San Francisco Police Department **5.01**

GENERAL ORDER

Rev. 03/21/16

USE OF FORCE

The San Francisco Police Department's highest priority is safeguarding the sanctity of all human life. Officers shall demonstrate this principle in their daily interactions with the community they are sworn to serve. The Department is committed to using communication and de-escalation principles before resorting to the use of force, whenever feasible. The Law Enforcement Code of Ethics requires all sworn law enforcement officers to carry out their duties with courtesy, respect, professionalism, and to never employ unreasonable force. These are key factors in maintaining legitimacy with the community and safeguarding the public's trust.

The purpose of the policy is not to restrict officers from using reasonable force to protect themselves or others but to provide general guidelines that may assist the Department in achieving its highest priority.

I. POLICY

A. SANCTITY OF HUMAN LIFE. The Department is committed to the sanctity and preservation of all human life, human rights, and human dignity.

B. ESTABLISH COMMUNICATION. Communication with non-compliant subjects is most effective when officers establish rapport, use the proper voice intonation, ask questions and provide advice to defuse conflict and achieve voluntary compliance before resorting to force options.

C. DE-ESCALATION. If a subject is not endangering the safety of the public or an officer, fleeing, or destroying evidence, officers should, when feasible, employ de-escalation techniques to decrease the likelihood of the need to use force during an incident and to increase the likelihood of voluntary compliance. Officers should consider the possible reasons why a subject may be noncompliant or resisting arrest. A subject may not be capable of understanding the situation because of a medical condition; mental, physical, or hearing impairment; language barrier; drug interaction; or emotional crisis, and have no criminal intent. These situations may not make the subject any less dangerous, but understanding a subject's situation may enable officers to calm the subject and allow officers to use de-escalation techniques while maintaining public safety and officer safety.

Members should use the following de-escalation tactics, when safe and feasible under the totality of the circumstances known to the officer::

1. Attempt to isolate and contain the subject;
2. Create time and distance from the subject by establishing a buffer zone ("reaction gap") and utilize cover to avoid creating an immediate threat that may require the use of force;

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3. Request additional resources, such as Crisis Intervention Team (CIT) trained officers, Crisis/Hostage Negotiation Team, Conducted Energy Devices, or Extended Range Impact Weapon;
4. Designate an officer to establish rapport and engage in communication with the subject without time constraint;
5. Tactically re-position as often as necessary to maintain the reaction gap, protect the public, and preserve officer safety;
6. Continue de-escalation techniques and take as much time as necessary to resolve the incident, without having to use force, if feasible.

Other options, not listed above, may be available to assist in de-escalating the situation.

Supervisors who become aware of a situation where an officer is using de-escalation techniques should monitor the radio communications and evaluate the need to respond to the scene.

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D. PROPORTIONALITY. The Department requires that officers use only the degree of force that is reasonable for the purpose of accomplishing their duties. The degree and kind of force used should be proportional to the severity of the offense committed or the threat posed to human life; however, the principle of proportionality does not require officers to refrain from using reasonable force to overcome a threat to the safety of the public or officers or to overcome resistance.

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E. DUTY TO INTERVENE. Officers shall intervene when they reasonably believe another officer is about to use, or is using, unreasonable force. Officers shall promptly report any use of unreasonable force and the efforts made to intervene to a supervisor.

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II. CONSIDERATIONS GOVERNING ALL USES OF FORCE.

A. USE OF FORCE MUST BE FOR A LAWFUL PURPOSE. Under the Fourth Amendment of the United States Constitution and the California Penal Code section 835a, officers may use reasonable force in the performance of their duties, for the following purposes:

1. To effect a lawful arrest, detention, or search.
2. To overcome resistance or to prevent escape.
3. To prevent the commission of a public offense.
4. In defense of others or in self-defense.
5. To gain compliance with a lawful order.
6. To prevent a person from injuring himself/herself. **However, an officer is prohibited from using lethal force against a person who presents only a danger to himself/herself and does not pose an imminent threat of death or serious bodily injury to another person or officer.** See DGO 5.02, Use of Firearms and Lethal Force.

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B. USE OF FORCE MUST BE REASONABLE. Under the Fourth Amendment of the United States Constitution an officer's decision to use force, and to use a particular type and degree of force, must be objectively reasonable under the totality of the circumstances known to the officer. Furthermore, California Penal Code section 835a states, in part, that a peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, or to prevent escape, or to overcome resistance. An officer must be able to clearly articulate the objective reasons, based on the information available to the officer at the time, why a particular force option was used. Relevant factors include but are not limited to:

1. Whether the subject poses an immediate threat to the safety of the public or officers, and the degree of that threat;
2. Proximity, access to and type of weapons available to the subject;
3. Time available to an officer to make a decision;
4. Availability of additional officers or resources to de-escalate the situation;
5. Any force should be proportional to the severity of the offense committed for which the officer is taking action;
6. Environmental factors and/or other exigent circumstances;
7. Severity of the crime(s) at issue;
8. Whether the subject is attempting to evade arrest by flight or is actively resisting, and the degree of that resistance;
9. Whether the subject's escape could pose a future safety risk.

Not all of the above factors may be present or relevant in a particular situation, and there may be additional factors not listed.

C. UNLAWFUL PURPOSES. Penal Code Section 149 provides criminal penalties for every public officer who "under color of authority, without lawful necessity, assaults or beats any person." Any assaults and batteries committed by officers constitute gross and unlawful misconduct and will be criminally investigated.

D. DUTY TO RENDER FIRST AID. Officers shall render first aid when a subject is injured or claims injury caused by an officer's use of force unless first aid is declined, the scene is unsafe, or emergency medical personnel are available to render first aid.

E. DUTY TO PROVIDE MEDICAL ASSESSMENT. Officers shall arrange for a medical assessment by emergency medical personnel when a subject is injured or complains of injury caused by a use of force, or complains of pain that persists beyond the use of a physical control hold, and the scene is safe. If the subject requires medical evaluation, the subject shall be transported to a medical facility. If the emergency medical response is excessively delayed under the circumstances, officers should contact a supervisor to coordinate and expedite the medical assessment or evaluation of the subject, e.g., transport subject to nearest medical facility by SFPD. See DGO 5.18. Prisoner Handling and Transportation.

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F. SUBJECT ARMED WITH A WEAPON – NOTIFICATION AND COMMAND. In situations where a subject is armed with a weapon, officers and supervisors shall comply with the following:

1. OFFICER'S RESPONSIBILITY. Upon being dispatched to or on-viewing a subject with a weapon, an officer shall call a supervisor immediately, or as soon as feasible. When safe and feasible under the totality of the circumstances, officers should consider the principles listed in Section I. A-E.

2. SUPERVISORS' RESPONSIBILITIES. When notified that officers are dispatched to or on-view a subject armed with a weapon, a supervisor shall immediately, or as soon as feasible:
   a. Notify DEM, monitor radio communications, respond to the incident (e.g., "3X100, I'm monitoring the incident and responding.");
   b. Remind responding officers, while en-route, absent a "Code 33" or other articulable reasons why it would be unsafe to do so, to protect life, isolate and contain the subject, maintain distance, find cover, build rapport, engage in communication without time constraint, and call for appropriate resources;
   c. Upon arrival, assume command, and ensure appropriate resources are on-scene or are responding.

III. FORCE OPTIONS

The force options authorized by the Department are physical controls, personal body weapons, chemical agents, impact weapons, extended range impact weapons, vehicle interventions, conducted energy devices, and firearms.

A. PHYSICAL CONTROLS/PERSONAL BODY WEAPONS. Physical controls, such as control holds, takedowns, strikes with "personal body weapons" (i.e., body parts such as a hand, foot, knee, elbow, head butt, etc.), and other weaponless techniques are designed to incapacitate and subdue subjects.

1. PURPOSE. Officers should consider the relative size and possible physical capabilities of the subject compared to the size, physical capabilities, skills, and experience of the officer. When faced with a situation that may necessitate the use of physical controls, officers should consider requesting additional resources to the scene prior to making contact with the subject, if feasible. . Different physical controls involve different levels of force and risk of injury to a subject or to an officer. Some physical controls may actually involve a greater risk of injury or pain to a subject than other force options.
2. USE. When a subject offers some degree of passive or active resistance to a lawful order, in addition to thoughtful communication, officers may use physical controls to gain compliance, consistent with Department training. A subject's level of resistance and the threat posed by the subject are important factors in determining what type of physical controls or personal body weapons should be used.
3. PROHIBITED USE OF CONTROL HOLDS. Officers are prohibited from using choke holds, i.e., choking by means of pressure to the subject's trachea.

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4. MANDATORY MEDICAL ASSESSMENT. Any subject who has been injured, complains of an injury in the presence of officers, or complains of pain that persists beyond the use of the physical control hold shall be medically assessed by emergency medical personnel. (See Section II.E.)
5. REPORTING. Use of physical controls is a reportable use of force when the subject is injured, complains of injury in the presence of officers, or complains of pain that persists beyond the use of a physical control hold. Striking a subject with a personal body weapon (i.e., body parts such as a hand, foot, knee, elbow, head butt, etc.) is a reportable use of force. (See DGO 5.01.1)

B. CHEMICAL AGENTS. Chemical agents, such as Oleoresin Capsicum (OC) Spray, are designed to cause irritation and temporarily incapacitate a subject.

1. PURPOSE. Chemical agents can be used to subdue an unarmed attacker or to overcome active resistance (unarmed or armed with a weapon other than a firearm) that is likely to result in injury to either the subject or the officer. In many instances, chemical agents can reduce or eliminate the necessity to use other force options to gain compliance, consistent with Department training.
2. WARNING. Officers shall provide a warning prior to deploying a chemical agent, if feasible:
    a. Announce a warning to the subject and other officers of the intent to deploy the chemical agent if the subject does not comply with officer commands; and
    b. Give the subject a reasonable opportunity to voluntarily comply unless it would pose a risk to the community or the officer, or permit the subject to undermine the deployment of the chemical agent.
3. MANDATORY FIRST AID. At the scene or as soon as possible, officers shall administer first aid by:
    a. Seating the subject or other person(s) exposed to a chemical agent in an upright position, and
    b. Flushing his/her eyes out with clean water and ventilate with fresh air.
4. MANDATORY MEDICAL ASSESSMENT. Any person exposed to a chemical agent shall be medically assessed by emergency medical personnel. (See Section II.E.) Any exposed person shall be kept under direct visual observation until he/she has been medically assessed. If an exposed person loses consciousness or has difficulty breathing, that information shall be provided to dispatch to expedite emergency medical personnel.
5. TRANSPORTATION. Subjects in custody exposed to a chemical agent must be transported in an upright position by two officers. The passenger officer shall closely monitor the subject for any signs of distress. If the subject loses consciousness or has difficulty breathing, officers shall immediately seek emergency medical attention. Hobble cords or similar types of restraints shall only be used to secure a subject's legs together. They shall not be used to connect the subject's legs to his/her waist or hands in a "trussed" manner or to a fixed object.

6. BOOKING FORM. Officers shall note on the booking form that the subject has been exposed to a chemical agent.
7. REPORTING. If an officer deploys a chemical agent on or near someone, it is a reportable use of force. (See DGO 5.01.1)

C. IMPACT WEAPON. Impact weapons, such as a baton, are designed to temporarily incapacitate a subject.

1. PURPOSE. An impact weapon may be used to administer strikes to non-vital areas of the body, which can subdue an aggressive subject in accordance with Department training. Only Department issued or authorized impact weapons shall be used. If under unusual circumstances, officers need to resort to the use of other objects as impact weapons, such as a flashlight or police radio, officers shall articulate the reason for doing so.
2. WARNING. When using an impact weapon, an officer shall, if feasible:
    a. Announce a warning to the subject of the intent to use the impact weapon if the subject does not comply with officer's commands; and
    b. Give the subject a reasonable opportunity to voluntarily comply, except that officers need not do so where it would pose a risk to the community or the officer or permit the subject to undermine the use of the impact weapon.
3. RESTRICTED USES. Unless exceptional circumstances exist, officers should not:
    a. raise an impact weapon above the head to strike a subject, or
    b. Strike vital areas, including the head, neck, face, throat, spine, groin or kidney.
4. PROHIBITED USES. Officers shall not:
    a. Use the impact weapon to intimidate a subject or person, such as slapping the palm of their hand with an impact weapon or;
    b. Strike a handcuffed prisoner with an impact weapon.
5. MANDATORY MEDICAL ASSESSMENT. Any officer who strikes a subject with an impact weapon shall ensure the subject is medically assessed. (See Section II.E.)
6. REPORTING. If an officer strikes a subject with an impact weapon, it is a reportable use of force. (See DGO 5.01.1)

D. EXTENDED RANGE IMPACT WEAPON (ERIW). An Extended Range Impact Weapon (ERIW), such as a beanbag shotgun, is a weapon that fires a bean bag or other projectile designed to temporarily incapacitate a subject. An ERIW is generally not considered to be a lethal weapon when used at a range of 15 feet or more.

1. PURPOSE. The ERIW may be used on a subject who is armed with a weapon, other than a firearm, that could cause serious injury or death. This includes, but is not limited to, edged weapons and improvised weapons such as baseball bats, bricks, bottles, or other objects. The ERIW may also be used to subdue an

aggressive, unarmed subject who poses an imminent threat of injury to another person or the officer in accordance with Department training.

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2. USE. The ERIW shall be properly loaded and locked in the shotgun rack of the passenger compartment of the vehicle. Officers should observe the following guidelines:
    a. An ERIW officer shall always have a lethal cover officer. When more than one officer is deploying an ERIW, good tactical judgment in accordance with Department training will dictate the appropriate number of lethal cover officers. In most circumstances, there should be fewer lethal cover officers than the number of ERIWs deployed.
    b. The ERIW officer's point of aim should be Zone 2 (waist and below). The ERIW officer's point of aim may be Zone 1 (waist and above) if:
        - Zone 2 is unavailable; or
        - The ERIW officer is delivering the round from 60 feet; or
        - Shots to Zone 2 have been ineffective.

        Keep in mind that ERIW strikes have the potential to cause serious injury or death if vital areas are struck or if the subject is physically frail.
    c. The ERIW officer shall assess the effect of the ERIW after each shot. If subsequent ERIW rounds are needed, the officer should aim at a different target area.
3. LIMITED USES. The ERIW should not normally be used in the following circumstances:
    a. The subject is at the extremes of age (elderly and children) or physically frail.
    b. The subject is in an elevated position where a fall is likely to cause serious injury or death.
    c. The subject is known to be or appears pregnant.
    d. At ranges of less than 15 feet.
4. WARNING. When using the ERIW, an officer shall, if feasible:
    a. Announce to other officers the intent to use the ERIW by stating "Red Light! Less Lethal! Less Lethal!"
    b. All other officers at scene to acknowledge imminent deployment of ERIW by echoing, "Red Light! Less Lethal! Less Lethal!"
    c. Announce a warning to the subject that the ERIW will be used if the subject does not comply with officer commands;
    d. Give the subject a reasonable opportunity to voluntarily comply unless it would pose a risk to the community or the officer, or permit the subject to undermine the deployment of the ERIW.
5. MANDATORY MEDICAL ASSESSMENT. Any subject who has been struck by an ERIW round shall be medically assessed by emergency medical personnel. (See Section II.E.)
6. BOOKING FORM. Persons who have been struck by an ERIW round shall have that noted on the booking form.
7. REPORTING. Discharge of an ERIW is a reportable use of force. (See DGO 5.01.1)

E. VEHICLE INTERVENTIONS. An officer's use of a police vehicle as a "deflection" technique, creation of a roadblock by any means, or deployment of spike strips, or any other interventions resulting in the intentional contact with a noncompliant subject's vehicle for the purpose of making a detention or arrest, are considered a use of force and must be reasonable under the circumstances. The Department's policies concerning such vehicle intervention tactics are set forth in DGO 5.05, Response and Pursuit Driving.

F. CONDUCTED ENERGY DEVICE (CED). See Special Operations Bureau Order on use of CED.

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G. CAROTID RESTRAINT. While the carotid restraint is not lethal force, the carotid restraint is an allowable force option only in situations where lethal force would otherwise be justified. The carotid restraint is a control technique in which the carotid arteries on the sides of the neck are compressed, restricting blood flow to the brain, causing the subject to lose consciousness.

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Commented [SFPD23]: See corresponding comment #23

1. WARNING BEFORE USE. When deploying the carotid restraint, an officer shall, if feasible:
    a. Announce a warning to the subject to stop resisting; and
    b. Give the subject a reasonable opportunity to voluntarily comply, except that officers need not do so where it would pose a risk to safety or permit the subject to undermine the deployment of the carotid restraint.
2. MANDATORY MEDICAL ASSESSMENT. In all cases where the carotid restraint is used, the subject shall be medically assessed and medically evaluated. Officers shall monitor the subject's vital signs closely. Additionally, if the subject has difficulty breathing or does not immediately regain consciousness, officers shall immediately seek medical care by trained personnel. (See Section II.E.)
3. BOOKING FORM. Persons who have been the subject of a carotid restraint shall have that noted on the booking form.
4. REPORTING. Use of carotid restraint, even if unsuccessful, is a reportable use of force. (See DGO 5.01.1)

H. FIREARMS. See DGO 5.02, Use of Firearms and Lethal Force.

IV. EXCEPTIONAL CIRCUMSTANCES. If exceptional circumstances occur, an officer's use of force shall be reasonably necessary to protect others or him/herself. The officer shall articulate the reasons for employing such use of force.

Commented [SFPD24]: See corresponding comment #24

DGO 5.01, Use of Force, Corresponding Comments (03/21/16 version)

1. SFBAR, OCC, ACLU and COH want an adjective to describe the type of communication. Some possibilities were "rapport-building," "effective," "non-violent, and "positive." POA, OFJ, LPOA, APOA, and Pride Alliance concur with the current language.

2. SFPD will incorporate the term "crisis intervention" once the DGO on CIT is adopted and the term "crisis intervention" is defined. At this point the CIT DGO is pending. COH and OCC question why the term cannot be included at this time – the Department uses the term "crisis intervention" now on its website, in its training and in a Police Commission resolution.

3. SFBAR wants the opening paragraph to read: "The San Francisco Police Department's highest priority is safeguarding the sanctity of all human life. Officers shall demonstrate this principle in their daily interactions with the community they are sworn to serve. The Department is committed to accomplishing the police mission with respect and minimal reliance on the use of physical force by using rapport-building communication, crisis intervention and de-escalation principles before resorting to the use of force, whenever feasible. The Law Enforcement Code of Ethics requires all sworn law enforcement officers to carry out their duties with courtesy, respect, professionalism and to never employ unnecessary force. These are key factors in maintaining the legitimacy with the community and safeguarding the public's trust."

   ACLU, SFBAR, OCC, Public Defender and COH want to use the term "minimal force necessary." By using the term "reasonable force" throughout the policy and removing "minimal force" as stated in the current DGO 5.01, the Department is taking a step backwards from the current trend in policing nation-wide that goes beyond the standard set in the SCOTUS case Graham v. Connor. These members of the stakeholder group believe that the Department has a choice with this policy to let the community know it is committed to going beyond what is required by the law and have higher standards for its officers. They reminded the group that the Mayor, the Chief and the Commission all committed to changing the use of force policy by speaking about the principles in the PERF recommendations.

   The POA, OFJ, Pride Alliance, APOA and LPOA concur with the term "reasonable force" being used throughout the policy and oppose the use of the term "minimal force." Case law does not require officers to use minimal force; the courts require officers to use force that is objectively reasonable. These members of the stakeholder group state that PERF is not the authority on use of force, and is only one of many groups that have opinions on use of force policies, and point out that there is currently intense criticism regarding some of PERFs recent recommendations on use of force.

   There is no consensus on this issue throughout the policy. Anytime the term "reasonable force" is written in the policy or the term "minimal" is proposed by a member of the stakeholder group, the positions described above should be considered.

4. ACLU wants to use the word "unnecessary" instead of "unreasonable" and "necessary" instead of "reasonable." ACLU states that un/necessary and un/reasonable mean two different things.

   The POA, OFJ, APOA, LPOA and Pride Alliance all want the use the terms "reasonable" and "unreasonable."

   There is no consensus on this issue throughout the policy. Anytime the terms "reasonable" or "unreasonable" are written, the positions described above should be considered.

5. ACLU and OCC do not believe this paragraph should be placed here. ACLU does not have a suggestion for placement.

6. SFDA/BRP, OCC, and Public Defender want a section prohibiting biased policing in this section and want the language to read: "FAIR AND UNBIASED POLICING. It is one of the Department's guiding principles that policing occur without bias, including the use of force. Members of the Department shall carry out their duties, including with respect to use of force, in a manner free from any bias and to eliminate any perception of policing that appears to be motivated by bias. See DGO 5.17, Policy Prohibiting Biased Policing." These members do not agree that it should be cross-referenced at the end of the policy because this is a key principle and there is a perception that the application of use of force is done in a biased manner.

   POA, OFJ, LPOA, APOA and Pride Alliance recommend listing DGO 5.17, Policy Prohibiting Biased Policing, at the end of this DGO as a cross-reference.

7. The OCC, SFBAR and COH recommend changing this sentence to read, "When feasible and safe to do so, officers shall employ de-escalation techniques to decrease the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance. They state without this change, the language currently written means that officers would not have to attempt de-escalation techniques in three situations, when a subject is: 1) endangering the public or officers, 2) fleeing or 3) destroying evidence.

   The POA, OFJ, LPOA, APOA and Pride Alliance concur with the language as written in the current draft and ask if members of the stakeholder group expect officers to attempt de-escalation techniques when the subject is endangering the public or the officer.

8. The stakeholder group cannot reach consensus on whether to use the term "shall, when feasible," or the term "should, when feasible" throughout the entire document. When the terms "shall, when feasible" or "should, when feasible" are written in the document, the positions described below should be considered.

   The OCC, SFBAR, Coalition on Homelessness (COH), San Francisco District Attorney/Blue Ribbon Panel (SFDA/BRP), Public Defender and ACLU want to use the term "shall, when feasible." The POA, OJF, Pride Alliance, LPOA and APOA had

concerns with this term because "shall" is a mandate, but if an officer cannot perform the action because of safety, someone might judge the situation, using 20/20 hindsight, and opine that the officer would have been able to, and therefore should have, performed the action and discipline the officer.

The POA, OFJ, LPOA, Pride Alliance and APOA want to use the term, "should, when feasible." OCC, SFBAR, COH, SFDA/BRP, Public Defender and ACLU have concerns with that term and discussed the distinction between their understanding of the two terms: "shall, when practical" means an officer will take the action at a time when it is safe, and "should, when practical" means the officer can think about taking action, but does not have to take the action even if it is safe.

DGO 3.02, Terms and Definitions, defines both terms:
1) Shall/Will/Must: mandatory
2) Should: permissive, but recommended

9. SFBAR and OCC want a section on Crisis Intervention in the POLICY section. The language should include specific CIT procedures and training. SFPD will incorporate, at minimum, a cross-reference to the CIT DGO once DGO on CIT is adopted.

10. POA has issues with the entire section of proportionality. They have submitted two written responses along with two Subject Matter Experts' opinions that include: 1) the underlying offense may be minor, but an officer can use reasonable force to make the arrest, 2) the Department's list of edged and improvised weapons are all situations where an officer could use deadly force if the suspect threatened the officer, 3) what are the principles of proportionality? and 4) it appears that the Department is stating there is only one acceptable response to a use of force incident.

11. OCC recommends the language is this section to read: "Officers shall intervene when they reasonably believe another officer is about to use <u>unnecessary</u> or excessive force, or <u>when they witness an officer using unnecessary or excessive, or engaging in other misconduct.</u> Recommended language is underlined.

12. OCC, ALCU, and SFBAR recommend adding additional language to item #5 to read: "to gain compliance with a lawful order, <u>where the force is proportional to the timing and reasons for the order.</u>" Recommended language is underlined.

    POA, APOA, LPOA, Pride Alliance, and OFJ oppose the recommendation.

13. OCC, SFBAR, CIT working group, ACLU, and COH recommend adding the following language for this section under #6. To prevent a person from injuring himself/herself. "a) Officers shall avoid or minimize the use of force against individuals who are injuring themselves and do not pose a safety risk to officers. b) In situations where some force may be warranted to prevent suicide, officers shall determine whether other tactics are available to the officer that would cause less injury, and include the language of the prohibition from using lethal force on a person who is only a danger to himself as item c.

POA, OFJ, LPOA, APOA, and Pride Alliance oppose the recommendation. The law allows officers to use force to prevent a person from injuring himself, and the policy prohibits the use of lethal force. These members of the group question what officers are supposed to do to keep a person from hurting himself and get the person the help he needs. POA believes the list of lawful reasons to use force should be a comprehensive list of what is Constitutionally allowed, and training can cover the types of force that are reasonable when dealing with a person who is a danger to himself. POA provided case law that that may cover this area: Glenn vs. Washington City and Adams vs. City of Fremont.

14. OCC and SFBAR recommend adding language about the critical decision making model to this section and recommends the following language be added: "Officers shall use a Critical Decision Making framework in all circumstances in which the use of force might be needed. Officers shall collect information, assess the threats and risk, consider powers, policies, and other obligations, identify options and consider contingencies, and determine the best course of action."

    POA, OFJ, Pride Alliance, LPOA, and APOA oppose the recommendation as it requires officers to make decisions and solve problems by using only one method. Additionally, any methods for assisting officers in decision making strategies should be taught in the Academy.

15. ACLU, Public Defender, SFBAR, and OCC believe the language of 835a PC is against the principles of what the department is trying to accomplish in the revised policy. ACLU believes this language is archaic and more aggressive than what the Department is trying to achieve with the policy. ACLU believes that quoting the law sends an incorrect message to the community and the officers that is contrary to the principles of the policy. COH states this statement sends a confusing message to officers about whether to use the principles of de-escalation. SFBAR suggests moving the language but does not have a suggestion about where to place it.

    POA, Pride Alliance, and OFJ, LPOA and APOA state this is the law and in the current policy. POA points out officers are currently trained on both the law and de-escalation techniques. POA suggests moving the language about 835a PC to the FORCE OPTIONS section.

16. OCC, SFBAR, SFDA/BRP recommend adding four additional factors to the list of relevant factors, based on California Supreme Court and Ninth Circuit Court cases:
    - What other tactics if any are available to the officer
    - The ability of the officer to provide a meaningful warning before using force
    - The officer's tactical conduct and decisions preceding the use of force
    - Whether the officer is using force against an individual who appears to be having a behavioral or mental health crisis or who is a person with a mental illness.

    POA also mentioned the case Bryan vs. McPherson.

17. ACLU, SFBAR, COH and OCC want the policy to state "apply" instead of "consider. These members feel there is a distinction between the two terms: 1) apply means taking an action, and 2) consider means only having to think about the concept.

18. POA disagrees with making the requirements in this section for both officers and supervisors mandatory. There are too many proposed requirements that officers and supervisors must perform in situations that require attention to the incident.

19. SFBAR and ACLU want the policy to list the specific standards for the situations when officers can use a specific force option. SFBAR proposed using language similar to Oakland PD that reads that force is "...justified when reasonable alternatives have been exhausted, are unavailable or are impractical" in each section of the list of force options, or at least in the beginning of this section referring to all force options.

    POA, LPOA, OFJ, APOA and Pride Alliance oppose the recommendation because it requires officers to use force based on a continuum, which is not the standard.

20. ACLU, OCC and SFBAR want the language to read "serious injury."

    POA, OFJ, APOA, LPOA and Pride alliance oppose the recommendation. Serious injury has a specific legal definition in PC section 243d, and training does not support the use of ERIWs only when the public is in danger of "serious bodily injury." The use of an ERIW is the same level of force as an impact weapon.

21. OCC, SFBAR, Public Defender and ACLU state CEDs should be taken out as a force option and discussed at a later time.

    COH is opposed to CEDs as force option now and at a later time. COH has submitted written response that states the vertical support for CIT within the Department has not been implemented, and COH feels the support needs to be in place before CEDs are issued. COH also states the deaths and injuries that can result from CEDs as a reason for not implementing them.

    CIT working group and SFDA/BRP take no position on CEDs as a force option. SFDA/BRP may submit a position on CEDs at some point, but the SFPD has not received as of the writing of this summary.

    POA, OFJ, Pride Alliance, LPOA, and APOA are in favor of CEDs as a force option.

22. OCC, SFBAR and COH would like carotid restraint to be prohibited, as proposed in the previous drafts of revised DGO 5.01.

    SFDA/BRP and CIT working group take no position on the carotid restraint.

POA, OFJ, LPOA, APOA and Pride Alliance concur with the carotid restraint being a force option.

23. POA, OFJ, LPOA, Pride Alliance and APOA do not agree that carotid restraint can only be used in cases of lethal force, especially with a requirement to give a warning. These groups questioned the logic behind using the carotid restraint only in situations where lethal force is justified – why would the Department want an officer to get that close to the subject? The POA mentioned that there has never been a lethal outcome in SFPD with a properly applied carotid restraint. Members of these groups mentioned that the DOJ commended Seattle PD for having the carotid restraint.

24. ACLU wants this language taken out. POA wants this language to remain and moved to the beginning of the policy. OCC and SFBAR want a requirement that the exceptional circumstances and the force used by the officer be articulated in writing.