must have an understanding of, and true appreciation for, the limitations of his/her authority. This is especially true with respect to officers overcoming resistance while engaged in the performance of his/her duties. The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting officers with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interests.

300.2 POLICY

It is the policy of this Department that officers shall use only that amount of force that is objectively reasonable, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident under control. Reasonableness of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact that police officers are often forced to make split second decisions in circumstances that are tense, uncertain and rapidly evolving about the amount of force that is necessary in a particular situation. Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force. The reasonableness of the use of force should also be evaluated by considering (1) the severity of the crime at issue, (2) whether the suspect poses an immediate threat to the safety of the officers or others and (3) whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

300.2.1 USE OF FORCE TO EFFECT AN ARREST

Any peace officer that has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed the aggressor or lose his/her right to self defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance. Penal Code § 835a An arrest is made by an actual restraint of the person, or by submission to the custody of an officer. The person arrested may be subjected to such restraint as is reasonable for his/her arrest and detention. Penal Code § 835

300.2.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether or not to apply any level of force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:

- (a) The conduct of the individual being confronted (as reasonably perceived by the officer at the time).
- (b) Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion and number of officers versus subjects).
- (c) Influence of drugs/alcohol (mental capacity).
- (d) Proximity of weapons.
- (e) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (f) Time and circumstances permitting, the availability of other options (what resources are reasonably available to the officer under the circumstances).
- (g) Seriousness of the suspected offense or reason for contact with the individual.
- (h) Training and experience of the officer.
- (i) Potential for injury to the public, officers and suspects.
- (j) Risk of escape.
- (k) Other exigent circumstances.

It is recognized that officers are expected to make split second decisions and that the amount of an officer's time available to evaluate and respond to changing circumstances may impact his/her decision. While various degrees of force exist, each officer is expected to use only that degree of force reasonable under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy. It is recognized however, that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the standard tools, weapons or methods provided by the Department. Officers may find it more effective or practical to improvise his/her response to rapidly unfolding conditions he/she is confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree reasonable to accomplish a legitimate law enforcement purpose.

300.2.3 DEFINITIONS

Active Aggression A threat or overt act of an assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to a person appears imminent.

Actively Resisting Evasive physical movements to defeat an officer's attempt at control, including bracing, tensing, pushing or verbally signaling an intention to avoid or prevent being taken into or retained in custody.

Force Any physical effort used to control, restrain or overcome the resistance of another. The reasonable application of force requires awareness of the facts and circumstances of each particular situation, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others and whether the subject is actively resisting arrest or attempting to evade arrest by flight. It is recognized that officers are expected to make split second decisions and that the amount of an officer's time available to evaluate and respond to changing circumstances may impact his/her decision.

Passive Resistance Physical Actions that do not prevent the officer's attempt to control a subject. For example, a subject who remains in a sitting, standing, limp or prone position with no physical contact (e.g., locked arms) with other individuals. A subject in handcuffs meets the definition of passive resistance if: (a) the subject is in a sitting, standing or prone position as directed by the officer and is not engaged in any motion reasonably likely to injure, resist or remove the handcuffs; or (b) the subject is walking accompanied by and following the directions of an officer. A subject who, while sitting or standing, has locked arms with another subject is not engaged in passive resistance but is engaged in proactive action to obstruct. A subject who has previously engaged in passive resistance but who subsequently engages in behavior such as flailing, kicking, elbowing, headbutting, biting, shoving, jerking, pulling away, twisting or other action that an officer interprets as a threat or actual act of active resistance is no longer considered to be engaging in passive resistance.

300.3 FORCE APPLICATIONS

Some force applications are listed in the subsections below. Other force applications including the SafeWRAP, control devices and the ECD are described in Policy Manual §§ 306, 308 and 309 respectively .

300.3.1 DEADLY FORCE APPLICATIONS

While the use of a firearm is expressly considered deadly force, other force might also be considered deadly force if the officer reasonably anticipates and intends that the force applied will create a substantial likelihood of causing death or very serious injury. Use of deadly force is justified in the following circumstances:

- (a) An officer may use deadly force to protect himself/herself or others from what he/she reasonably believe would be an imminent threat of death or serious bodily injury;
- (b) An officer may not use deadly force to stop a fleeing suspect unless the officer has probable cause to believe that the suspect has committed or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there

is an imminent or future potential risk of serious bodily injury or death to any other person if the suspect is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

300.3.2 NONDEADLY FORCE APPLICATIONS

Any application of force that is not reasonably anticipated and intended to create a substantial likelihood of death or very serious injury shall be considered nondeadly force. Each officer is provided with equipment, training and skills to assist in the apprehension and control of suspects as well as protection of officers and the public. Nondeadly force applications may include but are not limited to leg restraints, control devices and the ECD described in Policy Manual §§ 306, 308 and 309 respectively.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be very effective in controlling a passive resistance physical or actively resisting subject. Officers may only apply those pain compliance techniques for which the officer has received Departmentally approved training and only when the officer reasonably believes that the use of such a technique appears reasonable to further a legitimate law enforcement purpose. Officers utilizing any pain compliance technique should consider the totality of the circumstance including, but not limited to:

- (a) The potential for injury to the officer(s) or others if the technique is not used.
- (b) The potential risk of serious injury to the individual being controlled.
- (c) The degree to which the pain compliance technique may be controlled in application according to the level of resistance.
- (d) The nature of the offense involved.
- (e) The level of resistance of the individual(s) involved.
- (f) The need for prompt resolution of the situation.
- (g) If time permits (e.g., passive demonstrators), other reasonable alternatives.

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

300.3.4 CAROTID RESTRAINT

The proper application of the carotid restraint hold by a trained officer may be effective in quickly restraining a violent individual. However due to the potential for injury, the carotid restraint hold may only be applied under the following conditions:

- (a) The officer shall have received Departmentally approved training in the use and application of the carotid restraint.
- (b) The carotid restraint may only be used when its use is objectively reasonable to prevent serious injury or death to an officer or other person(s).

If the carotid restraint is applied:

- (a) Any subject who has been rendered unconscious by the use of the carotid restraint shall be promptly examined by paramedics or other qualified medical personnel such as EMS1.
- (b) The officer shall inform any facility receiving custody, or any person placed in a position of providing care, that the subject has had the carotid restraint hold applied to him/her and whether or not the subject lost consciousness as a result.
- (c) Any officer applying the carotid restraint shall promptly notify a supervisor of the use or attempted use of such hold.
- (d) The use or attempted use of the carotid restraint shall be thoroughly documented by the officer in any related reports.

300.4 REPORTING USE OF FORCE

Any use of force, which is greater than that required for unresisted Department approved searching or handcuffing, including the use of oleoresin capsicum (OC), must be reported. Additionally, any use of force, which results in an injury or a complaint of pain shall be reported. Any use of physical force by a member of this Department shall be documented promptly, completely and accurately in an appropriate report depending on the nature of the incident. The use of particular weapons such as chemical agents may require the completion of additional report forms as specified in Departmental policy and/or law.

300.4.1 EMPLOYEE RESPONSIBILITIES FOR REPORTING USE OF FORCE

Officers shall immediately make a verbal notification to his/her immediate supervisor (in this section, supervisor refers to a rank of Sergeant or an OIC) in all cases in which he/she uses reportable force. Employees witnessing reportable force shall immediately advise his/her supervisor who will determine whether a separate report by the witness(es) is required. Whenever an incident involving reportable force occurs, all details regarding the use of force shall be included in the Offense/Arrest report. A reference to the verbal notification and the name of the supervisor to whom it was made shall be included in the report. This notification is noted under the Use of Force Notification section in the arrest report narrative. This additional section is only to be added if there is a reportable use of force. Each assisting officer who used force, including partners, shall submit a separate supplemental report detailing his/her actions. Each officer reporting force in a report shall describe in detail the actions of the suspect warranting the use of force, the specific force used in response to the suspect's actions, the suspect's response to the use of force and how the suspect was eventually controlled. Any injuries or complaint of injuries, and any medical treatment or refusal of medical treatment, shall be documented in the report, supplementary reports and memoranda as appropriate. The investigating detective shall ensure the District Attorney or City Attorney is aware the case being presented includes a reportable force incident and the subsequent Use of Force package. The Use of Force package will likely not be completed at the time of filing the criminal case. The Field Operations Captain, upon review of the Use of Force package, will provide a redacted copy of the report, photos and tapes to the investigating detective. Copies of these materials will be forwarded to the prosecuting attorney as part of discovery. A notation shall be made on the case packet as to whom the materials were given and the date.

300.4.2 MEDICAL ATTENTION FOR INJURIES SUSTAINED USING FORCE

Prior to booking or release, medical assistance shall be obtained for any person who has sustained visible injury, expressed a complaint of injury or continuing pain, or who has been rendered unconscious. Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, EMS1, hospital staff or medical staff at a custody facility. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practical, should be witnessed by another officer and/or medical personnel. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible. Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, unusually high tolerance to pain or who require a protracted physical encounter with multiple officers to bring under control may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

300.5 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 supervisor shall, as soon as possible, advise the Field Operations Captain that the suspect is being treated or examined following an officer's use of force. When a suspect must be transported from the field directly to County USC Medical Center, IRC or Twin Towers for booking, the Watch Commander or Field Operations Captain shall arrange to conduct the suspect interview at the booking site, according to the procedures outlined in Policy Manual § 300.8 Reporting Use of Force Supervisor's Responsibilities.

300.6 MEDICAL TREATMENT

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

- (a) Strikes his/her head on a hard object, or sustains a blow to the head/face, as a result of the application of force by an officer, regardless of how minor any injury to the head/face may appear. The officer transporting the suspect shall inform the doctor that the suspect was struck on the head or struck his/her head;
- (b) Is restrained with a carotid restraint or any kind of neck/throat restraint, whether or not he/she is rendered unconscious. The officer transporting the suspect shall inform the medical staff of the fact that the suspect was restrained with a carotid restraint and whether or not he was rendered unconscious;
- (c) Is hit with a specialized weapon projectile (such as a bean bag round, etc.);
- (d) Is sprayed with oleoresin capsicum spray and reasonably appears to require medical treatment (or medical clearance is not obtained in the field);
- (e) Has injuries that appear to require medical treatment;
- (f) Alleges any injury and requests medical treatment, whether or not he/she has any apparent injuries;

- (g) Alleges that significant force was used against him/her, whether or not he/she has any apparent injuries or requests medical treatment;
 - (h) Has the Total Appendage Restraint Procedure (TARP) applied if the suspect reasonably appears to require medical treatment or medical clearance is not obtained in the field;
 - (i) Receives a charge from an ECD and if the suspect reasonably appears to require medical treatment.
 - (j) Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond apparent physical characteristics, unusually high tolerance to pain or who require a protracted physical encounter with multiple officers to bring under control may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable.
- Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

300.7 SUPERVISOR RESPONSIBILITIES FOR MEDICAL TREATMENT

Any doubt regarding the need for medical treatment shall be resolved by transporting the arrestee to an appropriate medical facility. If the arrestee refuses medical treatment in any of the cases described, he/she shall be transported to a medical facility and required to personally inform the medical staff of his/her refusal to receive medical treatment. The officer transporting the suspect shall include in the appropriate report the name of the medical personnel to whom the suspect indicated his/her refusal and the name of the medical staff member authorizing booking. 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 states that the suspect should be treated despite his/her refusal, the suspect shall be transported to the County USC Medical Center Jail Ward or to the appropriate custodial medical facility for treatment or medical assessment and/or housing.

300.8 SUPERVISOR RESPONSIBILITIES REPORTING USE OF FORCE

The Watch Commander or immediate supervisor shall respond without unnecessary delay to any incident involving reportable force and shall as soon as possible advise the Field Operations Captain of any reportable force incident. The Watch Commander shall record the interview of the arrestee and, if possible, photograph him/her, paying particular attention to any known or alleged areas of injury. The Watch Commander should obtain suspect consent for photographing injuries hidden by clothing. Note consent or refusal in the reports. The supervisor should also videotape the interview when possible. When interviewing arrestees regarding use of force incidents, the Watch Commander shall ask the person if he/she has any injuries, the nature of the injuries and if he/she wants medical treatment. These questions must be asked whether or not the arrestee has any apparent injuries. Policy Manual § 300.6 Medical Treatment. The patrol supervisor shall submit a Use of Force package [Policy Manual § 300.8.3 Use of Force Package] to the Field Operations Captain as soon as possible detailing the results of his/her review and his/her recommendation as to whether further action or investigation is warranted. Supervisors approving reports shall ensure that all pertinent information is contained in the report. Particular attention should be given to the detailed description of the use of force, the suspect's actions warranting the use of force, the specific force used in response to the suspect's actions, the suspect's response to the use of force, the result of the use of force and the

officer's state of mind. Any injuries or complaint of injuries, and any medical treatment or refusal of medical treatment, shall be documented in the report, supplementary reports and memoranda as appropriate. The Watch Commander or supervisor will ensure that all of the necessary information regarding the use of force is documented within the reports. After approving reports involving the use of force, the supervisor shall ensure that a photocopy of the approved reports are forwarded immediately to the patrol supervisor overseeing the force review for inclusion in the Use of Force package.

300.8.1 SIGNIFICANT FORCE

(a) Reportable force is significant when it involves any of the following:

1. Suspect injury resulting from use of force.
2. Complaint of pain or injury resulting from use of force.
3. Indication or allegation of misconduct in the application of force.
4. Any application of force that is greater than a Department approved control holds, comealongs or takedowns.
5. Use of an ECD.

(b) In instances of significant force, the Watch Commander or immediate supervisor shall do the following:

1. Locate and interview all potential witnesses including Department personnel and document his/her statement, including those who could have witnessed but claim not to have witnessed the incident. In situations involving very large numbers of potential witnesses, the Watch Commander or in the case of an OIS force/shooting response team response, the OIS team supervisor, shall determine the appropriate scope of the witness canvass necessary to sufficiently document the force incident.
2. Photograph the scene in conditions as near as possible to those at the time of the force incident, if appropriate.

(a) In some instances photographs may not be taken, such as when ECD probes impact genitals, female's breasts, etc.

1. It is important to preserve evidence of any ECD use.
3. Interview the attending physician or other medical personnel when the arrestee is taken to a medical facility for examination, as to the extent and nature of the arrestee's injuries or lack thereof, and whether the injuries are consistent with the degree of force reported.
4. Photograph the officer's injuries, if applicable.
5. In incidents involving the Total Appendage Restraint Procedure (TARP), ECD or carotid restraint, the supervisor shall ascertain the following, if possible, and this information shall be included in the memorandum (Use of Force package):

- (a) Length of time the suspect was restrained with the TARP, the carotid restraint was applied or the subject was exposed to an ECD.
- (b) The emergency medical services unit and names of the paramedics/EMTs that responded to the scene.
- (c) How the suspect was transported and in what body position(s) he/she was placed during the transport.
- (d) The length of time of the transport phase.
- (e) The observations of the suspect's psychological/physical condition while the force was applied and during the transport phase.
- (f) Any recent drug usage by the suspect or indications by him/her that he/she suffers from cardiac or respiratory diseases (e.g., asthma, bronchitis, emphysema, etc.).
- (g) Obtain a copy of the video from all of the cameras that could have captured the incident.

(c) If the force used falls into one of the categories requiring an OIS force/response team response, the Watch Commander's or immediate supervisor's function shall be limited to notifying the Field Operations Captain, identifying witnesses and preserving the scene and evidence as appropriate. Refer to Policy Manual § 310 Officer Involved Shooting.

(d) In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.8.2 LESS SIGNIFICANT FORCE

(a) Reportable force is less significant when it is limited to any of the following and there is no injury or complaint of pain nor any indication of misconduct.

1. Searching and handcuffing techniques resisted by the suspect.
2. Department approved control holds, comealong or take down.
3. Use of OC is not considered significant force if it causes only discomfort and does not involve injury.
4. Use of the WRAP restraint.

(b) In cases involving reportable force that is less significant, the Watch Commander or immediate supervisor shall:

1. Advise the Field Operations Captain as soon as possible.
2. Interview the suspect/arrestee.
3. Complete a Supervisor's Report Use of Force face page and attach to this form a copy of the Offense / Arrest report that includes all supplemental reports documenting the circumstances.

300.8.3 USE OF FORCE PACKAGE

The Watch Commander or immediate supervisor shall prepare and submit a Use of Force package to the Field Operations Captain for all reportable use of force incidents not investigated by an OIS force/shooting response team. The Use of Force package shall include the following items:

- (a) Supervisor's Report Use of Force (face sheet).
- (b) Supervisor's Memorandum Use of Force (narrative).
- (c) Copy of Offense / Arrest Report and related Supplemental Reports.
- (d) Audio recording and/or videotape of Watch Commander's interview of suspect and/or witnesses.

In instances of significant force, also include:

- (a) Copy of daily shift roster for the concerned shift(s).
- (b) Copy of medical reports and documents.
- (c) Photographs and/or videotape of suspect's injuries or areas of alleged injury with color copies of photographs included. (Copies of booking photographs may also provide excellent documentation.) Original disks/film booked into property. (d) Any related material which is deemed significant or serves to further document the incident, such as Communications Center telephone and radio recordings, other photos, videotapes from witnesses or businesses, etc. The Use of Force package shall be forwarded to the Field Operations Captain for review and approval. The Use of Force package is to be retained by the Support Operations Captain for five years. Litigation may require additional time for retention.

300.9 FIELD OPERATIONS CAPTAIN RESPONSIBILITIES

The Field Operations Captain shall evaluate all Use of Force packages and the findings concerning the use of force. The Field Operations Captain shall determine if further action or investigation is necessary. If further investigation is warranted, he/she may initiate an administrative investigation. The Field Operations Captain shall ensure that the officers that used force are notified as soon as possible in any case requiring further investigation. In all use of force incidents wherein the Field Operations Captain is notified when a suspect is transported to a hospital for medical treatment, the Watch Commander or supervisor shall forward copies of the Force Review Packages to the Field Operations Captain as soon as possible. The Field Operations Captain shall forward all Use of Force packages involving significant force to the Assistant Chief of Police.

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