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## Use of Force

### 300.1 PURPOSE AND SCOPE

The purpose of this order is to provide officers with use of force options and general guidelines as to when officers are allowed to use force to accomplish the police missions.

#### 300.1.1 POLICY

- (a) It is the policy of the Pittsburg Police Department to accomplish the police mission as efficiently and as unobtrusively as possible, with the highest regard for the human dignity and liberty of all persons, and with minimal reliance upon the use of physical force and authority. The use of physical force shall be restricted to circumstances authorized by law and to the degree minimally necessary to accomplish a lawful police task.
- (b) Officers are permitted to use whatever force that is reasonable and necessary to affect an arrest, to protect others, or to protect themselves from bodily harm, but no more. The purpose of this policy is not to restrict officers from using sufficient force to accomplish their police mission or protect themselves, but to provide force options based upon the "Use-of-Force Continuum". If exceptional circumstances occur which are not contemplated by this order, officers should use any such force as is necessary to protect themselves or others. Thereafter, however, they must be able to articulate the reasons for such use of force.

#### 300.1.2 PROCEDURE

- (a) Police officers must frequently employ the use of force to effect arrest and insure the public safety. It is not intended that any suspect should ever be allowed to be the first to exercise force thus gaining an advantage in a physical confrontation. Nothing in this order should be interpreted to mean that an officer is required to engage in prolonged hand to hand combat (with all its' risks) before resorting to the use of force that will more quickly, humanely and safely bring the arrestee under physical control.
- (b) Penal Code Section 835a provides that, "Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason or resistance or threatened resistance of the person being arrested; nor shall such officer be deemed the aggressor or lose his/her right to self defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

#### 300.1.3 DISTRIBUTION

- (a) Members of the department may use force in the performance of their duties in the following circumstances:
  - 1. To make a lawful arrest or detention.
  - 2. To prevent the escape of a suspected criminal offender.

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3. To overcome resistance.
4. To maintain order or to prevent the commission of a public offense.
5. To prevent a person from injuring him/herself.
6. In self defense or in the defense of another person.
7. Before using force the officer should consider these questions.
8. What actions on the part of the suspect justify the use of force?
9. What crime is being or has been committed?
10. Does the situation require the immediate use of force?

#### **300.2 GUIDELINES IN SITUATION-BASED USE OF FORCE CONTINUUM**

The use of force continuum is designed to provide an overview of the force options available to the officer. It is a fluid instrument that attempts to embody the dynamics of a confrontation.

Building flexibility into an officer's determination of the appropriate use of force is advisable and acceptable, if not essential, given that the standard for evaluating an officer's use of force is the reasonableness of the use of force under the facts and circumstances known to the officer at this time. Thus each incident must be evaluated in relation to the particular situation.

A number of factors are taken into consideration when an officer selects force options and when evaluating whether an officer has used reasonable force. The department recognizes that officers are expected to make split-second decisions and that the amount of time available to evaluate and respond to a situation may influence the officer's decision. By establishing a policy that includes a use of force continuum, the department provides additional guidance to officers in making those split-second decisions. Examples of factors that may affect an officer's force option include, but are not limited to:

- (a) Officer/subject factors (i.e., size relative strength, skill level, injury/exhaustion, number of officers versus number of subjects)
- (b) Influence of drugs or alcohol
- (c) Proximity to weapons
- (d) Availability of other options
- (e) Seriousness of the offense in question
- (f) Suspects degree of aggression/cooperation
- (g) Knowledge of the suspect
- (h) Other exigent circumstances

Finally, it is important that an officer need not attempt to control an individual by using the lowest level of force on the continuum when reason would dictate otherwise and the officer can articulate that a higher level of force is reasonable and necessary. Likewise skipping steps on the continuum

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may be appropriate given the resistance encountered. Simply put, this continuum should be viewed as an elevator, not a ladder, as an officer may go directly to any level of the continuum provided that the force selected is reasonable.

#### 300.2.1 TACTICS

The use of force continuum provides officer with options on type of force to be used based on the actions of a subject. The following illustrations are types of actions on the part of suspects and reasonable perceived by the officer that should guide the officer's decision on use of force.

##### (a) Actions of subject

1. Cooperative - Subject is cooperative and complies with verbal commands or other directions.
2. Cooperative but non-responsive or uncooperative - Subject is uncooperative when taken into custody or fails to respond to verbal commands or other direction.
3. Passive or low-level resistance - Subject passively or defensively resists an officer's authority and direction. Includes verbal or physical cues of non-compliance.
4. Active resistance or aggression - Subject is attempting to physically interfere with the officer's actions without using a weapon.
5. Assault or threat of assault - Subject assumes a fighting stance, charges an officer, or verbally or physically challenges the officer.
6. Life-threatening assault or assault likely to cause great bodily harm - Subject commits an attack using an object, a weapon, or hands in such a manner that the officer reasonably believes the assault will result in serious physical injury or death.

##### (b) Officer response options.

1. Professional presence, verbalization - Includes display of authority as a peace officer and such non-verbal means of communication as body language, demeanor, and manner of approach. Verbalization means giving verbal directions and commands to the subject.
2. Restraining and detaining - Includes an officer using his/her hands to control the subject. Example include the use of a firm grip, escort position, holding down the subject and wrist lock type controls. Also included would be the application of temporary restraining devices such as handcuffs and leg restraints.
3. Compliance techniques - Includes joint manipulations, pressure point application, take-down-type techniques, and physical distraction type techniques to effect an arrest.
4. Chemical Agents - Includes mace and oleoresin capsicum based products.
5. Intermediate force - Includes upper body control holds, such as the carotid control hold; impact weapons in an impact mode, the use of hands, feet,

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elbows, and knees to strike the subject, use of a Taser device or kinetic energy projectiles.

6. Lethal force - Includes the use of a firearm or any force that has a reasonable likelihood of causing death or serious physical harm.
  - (c) In using the use of force continuum, it is important to remember that once the level of force used has succeeded in gaining compliance, officers should re-evaluate the force necessary to complete their task. Just as an officer may immediately increase the level of force necessary, he/she needs to be just as cognizant of decreasing levels of force when appropriate.

### 300.2.2 NON-DEADLY FORCE APPLICATIONS

Any application of force that is not reasonably anticipated and intended to create a substantial likelihood of death or very serious injury shall be considered non-deadly force. Each officer is provided with equipment, training, and skills to assist in the apprehension and control of suspects as well as protection of officers and the public.

Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force.

### 300.2.3 PAIN COMPLIANCE TECHNIQUES

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

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

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

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#### 300.2.4 A LIQUID CHEMICAL AGENT

- (a) Liquid chemical agent shall not be used indiscriminately and shall only be used against a hand cuffed prisoner when such use would avoid injury to the prisoner or others.
- (b) When a subject is exposed to chemical agent it will be the arresting officer's responsibility to provide proper first aid as soon as practical. Proper first aid is to:
  - 1. Tell the subject to calm down and relax.
  - 2. Advise the subject to breathe normally.
  - 3. Move the subject to uncontaminated air.
  - 4. Flush the contaminated area with cool water.
  - 5. If symptoms are severe or persist abnormally long, professional medical attention shall be obtained as soon as practical.

#### 300.2.5 CAROTID CONTROL HOLD

- (a) Any officer applying a carotid control hold must attempt to insure the hold does not slip into a bar arm or any hold which applies pressure to the front of the neck. Bar arm type holds are expressly prohibited as technique of choice.
- (b) After a subject has been incapacitated and handcuffed, the officer will immediately check the person's breathing and pulse. If there are any medical problems following the application of the carotid control hold the officer will immediately call paramedics to the scene and begin administering appropriate first aid.
- (c) Any time a carotid control hold is used the prisoner shall be kept under constant observation for a minimum of one hour. It is the arresting officer's responsibility to insure that the person subjected to a carotid control hold is checked by a physician as soon as practical and in every case prior to the person being released from custody or taken to the county jail. County jail personnel will be advised by the transporting officer that the carotid control hold has previously been applied on the prisoner. The date and time that the carotid control hold was applied will be noted on the county jail intake form.
- (d) The carotid control hold should not be applied on a prisoner more than once in a 24 hour time period unless absolutely necessary.

#### 300.2.6 BATON

- (a) Officers are authorized to carry the following types of batons:
  - 1. The PR-24 aluminum side-handle baton.
  - 2. Straight baton 26 to 29 inches in length, 14 to 18 ounces in weight.
  - 3. Expandable versions of the above side-handle or straight batons.
- (b) The baton should only be used consistent with departmental training techniques and carried properly in the officer's baton ring. A baton left in the vehicle is of no use to an

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officer in a confrontation. Officers are not to slap the baton with the palm of the hand or poke the baton at people as an intimidation technique.

- (c) Baton strikes shall not intentionally be delivered to a person's head, neck, groin, kidney, throat area or spinal column unless such strikes would be justifiable when used as "Lethal Force".
- (d) The use of an alternate impact weapon, i.e., flashlight should only be considered when the use of the baton is not feasible. The above listed regulations regarding unauthorized baton strike areas will apply to any object used by an officer as an impact weapon.
- (e) Striking a handcuffed prisoner with a baton is generally prohibited and should only be considered as a force option when lesser means of control are deemed inappropriate.
- (f) Officers shall not carry or use any type of leather billy club, sap, blackjack, sap gloves, or any other type of unconventional weapon.

### **300.3 AIR TASER**

When properly applied in accordance with this policy, the Taser is considered a non-deadly control device which is intended to temporarily incapacitate a violent or potentially violent individual without causing serious injury. It is anticipated that the appropriate use of such a device will result in fewer serious injuries to officers and suspects.

#### **300.3.1 CARRYING THE TASER**

Personnel who have completed department approved training may be issued a Taser for use during their current assignment. Personnel leaving a particular assignment may be expected to return their issued Taser to the department's inventory.

Officers shall only use Tasers and cartridges that have been issued by the department. The Taser will be carried as a part of the uniformed officer's equipment in an approved holster.

- (a) If the Taser is carried as a part of a uniformed officer's equipment, the Taser shall not be carried on the same side as the officer's duty weapon.
- (b) All Taser devices shall be clearly and distinctly marked to differentiate them from the officer's duty weapon and any other device.
- (c) Officers shall be responsible for insuring that their issued Taser is properly maintained and in good working order at all times.
- (d) Officers should never hold both a firearm and a Taser at the same time unless lethal force is justified.

#### **300.3.2 VERBAL AND VISUAL WARNINGS**

Unless it would otherwise endanger officer safety or is impractical due to circumstances, a verbal announcement of the intended use of the Taser shall precede the application of a Taser device in order to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.

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- (b) Provide other officers and individuals with warning that a Taser device may be deployed.

If, after a verbal warning, an individual continues to express an unwillingness to voluntarily comply with an officer's lawful orders and it appears both reasonable and practical under the circumstances, an officer may, but is not required to display the electrical arc (provided there is not a cartridge loaded into the Taser) or laser in a further attempt to gain compliance prior to the application of the Taser device. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair their vision.

When a verbal and/or other warning was given it shall be documented in any related reports.

#### 300.3.3 USE OF THE TASER

As with any law enforcement equipment, the Taser has limitations and restrictions requiring consideration before its use. The Taser should only be used when its operator can safely approach the subject within the operational range of the Taser. Although the Taser device rarely fails and is generally effective in subduing most individuals, officers should be aware of this potential and be prepared with other options in the unlikely event of such a failure.

Authorized personnel may use a Taser device when circumstances known to the individual officer at the time indicate that the application of the Taser is reasonable to subdue or control:

- (a) A violent or physically resisting subject, or
- (b) A potentially violent or physically resisting subject if:
  1. The subject has verbally or physically demonstrated an intention to resist; and
  2. The officer has given the subject a verbal warning of the intended use of the Taser followed by a reasonable opportunity to voluntarily comply; and
  3. Other available options reasonably appear ineffective or would present a greater danger to the officer or subject.
- (c) Although not absolutely prohibited, officers should give additional consideration to the unique circumstances involved prior to applying the Taser to any of the following individuals:
  1. Pregnant females;
  2. Elderly individuals or obvious juveniles;
  3. Individuals who are handcuffed or otherwise restrained;
  4. Individuals who have been recently sprayed with alcohol based Pepper Spray or who are otherwise in close proximity to any combustible material;
  5. Passively resisting subjects;
  6. Individuals whose position or activity may result in collateral injury (e.g. falls from height, operating vehicles, etc.)
  7. While manufacturers have generally recommended that reasonable efforts should be made to target lower center mass and avoid intentionally targeting the

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head, neck, chest and groin, it is recognized that the dynamics of each situation and officer safety may not permit the officer to limit the application of the Taser darts to a precise target area. As such, officers should take prompt and ongoing care to monitor the condition of the subject if one or more darts strikes the head, neck, chest or groin.

- (d) Individuals suspected of being under the influence of drugs/alcohol or exhibiting symptoms of "excited delirium" e.g. nudity, profuse sweating, irrational behavior) may be more susceptible to collateral problems and should be closely monitored following the application of the Taser until they can be examined by paramedics or other medical personnel;
- (e) Because the application of the Taser in the "Drive Stun" mode (i.e. direct contact without darts) relies primarily on pain compliance and requires close proximity to the subject, additional caution should be exercised and the controlling effects may be limited.

The Taser device shall not be used to torture, psychologically torment or inflict undue pain on any individual.

#### 300.3.4 MULTIPLE APPLICATIONS OF THE TASER

If, after a single application of the Taser, an officer is still unable to gain compliance from an individual and circumstances allow, the officer should consider whether or not the Taser device is making proper contact and/or whether other force tactics should be used. However, this shall not preclude any officer from multiple, reasonable applications of the Taser on an individual.

#### 300.3.5 REPORT OF USE

All Taser discharges shall be documented in the related arrest/crime report. Accidental discharges of a Taser cartridge will be documented by the involved officer and forwarded to the appropriate Bureau Commander.

Upon receiving the Crime/Arrest report, the on-duty supervisor will forward a copy of the report along with a brief memorandum outlining the circumstances of the Taser use to the Watch Commander. The Watch Commander shall forward the crime report, supervisor's memorandum, and any additional information deemed necessary to the Bureau Captain. The Bureau Captain shall report the use of the Taser to the Chief of Police and conduct any follow up action as directed.

#### 300.3.6 MEDICAL TREATMENT

Any person who has been subjected to the electric discharge of a Taser and/or struck by Taser darts shall be medically cleared prior to being booked into the County Jail or released from custody. Individuals who have been subjected to the electric discharge of a Taser and/or struck by Taser darts and who are also suspected of being under the influence of controlled substances and/or alcohol should also be examined by paramedics or other qualified medical personnel as soon as practicable.

Further, any person struck with Taser darts or injured by a probe shall be treated by medical personnel as soon as practical after the incident with only qualified medical personnel removing



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the Taser darts from a person's body. Used Taser darts shall be considered a sharp biohazard, similar to a used hypodermic needle, and disposed of accordingly.

### 300.3.7 TRAINING

In addition to the initial department approved training required to carry and use a Taser device, any personnel who have not carried a Taser as a part of their assignment for a period of six months or more shall be recertified by a department approved Taser instructor prior to again carrying or using the device. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the department's Training Manager.

### **300.4 KINETIC ENERGY PROJECTILE/LETHAL 40MM LAUNCHER**

The Less Lethal 40 MM Launcher is a hand held device that, when deployed, expels 40 MM projectiles at the intended target. These projectiles are designed to be an extended range impact weapons. The Less Lethal 40 MM Launcher is also capable of deploying chemical munitions (OC, CN, and CS) and crowd control munitions.

This order sets forth Pittsburg Police Department policy regarding the deployment of the Less Lethal 40 MM Launcher.

- (a) Use of the less lethal 40 MM launcher - The Less Lethal 40 MM Launcher is deployed as an additional police tool within the Intermediate Level of Force and is not intended to replace firearms or self-defense techniques. The Less Lethal 40 MM Launcher may be used to control a dangerous or violent subject when deadly physical force does not appear justified and /or necessary; or attempts to subdue the subject by other conventional techniques have been, or will likely be, ineffective in the situation at hand; or there is reasonable expectation that it will be unsafe for the officers to approach within contact range of the subject.
- (b) The following procedures are established:
  1. The Less Lethal 40 MM Launcher shall be used only by personnel who have completed the required training and only under the use provisions of Section 1. Use of the Less Lethal 40 MM Launcher.
  2. The Less Lethal 40 MM Launcher shall be kept secured in the Patrol Sergeant's vehicle and it shall be the Patrol Sergeant's responsibility to ensure the Less Lethal 40 MM Launcher is properly functioning.
  3. Any officer who uses the Less Lethal 40 MM Launcher to subdue a subject shall document its use in the Crime/Arrest report along with all factual circumstances surrounding the incident.
  4. Upon receiving the Crime/Arrest report, the on-duty supervisor will forward the report and brief memorandum detailing the decision to use the Less Lethal 40 MM Launcher to the Watch Commander.
  5. The Watch Commander shall forward all documentation to the Patrol Bureau Captain who will review the incident and report the use of the Chief of Police.

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6. Any accidental discharge of the Less Lethal 40 MM Launcher shall be reported in memorandum form to the Watch Commander. The Watch Commander shall investigate the discharge and report the findings to the Patrol Bureau Captain.
7. Any person subject to being struck with a 40 mm projectile must be seen by a physician prior to being released from custody or being booked into County Jail.
8. A copy of the medical release shall be attached to the County Jail Medical form and to the Crime/Arrest report.

#### **300.5 DEADLY FORCE APPLICATIONS**

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

- (a) An officer may use deadly force to protect him or herself or others from what they reasonably believe would be an immediate threat of death or serious bodily injury;
- (b) An officer may not use deadly force to stop a fleeing suspect unless the officer has probable cause to believe that the suspect has committed or intends to commit a felony involving the infliction or threatened infliction of serious bodily injury or death. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

#### **300.6 LEG RESTRAINT DEVICES**

##### **300.6.1 PURPOSE**

When an officer deems it reasonable to restrain the legs of a violent or potentially violent person during the course of detention, arrest and/or transportation, only the department approved restraint device will be used, and only in the manner approved for such temporary immobilization of the legs.

##### **300.6.2 USE GUIDELINES**

In determining whether to use the Wrap restraint, officers should consider the following:

- (a) Is the officer and/or others subject to harm due to the assaultive behavior of a violent, resisting and/or attacking suspect;
- (b) Is it reasonable to protect the suspect from his or her own actions which would place him or her in danger, i.e., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers.
- (c) The wrap restraint shall be used only after a person has been handcuffed.

##### **300.6.3 PROCEDURE**

The Wrap is designed to prevent injury to the person in custody or another person, or to prevent property damage caused by the person in custody using their legs in a manner likely to result in injury or damage. The Wrap will only be used to bind and immobilize a person's legs. Only those

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officers trained in the use of the wrap restraint are authorized to employ it on any person. The following guidelines shall be used when applying the Wrap Restraint:

- (a) Absent a medical emergency, the person being restrained shall remain restrained until the officer arrives at the jail or other facility or the person no longer poses a threat.
- (b) The suspect should not be left immobilized on his/her stomach for extended periods as this reduces the free flow of air to the lungs.
- (c) The suspect should be constantly watched by an officer while in the restraint. The officer is to ensure the suspect does not roll onto his/her stomach.
- (d) The officer shall look for signs of labored breathing.

#### 300.6.4 TRANSPORTING RESTRAINED SUSPECTS

When transporting a suspect(s) who has been restrained by use of the Wrap device, officers shall observe the following procedures:

- (a) Restrained suspects may be transported in a police car. They shall be seated in an upright position and secured by a seatbelt. When the suspect cannot be transported in a seated position he/she shall be taken by ambulance/paramedic unit.
- (b) When taken by ambulance/paramedic unit, the suspect shall be accompanied by a sworn officer.
- (c) Officers shall inform the County Jail staff that the arrestee was subjected to being restrained by use of the Wrap device upon arrival at the Jail.

#### 300.6.5 DOCUMENTATION

Each time the Wrap is used, the officer shall document the following:

- (a) The amount of time the suspect was restrained.
- (b) How the suspect was transported and the position of the suspect.
- (c) Observations of the suspect's physical and physiological actions.
- (d) Any known or suspected drug use or other medical problems.

#### 300.6.6 AUTHORIZED RESTRAINT

The Wrap manufactured by RIPP Restraints, Inc. Orange City, Florida is the only authorized restraint. Officers shall only use the Wrap restraint supplied by the Department.

### **300.7 UNNECESSARY FORCE DEFINED**

Unnecessary force is the physical abuse of person(s) being arrested or detained, or when it is apparent that the type of degree of force employed was neither necessary nor appropriate. When any degree of force is utilized as summary punishment or for vengeance, it is clearly improper and unlawful.

- (a) Penal Code Section 149 provides that, "every public officer who under the color of authority, without lawful necessity, assaults or beats any person", is guilty of a felony.

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- (b) Malicious assaults and batteries committed by officers constitute gross and unlawful misconduct.
- (c) When the use of force is applied indiscriminately, the officer will face civil and criminal liability and departmental disciplinary action.
- (d) Justification for the use of force is limited to what is reasonably known or perceived by the officer at the time. Facts discovered after the event, no matter how compelling, cannot be considered in later determining whether the force was justified.

### **300.8 REPORTING AND REVIEWING INCIDENTS INVOLVING USE OF FORCE**

#### **300.8.1 REPORTABLE FORCE - DEFINED**

- (a) An on-duty incident in which officers, pursuant to their official capacity, use the Intermediate Level of force or when the use of force results in an injury to the arrestee that would reasonably require medical attention.
- (b) Incidents involving use of force which result in death or life threatening injury to any person including an officer will be investigated pursuant to the Contra Costa County District Attorney's "Officer Involved Fatal Incident" protocol.

#### **300.8.2 OFFICER RESPONSIBILITIES**

- (a) When an officer uses an Intermediate Level of force (as defined in section 301.2.1 (b)-5) or the arrestee sustains an injury requiring medical attention (both Reportable Force), the arresting officer shall; ensure the injured person receives proper medical attention, verbally notify his or her on-duty supervisor without delay, document the use of force in the arrest/crime report.

#### **300.8.3 SUPERVISOR RESPONSIBILITIES**

- (a) When the shift supervisor becomes aware that an arrestee has sustained an injury, he or she shall also ensure that the injured person has or is receiving proper medical attention.
- (b) In any Reportable Force situation, the shift supervisor shall ensure the arrest/crime report is complete and that all pertinent details are contained within the report.
- (c) In any Reportable Force situation, the shift supervisor shall prepare and forward a brief memorandum to the Bureau Captain, via the Chain of Command, briefing outlining the circumstances of the incident.

#### **300.8.4 DIVISION COMMANDER RESPONSIBILITIES**

When a Bureau Captain receives a memorandum/report from a supervisor, written as set forth in the above section, he or she will review the incident and notify the Chief of Police in a timely manner of the use of Reportable Force along with any follow-up recommendations the captain may have at that time.

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#### 300.8.5 DEPARTMENT RESPONSIBILITIES

- (a) The Chief of Police will direct the follow-up action, if any, to be taken on Reportable Force incidents. Such action may include, but is not limited to, directing a Staff Review to obtain additional information, referral to the Training Section to address identified training needs, direct an internal affairs investigation to take place.
- (b) All reportable force incidents that have been received by the Office of the Chief of Police shall be filed separately from personnel files and retained for a period of three years

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## Deadly Force Review

### 301.1 PURPOSE AND SCOPE

This policy establishes a process for the Pittsburg Police Department to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

### 301.2 POLICY

The Pittsburg Police Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

### 301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever an employee's actions or use of force in an official capacity, or while using department equipment, results in death or very serious injury to another, that employee will be placed in a temporary administrative assignment pending an administrative review. The Chief of Police may exercise discretion and choose not to place an employee in an administrative assignment in any case.

### 301.4 ADMINISTRATION INVESTIGATION PER 305.1

The Use of Force Review Board will be convened when the use of force by a member results in very serious injury or death to another.

The Administrative Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training or recreational use.

The Chief of Police may request the Administrative Review Board to investigate the circumstances surrounding any use of force incident.

The Administration Bureau Commander will convene the Use of Force Review Board as necessary. It will be the responsibility of the Bureau Commander or supervisor of the involved employee to notify the Administration Bureau Commander of any incidents requiring board review. The involved employee's Bureau Commander or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

#### 301.4.1

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301.4.2

- (a)
- (b)