

ATTACHMENT A

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| SAN DIEGO POLICE DEPARTMENT Origin: CHIEF OF POLICE | DATE: DRAFT | PAGE: 1 of 6 | NO.: 1.04 - ADMIN |
| DISSEMINATION: ALL PERSONNEL | SUBJECT: USE OF FORCE | | |
| ORIGINATING DIVISION: TRAINING AND DEVELOPMENT | NEW PROCEDURE <input type="checkbox"/> PROCEDURAL CHANGE <input checked="" type="checkbox"/> SUPERSEDES: DP 1.04 - 01/15/94 | RELATED POLICY: 1.05, 1.06 | |

I. BACKGROUND

The San Diego Police Department recognizes and respects the value of human life, *having this as its highest priority. It is the policy and practice of the Department to train its officers in the use of the safest, most humane restraint procedures and force options currently known. The Department seeks to demonstrate integrity, and make decisions that are fair, respectful, lawful, and based on good judgement.* ~~Occasionally, officers in the performance of their duties encounter situations where the use of force reasonably appears necessary in order to effect a detention or an arrest, overcome resistance, control a subject or protect themselves or others from injury. Reasonable force, as set forth in this policy, may be used in those situations.~~

In the performance of their duties, officers may encounter situations where the use of force is reasonable in order to effect a detention or arrest, to overcome resistance, or to protect themselves or others from serious injury. Force as authorized by Penal Code section 835a, and as set forth in this policy, may be used in those situations. The decision to use deadly force in response to an immediate threat of death or serious bodily injury to the officer or another person is one of the most critical decisions an officer will ever be called upon to make. Only force which is reasonable to overcome resistance may be used to effect a detention or an arrest or take a mentally ill or emotional disturbed person in to protective custody.

Officers shall accomplish their duties in a manner that minimizes the need for force and maximizes voluntary compliance. The Department deeply values community trust, and knows that this trust in law enforcement must be based on the Community's belief that officers will act fairly.

The U.S. Supreme Court in Graham v. Conner, 490 U.S. 386 (1989), acknowledged that the "reasonableness" test in analyzing the use of force is "not capable of precise definition or mechanical application." For that reason, in determining whether an officer's use of force is reasonable in a particular case, it is necessary to evaluate the facts and circumstances confronting the officer at the time force was used. ~~All of the surrounding circumstances will be considered, including whether the subject posed an immediate threat to the safety of the officer or others, the severity of the crime at issue and whether the suspect actively resisted arrest or attempted to flee.~~

~~Penal Code section 835a authorizes an officer to use reasonable force to make a lawful arrest, prevent an escape or to overcome resistance. Officers are not required to retreat or desist from their efforts by reason of resistance or threatened resistance of the person being arrested.~~

~~The evaluation of an officer's use of force will be undertaken from the perspective of a reasonable officer on the scene, not through the 20/20 vision of hindsight.~~

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~~The central inquiry in every use of force case is whether the amount of force used by the officer was objectively reasonable in light of the particular circumstances faced by the officer.~~

II. DEFINITIONS

- A. **Compliant Behavior** – Behavior that complies with the officer’s verbal commands.
- B. **Passive Resistance** – Behavior that consists of a refusal to comply with verbal commands and does not convey a threat to the officer or another person.
- C. **Active Resistance** – Behavior that consists of a refusal to comply with verbal commands and conveys a threat to the officer or another person, or consists of physical opposition to attempts of physical control by the officer.
- D. **Assaultive Behavior** – *is defined as follows:*
- 1) *Behavior that consists of aggressive physical opposition to being physically controlled and conveys a threat of injury to the officer, or*
 - 2) *Behavior that consists of a threat of attack conveyed through aggressive physical actions or aggressive physical actions coupled with verbal threats. Verbal threats alone do not constitute assaultive behavior. Assaultive behavior can be directed at the officer or others.*
- ~~Assaultive Behavior – Behavior that consists of aggressive physical opposition to being controlled and conveys the threat of injury to the officer. Assaultive behavior can be directed at the officer or others. It may consist of a threat of attack conveyed through aggressive physical actions or aggressive physical actions coupled with verbal threats. Verbal threats alone do not constitute assaultive behavior.~~
- E. **Life-threatening Behavior** – Behavior likely to cause serious bodily injury or death.
- F. **Force** – Gaining control of a subject or overcoming resistance through the use of physical strength, weaponless defense techniques, pain compliance techniques, defensive weapons or a combination thereof. Any time force is used the officer should apply a level of force that is reasonable for the situation. If a lesser force option would likely lead to control, then the lesser force option should be used. If a lesser force option will not likely lead to control of the subject, then a reasonable greater force may be used.
- G. **Verbal Control** – *Verbal control is used when encountering compliant behavior. Such control consists of the officer’s mere presence, requests, explanations and orders.*
- H. **Lesser Controlling Force** – *The force needed to control a subject who engages in Passive Resistance. This level of force generally involves use of physical strength, weaponless defense techniques and control holds.*
- I. **Greater Controlling Force** – *The force needed to control a subject who engages in Active Resistance. This level of force may involve the use of techniques such as takedowns, distractions techniques, chemical agents and the carotid restraint.*

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The use of K-9s, extended range impact weapons and standard impact weapon techniques can be used to control an actively resisting subject reasonably believed to possess, or have immediate access to, a deadly weapon.

- J. **Crowd Control and Mobile Field Force Techniques** – *This level of force may include pushing or light jabbing with an impact weapon as a controlling technique. This controlling technique is designed to redirect or move a subject who fails to follow verbal commands. The amount of force used in delivering the pushing or light jabbing technique is substantially less than the force generally used in countering an assaultive subject. The intent of the technique is to move a subject backwards or to the side while causing a minimal amount or no injury to the subject.*

- K. **Defending Force** – *This is the force needed to stop Assaultive Behavior against an officer or another person. This level of force generally involves impact strikes by the officer. Impact strikes can be delivered either by personal body weapons (i.e., hands, feet, knees, etc.) or impact weapons (i.e., baton, nunchakus, flashlight). Due to the potential for serious injury, intentional strikes with an impact weapon are prohibited from being directed at the head, face or throat of the subject unless the subject's actions and behavior pose an imminent threat of death or serious bodily injury to the officer or others.*

~~Impact techniques can be used to control an actively resistive subject reasonably believed to possess or have immediate access to a deadly weapon.~~

~~Due to the potential for serious injury, intentional strikes with an impact weapon to the head, face, throat and neck are prohibited unless the subject's actions and behavior pose an imminent threat of death or serious bodily injury to the officer or others.~~

- L. **Distraction Techniques** – *Distraction Techniques are not intended to cause serious injury. These techniques may be used to redirect the subject's mental focus away from the resistive behavior in order to assist the officer to gain control. Personal body weapons may be directed at any part of a subject's body using strikes such as with an open hand in the fashion of a push or slap. Distraction techniques are "low level" strikes utilizing personal body or hard impact weapons.*

Distraction Techniques can also be delivered with hard impact weapons using jabbing or chopping techniques. Distraction techniques using an impact weapon shall not be directed at the head, face, throat or neck unless there is a threat of serious bodily injury or death. Generally, these techniques should be followed by some type of control hold. The officer must evaluate the effectiveness of the technique as it applies to each situation. If attempts to gain control by distraction techniques fail, the officer should consider using a different force option.

~~Distraction techniques may be used to redirect the subject's mental focus away from the resistive behavior in order to assist the officer to gain control.~~

~~Distraction techniques are not intended to cause serious injury. Personal body weapons may be directed at any part of a subject's body. These strikes are generally done with an open hand in the fashion of a push or slap. Distraction techniques with hard impact weapons should consist of jab or chopping techniques. Distraction techniques utilizing~~

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~~an impact weapon shall not be directed at the head, face, throat or neck unless there is a threat of serious bodily injury or death.~~

~~Generally, distraction techniques should be followed by some type of control hold. The officer must evaluate the effectiveness of the technique as it applies to each situation. If attempts to gain control by distraction techniques fail, the officer should consider utilizing a different force option.~~

- M. Deadly Force – The force that has a reasonable probability of causing death. This level of force may be used to protect the officer or another person from death or serious bodily injury.

III. PROCEDURES

- A. *Force, as defined above, Reasonable force* may be used to effect a lawful investigative detention or arrest; control a subject who is in lawful custody; prevent an escape; or protect the officer, the subject, or another person from injury or death.
- B. Officers should maintain control of enforcement situations. Officers who are not readily identifiable as police officers, whether on or off-duty, shall identify themselves as police officers unless identification would jeopardize the safety of the officer or others. Subjects should not be allowed to gain the advantage in a physical confrontation. Officers may need to use a force option which is greater than the subject's force level and which is reasonable under the circumstances.
- C. Force Matrix - The use of force by an officer can be viewed as a matrix of force options that can be used in response to a subject's actions and behavior. The matrix is designed to assist officers in understanding how force can escalate and can assist officers in documenting the force used. The force matrix illustrates the relationship between a subject's actions and the officer's response. As force options move from lesser to greater levels, the risk of injury to the subject and/or officer increases. However, there may be situations and circumstances that do not conform to this matrix. Officers who experience those unusual situations must use only that amount of force that is reasonable based on the subject's actions and behavior.

The force matrix is broken down into the following five levels:

1. First Level – Officers attempt to gain compliance by talking or otherwise communicating with the subject, explaining what the subject is to do and giving the subject the opportunity to comply with the officer's demands.
2. Second Level – Officers seek control by using unarmed tactics, such as escort, compression and pain compliance techniques. Controlling force is used when the subject passively fails to respond to verbal direction.
3. Third Level – Officers seek to control a subject's active resistance by using lesser force options in addition to neck restraint, chemical agents, distraction techniques, and Taser.

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4. Fourth Level – Officers defend themselves or others against a subject's assault or threat of assault with the use of defending force or lesser force options. Defending force includes strikes with hard impact and personal body weapons.
5. Fifth Level – Officers defend themselves or others against the subject's life-threatening behavior with the use of deadly force.

Officers need not attempt to gain control over a subject using a lesser force level in the matrix when circumstances confronting the officers dictate that a greater force level is necessary and reasonable. A combination of force options may be appropriate to gain control of a subject.

For example, an officer would not be expected to use unarmed tactics against a subject who is extremely violent or armed with a weapon. Likewise, if an officer attempts to use a control hold on a subject and it is not effective, the officer may go to a greater force level to gain control or use a combination of different force options from different levels. *Disengagement or de-escalation is a tactic that an officer may employ in an attempt to resolve the situation. If an officer does not have adequate recourses to safely control a situation, or if disengagement or de-escalation would assist in resolving a situation with a lower force level, an officer may disengage from the incident or de-escalate the force option. Disengagement or de-escalation may require an officer to move to a tactically sound position and wait for additional resources. Disengagement or de-escalation may not be possible.* Factors that will affect an officer's force options **and tactics** include but are not limited to the following, which can pertain to officers and/or subjects:

AGE

AVAILABILITY OF OTHER OPTIONS

CONFINED SPACES

GROUND FIGHTING

DISTANCE BETWEEN SUBJECT(S) AND OFFICER(S)

INFLUENCE OF ALCOHOL OR DRUGS

INJURY/DISABILITY

LOCATION/TERRAIN/LIGHTING CONDITIONS

MULTIPLE SUBJECTS/OFFICERS

NATURE OF OFFENSE

PROXIMITY TO WEAPONS

SIZE

SKILL

SPECIAL KNOWLEDGE/IMMINENT DANGER

STRENGTH/ENDURANCE

IV. REPORTING THE USE OF FORCE

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- A. Officers who use force shall prepare detailed, accurate reports (arrest, detention or ARJIS-9) describing the force used and all of the circumstances and facts surrounding the use of that force including, but not limited, to factors listed in III, C.

The basic questions – Who, What, Where, How, and Why – must be answered. Failure to write a detailed, accurate report may create the impression that the force used may have been unreasonable or excessive. This failure may also cause problems in the criminal prosecution of the subject, the defense of civil lawsuits, and result in the filing of citizens' complaints or claims alleging excessive force.

- B. Reportable Force – For reporting purposes, the following are considered use of force:

1. Any force option, control hold or weaponless defense technique applied to a person, or any force that causes injury or complaint of injury to either the officer or the subject being restrained.
2. Discharge of a firearm in an official police capacity;
3. Discharge of a taser;
4. Use of the baton, police nunchaku (O.P.N.), or other impact weapons where the suspect has been struck;
5. Use of any type of chemical agent (mace, OC, etc.);
6. Use of carotid restraint;
7. Use of Police Service Dog when a bite or other injury occurs;
8. Use of maximum restraint with the cordcuff;
9. Use of the safety control chair as outlined in Department Procedure 6.01 (Handcuffing, Searching and Transporting Procedures);
10. Use of restraint car seats as outlined in Department Procedure 6.01 (Handcuffing, Searching and Transporting Procedures);
11. Handcuffing - When *the officer overcomes* ~~overcoming~~ physical resistance to applying the handcuffs; and,
12. Use of “specialty munitions” as defined in DP 1.36.

- C. All officers who use a force option shall personally prepare the appropriate report (arrest, detention, ARJIS-9) documenting their use of force. The reporting officer shall obtain separate ARJIS-9 reports from those officers depicting their *individual use of force involvement*.

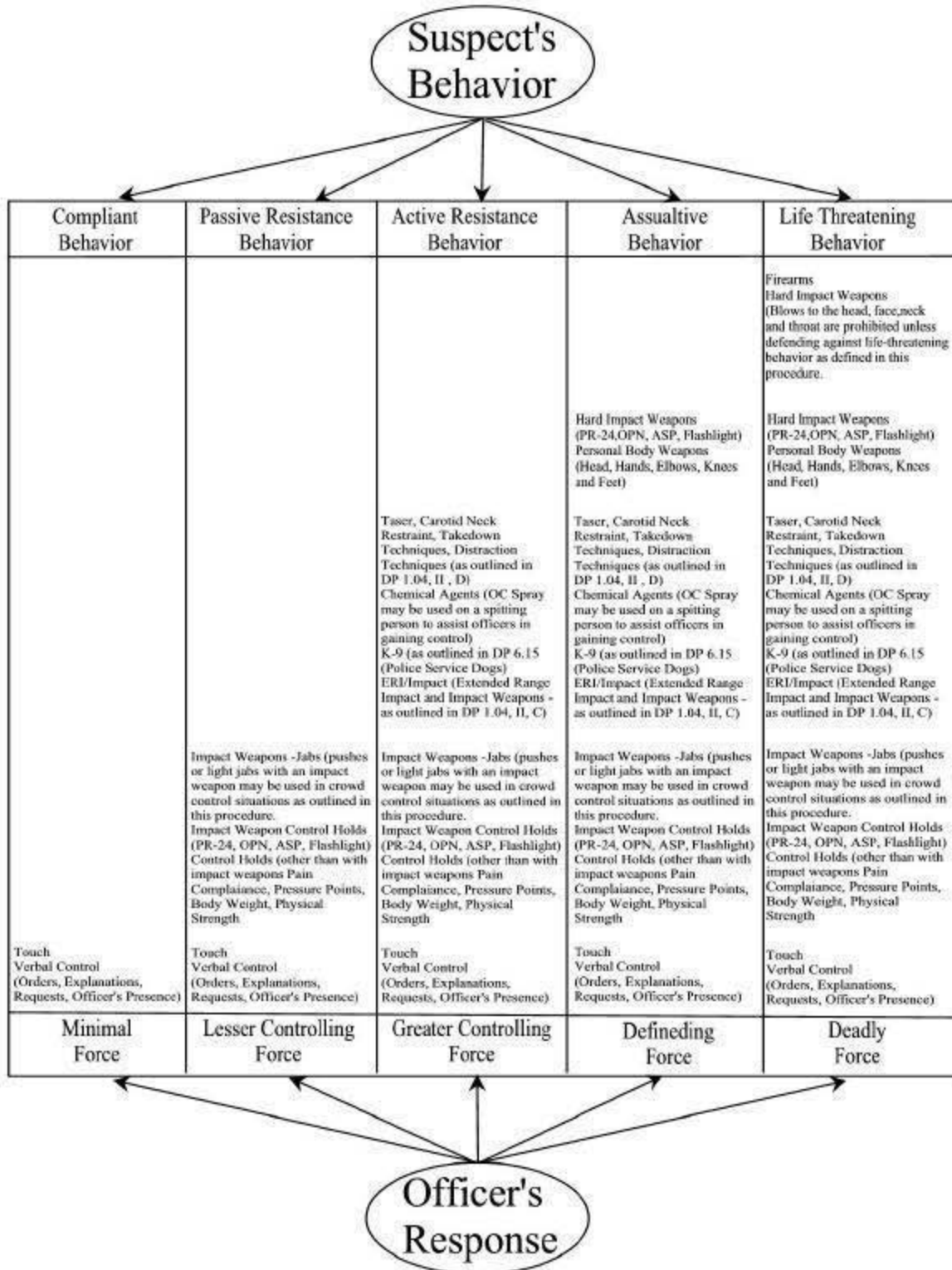
- D. In the event San Diego officers are involved in a situation with an outside agency the *involved arresting* San Diego officer must document any use of reportable force by personnel of said agency. The reporting officer *shall request documentation from officers of the outside agency who deployed force options, describing their use of*

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~~force should request a written report from each officer documenting his or her use of force.~~

- E. Whenever physical force used by an officer results in an injury that necessitates medical treatment of any person, the officer shall immediately contact a field supervisor. (*See DP 6.01 for medical treatment information*).
1. The field supervisor shall evaluate the circumstances surrounding the incident.
 2. When appropriate, the field supervisor shall notify the Watch Commander.
 3. If the Watch Commander deems the incident to be of significant magnitude, Internal Affairs will be notified and given the opportunity to respond and conduct an on-scene investigation.
 4. If Internal Affairs responds to the scene, the Watch Commander shall telephone the Police Officers' Association immediately and report the general nature of the incident.
 5. Photographs shall be taken to document the existence or absence of injury to the subject, officers or other persons. Photographs shall also be taken of any damage to the clothing or personal property of the subject, officers or other persons at the scene. The officer taking the photograph shall note the subject's name, DOB, date and time the photograph was taken and the officer's name and ID on the back of the photograph.

Use of Force Matrix



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| SAN DIEGO POLICE DEPARTMENT Origin: CHIEF OF POLICE | DATE: DRAFT | PAGE: 1 of 8 | NO.: 4.01 - LEGAL |
| DISSEMINATION: ALL PERSONNEL | SUBJECT: STOP/DETENTION AND PAT DOWN PROCEDURES | | |
| ORIGINATING DIVISION: LEGAL/ TRAINING AND DEVELOPMENT | NEW PROCEDURE <input type="checkbox"/> PROCEDURAL CHANGE <input checked="" type="checkbox"/> SUPERSEDES: DP 4.01 – 09/09/94 | RELATED POLICY: | |

I. PROCEDURES FOR CONSENSUAL CONTACTS, STOPS, PAT DOWNS

A. Contact:

1. Officers are encouraged to initiate consensual contacts with individuals in the community in order to gain a more thorough knowledge of their beats and the community.
2. Consensual contacts are different from detentions or arrests in that they do not involve the "seizure" of persons within the meaning of the Fourth Amendment. The officer does not need "reasonable suspicion," "probable cause," or any other specific indication of criminal activity in order to initiate this kind of a contact.
3. Initiating a *Consensual* Contact: Officers may find it necessary to investigate the activities of a person when they do not possess sufficient information to make a ~~detention~~ stop or arrest. In such a case, the officers may initiate a contact with the person in any place ~~in which that~~ the officer has a right to be. Unless an officer concludes that an arrest should be made or that a ~~detention~~ stop is ~~justifiable and~~ reasonable, communications with a private person should begin with a *consensual conversation that does not imply custody* ~~contact~~.
4. Conduct During Consensual Contacts: Although no legal cause need be present for the officer to initiate a "contact," the persons contacted may not be halted, detained, or frisked against their will. They may not be required to answer questions or to cooperate in any way if they do not wish to do so. If they refuse to cooperate, they must be permitted to go on their way, unless the officer has developed reasonable suspicion to detain or probable cause to arrest. If it seems appropriate under the circumstances, however, the person may be kept under surveillance. Since a consensual contact is not a stop or an arrest, and those persons contacted may be innocent of wrongdoing of any kind, officers should take special care to act in a restrained and courteous manner.

Note: Except in situations that would jeopardize an investigation, officers shall ensure that all persons contacted are aware of the officer's affiliation with the police department.

5. *Reporting Consensual Contacts: Officers are expected to make a variety of contacts with members of the community throughout each work shift. Contacts*

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6. *which do not lead to enforcement action may be documented in the Officer's Daily Journal, at the officers discretion. If enforcement action results from a consensual contact, the resulting citation, warning, FI, JCR, arrest or detention report shall be documented in the Officers Daily Journal.*

B. ~~Detention~~ Stops

~~A detention (also referred to as a "stop") occurs is a temporary detention of a person for investigation. A stop occurs when officers use their authority either to compel a person to halt, to remain in a certain place, or to perform some act (such as walking to a nearby location, where the officer can use a radio, telephone, or call box). If the persons have the impression they are not free to leave the officer's presence, a "stop" has occurred. If the persons have been told they are not free to leave the officers presence, a detention has occurred. When conducting a detention, or when, in the officers mind, a consensual encounter becomes a detention, the officer shall notify the subject contacted that he or she is no longer free to leave. However, officers are not required to make such a notification if it would hamper an investigation or jeopardize the officers safety. In the event of a traffic stop in which a police vehicle's forward red light is illuminated, the detention of the vehicle operator or pedestrian is already expressly implied by California Vehicle Code section 21806, and no further verbal notification by the officer is required.~~

1. Basis for a Stop/Detention

If an officer reasonably suspects that a person has committed, is committing, or is about to commit any crime, the authority to ~~detain~~ stop that person exists. The officer may exercise this authority in any place that the officer has the right to be. Both pedestrians and persons in vehicles may be ~~detained~~ stopped. A ~~detention~~ stop is warranted if there is a reasonable suspicion by the officer that: (1) some activity relating to crime has taken place, is presently taking place, or is about to occur, and (2) the person to be stopped or detained is involved in that activity.

2. Reasonable Suspicion

The term "reasonable suspicion" is not capable of precise definition; it is more than a hunch or mere speculation on the part of an officer, but less than the probable cause necessary for arrest. It may arise out of a contact, or it may exist prior to a contact.

The following list (which is not ~~all inclusive~~ exhaustive) contains some factors that should be considered in determining whether reasonable suspicion exists for a ~~detention~~ stop:

a. The Person's Appearance

The detainee fits the description of a person wanted for a known offense. The person appears to be suffering from a recent injury or appears to be under the influence of alcohol, drugs or other intoxicants. Do they generally fit the description of a person wanted for a known offense? Do they appear to be suffering from a recent injury or to be under the influence of alcohol, drugs, or other intoxicants?

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b. The Person's Behavior/Actions

The person is fleeing from an actual or possible crime scene. The person is behaving in a manner indicating possible criminal conduct. Incriminating statements by the person were overheard. The person is associating himself with someone the office determined to be reasonably suspicious.

~~Are they running away from an actual or possible crime scene? Are they behaving in a manner indicating possible criminal conduct? Were incriminating statements or conversations overheard? Are they with companions who are "reasonably suspicious in themselves"?~~

c. Prior Knowledge of the Person

The person has an arrest or conviction record, or is known to have committed an offense similar to the one that just occurred, or is about to occur.

~~Do they have an arrest or conviction record, or are they known to have committed a serious offense? If so, is it for offenses similar to one that has just occurred, or which it is suspected is about to occur?~~

d. Demeanor ~~During a Contact?~~

The person's answers are evasive, suspicious, or incriminating. The person is excessively nervous during the contact.

~~Are they responsive to questions during the contact? Were their answers evasive, suspicious, or incriminating? Were they excessively nervous during the contact?~~

d. Area of the ~~Detention Stop~~

The person is near the location of a known offense soon after its commission. The person is in an area known for a particular criminal activity. If so, it is the kind of activity the person is thought to have committed, is committing, or is about to commit. Officers are cautioned that the courts find no credence in the term "high crime area", and that the term should be avoided. If reference is to be made to the area of the detention, officers should be able to articulate specific facts concerning that area (e.g. four commercial burglaries in the past week within several blocks of the location of the stop; 25 acts of vandalism within the past month at Kearny High School, etc.)

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~~Is the person near the location of a known offense soon after its commission? Is the person in an area known for an unusually high incidence of a particular criminal activity? If so, is it the kind of activity the person is thought to have committed, be committing, or is about to commit? Officers are cautioned that the courts find no credence in the term "high crime area," and that it should be avoided. If reference is to be made to the area of the stop, officers should be able to articulate specific facts concerning that area (e.g., 4 commercial burglaries in the past week within several blocks of the location of the stop; 25 acts of vandalism within the past month at Kearny High School, etc.).~~

f. Time of Day

It may be unusual for people to be in that area at that particular time. It is the time of day or night during which the suspected criminal activity usually occurs.

~~Is it usual for people to be in the area at this particular time? Is it the time of day or night during which criminal activity of the kind suspected usually occurs?~~

g. Police Training and Experience

The persons conduct is similar to the pattern followed in particular criminal offenses based on the investigating officers training and/or experience in dealing with that particular kind of criminal activity.

~~Does the person's conduct resemble the pattern or modus operandi followed in particular criminal offenses? Does the investigating officer have experience in dealing with the particular kind of criminal activity being investigated?~~

h. ~~Emergency Circumstances~~ Police Purpose

Public safety may be endangered if investigative action is not taken.

~~Was the officer investigating a specific crime or specific type of criminal activity? How serious is the suspected criminal activity? Might innocent people be endangered if investigative action is not taken at once?~~

i. Source of Information

If the basis of the officers reasonable suspicion is in whole or in part based upon information supplied by another person, the officer should consider the reliability of the source of the information. The reliability of the information includes such things as whether the informants are known to the officer, whether they have supplied accurate information in the past, how they came by this information, and whether this information has been corroborated in any way, prior to making the detention.

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~~If the basis of the officer's "reasonable suspicion" is, in whole or in part, information supplied by another person, what kind of person was involved? Was the person a criminal informant, a witness, or a victim of a crime? How reliable does the person appear to be? Have they supplied information in the past that proved to be reliable? Are they known to the officer? Did the officer obtain the information directly from that person? How did the person obtain the information? Was any part of the information corroborated prior to making the stop?~~

3. Citing Justification for a ~~Stop~~/Detention

Every officer who conducts a detention, as opposed to a *consensual* contact, must be prepared to cite those specific factors which led the officer to believe the detention was *reasonable* justified. ~~This is critical for successful prosecution.~~

4. Police Conduct During a Detention

Proper justification for a ~~detention~~~~stop~~ does not permit unreasonable conduct during the detention. All police activity during a ~~detention~~~~stop~~ ~~shall~~~~must~~ be done in a reasonable manner. Every phase of a detention will be considered by the courts in determining whether the detention was reasonable and, ~~therefore,~~ lawful.

a. Duration of ~~the Detention~~~~Stop~~/Detention

A person stopped pursuant to this procedure may be detained *for a reasonable time* ~~at or near the scene of the stop~~ ~~for a reasonable time~~ under the circumstances. Officers should detain a person only for the length of time necessary to determine if the person should be arrested or released.

b. Scope of ~~the~~ Detention

A reasonable on-the-scene investigation is all that is authorized by law during a detention. Therefore, an officer shall not move a detainee unless:

- 1. the officer obtains the detainee's consent to be moved;*
- 2. the officer has probable cause to arrest the detainee;*
- 3. a victim can not, for valid reasons, be brought to the scene of the detention, or;*
- 4. for the safety of the officer or the detainee.*

~~A reasonable, brief, on the scene investigation is all the law authorizes during a detention. Therefore, a person may not be transported or moved~~

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~~from the scene of a detention, unless the officer obtains the person's consent or has probable cause to arrest.~~

c. Explanation to *a* Detained Person

Officers shall act with as much restraint and courtesy towards the person detained as is possible under the circumstances. Plain clothes officers making a detention shall identify themselves as law enforcement officers as soon as ~~it is appropriate~~ ~~practicable after making the stop~~. At some point during the ~~detention~~ ~~stop~~, the officer shall, ~~in every case~~, give the ~~detainee~~ ~~person detained~~ an explanation of the purpose of the stop ~~unless such an explanation would jeopardize officer safety or hamper an investigation.~~

d. Questioning of Detained Persons

The officer may direct questions to detained persons for the purpose of obtaining their name, address, and an explanation of their presence and conduct. The detained person may not be compelled to answer these questions, even that of identity. During this questioning, ~~it is not necessary to advise the person of their constitutional rights under MIRANDA until such time as probable cause to arrest develops, or the questioning has become sustained and coercive, rather than brief and casual.~~ ~~the person need not be advised of their constitutional rights under Miranda until such time as probable cause to arrest develops, or the questioning has become "sustained and coercive," rather than brief and casual.~~

e. Effect of Refusal to Cooperate

Refusal to answer questions does not by itself establish probable cause to arrest, but such refusal may be considered along with other facts as an element to be considered in determining whether the investigation should be continued. However, a person who flees during a lawful detention may be arrested for a violation of Penal Code Section 148 (a)(1) provided that such flight delayed or obstructed the investigation and there is sufficient proof to show that the person knew he/she was being detained by a police officer.

f. Use of Force to Detain

Officer shall comply with D.P. 1.04 "Use of Force" when deciding how much force, if any, should be used in effecting a detention.

~~Officers shall use the least coercive means necessary to effect the stop of a person. The least coercive means may be a verbal request, an order, or the use of physical force. If the officer is attacked, or circumstances exist that create probable cause to arrest, the officer may use the amount~~

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~~of force reasonable for defense or necessary to effect a full custody arrest.~~

g. *Reporting Detentions*~~Reports~~

- 1) *In cases where a subject is detained and released at a scene, without being transported away from that scene, an FI shall be completed by the "Contact Officer". The Contact Officer shall document in the FI those facts that led to the reasonable suspicion required to detain the subject. The Contact Officer shall log the FI in his/her Officers Daily Journal.*
- 2) *In cases where a subject is detained, transported away from the scene and later released without booking, the Contact Officer shall prepare a "detention Only" arrest report that properly documents the probable cause, special circumstances or consent that was required for the detention and movement of the subject.*
- 3) *If the need for photographs and/or fingerprints arises during the course of a detention, the person may be detained until a camera and/or fingerprinting equipment can be obtained, provided the detention does not become unreasonably long. Moving a subject to another location for photographs and/or prints requires either consent from the subject, probable cause to arrest, or special circumstances such as an injured victim, etc. Absent those exceptions, officers shall not transport a subject away from the scene for photographs and/or fingerprints.*

~~If, during the course of a detention, the need for photographs and/or fingerprints arises, request the person's consent to being transported for such purpose. If the person refuses, the person may not be transported. However, the person may be detained until a camera can be obtained to take the suspect's photo if identity is necessary, provided the detention doesn't become unreasonably long.~~

~~All persons who are detained and consent to being transported to a police facility for the purpose of interrogation, photographs, prints, or other testing will be entered on the SHERLOCK Arrest Log as a "detention only" contact. Officers will have these entries made by contacting the Watch Commander. The log entry will include the proposed/ suspected charges and a brief description of the reason for release, such as "photos/prints," "insufficient evidence," "insufficient quantity," etc.~~

~~On all other contacts, stops, and detentions, an FI is still required when crime potential exists. The FI shall be entered on the officer's Daily Journal. On contacts where there is no crime potential, the contact shall be entered on the officer's Daily Journal.~~

~~It will not be necessary to submit an Arrest Report, as the log entry and officer's Daily Journal will adequately document the detention.~~

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~~Exceptions to the above are: Incidents in which a person is released at the Marshal's Office to pay for warrants, and when, upon discretion of the command, it is deemed desirable to document the contact with a "detention only" arrest report. Examples of this would include documentation of DUI releases by the Traffic Division, or instances when documentation would be valuable to answer complaints or legal action.~~

C. Pat Downs

1. When to Pat Down

An officer may pat down any person who has been detained when the officer reasonably suspects that the person is carrying a concealed weapon or dangerous instrument and that a pat down is reasonable to protect the officer or others. The pat down may be conducted immediately upon making the stop or at any time during the stop whenever a "reasonable suspicion to pat down" appears.

2. Reasonable Suspicion for Pat Down

"Reasonable suspicion" for a valid pat down is more than a vague hunch and less than probable cause. If a reasonably prudent officer, under the circumstances, would believe the officer's safety or that of other persons in the vicinity is in danger because a particular person might be carrying a weapon or dangerous instrument, a pat down is justified.

The following list (which is not *all inclusive* ~~exhaustive~~) contains some factors that should be considered in determining whether *or not reasonable suspicion exists for a pat down*. *NOTE: A single factor listed below, or even a cluster of factors may or may not individually justify a pat down. An officer shall consider the totality of the circumstances present when deciding whether or not a pat down is reasonable.* ~~"reasonable suspicion" exists for a pat down.~~

- a. The Person's Appearance – *Their clothes may contain a bulge that suggests the presence of an object capable of inflicting injury.*

~~Do their clothes bulge in a manner suggesting the presence of any object capable of inflicting injury?~~

- b. The Person's Actions - ~~Did he/she may have made~~ *make* a furtive movement as if to hide a weapon. ~~as he/she was approached? Is he/she nervous during the course of the detention? Are his/her words or actions threatening?~~ The subject may be excessively nervous during the detention. The subject may be exhibiting threatening actions or words.

- c. Prior Knowledge – *The officer may know that the subject has a prior record for weapons violations or assaultive behavior.*

~~Does the officer know if the person has a police record for weapons offenses or assaults (on police officers or others)? Does the officer know~~

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~~if the person has a reputation for carrying weapons or for violent behavior?~~

- d. Location – *The area may be sufficiently isolated so as to limit immediate police assistance if needed.*

~~Is the area sufficiently isolated so that a law enforcement officer is unlikely to receive immediate aid if attacked?~~

- e. Time of Day – *Darkness may inhibit visibility.*

~~Is the confrontation taking place at night? Does this contribute to the likelihood that the officer will be attacked?~~

- f. Police Purpose – *The officer's detention of the subject may be for an armed, serious or violent offense.*

~~Does the officer's suspicion of the suspect involve a serious, violent, or armed offense? (If so, the same factors justifying the stop also justify the pat down.)~~

- g. Companions – *The officer may have detained multiple subjects. If a weapon is found on one person, it may indicate a greater likelihood that a weapon may be found on others being detained.*

~~Has the officer detained a number of people at the same time? Has a pat down of a companion revealed a weapon? Does the officer have assistance immediately available to handle the number of persons stopped?~~

3. Citing Justification for a Pat Down

Every officer who conducts a pat down must be prepared to cite those specific factors which led the officer to conclude that "reasonable suspicion" existed before the pat down began. A mere statement that the officer feared for his/her safety is not sufficient. Instead, the officer shall cite specific factors listed above.

4. Pat Down Procedures

A pat down is a ~~limited~~ search for the purpose of finding weapons that could be used against an officer. ~~This type of search is limited to those areas where a weapon is likely to be found.~~ A pat down is not a search for evidence or contraband, and, absent consent, officers ~~shall~~ should not use a pat down as a pretext to conduct ~~an evidentiary search~~ a full-scale search.

- a. Procedures When a Pat Down Discloses an Object that Might Be a Weapon or Dangerous Instrument

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If, when conducting a pat down, the officer feels an object which the officer reasonably believes is a weapon or dangerous instrument or is a hard object which may contain such an item, the officer may reach into the area of the person's clothing where the object is located (example: a pocket, waistband, or sleeve) and remove the object.

b. Procedure When a Pat Down Discloses an Object that Might Be a Seizable Item

If, while conducting a pat down, an officer feels an object which the officer does not reasonably believe to be a weapon or dangerous instrument, but does believe to be a seizable item, the officer may not, on the basis of the authority to pat down, take further steps to examine the object. However, if the nature of the object felt, along or in combination with other factors, creates probable cause to believe that a crime is being committed in the officer's presence, the officer should tell the person they are under arrest for that crime. The officer may then conduct a full custody search incidental to arrest, but must not take any step to examine the object before making the arrest. If a seizable item is not found, the person should be released.

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| SAN DIEGO POLICE DEPARTMENT Origin: CHIEF OF POLICE | DATE: DRAFT | PAGE: 1 of 14 | NO.: 1.05 - ADMIN |
| DISSEMINATION: ALL PERSONNEL | SUBJECT: FIREARMS PROCEDURES | | |
| ORIGINATING DIVISION: TRAINING AND DEVELOPMENT | NEW PROCEDURE <input type="checkbox"/> PROCEDURAL CHANGE <input checked="" type="checkbox"/> SUPERSEDES: DP 1.05 - 05/12/93 | RELATED POLICY: 1.05 | |

I. BACKGROUND

The San Diego Police Department recognizes and respects the value of human life and the dignity of every individual. It further recognizes that the primary duty of our officers is to preserve human life.

The decision to use deadly force in response to an immediate threat of death or serious bodily injury to the officer or another person is one of the most critical decisions an officer will ever be called upon to make. The department deeply values community trust, and knows that this trust in law enforcement must be based on the community's belief that officers will act fairly.

An officers use of deadly force will be evaluated and reviewed in accordance with criteria contained in the law and Police Department Policies.

~~The decision to use a firearm in response to an immediate threat of death or serious bodily injury to the officer or another person is one of the most critical decisions an officer will ever be called upon to make. An officer's use of a firearm will be evaluated and reviewed in accordance with criteria contained in Department Procedure 1.04 (Use of Force) and in this procedure.~~

II. PROCEDURES FOR THE USE AND SAFE HANDLING OF FIREARMS BY OFFICERS

- A. Officers shall not discharge any firearm in the performance of their duties except as authorized by this Department Procedure.
- B. ~~No officer shall discharge a firearm in the performance of duty except: Officers shall exercise the utmost care in their handling and use of firearms while engaged in the performance of their duties and while exercising their option to carry a loaded and concealed weapon while off duty. The following factors should be considered before an officer discharges his/her weapon:~~
 - 1. ~~During authorized training at a target range~~*During authorized training at a target range*~~Type of crime;~~
 - 2. ~~When the officer has a reasonable belief that a subject (or animal) poses an imminent threat of death or serious bodily injury to the officer or another person~~*When the officer has a reasonable belief that a subject (or animal) poses an imminent threat of death or serious bodily injury to the officer or another person*~~Type of suspect; e.g., age, size, skill, injury or disability;~~
 - 3. ~~When necessary to apprehend a fleeing suspect if there is probable cause to believe the suspect has committed a felony involving the infliction or threatened~~*When necessary to apprehend a fleeing suspect if there is probable cause to believe the suspect has committed a felony involving the infliction or threatened*

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*infliction of death or serious bodily injury, and the officer reasonably believes the suspect is armed with a deadly weapon and the suspect's escape would pose an imminent **threat** to the officer or others.*~~Threat to lives;~~

4. *As permitted by Department Procedure 6.9, Handling of Injured Animals.*~~Immediacy of the threat;~~
 5. ~~Environment;~~
 6. ~~Capabilities of the suspect's weapon; and~~
 7. ~~Officer's present capability with the weapon.~~
- C. Verbal warnings – A verbal warning to submit to the authority of the officer shall be given prior to the use of a firearm, if feasible, and if to do so would not increase the danger to the officer or other persons.
- D. *Officers shall exercise the utmost care in their handling and use of firearms while engaged in the performance of their duties and while exercising their option to carry a loaded and concealed weapon while off-duty. Factors that should be considered before an officer discharges a firearm include, but are not limited to, the following*~~No officer shall discharge a firearm in the performance of duty except:~~
- *Immediacy of the threat;*~~During authorized training at a target range.~~
 - *Suspect(s): age, size, skill, injury or disability;*~~When the officer has a reasonable belief that a subject (or animal) poses an imminent threat of death or serious bodily injury to the officer or another person.~~
 - *Environment: (Field of Fire);*~~When necessary to apprehend a fleeing suspect if there is probable cause to believe the suspect has committed a felony involving the infliction or threatened infliction of death or serious bodily injury, and the officer reasonably believes the suspect is armed with a deadly weapon.~~
 - *Capabilities of the suspect's weapon;*~~As permitted by Department Procedure 6.9, Handling of Injured Animals.~~
 - *Officer's present capability with the weapon; and*
 - *Type of crime.*
- E. Vehicles – Firearms shall not be fired solely to disable a vehicle. Firearms may be fired at the driver or other occupant of a vehicle only when the officer has a reasonable belief that the subject poses an immediate threat of death or serious bodily injury to the officer or others, and the use of deadly force does not create a danger to the public that outweighs the likely benefits of its use. Officers shall not position themselves in the path of a vehicle. Such actions create a dangerous situation that may not justify the use of a firearm.
- F. Warning shots present a danger to the officer and other persons. They are prohibited except under exigent circumstances when:

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1. The officer has a reasonable belief that a subject (or animal) poses an imminent threat of death or serious bodily injury to the officer or another person.
 2. Necessary to apprehend a fleeing suspect if there is probable cause to believe the suspect has committed a felony involving the infliction or threatened infliction of death or serious bodily injury, and the officer reasonably believes the suspect is armed with a deadly weapon *and the suspect's escape would pose an imminent threat to the officer or others.*
- G. Firearms as Impact Weapons – Firearms are not designed or intended for use as impact weapons and shall not be used to strike another person, except when necessary to protect the officer or another person from death or serious bodily injury.
- H. Shotgun Procedures.

1. Shotgun loading and storage:
 - a. Shotguns shall be carried in all marked police vehicles equipped with a shotgun mount. They shall be secured in the vehicle's shotgun mount and shall not be stored or transported in the vehicle's trunk.
 - b. At the beginning of the shift, the driver officer shall load the shotgun in the proper manner.
 - c. At the conclusion of an incident in which a shotgun round has been chambered, the officer shall unload and reload the shotgun in the current prescribed manner.
 - d. At the end of the shift, the driver officer shall unload the shotgun in the current prescribed manner and secure the weapon in the vehicle's mount.

NOTE: To reduce the danger of injury associated with unintentional discharge, the shotgun shall never be loaded or unloaded in a vehicle, in a police station, under any overhead structure or close to multi-storied buildings; e.g., Headquarters E Street parking lot, unless using a shotgun containment canister.

- (1) Canisters are steel barrels with plywood baffles inside designed to successfully stop 12-gauge 00-buck rounds.
- (2) Canisters shall not be used with rifled slugs.
- (3) The shotgun barrel is to be inserted into the hole at the bottom of the canister throughout the loading/unloading process.
- (4) Officers shall immediately notify the Watch Commander's Office (531-2205) of any unintentional discharges. The building maintenance supervisor (531-2225) will be notified of any damage to the facility as a result of the discharge.

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- e. Area Commands and specialized units will assign qualified personnel to conduct a regularly scheduled maintenance program for their assigned shotguns.
 - (1) Shotguns assigned to police vehicles shall be removed at *monthly* ~~two-week~~ intervals and cleaned.
 - (2) A five-point safety check will also be conducted before replacing the unloaded shotgun in the appropriate vehicle.
 - (3) Any shotgun requiring repairs will be taken to the Police Range by the maintenance officer.
- 2. Shotgun Security.

Shotgun mounts are equipped with electric locking mechanisms activated by the ignition key. Whenever officers leave the immediate vicinity of their vehicle, they should remove the ignition key and lock the doors.

III. REQUIREMENTS REGARDING FIREARMS AND AMMUNITION

- A. Firearms.
 - 1. All firearms carried on or off-duty shall be of a type approved or issued by the Department. The master list of approved weapons shall be retained by the Rangemaster. It may be updated by submittal of additions to the Safety and Equipment Committee.
 - 2. Other models previously authorized may be retained, but no additional handguns of those types will be authorized for Department use. Other models will be evaluated on a continuing basis.
 - 3. On-duty backup firearms shall be completely concealed on the officer's person.
 - 4. On-duty firearms for uniformed personnel shall have either a blue steel or stainless steel finish. Chrome or nickel-plated finishes are prohibited.
 - 5. Officers shall be limited to three approved handguns for on or off-duty use in their official police capacity. Personal weapons carried on or off-duty shall be inspected and approved by the Department's Firearms Technician.
 - a. Following the inspection, the officer shall demonstrate proficiency in the use of the weapon by shooting a course prescribed by the Rangemaster.
 - b. Upon successful completion of the prescribed course, the Rangemaster or his/her designee shall complete an "Authorization to Carry a Personal Weapon on Duty" form, PD-899TR, and, if necessary, indicate any limitations for use.

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- c. The original of the PD-899TR authorization form shall be routed to the Personnel Division for inclusion in the officer's personnel file. A copy will be given to the officer for his/her records.
- d. Firearms carried on or off-duty may be repaired by the Department Firearms Technician.
- e. Department handguns are issued by the Headquarters Property Room. The Headquarters Property Room has the authority to issue an officer a Department handgun, or replace an officer's Department handgun in the event it is lost or stolen. In instances of lost or stolen handguns, the officer shall prepare a police report, which includes the handgun serial number, prior to the issuance of a replacement handgun. If the incident occurred outside the County of San Diego, the officer shall obtain a lost or stolen incident report from the appropriate police agency.

The officer shall also prepare an ARJIS-9 report, detailing the circumstances of the lost or stolen handgun. The crime report and ARJIS-9 shall be approved by a supervisor and routed to Records Division. The officer shall give copies of the reports to the Property Room.

The Rangemaster shall authorize the exchange of any department handgun. When an officer wants to exchange a handgun, approval shall be obtained from the Rangemaster. The Rangemaster shall notify the Property Room, in writing, of the authorized exchange of the handgun.

- 6. Officers shall complete a Department-approved semi-automatic pistol course prior to carrying a semi-automatic pistol.
- 7. Officers who are trained on the "double action only" pistol but desire to carry a conventional semi-automatic pistol shall complete the Department's conversion class for authorization to carry a conventional semi-automatic pistol.
- 8. The Assistant Chief of Special Operations, after consultation with the Rangemaster, may approve other firearms for primary use by officers engaged in undercover work or other activities requiring small, completely concealable weapons.
 - a. Approval shall be in writing and placed in the officer's Personnel file.
 - b. Upon completion of the special assignment, the authorization for use of the firearm shall be discontinued and the form shall be removed from the file.

B. Ammunition.

Ammunition carried for use in an official police capacity, including that for a backup firearm, must be of a type currently approved and issued by the Department and shall not be altered in any way. This includes extra ammunition carried in the gun belt, equipment

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cases or loaders. Officers may carry either solid or hollow-point ammunition in the .22 Derringer and Walther TPH.22.

C. Accessories or Alterations.

Any accessories added or alterations made to any firearm carried on- or off-duty must be approved by the Rangemaster. (For information regarding approved on-duty holsters, refer to Department Procedure 5.10, Uniform and Equipment.)

IV. FIREARMS SAFETY

- A. Department lockers and desk drawers containing firearms shall be kept securely locked.
- B. Officers shall not leave weapons unattended in a careless manner at any time.
- C. Officers who come into possession of any loaded firearm shall immediately unload the firearm unless the loaded condition is necessary for evidentiary purposes. Officers who are unfamiliar with the unloading procedures of the firearm shall seek assistance from someone who is knowledgeable about the safe unloading of the firearm, prior to unloading or transporting the firearm.

V. REPAIRS

Firearms carried on-duty, including handguns, shotguns and rifles, which become inoperable or jammed, shall be handled in the following manner:

- A. The officer issued or in charge of the firearm shall affix a wire tag to the firearm.
- B. The tag shall contain a brief description of the problem, the serial number, where the firearm is normally maintained (equipment #871, SWAT Armory, et cetera) and the name of the reporting officer.
- C. The officer shall also arrange for delivery of the firearm to the Range.
- D. During normal working hours, the firearm shall be taken to the Department Range. The Rangemaster shall arrange for correcting the malfunction.
- E. When the range is closed, malfunctioning firearms shall be placed in the SWAT Armory until the Range opens. The SWAT officer responsible for the Armory shall transfer the firearms to the Range.

VI. SAN DIEGO COUNTY-WIDE PROCEDURES FOR POLICE INVOLVED SHOOTING INCIDENTS

- A. When an officer of any local, state, or federal law enforcement agency becomes involved in a shooting incident, wherein injury or death results, an investigation shall be conducted by, and under the control of, the agency within whose jurisdiction the shooting occurred.

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Within the City of San Diego, the San Diego Police Department Homicide Section will have the responsibility of conducting this investigation.

- B. The agency which employs the officer involved in the shooting may participate in the investigation of the shooting. This investigation may be conducted jointly with full participation by designated investigators from the agencies involved.
- C. The agency in whose jurisdiction the shooting occurred shall have the responsibility for presenting the facts in the case to the District Attorney or other appropriate prosecutorial agency for evaluation. Any information or reports developed by an investigator shall be made available to all concerned agencies in accordance with Constitutional and contractual guarantees.
- D. Claims personnel from the involved government agency may be permitted access to the scene of shooting incidents and provided with the information necessary to fulfill their responsibility upon the approval of the Homicide supervisor in charge of the scene.

VII. NOTIFICATION AND INVESTIGATION OF POLICE INVOLVED SHOOTING INCIDENTS

- A. Shooting Incidents Not Involving Death or Injury.
 - 1. Officers who discharge a firearm on duty, except at a target range, or discharge a firearm off-duty causing injury to a person or damage to the property of another shall report the incident immediately to the Watch Commander who shall initiate an investigation.
 - 2. A supervisor shall respond to the scene, conduct an investigation, and prepare a "Shooting Incident Report" (PD-128).
 - 3. In cases where the shooting was directed at a person, the involved officer shall immediately notify a supervisor. The supervisor shall notify the Watch Commander. The Watch Commander shall notify the on-call Internal Affairs Lieutenant who shall send an Internal Affairs investigator to the scene. The Internal Affairs investigator shall conduct an administrative investigation.
 - 4. Reports of police shooting incidents shall be routed as follows:
 - a. The "Shooting Incident Report" (PD-128) will be forwarded directly to the Assistant Chief of Special Operations and the Assistant Chief of Professional Responsibility.
 - b. A copy of all police shooting investigations conducted by field supervisors will be routed to Internal Affairs via the appropriate Commanding Officer.
 - 5. Any Department member who is fired upon, whether wounded or not, shall have the "Supervisor's Injury/Assault Investigation Report" (RM-1564) completed by the field supervisor in charge of the incident. This is in addition to any other required reports.

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B. Shooting Incidents Involving Death or Injury.

1. In cases where a person is injured or killed, the Watch Commander shall immediately notify the following personnel:
 - a. The on-call Homicide lieutenant;
 - (1) In any incident other than traffic collisions in which an officer's use of force causes death to any person, the Homicide lieutenant shall immediately notify the District Attorney's Office.
 - b. The Chief of Police;
 - c. The on-call Internal Affairs lieutenant;
 - d. The Area Captain. If unavailable, the Duty Captain shall be notified;
 - e. The Commanding Officer of the officer involved;
 - f. The on-call POA attorney or legal representative;
 - g. The District City Council Member, the Mayor, the City Manager, via the Chief's Office during business hours, or the Duty Chief if after business hours;
 - h. Peer support via the Medical Assistance Unit;
 - i. The service area lieutenant;
 - j. The lieutenant of the officer involved in the shooting; and
 - k. The on-call Psychological Services staff member.
2. The ranking supervisor responding to the shooting incident shall be responsible for the control of the situation in the following manner:
 - a. *The officer involved should be isolated as soon as possible. When more than one officer is involved, they should be isolated from one another as soon as possible. The officer(s) involved should be isolated as soon as possible.* A support officer should be assigned to accompany each officer involved.
 - b. Officers involved in a shooting incident shall not discuss the situation at the scene with anyone other than the first arriving supervisor, Homicide investigators or their legal representative.
 - c. When interviewing the involved officer(s), the first arriving supervisor will be responsible for developing sufficient information to ensure public safety for a tactical response and provide investigators with an overview

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of the incident. All inquiries concerning the involved officer's actions are subject to the Police Officers Bill of Rights.

- d. In-depth interviews of involved officers will be handled only by Homicide or Internal Affairs investigators, whichever is appropriate under the circumstances. All inquiries concerning the involved officer's actions are subject to the Police Officers Bill of Rights.
 - e. Release of information or statements regarding the incident shall be coordinated by the Commanding Officer, Investigation II Captain, or a Homicide Lieutenant.
3. Officer-involved shootings involving injury or death to any person shall be investigated by the Homicide Unit. The Homicide team sergeant is responsible for preparing and routing the "Shooting Incident Report" (PD-128).
 - a. These investigations will all be assigned case numbers under the appropriate criminal offense or as "Special Investigations."
 - b. The report originals will be filed in the Records Division, and a copy will be forwarded to the Assistant Chief of Professional Responsibility.
 4. The involved officer(s) will be relieved of all field duties and given other assignments within their command pending an investigation. The officer(s) will remain in that status until notified by the Office of the Chief of Police to return to normal duty.
 5. Officers involved in traumatic events such as shootings or in-custody deaths may need critical incident debriefing. Refer to Department Procedure 5.21 for the appropriate protocol.

VIII. INSPECTIONAL SERVICES

- A. After the investigation of shooting cases as outlined above, the Assistant Chief of Professional Responsibility will conduct a review of all investigative reports to ensure that the investigation is sufficiently thorough and complete.

The Assistant Chief of Professional Responsibility shall also direct Internal Affairs to do the following:

1. Assign a "shooting incident" number to the case.
2. When necessary, interview the officer(s) involved in the shooting.
3. When necessary, return the investigation to the investigating unit for additional follow-up.
4. Forward the investigation to the Assistant Chief of the involved officer for review, who will forward copies to the Commanding Officer of the police

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personnel involved via the Chain of Command and to the chairperson of the Shooting Review Board.

5. Retain copies of each incident.
- B. The Internal Affairs Section shall be the central repository for reports on all police shooting incidents and shall maintain appropriate statistical records.

IX. POLICE SHOOTING REVIEW BOARD

- A. The San Diego Police Department has a Police Shooting Review Board, hereinafter referred to as the "Board." The Board shall, at the direction of the Chief of Police, review all incidents in which police officers discharge any firearm on or off-duty.
- B. The purpose of the review is to determine whether Department policies and procedures regarding the use of firearms were followed; to discover and advise the Chief of Police of any related training needs; and, to determine if the tactics employed were appropriate.
- C. The Board shall consist of the Assistant Chief of Training and Development, the Department Rangemaster, and the Officer Safety Core Instructor.
- D. Procedures for Police Shooting Review Board
1. The Assistant Chief of Training and Development will chair the Board and will be responsible for scheduling meetings.
 2. The Board will meet as necessary in order to thoroughly review all assigned incidents involving the discharge of firearms.
 3. The Board may interview officers and witnesses involved in any incidents, and may call as additional witnesses supervisory personnel, technical experts, or other persons necessary to make a proper determination of the case.
 4. Officers actually involved in a shooting incident may be accompanied by a representative of their choice if called to appear before the Board.
 5. If new or additional information is presented which could affect its findings, the Board may suspend its review. The investigation may be referred to the Assistant Chief of Professional Responsibility.
 6. The Board, after completing its review, shall submit a written report of its findings to the Chief of Police and to the appropriate Commanding Officer. The report will designate the shooting as being within one of the categories listed below:
 - a. Within Policy.
 - b. Not within policy.

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The Board will also comment on the appropriateness of the tactics employed and whether or not any training needs were identified.

7. The Commanding Officer shall review the findings, notify the officer(s) involved, and make recommendations for corrective action, if appropriate.

X. IN-SERVICE FIREARMS TRAINING

A. Responsibility.

1. Officers who are authorized to carry a firearm in the performance of duties shall meet all requirements set forth for firearms qualification.
2. The Rangemaster shall schedule training and firearms proficiency shoots.
3. Officers shall qualify annually with their off-duty firearm. Off-duty firearms shall be inspected by the Department Firearms Technician and possibly disqualified by the Rangemaster.
4. Officers who are authorized to carry Department-issued specialized firearms, (e.g., MP-5), shall meet all qualification criteria set forth by the SWAT/SRT Unit. Qualification and training records shall be maintained by a supervisor of the SWAT/SRT Unit and be available for review by the Department Rangemaster.
5. SWAT officers authorized to carry personal firearms on-duty shall meet all criteria set forth by the SWAT/SRT Unit. The SWAT/SRT Unit shall maintain all personal firearm information records and qualification records. The records shall be subject to review by the Department Rangemaster.

B. Department Firearms Proficiency Shoot.

1. Conditions permitting, In-Service Training will conduct department shoots on a year-round basis. The cycle will consist of two (2) training shoots and one (1) proficiency shoot per year. Officers will be required to attend all scheduled department shoots and achieve a passing score at the designated proficiency shoot.
2. Range personnel will be available during regular range hours for individual coaching and instruction. On-duty officers shall obtain approval from their supervisor prior to participating in individual firearms practice or training.
3. Officers participating in the Department firearms proficiency shoot shall achieve a passing score. Any officer failing the proficiency shoot must comply with the following:
 - a. Original Test Failure – On the day of the shoot, the officer will be given four additional opportunities to achieve a passing score. These are “re-tests.”

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2. Officers who, because of medical restrictions, have been removed from full-duty and have not qualified in the Department firearms proficiency shoot for more than one year from the time of the medical restriction, shall not carry a firearm on duty, or carry a Department issued firearm off-duty until they demonstrate familiarity with their duty weapon and pass a Department proficiency shoot.
3. Officers returning to duty from any medical restriction shall obtain written authorization from the Medical Assistance Unit permitting their participation in a proficiency shoot. Officers shall achieve a passing score at a proficiency shoot prior to returning to full-duty. If the officer fails to pass the shoot, she/he will be given an opportunity to remediate and demonstrate proficiency with their duty firearm. (Refer to Section X.,B.,3., of this procedure.)
4. Officers with medical restrictions shall notify Range personnel of any limitations prior to beginning any training, monthly allotment training or Department shoots.

XI. CIVILIAN MEMBERS' FIREARMS PROCEDURES

- A. The Chief of Police, at his/her discretion, may authorize civilian members of the Department to carry firearms during the course of their duties and within the scope of their city employment.

Possession of a valid Concealed Carry Permit issued by the County of San Diego, does not by itself authorize a civilian member to carry a loaded and concealed firearm, while acting within the scope of their city employment and duties.

1. No civilian member may carry a firearm during the course of their duties and while employed by the Department unless directly approved by the Chief of Police, as outlined in section 'A' above.
 2. Civilian members shall not be issued Department firearms and/or ammunition, unless directly approved by the Chief of Police. They must also have a valid Concealed Weapons Permit issued by the County to carry a concealed weapon on their person.
- B. Civilian members of the Department who receive approval from the Chief of Police to carry firearms during the course of their duties shall conform with the following procedures:
1. Civilian members shall obtain and complete the required 832 P.C. training prior to receiving approval for carrying a firearm in the course of their duties.
 2. Civilian members assigned to specific duties shall conform to all firearms qualification standards as outlined in Section "X" of this procedure.
 3. Civilian members shall not be issued Department firearms unless directly approved by the Chief of Police.

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4. Civilian members authorized by the Chief of Police to carry firearms, shall carry only Department approved firearms and ammunition. The list of the approved firearms and ammunition is maintained at the Range.
 5. The authorization to carry a firearm during the course of city employment shall only be for the duration of the specific assignment and/or duties that justify the approval of the original authorization.
- C. Civilian members of the Department authorized to carry a firearm during the course of city employment shall be limited to the use of the firearm. Civilian members shall not discharge a firearm in the performance of their duties except under the following circumstances:
1. During training at the Range.
 2. When the civilian member has a reasonable belief that a subject or animal poses an imminent threat of death or serious bodily injury to the member or another person.

ATTACHMENT E

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| SAN DIEGO POLICE DEPARTMENT Origin: CHIEF OF POLICE | DATE: DRAFT | PAGE: 1 of 4 | NO.: 1.36 - ADMIN |
| DISSEMINATION: ALL PERSONNEL | SUBJECT: USE OF SPECIALTY MUNITIONS | | |
| ORIGINATING DIVISION: TRAINING AND DEVELOPMENT | NEW PROCEDURE <input checked="" type="checkbox"/> PROCEDURAL CHANGE <input type="checkbox"/> SUPERSEDES: D.P. 1.36, 7/6/99 | RELATED POLICY: | |

I. BACKGROUND

Specialty munitions are unconventional munitions used in unusual circumstances. These munitions have developed over the years to assist personnel in high-risk situations.

SWAT officers, who have special training, use these devices to assist others in critical incidents.

II. DEFINITIONS

Specialty munitions include:

- Extended-range impact ammunition;
 - Chemical agents not covered by Department Procedure 1.06, (Use of Liquid Chemical Agents);
 - Frangible slugs (Avon rounds); and
 - Flash/sound diversionary devices.
- A. Extended-range impact ammunition is designed to be used when “hard impact” weapons, such as a flashlight, PR-24, or OPN, would be reasonable, but are impractical for the situation.
- B. Chemical agents include compounds, devices, and delivery systems utilized by SWAT. Compounds may include irritants such as CN, CS, or an inflammatory agent such as OC. Chemical agents can be liquid, pyrotechnic or blast dispersion.
- C. Frangible slugs, commonly referred to as Avon rounds, are designed to break into a powder upon impact with a solid object. They are fired from a 12-gauge shotgun and are used primarily to breach locked doors. They may be used in other situations as determined by the SWAT Commander.
- D. Flash/sound diversionary devices are canisters which emit a loud noise and bright light. They are intended to temporarily confuse and disorient subjects.

III. PROCEDURES

- A. Only SWAT personnel who have completed an approved training course are authorized to deploy specialty munitions. Authorized personnel shall complete a refresher course every year.

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- B. Specialty munitions may be used in situations which include, but are not limited to:
1. A violent subject who is armed with a non-traditional weapon, such as a baseball bat, crow bar, garden shovel, or any other object involving the threat of bodily injury;
 2. Jail or civil disturbances;
 3. A subject who is armed with an edged weapon;
 4. A suicidal person who is attempting to force officers into shooting him/her in order to accomplish the suicide; or,
 5. An **actively** resistive subject reasonably believed to possess or have immediate access to a deadly weapon.
- C. Patrol supervisors may request the use of specialty munitions. However, the final decision for the deployment of specialty munitions rests with SWAT personnel. Except in emergencies involving the immediate threat of serious bodily injury or death, specialty munitions shall not be used without prior authorization of the SWAT Commanding Officer or the SWAT Mission Leader.
- D. Safety Considerations:
1. Generally, specialty munitions should not be deployed without a tactical plan and a cover officer.
 2. Only factory-loaded ammunition will be used during actual operations.
 3. Specialty munitions should not be used when the subject is in danger of falling from a significant height.
 4. Specialty rounds shall be inspected prior to being deployed.
 5. *Consideration shall be given to* the fire hazard associated with deployment of flash bang grenades and pyrotechnic chemical agents.

IV. MEDICAL TREATMENT

- A. An individual who has been struck with a specialty round shall be examined by paramedics.
- B. In critical cases, it may be necessary to transport the individual to the nearest medical facility in compliance with Department Procedure 6.12 (Paramedic Procedures and Emergency Treatment).

ATTACHMENT E

V. REPORTING PROCEDURE

Whenever a specialty munition is deployed, appropriate documentation shall be completed. A report shall be prepared as follows:

- A. SWAT Incident Report.
- B. Arrest Report (ARJIS-8) or Officer's Report (ARJIS-9) as outlined in Department Procedure 1.04. In addition to the elements required in Department Procedure 1.04 the report shall also contain:
 - 1. Date of incident;
 - 2. Time;
 - 3. Location;
 - 4. All officers present at the time of deployment;
 - 5. The subject's name and date of birth;
 - 6. The name of the treating physician and the results of the medical examination;
and
 - 7. The effectiveness of the specialty munition deployed at the incident.
- C. Photographs shall be taken to document the existence or absence of injury to the subject, officers, or other persons. Photographs shall also be taken of any damage to the clothing or personal property of the subject, officers, or other persons at the scene. The officer taking the photographs shall note the date and time the photographs were taken, and include his/her name and ID number on the back of the photographs.
- D. Report Routing:
 - 1. The original SWAT Incident Report shall be retained by the SWAT/SRT Section for a minimum of two years.
 - 2. Original ARJIS-8 and ARJIS-9 reports will be routed to Records Division.
 - 3. Copies of ARJIS-8 and ARJIS-9 reports shall be routed to the appropriate investigative unit(s) for follow-up.

VI. NOTIFICATION

- A. Whenever a person has been struck by a specialty munition, the officer who deployed the munition shall notify a SWAT supervisor.

ATTACHMENT E

- B. The SWAT supervisor shall respond to the scene and evaluate the circumstances surrounding the incident.
- C. When appropriate, the SWAT supervisor shall notify the Watch Commander of the incident in accordance with Department Procedure 1.04 (Use of Force).

VII. REVIEW PROCESS

The SWAT Commanding Officer shall review the use of specialty munitions as soon as practical following each incident or operation. The review will determine if the munitions functioned properly and were used in accordance with Department Procedure.

ATTACHMENT F

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|--|--|-------------------------|-----------------------------|
| <p>I. SAN DIEGO POLICE DEPARTMENT Origin: CHIEF OF POLICE</p> | DATE: | PAGE: 1 of 8 | NO.: 1.03 - ADMIN |
| DISSEMINATION: ALL PERSONNEL | SUBJECT: B. PURSUIT PROCEDURES | | |
| ORIGINATING DIVISION: TRAFFIC DIVISION | NEW PROCEDURE <input type="checkbox"/> PROCEDURAL CHANGE <input checked="" type="checkbox"/> SUPERSEDES: DP 06/14/92 | RELATED POLICY: 1.03 | |

I. BACKGROUND

- A. A police vehicle pursuit exposes the officers, fleeing violators, pedestrians, and occupants of other motor vehicles to the potential risk of death, serious injury or damage to personal property. Officers may be subject to administrative action for negligent emergency vehicle operation and the City may be found liable in civil actions. Should improper emergency vehicle operations rise to the level of criminal negligence, officers may even be subject to criminal prosecution.

A thorough understanding of approved procedure will both enhance the effectiveness of the pursuit and reduce the likelihood of incidents from which liability might be incurred.

- B. When engaged in a pursuit, officers ~~should weigh~~ *must balance* the seriousness of the violator's suspected crime against the potential for death or injury if the chase is continued. *Officers should not assume that all persons who flee from the police and refuse to yield are serious criminal suspects.* Frequently, termination of a pursuit in the interest of safety is most appropriate.

- ~~C. Officers should not assume that all persons who flee from the police and refuse to yield are serious criminal suspects. Experience has shown that many pursuits involve non-violent crimes or traffic violations.~~

- C. *In the heat of a chase, the violator frequently refuses to give up and the officer likewise feels an obligation to succeed in the pursuit. This psychological phenomenon can cloud one's judgment and may cause the officer to continue the chase beyond the point where common sense and good judgment would require the pursuit to be terminated.*

II. DEFINITION

~~A police pursuit is an active attempt by a police officer, operating an unauthorized emergency vehicle, to stop a motor vehicle whose driver is aware of the attempt and is resisting apprehension by maintaining or increasing speed or by ignoring the officer's attempt to stop the vehicle.~~ *Vehicle Pursuit Defined: An event involving one or more law enforcement officers attempting to apprehend a suspect operating a motor vehicle while*

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the suspect is attempting to avoid arrest by using high speed driving or other evasive tactics such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to the officer's signal to stop.

III. PROCEDURES

A. INITIATING A PURSUIT

1. An officer may initiate a pursuit when a vehicle fails to yield to a police vehicle operating with emergency lights and siren activated. The officer must have reasonable cause to believe the driver or occupants of the vehicle have committed an infraction or misdemeanor in his/her presence, or have probable cause to believe a felony has been committed or is in progress.
2. A police vehicle shall ~~generally~~ not be used in a pursuit unless the vehicle is equipped with emergency lights *that are activated* and a siren ~~which are activated~~ *sounding* as reasonably necessary (21055 CVC).
3. When ~~an unmarked unit or~~ a motorcycle unit has initiated a pursuit, it shall be relieved when the first marked, four-wheel *police* vehicle can assume the pursuit.
4. Only *a total of* two units shall be actively involved in a pursuit unless a Field Supervisor or the Watch Commander approves additional units.
5. Uninvolved units shall remain alert to the location of the pursuit, but shall not join the pursuit unless requested by the primary pursuit unit, or if authorized by a Field Supervisor.

B. RADIO PROCEDURES

When a pursuit begins, the ~~Communications Dispatch Supervisor shall implement the following measures:~~ *following radio procedures will apply:*

1. ~~Notify~~ *Communications Dispatch will activate the "Emergency Tone" and assign a Field Supervisor to assume control and monitor the pursuit. Any Field Supervisor may cancel unnecessary Code 3 cover units or may terminate the pursuit, when circumstances require it.*
2. ~~Notify~~ *Communications Dispatch will notify the Watch Commander who will monitor the pursuit and may order termination if warranted.*

3. The pursuing officer(s) shall remain on the original radio channel unless directed otherwise. The second assisting unit behind the primary lead unit should "call the pursuit". Whenever possible, passenger officers should operate the radio allowing the driver to concentrate on driving tactics and officer safety.

4. Once the pursued vehicle is overtaken by a law enforcement helicopter, the aircraft ~~becomes an assisting unit responsible for~~ *can assist by* broadcasting on-going radio updates on the route of travel. If a ~~Canine Unit~~ *canine unit* is

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involved in the pursuit, the radio dispatcher shall broadcast that information for officer safety purposes.

5. *If a unit is requested to deploy spike strips, they must advise Communications of the deployment location. The Dispatcher shall immediately rebroadcast this location to pursuing units accompanied by an "Alert Tone". This allows for pursuing units to tactically prepare for the apprehension of the suspect(s) while avoiding the tire deflation devices placed in the roadway.*
6. *Officers not actively engaged in the pursuit shall remain off the air, giving priority radio traffic to pursuing units.*

IV. PURSUING OFFICER'S RESPONSIBILITY

- A. The initiating pursuit unit shall state on the radio specific information identifying the suspect(s), involved vehicle, *what the vehicle is wanted for*, and any other factors necessary to ensure officer safety and effective pursuit tactics.
- B. Officers involved in a ~~high-speed~~ pursuit have the responsibility to terminate the pursuit when the driving conditions (such as traffic congestion, weather, and road design) do not support *the risk to the public or the officer high-speed driving requirements*.
- C. Driving on the wrong side of a divided roadway, ~~including freeways (against oncoming traffic), is~~ *generally prohibited. Driving the wrong way on freeways is strictly prohibited.* Emergency vehicle operators ~~would~~ *may not* be immune from prosecution if involved in a wrong-way collision ~~that~~ *which* results in injury or death (21651 CVC).
- D. Officers ordered to terminate the pursuit will *immediately* discontinue Code 3 operation ~~immediately~~ *and fully abandon the pursuit. They will obey all traffic laws and return to their assigned service area.*

V. ASSISTING UNITS

- A. There shall be ONLY ONE COVER ~~PRIMARY-ASSISTING~~ UNIT following the **PRIMARY PURSUING UNIT** unless *a supervisor authorizes* additional cover units ~~are authorized by a supervisor~~. The cover unit(s) ~~primary assigning unit~~ shall use emergency lights and siren in compliance with Section 21055 CVC and 21056 CVC.
- B. When appropriate, a better-positioned unit may become the ~~primary assisting cover~~ (second) unit. When the primary pursuit and ~~primary assisting units cover unit(s)~~ are in position, all others shall drop out of the pursuit and cease Code 3 operation, unless directed otherwise by a supervisor.
- C. ~~Assisting~~ *Additional* units should be prepared to:
 1. Provide adequate cover for a pursuing unit for purposes of officer safety; *keeping radio traffic to a minimum.*

ATTACHMENT F

2. Become the primary unit if the original pursuing unit loses the suspect vehicle or becomes disabled, and notify Communications that they are the primary pursuit unit;
3. Attempt to station themselves at strategic points when the suspect is stopped.
4. The ~~primary~~ pursuit unit(s) should not be passed by other units unless the ~~primary unit~~ or supervisor authorizes the maneuver. *The primary pursuit unit should remain so until the status is relinquished to another unit either by the primary pursuit unit or as directed by a supervisor.*

VI. TERMINATING THE PURSUIT

- A. The primary pursuit unit may continue a pursuit if it is reasonably safe to do so or until directed to terminate the pursuit by a supervisor. **WHEN ORDERED TO TERMINATE A PURSUIT, THE PURSUING OFFICERS SHALL DO SO IMMEDIATELY AND ACKNOWLEDGE THE DIRECTIVE ON THE RADIO.**
- B. Officers should constantly evaluate whether the seriousness of the offense ~~outweighs~~ *balances* the risk to public safety in continuing the pursuit. The following factors shall be considered:
 1. Vehicular and pedestrian traffic, roadway limitations and environmental conditions;
 2. Violation for which the suspect is wanted;
 3. Suspect is known to be a juvenile;
 4. Suspect(s) has been identified and apprehension can be accomplished at a later time.
- C. Police personnel of this Department are ~~strictly~~ prohibited from pursuing vehicles across the ~~international border~~ *International Border* into Mexico under any circumstances. Pursuits shall be terminated before reaching the border. *In order to terminate the pursuit safely before crossing the border, the pursuit should be terminated before the last U.S. exit, (Siempre Viva for I-905 or Camino de la Plaza for I-5). Southern Division and the appropriate border agencies will be notified by Communications of any approaching pursuits.*

VII. SUPERVISORY RESPONSIBILITY

- A. Upon notification of a pursuit in progress, the Field Supervisor and/or Watch Commander ~~should~~ *shall* verify the following:
 1. No more units than necessary are involved. The primary pursuit and ~~assisting~~ ~~(second)~~ *a cover* unit are usually sufficient for the actual pursuit. **Additional assisting units may be added to the pursuit only upon the supervisor's authorization.**

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2. Factors to be considered by the supervisor in deciding whether to add units include the number and type of vehicles being pursued, the seriousness of the offense ~~reasonably believed to underlie the pursuit~~, and the danger which the occupants of the vehicle(s) being pursued continue to pose to others.
 3. When more than two units are permitted to participate in a pursuit, the supervisor shall direct the additional units to discontinue the pursuit ~~as~~ as soon as possible, based upon tactical requirements and safety aspects.
- B. ALL FIELD SUPERVISORS, AS WELL AS THE WATCH COMMANDER, HAVE THE AUTHORITY TO CANCEL A PURSUIT WHEN THE POTENTIAL SAFETY RISKS OUTWEIGH THE NEED FOR APPREHENSION. ~~Pursuits approaching the international border shall be terminated prior to the arrival of the pursuing units at the border.~~ *THIS INCLUDES THE INITIATING/PURSUITING OFFICERS WHEN THEY BELIEVE IT IS UNSAFE TO CONTINUE.*
- C. ~~When ended,~~ *Upon initiation of a pursuit, the assigned supervisor shall proceed to the TERMINATION POINT OF THE PURSUIT to provide the necessary supervision and to evaluate the pursuit.* ~~Upon initiation of a pursuit, the assigned supervisor of record shall proceed to the area of the pursuit~~ *AREA OF THE PURSUIT* without becoming actively involved in it. The ~~Supervisor~~ *supervisor* of record should periodically request specific information necessary to evaluate the pursuit pursuant to Section ~~VH~~ *VIII*, A above.

VIII. JOINT AGENCY PURSUITS

*San Diego County law enforcement agencies, including the California Highway Patrol and San Diego Sheriff's Department, have signed an agreement governing joint agency pursuits. The **San Diego Countywide Pursuit Protocol** is located at the end of this policy and is listed as "Attachment A". Department personnel are responsible for knowing and adhering to these guidelines whenever they are involved in joint agency pursuits.*

- A. The initiating agency will generally retain jurisdiction and remain responsible for a pursuit in progress, even though it enters another agency's boundaries.
- B. **San Diego Police Department units SHALL NOT join in an active pursuit initiated by another agency unless specifically requested and then only with the approval of a field supervisor or as authorized by Communications.**
- C. Other agencies' Communication Centers shall be promptly notified of any pursuit entering their jurisdiction, but such notification does not constitute a request for assistance. The primary unit or the Field Supervisor shall be responsible for determining if assistance is needed from another agency and shall specify the extent, location, etc.
- D. The Communications Dispatch Supervisor shall promptly direct pursuit assistance ~~request~~ *requests* to the respective agency. Pursuing units and supervisors shall consider relinquishing the pursuit to that agency when ~~its~~ *their* units are in position.

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1. If the primary pursuit unit wishes to relinquish the pursuit to another agency, that agency must be willing to accept it. Such acknowledgment shall be announced on the radio frequency in use.
 2. If the pursuit is actually turned over to another agency, the initiating officer shall abandon the chase totally, but must remain available to coordinate with the arresting units if the suspect is arrested.
- E. When a pursuit enters another law enforcement jurisdiction (including military facilities), personnel of this Department SHALL IMMEDIATELY ABANDON THE PURSUIT WHEN THAT AGENCY REQUESTS TERMINATION. This includes pursuits on the freeway that are assumed by the California Highway Patrol.
- F. In joint agency pursuits, there shall be no more than two primary units directly involved, including vehicles from other agencies.
1. A field supervisor of this Department shall assume command of such pursuits to assess the safety considerations, ensure compliance with Department policy and coordinate with supervisors of other involved agencies.
 2. The field supervisor shall direct operations for all officers involved, or transfer that responsibility to the supervisor of the agency taking over the pursuit.
 3. Whenever possible, communications between the different agencies should be established car to car on ~~C.L.E.M.A.R.S. or N.A.L.E.M.A.R.S.~~ *an available interagency frequency.*

IX. AIRCRAFT/HELICOPTER ASSISTANCE

- A. Units involved in pursuits shall request assistance from the Air Support Unit or from aircraft from allied agencies (CHP, Sheriff's Department, etc.). *The Communications Dispatcher is responsible for notifying the Air Support Unit of all vehicle pursuits.*
- B. *The helicopter Aircraft can provide valuable information to ground units concerning apprehension strategies, upcoming traffic congestion, hazards or other factors which might endanger the safety of the officer(s) or the public. **Overall control of the pursuit shall remain with the primary ground unit and field supervisor.***
- C. *The helicopter The aircraft shall assist the primary pursuit unit by following the suspect vehicle and relaying the direction of travel, etc. In some cases it may be prudent to discontinue the pursuit by ground units and allow the aircraft to continue in a **tracking mode** until the suspect can be taken into custody under more favorable conditions. **The helicopter shall never assume the role of primary pursuit unit, and the primary assisting unit, shall discontinue Code 3 pursuit and monitor the radio. Once the suspect vehicle stops, ground units shall carry out the actual apprehension as they are not considered authorized emergency vehicles as defined by Section 165 CVC***

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- D. *ABLE shall videotape all pursuits when reporting on scene unless prohibited by other operations and safety procedures. The pursuit supervisor shall verify that ABLE is ~~video taping~~ videotaping the pursuit.*

X. SHOOTING AT VEHICLES

Shooting at or from moving vehicles is prohibited, except when immediately necessary to protect persons from death or serious bodily injury (Firearms Procedures 1.05).

XI. TIRE DEFLATION DEVICES/SPIKE STRIPS

Any officer or supervisor actively involved in a pursuit may request a Spike Strip deployment via Police Communications. When approved by a Field Supervisor, the dispatcher will simulcast for "any available Spike Strip unit". Any on-duty officer or sergeant trained in the deployment of Spike Strips should switch to the pursuit frequency and coordinate with the Field Supervisor in charge of the pursuit. Once the deployment location is selected, the dispatcher will advise all pursuing units of this location, accompanied by the "Alert Tone". Pursuing units should prepare for apprehension of suspects after the suspect vehicle has been disabled. A high-risk traffic stop should then be completed.

***NOTE:** Spike Strips shall not be used to stop motorcycles, mopeds, or other similar types of vehicles. In addition, they should generally not be used on any vehicle transporting hazardous materials (CVC 2402.7), any passenger or school bus transporting passengers, or any vehicle that, by design, may pose an unusual hazard to innocent parties. In exceptional cases, spike strips may be justified based upon the specific circumstances involved (i.e; hijackings, kidnapping, etc.). In such cases, spike strips should be considered a last resort when all other pursuit termination tactics have been exhausted.*

XII. BARRICADING ROADWAYS

- A. Barricading a roadway must be considered to be a force likely to result in death or serious bodily injury. This method may be used only as a last resort in felony cases where the violator constitutes an immediate major threat to the safety of the public.
- B. Under no circumstances will a roadway be barricaded by occupied vehicles or vehicles belonging to private citizens. If barricading is deemed necessary to apprehend a DANGEROUS, KNOWN FELON, police vehicles ~~may be used if more suitable equipment is unavailable~~ or more suitable equipment may be used. The Communications Dispatcher must notify all officers of the barricaded location.
- C. Barricading a roadway is strictly prohibited unless approved by a Field Supervisor or the Watch ~~commander~~ Commander. In the case of joint agency pursuits, barricading a roadway is prohibited unless specifically authorized by the agency having jurisdiction.

XIII. GENERAL PRECAUTIONS

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- A. Due to the extreme hazards and potential risks for serious injury, police vehicles ~~are generally prohibited from being~~ *shall may* not be used to "box in", "ram" or "bump" suspect vehicles in any pursuit situation. *A supervisor's approval shall be obtained prior to implementing any form of legal intervention.*
- B. When a police vehicle is bottomed out during a pursuit, the driver shall inspect it for possible damage and notify a supervisor. If damage occurred, the supervisor shall direct the preparation of the appropriate documentation (i.e. Traffic ~~Collision~~ *Collision/Vehicle Damage Report*). The supervisor should consider having a damage and safety inspection conducted at the police garage prior to allowing the vehicle to return to the field.

XIV. PURSUIT REPORTING REQUIREMENTS

- A. Effective January 1, 1992, California Vehicle ~~code~~ *Code* Section 14602.1 requires that all police pursuits, including non-collision pursuits, be reported on a California Highway Patrol ~~pursuit~~ *Pursuit Report (CHP-187/PD-157-TO 6/98)*. The form (*Attachment B*) shall be prepared on all pursuits initiated or assumed by officers of this department. ~~Other allied agencies are also required to report pursuits in which their personnel are involved.~~
 - 1. The driver of the unit ~~which~~ *who* initiated the pursuit or assumed the pursuit from another agency is responsible for filling out *the top half of* form CHP-187/PD-157-TO 6/98. The form shall be submitted to the ~~reporting officer's driver's~~ immediate supervisor for approval within 24 hours of the incident.
 - a. ~~Only the top half of form CHP 187 will be completed since the bottom portion is used exclusively by the California Highway Patrol.~~ Identification numbers of San Diego Police Department ~~personnel~~ *drivers* involved in the pursuit shall be included on the form (Line "~~H~~"*G*"). Officers' names shall not be used. Information on officers of other law enforcement agencies shall not be listed, since other involved agencies will submit their own forms.
 - b. The reporting officer shall only list the most serious charge (Line "~~G~~"*K*") for which the suspect/driver was arrested or cited (*Do not use 2800.1, 2800.2, or 2800.3 cvc*). In multi-agency pursuits, this may require contacting the agency, which made the actual apprehension, to obtain the charge information.
 - 2. ~~The respective command of the reporting officer is responsible for reviewing the form for completeness, accuracy and forwarding the original form with one copy to Field Operations Management, Mail Station 776. The commands immediate supervisor shall complete the Pursuit Report and include a brief synopsis of the event and a factual evaluation concerning compliance with the Department's pursuit policy. Violations shall be identified and listed in the report narrative. The report should be forwarded to the Commanding Officer for his/her signature within three days of the incident. The original report shall be forwarded to the Fleet Safety Sergeant, Traffic Division, MS 732, within five days. Commands are not required to retain~~ *copies a copy* of the completed report.

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3. ~~Field Operations Management~~ *The Fleet Safety Sergeant* shall be the collection point for statistical data and the repository for Department pursuit reports. ~~It~~ *The Fleet Safety Sergeant* will also coordinate with the various commands on pursuit report discrepancies. ~~The Field Operations Management Lieutenant shall,~~ and direct the mailing of collected CHP-187/PD-157-TO 6/98 forms to: California Highway Patrol, Production Controls, P.O. Box 942898, Sacramento, CA 94298-0001.

- B. The Communications Division shall electronically provide a pursuit incident log (via the Computer Aided Dispatch [C.A.D.] system) to the area commands and ~~Field Operations Management unit~~ *Traffic Division* to assist in tracking pursuits. This information should be retrieved weekly from the C.A.D. system by each command to identify each Command's individual pursuits (*and daily by the Traffic Division's Fleet Safety Sergeant*).

- C. *The investigation of a traffic collision(s) resulting from a pursuit shall be the primary responsibility of the agency within whose jurisdiction the collision occurs. If the other jurisdiction is unable to take the report, a SDPD Traffic Unit shall be dispatched to complete one (San Diego County only). In addition, if the collision involves a SDPD unit outside of our jurisdiction, a Traffic Unit and Traffic Supervisor will respond to complete an investigation for administrative purposes only.*

ATTACHMENTS: *A - SAN DIEGO COUNTYWIDE PURSUIT PROTOCOL*
 B - PURSUIT REPORT CHP-187/PD-157-TO (6-98)

~~C. When a traffic collision of any kind occurs in relation to a pursuit, the respective Field Supervisor(s) of the primary pursuit unit shall submit a Pursuit Review Report (Form PD-157-TO) to the command within five days. (This form is required in addition to the CHP-187 report). This review shall include a factual evaluation concerning compliance with the Department's pursuit policy. Violations shall be identified and listed in the Report Narrative. Copies shall be routed to involved commands and the Traffic Division, Fleet Safety Supervisor.~~

ATTACHMENT G

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|---|--|-------------------------|-----------------------------|
| SAN DIEGO POLICE DEPARTMENT Origin: CHIEF OF POLICE | DATE: DRAFT | PAGE: 1 of 5 | NO.: 1.13 - ADMIN |
| DISSEMINATION: ALL PERSONNEL | SUBJECT: EMERGENCY VEHICLE OPERATION | | |
| ORIGINATING DIVISION: TRAFFIC | NEW PROCEDURE <input type="checkbox"/> PROCEDURAL CHANGE <input checked="" type="checkbox"/> SUPERSEDES: DP 1.13 – 08/30/91 | RELATED POLICY: 1.13 | |

I. BACKGROUND

- A. This policy is designed to comply with existing law and reduce the potential for death or injury arising from emergency vehicle operation. When driving in the emergency mode, officers must weigh the seriousness of the situation versus the risk to innocent persons.

II. DEFINITIONS

- A. Emergency Vehicle

For purposes of establishing Department policy, an "emergency vehicle" is defined as:

A distinctively marked police vehicle equipped with a red light and siren operated by a police officer.

- B. Code 3 (Emergency Response) is the operation of an emergency vehicle using emergency lights and siren, as reasonably necessary, under the following conditions:
- a. When necessary to facilitate an immediate response to another officer's request for urgent assistance.
 - b. When in pursuit of an actual or suspected law violator.
 - c. When responding to a radio call (or other notification) involving an immediate life-threatening emergency.
- C. Response Codes
1. Code 11-99, Code 3 (Officer Needs Assistance)

A call for 11-99 shall be requested and broadcast **ONLY** when an officer is in immediate danger and backup assistance is urgently needed. Code 3 vehicle operation is normally limited to units assigned to the same radio frequency.
 2. Code 10-88, Code 3 or *EMER Button Activation* (Cover Now)

ATTACHMENT G

- a. This type of coverage is authorized only under controlled circumstances. "Cover now" is police officer terminology/ request for Code-3 cover and is generally short of being an 11-99. Only two (2) units will be permitted to respond Code 3, unless specifically authorized by a supervisor. The location of the responding unit(s) will be broadcast by the Radio Dispatcher.
 - b. The Radio Dispatcher shall notify the Communications Division Supervisor and a Field Supervisor shall be assigned to the incident.
3. Code 10-1088 (Request for Cover)

This is a NON-URGENT response to an officer's request for back-up or cover. Code 3 response is not authorized.
 4. Code 10-87 (Informational Exchange)

Code 10-87 is a routine response used when supervisors or officers wish to meet in the field for non-urgent matters.

III. LEGAL CONSIDERATIONS

A. 21052 CVC

All employees, except as authorized by 21055 CVC, are required to operate their vehicles in accordance with all state laws.

B. 21055 CVC

Provides that the driver of an authorized emergency vehicle is exempt from Division 11, Chapters 2 through 10, and Division 16.5, Chapter 5, Articles 3 and 4, of the Vehicle Code. This limited exemption is only in effect when the following conditions are met:

1. The vehicle is being driven in response to an emergency call, or while engaged in rescue operations, or is being used in the immediate pursuit of an actual or suspected violator of the law.

C. Drivers of emergency vehicles shall continually sound the siren AND utilize the emergency lights when disregarding traffic control devices or other vehicle code regulations.

1. Driver/officers while in Code 3 mode, ~~shall~~should exercise caution when proceeding through red lights and stop signs. In certain situations, such as congested intersections, it may be necessary to come to a complete stop before proceeding.

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D. 21056 CVC

States that the exemption of Section 21055 CVC does not relieve the driver of an emergency vehicle from the duty to DRIVE WITH DUE REGARD FOR THE SAFETY OF ALL PERSONS using the highway.

1. The effect of 21056 CVC is to establish that emergency vehicle operators are NOT protected when their unreasonable or negligent acts of driving imperil others.
2. Officers may be held liable in criminal or civil actions for deaths, injuries, or damages caused by negligent emergency vehicle operation.

IV. OFFICER'S RESPONSIBILITIES

Officers responding to an emergency call (Code 3) shall comply with the following:

A. Code 3 Responses

1. Drive defensively in anticipation of traffic hazards.
2. Maintain self-control, exercise good judgment, and drive with due regard for the safety of others.
3. Advise the dispatcher of the location from which they are responding. Monitor the radio closely.

B. Code 11-99, Code 3 (Officer Needs Assistance) Response

1. Upon receiving an 11-99 call, field units shall use sound discretion in responding. An officer must consider:
 - a. The distance to the 11-99 location;
 - b. Traffic and pedestrian congestion;
 - c. Time of day and weather conditions; and
 - d. The number of units already responding.
2. Only units within a reasonable distance, considering the above factors, shall respond to an 11-99 location in the Code 3 mode. Units that are an excessive distance from the 11-99 shall respond only while obeying all the traffic laws.

C. Code 10-88, Code 3 (Cover Now) Response

1. Only two units are authorized to respond Code 3 unless a field supervisor assigns additional units. The assigned unit's location will be broadcast by the radio dispatcher.

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2. Other responding officers shall advise Communications of their location and approximate time of arrival.
- D. Code 10-88 (Request for Cover)
1. Responding units will discontinue routine activity and proceed to the location.
 2. The officers will obey ALL traffic laws and NOT use emergency lights, siren, or flashing lights.
- E. 10-87 (Informational Exchange)
1. Responding officers will advise their approximate time of arrival.
 2. They will obey ALL driving rules and perform their normal functions en route to the meet (F.I.'s, arrests, citations, etc.).

V. SUPERVISOR'S RESPONSIBILITIES

- A. Sworn supervisors may AUTHORIZE Code 3 response to incidents they are responding to or monitoring. Supervisors **shall exercise control** in their evaluation and limit the number of field units responding Code 3 to those actually required at the scene.
- B. All sworn supervisors have the responsibility to TERMINATE Code 3 vehicle operation, (particularly in pursuits), when safety risks or lack of urgency warrant it. This is a requirement of Public Agency Immunity, which protects the Department and individual officers from civil liability (17004.7 CVC).
- C. *Upon being assigned to a pursuit, sworn supervisors shall go to the general vicinity of the pursuit so that supervision of the pursuit can be better accomplished. Supervisors should not become actively involved in pursuits. Supervisors should to the termination site of the pursuit immediately upon the pursuits termination.*

VI. COMMUNICATIONS DIVISION RESPONSIBILITIES

- A. The Communications Dispatch Supervisor has the responsibility for authorizing field units to use Code 3 operation when responding to emergency radio calls initiated by the Communications Division.
- B. When an 11-99 is broadcast, it may be simulcast to additional frequencies ONLY if deemed appropriate by the Communications Dispatch Supervisor.
- C. The radio dispatcher will notify the Communications Division Supervisor, a field supervisor and the Watch Commander, of any Code 3 incidents.
- D. The radio dispatcher will repeat the location and the fact that the unit is responding Code 3 to minimize conflict with other responding units.
- E.

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- F. *Communications shall assign a sworn supervisor to a pursuit upon its initiation. The sergeant of record of the primary pursuing unit should be the supervisor assigned. If the pursuing officer is out of his/her service area, the supervisor assigned should be the particular service area supervisor.*

- G. *If the sworn supervisor is assigned to a pursuit and he/she does not acknowledge the radio call, Communications shall issue a "missed call chit" and forward it to the appropriate commanding officer.*

**SAN DIEGO POLICE DEPARTMENT
PURSUIT REVIEW REPORT**

Communications Incident Number: _____

Area Command Initiating Pursuit (Has Reporting Responsibility): _____ Date of Pursuit: _____

Time of Pursuit: _____ Time Pursuit Lasted: _____ Min. _____ Sec. Distance Pursuit Covered: _____

Location Pursuit Started: _____ Location Ended: _____

Reason for Pursuit: _____

Supervisor Notified (Name): _____ Actively Involved: _____ Monitored on Air: _____

| | Officers Involved: | Radio Designator: | Equipment #: | Damaged: | | Total Number of Ground Units Involved |
|----|--------------------|-------------------|--------------|----------|-------|---------------------------------------|
| | | | | Yes | No | |
| 1. | _____ | _____ | _____ | _____ | _____ | _____ |
| 2. | _____ | _____ | _____ | _____ | _____ | _____ |
| 3. | _____ | _____ | _____ | _____ | _____ | _____ |
| 4. | _____ | _____ | _____ | _____ | _____ | _____ |

AIRCRAFT UTILIZED:

| | Type | Department | Participation |
|-----------|-------------------|------------|--------------------------------|
| Yes _____ | Fixed Wing: _____ | _____ | Took Over Pursuit: _____ |
| No _____ | Helicopter: _____ | _____ | Assisted With Direction: _____ |

EVENT TERMINATING PURSUIT:

- _____ Police Unit Dropped Pursuit _____ Pursuit Continued by Another Agency _____ Forceable Stop
- _____ Pursued Driver Stopped _____ Pursued Vehicle Outran Police Vehicle _____ Other
- _____ Police Unit in Collision _____ Pursued Vehicle Disabled
- _____ Pursued Vehicle in Collision _____ Police Vehicle Disabled - Equipment # _____

ACCIDENT:

| | Type | Injuries | |
|-----------|-------------|---|--|
| Yes _____ | _____ 11-80 | _____ Officer _____ Passenger Pol. Veh. | City Claims Notified: Yes _____ No _____ |
| No _____ | _____ 11-81 | _____ Suspect _____ Passenger Susp. Veh. | Responded to Scene: Yes _____ No _____ |
| | _____ 11-82 | _____ Other | _____ Claims Representative at Scene |

DISPOSITION OF SUSPECT:

- _____ Arrested _____ Cited _____ Released

List all charges: _____

Summary of Pursuit: (Use ARJIS 9 for additional information.)

Supervisor: _____ Commanding Officer Approval: _____

Date: _____ Date: _____

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|---|---|-----------------|------------------------------|
| II. SAN DIEGO POLICE DEPARTMENT Origin: CHIEF OF POLICE | DATE: DRAFT | PAGE: 1 of 7 | NO.: 6.20 - PATROL |
| DISSEMINATION: ALL PERSONNEL | SUBJECT: A. MENTAL HEALTH PROCEDURES | | |
| ORIGINATING DIVISION: OPERATIONAL SUPPORT | NEW PROCEDURE <input type="checkbox"/> PROCEDURAL CHANGE <input checked="" type="checkbox"/> SUPERSEDES: DP 6.20 - 12/20/87 | RELATED POLICY: | |

I. BACKGROUND

This procedure is designed to provide all personnel with guidelines for handling persons with mental illness and to acquaint officers with how to file applications for 72-hour detentions for evaluation and treatment.

II. DEFINITION

- A. Persons subject to involuntary commitment are persons who, as a result of mental illness, are a danger to others or to themselves, or gravely disabled.
- B. Procedurally, there are four types of mentally ill persons: voluntary cases, uncooperative non-emergency cases, uncooperative emergency cases, and public conservatees.
 - 1. Voluntary Cases – In voluntary cases, individuals are exhibiting behaviors that make them potential candidates for psychiatric treatment, and are cooperative and willing to accept evaluation and treatment.
 - 2. Uncooperative Non-emergency Cases – In uncooperative non-emergency cases, officers may inform concerned relatives of civil action that may be taken. This action is referred to as a Mental Petition or a "Petition for Court Order for Psychiatric Evaluation."
 - 3. Uncooperative Emergency Cases – Uncooperative mental health emergency cases, although not necessarily criminal, on occasion may require police intervention.
 - 4. Public Conservatee – Occasionally police assistance will be requested by a public conservator to assist in controlling a legally designated public conservatee.

III. PROCEDURES

- A. Filing a Petition for Court Order for Psychiatric Evaluation (Not of an Emergency Nature).

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Welfare and Institutions Code, Section 5201, provides that ANYONE may apply for a petition alleging there is a person with a mental illness in need of evaluation.

B. Emergency Detentions

1. Welfare and Institutions Code, Section 5150, provides that a peace officer may take people into custody and transport them to a designated facility for evaluation if the officer has cause to believe that as a result of a mental disorder:
 - a. such persons are demonstrating behaviors which are causing them to be potentially dangerous to self and/or others, or
 - b. such persons appear gravely disabled due to an inability to provide for their basic needs of food, clothing, or shelter.

2. Each person detained for psychiatric evaluation must be given the following verbal advisement prior to transportation to the San Diego County Psychiatric Hospital (SDCPH).

"My name is _____. I am a police officer with San Diego Police Department. You are not under criminal arrest. I am taking you to a County Psychiatric Hospital for an examination by mental health professionals. You will be told by the mental health staff of your rights while at the facility.

If taken into custody at their residence, the person shall also be told the following information in substantially the following form:

"You may bring a few personal items with you, which I will have to approve. You can make a phone call and/or leave a note to tell your friends and/or family where you have been taken."

3. If advisement is incomplete, a "good cause" reason must be listed on the application for 72 hour evaluation.
4. The Welfare and Institutions Code requires that persons taken to the Psychiatric Unit for 72 hour evaluation be evaluated by a member of the hospital staff. On occasion, there may be a delay when the staff member is working with other cases. If it is apparent the delay will be excessive, officers will:
 - a. Complete the Application for 72 hour evaluation.
 - b. Return to service unless the patient's condition necessitates the officer's presence.
5. If the patient is a prisoner, the officer shall stand by for the decision of the admitting psychiatrist, which will be rendered promptly. If not admitted, the prisoner shall be returned to custody.

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6. **JUVENILES** will be transported to the Childrens Mental Health Services - Emergency Screening Unit at 730 Medical Center Court, Chula Vista, California. The screening physicians telephone number is (619) 421-6900.
7. **ADULTS** will be transported to the San Diego County Psychiatric Hospital at 3851 Rosecrans Street, San Diego, California.

C. Admittance of Patient to SDCPH

1. Officers shall not bring any weapons into the hospital.
2. Officers shall prepare and sign 72 hour evaluation papers, including a short statement as to how attention was directed to the patient or what they were told by others. "Holds" should NOT be placed on persons with a mental illness unless ordered by the Watch Commander.
3. The patient should be registered by the hospital clerk and all property received will be inventoried by the hospital. For their own protection, officers should verify that the inventory is correct.
4. According to Section 5156, Welfare and Institutions Code, the City is liable for such person's property until the Sheriff has been notified that the individual is in custody at the SDCPH. The following procedures shall be used:
 - a. The officer shall fill out an application for 72 hour evaluation.
 - b. The officer shall sign the Admittance Request to notify the Sheriff's Department of the detention.
5. Officers shall prepare a San Diego Police "Detention Only" arrest report on all emergency detentions, as this is the only permanent record of the handling of the patient. This report shall include:
 - a. A statement as to how the officer's attention was directed to the patient, and/or
 - b. What was told to the officer by others.
6. All reports concerning persons with a mental illness shall be forwarded to the Records Division.

D. Professional Referrals

1. Officers who receive a call from a medical/mental health professional to transport a person, who is not a public conservatee, to SDCPH or another designated facility should insure that at least ONE of the following criteria is met before assuming custody:
 - a. The committing medical professional has telephoned the intake screening physician at SDCPH, 619 692-8200, has obtained approval for the

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evaluation, and can provide supportive, written documentation to accompany the patient at the time of evaluation.

- b. The officer observes sufficient conduct on the part of the patient to meet commitment criteria established by SDCPH.
- c. "Probable cause" can be established jointly between the professional and the officer. This can be based on joint observations, case history, and other supportive information and should be part of the written SDCPH 72 hour evaluation report.

2. Officers are not required to complete SDCPH mental health reports when SDCPH is receiving the patient from a medical professional and prior arrangements have been made.
3. Officers shall, however, complete a San Diego Police "Detention Only" arrest report, which should include the name and address of the professional making the commitment.

E. Public Conservatees

1. A public conservator is an individual who has been appointed by the court to manage the affairs of a person, designated a conservatee, who is gravely disabled as a result of mental disorder or impairment by chronic alcoholism.
2. The conservator is responsible for assuring the conservatee receives adequate mental health care.
 - a. A public conservator has authority to hospitalize a public conservatee based upon Welfare and Institutions Code Section 5358, but does not have the authority of a peace officer to physically restrain a conservatee.
 - b. A public conservator has the authority to request police assistance to detain, return or transfer a conservatee per Welfare and Institutions Code Section 5358.5. Such request shall be in writing.
 - c. Law enforcement assistance may be requested when a conservatee is uncooperative, volatile, and/or threatening. When a request is made for police assistance, a public conservator shall provide:
 - (1) Written request for police assistance.
 - (2) Certified copy of the letters and order of conservatorship.
 - (3) Official picture identification.
 - d. Officer will assist in taking the conservatee into custody and seeing that they are properly restrained.
 - e. Normally, transportation will be provided by ambulance service, but, occasionally, officers may be requested to physically transport public

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conservatees. Officers will do so in accordance with accepted transportation practices.

- F. Subjects who request evaluation or treatment for a mental illness from officers in the field shall be transported to S.D.C.P.H. by the officer or, if eligible, to another mental health facility. In these “voluntary” cases the officers shall:
 - 1. Secure all weapons and escort the person into the facility through the Law Enforcement entrance.
 - 2. Notify the hospital staff that the person is a voluntary mental health patient.
 - 3. Provide information regarding the initial contact to the On-Duty Doctor.
 - 4. Document the voluntary transport on the Officer’s Daily Journal.
- G. Requests for Assistance from Private Institutions.
 - 1. Officers will be dispatched on walkaways from private institutions, but unless the person requires an emergency detention under Section 5150 of the Welfare and Institutions Code they will not transport the person involuntarily.
 - 2. Officers will not assist private ambulance companies with taking a person into physical custody unless the person requires an emergency detention under Section 5150 of the Welfare and Institutions Code.
 - a. If an emergency 72 hour evaluation is warranted, officers will take the person into custody and transport to a designated facility.
 - b. If an emergency 72 hour evaluation is not warranted, the officer should advise the ambulance company that no police intervention is required and then clear the scene.
- H. Private Property
 - 1. In answering a call on private property regarding an alleged person with a mental illness, an officer may enter if invited to do so by the occupants of the house or by relatives of the person.
 - 2. An officer is justified in forcing entry to take a person with a mental illness into custody in the following instances:
 - a. If the officer observes or is aware a misdemeanor is being committed inside.
 - b. For any felony.
 - c. If the officer reasonably believes the person is demonstrating behavior(s) meeting 5150 W&I criteria as indicated in section III, B,1.

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- d. Exigent circumstances- an emergency situation requiring swift action to prevent imminent danger to life or serious danger to property, or to forestall the imminent escape of a suspect or the destruction of evidence or property. (Ramey 1976)

I. *Public Places and Streets*

If the person is dangerous to self or others and a police problem, the person should be taken into custody and handled as outlined previously for 72 hour evaluation.

J. Restraint

1. *In handling persons with a mental illness, if restraint is necessary, officers should use proper police holds. Physical restraint should be applied only when disturbance is evident or anticipated.*
2. When transporting in a police vehicle, handcuffs should be used and double locked to prevent injury to the person.

a. Officers must always search the patient for weapons, drugs, and alcohol.

- b. When transporting, the patient should always be placed on the left side of the back seat, with a second officer in the vehicle.

- c. If a relative is accompanying the patient, the relative should ride in the front seat of the vehicle.

- d. On occasion, it may be more practical for a second officer to follow the transporting officer. In this instance, the subject should be placed on the right side of the back seat.

3. *Officers will transport persons with a mental illness to the San Diego County Psychiatric Hospital located at 3851 Rosecrans Street.*

K. Non Admissions

1. All psychiatric patients evaluated and determined not to meet the admission criteria should be provided transportation within a reasonable distance. (i.e. location from which they were apprehended, bus depot, airport, train station, etc.).
2. *A detention report (ARJIS-8) must be filed by the officer who last contacted the patient. A copy of this report should be directed to the Operational Support Administration Office, MS 776, and should contain the following:*
 - a. *Reasons why the officer felt the patient should have been admitted. This can usually be obtained from forms the committing officer completed at the Psychiatric Unit.*

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- b. Name of doctor.*
- c. The reason for non admission.*
- d. Final disposition of patient (i.e., home, halfway house, etc.).*

L. Criminal Acts By Persons with a Mental Illness

1. Every person who commits a felony shall be booked for appropriate violation(s). If the nature of the offense or the prisoner's demeanor indicates the possibility of a mental illness, transporting officers shall duly inform jail officers of the circumstances so adequate guard arrangements can be established.
2. If jail personnel refuse to take custody of the suspect due to a mental illness, the person shall be transported to SDCPH for evaluation. If the custody of the suspect requires a request for relief from an SDSO Intake Deputy, follow the procedures established in Department Procedure 6.02.
3. If a prisoner is obviously mentally ill, and the officer believes that jail detention cannot be humanely effected, the officer shall transport the suspect directly to the Screening Unit at SDCPH.
4. If a suspect is arrested for a misdemeanor offense, and subsequently admitted to SDCPH, the officer shall submit the proper paper work to initiate a notify warrant.

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| III. SAN DIEGO POLICE DEPARTMENT Origin: CHIEF OF POLICE | DATE: DRAFT | PAGE: 1 of 6 | NO.: 6.28 – PATROL |
| DISSEMINATION: ALL PERSONNEL | SUBJECT: A. PSYCHIATRIC EMERGENCY RESPONSE TEAM | | |
| ORIGINATING DIVISION: OPERATIONAL SUPPORT | NEW PROCEDURE <input checked="" type="checkbox"/> PROCEDURAL CHANGE <input type="checkbox"/> SUPERSEDES: | RELATED POLICY: | |

I. BACKGROUND:

A. This procedure is to be used as a general guideline related to the San Diego Police Department's Psychiatric Emergency Response Team (PERT). For additional procedural information related to persons with mental illness and 5150 W & I, refer to Department Procedure 6.20.

B. PERT combines the resources of a uniformed police officer with a licensed clinician in responding to persons with mental illness. PERT advises patrol officers on psychiatric issues and assists in the transportation and processing of individuals in need of psychiatric treatment.

C. PERT is intended to provide humane and beneficial outcomes for persons with mental illness who have come to the attention of law enforcement. PERT provides rapid response to field officers' requests for assistance with persons in apparent mental health crisis. The PERT program is designed to return uniformed officers to patrol duties as quickly as possible. PERT will complete an initial evaluation and assessment of subjects, and if appropriate, make a referral and/or transport to a community based resource or treatment facility.

D. PERT operations are implemented under a pro-active philosophy throughout the San Diego region. The San Diego Police Department has PERT teams within each division to provide citywide coverage. PERT units may, upon request, cross division lines to assist patrol officers on incidents involving the mentally ill. Under some circumstances, PERT may be called to assist other county jurisdictions. In these cases, the PERT officer's supervisor and Communications must be advised of the request from the other agency. Field supervisors shall use good judgement and discretion when evaluating requests. Deciding factors may include the current number of officers available, radio calls pending, and anticipated calls for service. When practical, the field supervisor should approve of these requests.

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II. PROCEDURES:

A. The criteria related to emergency detentions for PERT units are identical to those outlined in Department Procedure 6.20, Emergency Detention. However, PERT units have additional resources available which may assist in determining the proper medical care for the subject.

B. Safety Issues related to Emergency Detentions

1. PERT units should be aware of the possibility of unpredictable behavior by subjects being contacted. Consequently, the team will handle all situations with tact, professionalism persuasiveness, with constant vigilance toward the possibility of unpredictable behavior.

2. PERT officers shall make the initial contact. The Clinicians will remain a safe distance from the scene. Once the officer determines that the contact is safe and under control, the officer will allow the clinician to approach the subject for evaluation. Clinicians will avoid physical confrontation with the subject.

3. If restraint is necessary, officers shall use proper department approved police holds and/or equipment.

4. Safety of the subject and the team is of primary concern. Therefore, the subject will be placed in handcuffs (double locked) prior to transport. Whenever possible, the subject will be advised that the handcuffing is a department procedure and is necessary to ensure the safety of the subject and the officer.

C. PERT may be used under the following circumstances:

1. To provide assistance to field units on calls or contacts dealing with people in need of mental health assessment or intervention;

2. To provide appropriate follow-up for previous PERT contacts and/or officer referrals;

3. To allow non-PERT officers to remain in service by providing transport, when necessary, to the appropriate agency/facility. These officers should use judgment and discretion when making such requests;

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4. To respond to requests for service from the San Diego Police Department Special Weapons and Tactics Team (SWAT) or San Diego Police Department Emergency Negotiations Team; or,
 5. To provide collaboration and consultation for appropriate Problem Oriented Policing (POP) projects.
- D. The following are responsibilities of PERT officers:
1. To provide safety for the community, subject, and clinician;
 2. To handle all prisoner control/safety issues;
 3. To remain informed of current legal and ethical issues related to mental illness and law enforcement;
 4. To ensure the department's requirements for detention and transportation pursuant to W&I 5150 are met, including completion of the "Application for 72-Hour Detention for Evaluation and Treatment" Form (A72DET);
 5. To perform the typical duties of a patrol officer when not performing PERT related duties; and,
 6. To participate in various PERT training sessions and meetings as staffing permits.
- E. The following are responsibilities of PERT clinicians:
1. To conduct mental health evaluations and assessments of subjects;
 2. To assist in determining the appropriate disposition supporting subjects needs and safety;
 3. To consult with PERT officers regarding disposition of subjects and law enforcement issues;
 4. To maintain knowledge of the criteria for psychiatric disorders according to the Diagnostic Statistic Manual IV;
 5. To maintain knowledge of current legal and ethical issues as they relate to mental illness;
 6. To maintain requirements related to the licensing of PERT clinicians;

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7. To ensure requirements for detention and transportation pursuant to 5150 W & I are met; and,

8. To provide documentation to the PERT officer supporting the decision to detain and transport the subject pursuant to W & I 5150.

F. Admittance to San Diego County Psychiatric Hospital (SDCPH) or other facility

1. Admittance procedures remain the same as outlined in Department Procedure 6.20, Admittance of Patient To SDCPH.

2. If the subject has insurance, PERT will make the necessary contacts and ensure that the subject is properly transported to the appropriate hospital for admittance.

3. PERT generally shall not utilize the services of any mental health facility other than S.D.C.P.H., unless there has been verification of insurance and bed space with another hospital via insurance card, subject's verbal acknowledgment and/or verification via telephone with hospital personnel.

4. If PERT transports the subject, the team will be responsible for completing the appropriate law enforcement detention paperwork.

IV. G. PERT FOLLOW-UP CONTACTS

1. As part of the proactive philosophy of PERT, the team may provide follow-up on certain individuals that require additional help and resources. These circumstances may include, but are not limited to:

a. A subject who does not meet criteria for a 72 hour evaluation. However, patrol officers believe that the subject would benefit from contact with a clinician. Officers will submit a PERT referral form (See section II, H, 1.).

b. When a subject has been hospitalized in a psychiatric facility a number of times without PERT, and patrol officers familiar with the subject feel that PERT may be a viable, pro-active option to stop future incidents of unnecessary hospitalization.

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- c. A subject who has requested information on psychiatric issues that PERT may be able to provide.
2. Prior to a follow-up, PERT will complete a thorough background check of the subject to identify safety concerns. The check will include ARJIS and County/SUN searches. PERT will request additional resources if needed for safety reasons before contacting the subject.
3. Communications will be advised of the follow-up via an "out-of-service" request.

H. Referral Forms

1. Non-PERT officers should complete a "PERT Referral Form" to request a PERT follow-up. This information on this form is confidential and will only be disseminated to team members and those specifically assigned to the incident. The forms are available from PERT officers and clinicians. Upon completion, the referral form should be placed in the appropriately marked "bin" at each area command.
2. Once PERT completes the follow-up, the activity will be documented on the referral form and, whenever possible, the referring party will be informed that the follow-up has taken place.

I. Confidentiality

1. PERT clinicians are responsible for maintaining clinical records. Accordingly, all information and records created in the course of providing services, to either voluntary or involuntary recipients of services, shall be kept confidential in accordance with W&I 5328. The records will be kept in the office space assigned to PERT clinicians at each area command.
2. Independent observations of the subject made by the PERT officer are not included in clinical files and are not confidential. As a general rule, information on a detention report or on a Mental Health Supplemental is also not considered confidential.
3. Observations by the PERT clinician specific to the decision to take the subject into protective custody and to transport to a mental health facility, which are specific and limited to the requirements of 5150 W & I are not confidential and mental health facility, which are specific and limited to may be included with the officer's detention reports.

J. Transportation

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1. PERT units may transport mental health subjects. The officer will handle safety issues and the clinician will maintain necessary and constant observation of the subject.
2. PERT may request a two officer unit to transport the subject, if deemed necessary for safety reasons.
3. The following safety precautions are necessary for the protection of the subject, officer and clinician:
 - a. Officers must always search the subject for weapons, drugs, and other contraband prior to placing him/her in a police vehicle.
 - b. When transporting, the clinician will continually observe the subject.
 - c. The subject will be handcuffed (double locked) and placed in the back seat of the police vehicle for transportation.
 - d. PERT may request a patrol unit follow the team as an additional safety precaution.