



# POMONA POLICE DEPARTMENT

USE OF FORCE POLICY  
UPDATE

## USE OF FORCE TO SEIZE EVIDENCE

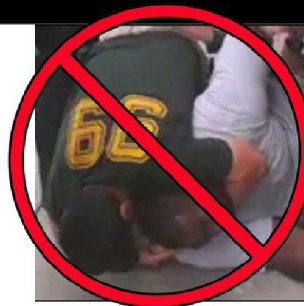
- Officers are discouraged from using force solely to prevent swallowing of evidence or contraband
- Officers should not intentionally use a technique to restrict blood flow to the head or respiration
- Officers are encouraged to use techniques taught by this department...KOGA!



## RESTRICTIONS ON THE USE OF CHOKE HOLD

Officers **ARE NOT** authorized to use  
a choke hold

*Choke hold= any defensive tactic or  
force in which direct pressure is  
applied to a person's trachea or  
windpipe (Government Code  
7286.5)*



# DEADLY FORCE APPLICATIONS

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

## ALTERNATIVE TACTICS - DE-ESCALATION

If time and circumstances permit, and community and officer safety would not be compromised, officers should consider:

- A) Summoning additional resources
- B) Formulating a plan with responding officers for situations that don't require immediate intervention
- C) Employing other tactics that do not jeopardize officer safety

## ALTERNATIVE TACTICS - DE-ESCALATION

In addition, when reasonable, officers should evaluate the totality of circumstances and, when feasible, utilize reasonably alternative tactics and techniques that persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force (Government Code § 7286(b)). Such as:

- A) Attempts to de-escalate a situation
- B) If available, the use of crisis intervention techniques by trained personnel

## NEW LAW

### ESPINOSA V. CITY & COUNTY OF SAN FRANCISCO

In *Espinosa v. City and County of San Francisco*, (9th Cir. 2010), the 9th Circuit Court of Appeals ruled that, “*With regard to the force used, pointing a loaded gun at a suspect, employing the threat of deadly force, is use of a high level of force.*” The 9th Circuit later reaffirmed this position in *Thompson v. Copeland* in 2017.

And, with respect to reporting requirements, Government Code 7286(a)(12) requires, “Comprehensive and detailed requirements for prompt internal reporting and notification regarding a use of force incident...” This statute was created by the recent passage of Senate Bill 230.

POST GUIDELINES ARE BASED ON STATUTE AND CASE LAW

# DISPLAYING OF FIREARMS

Government Code 7286 (b)(4):

Clear and specific guidelines regarding situations  
in which officers may or may not draw a firearm  
or point a firearm at a person

## PPD Policy Update

(a) If the officer does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms should generally be kept in the low-ready or other position not directed toward an individual.





## DISPLAYING OF FIREARMS

(b) If the officer reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such threat until the officer no longer perceives such threat.



## NEW PROCEDURE FOR DRAWING FIREARM

DFTC currently developing policy which will be in effect in mid-January; however, effective January 1<sup>st</sup>, 2021, if you point your firearm at someone, the following **SHALL** occur:

- Include in a crime report (DR) anytime a firearm is pointed and the circs why it took place (be brief and to the point)
- If no crime report, complete a suspicious circ DR anytime firearm is pointed at an individual indicating why it took place
- Email Sgt. Knight & Lt. Ramos indicating firearm was pointed

**\*\*SUPERVISORS ARE NOT REQUIRED TO COMPLETE A BLUE TEAM\*\***

# ASSEMBLY BILL 392

## New Use of Force Standards

Places emphasis on de-escalation and the use of less lethal force

*(b) Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance.*

OBJECTIVE creates a third person standard and injects common sense in the decision making process

*Derived from the standard in Graham v. Conner (federal standard)*

# WHAT YOU SHOULD KNOW

**1. Assembly Bill 392: Peace Offices: Deadly Force**

[POST AB 392 video](#) (OTC Folder in "J" Drive)

**2. Government Code 7286: Deadly Force and De-escalation/Crisis Intervention tactics, Drawing firearms**

**3. Lexipol Policy 300: Use of Force**