

**\*NOTE\* This policy exists elsewhere and has now been placed in our Policy and Procedure Manual and continues to be in effect.**

**Oceanside Police Department**

**Policy and Procedure Manual**

**Volume I**

**Section 100 Rules of Conduct**

**101 Discipline.** A violation of any Department or City policy, procedure, rule, protocol, order or other form of directive is subject to discipline, up to and including termination. Violations may also be addressed through corrective action, such as training and/or documented counseling. This section shall be all encompassing and it is not necessary for any other section or sub-section herein to specifically make a reference to discipline in order for discipline to be a consequence for violating a Department or City policy, procedure, rule, protocol, order or other form of directive.

**101.1 Types of Discipline.** Categories of discipline include the following: Written Reprimand; Transfer; Reduction in Pay; Demotion; Suspension; and Termination. Discipline can include one or more categories.

**\*NOTE\* This is an existing policy that has been updated and is effectively immediately.**

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**Section 115.02 Duty to Report Misconduct.** Members, who become aware of possible misconduct by another member, shall immediately notify a supervisor. Any member who observes misconduct shall take appropriate action to cause the misconduct to immediately cease. Appropriate action can consist of verbal actions up to physical restraint of the member. The fact that a supervisor is present and not taking immediate action to stop the misconduct does not relieve other members present from this obligation. Experience, rank or tenure are not factors in knowing the difference between right and wrong, and do not provide an excuse for failing to take appropriate action. Although supervisors are responsible for investigating allegations of misconduct, all department members are responsible for preventing, in so far as they are able, and reporting misconduct. The responsibility to report misconduct begins the moment the person becomes a member of the Oceanside Police Department. For purposes of immediate notification to a supervisor, such notification shall be made as soon as a scene has been rendered safe.

**\*NOTE\* This policy is effective immediately.**

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**Section 115.02.1 Duty to Intervene**

**Volume I, Section 115.02.1 Duty to Intervene.** The Oceanside Police Department recognizes our responsibility for the care and well-being of subjects in our custody. Any officer present and observing another officer using force that is plainly and unambiguously beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, immediately intervene to prevent the use of such unreasonable force. Intervention can consist of verbal actions up to physical restraint of the officer. An officer who observes another officer use force that exceeds the degree of force permitted by law or policy shall promptly report these observations to a supervisor. Experience, rank or tenure do not provide an excuse for failing to intervene. For purposes of prompt supervisory notification, such notification shall be made as soon as a scene has been rendered safe.

**\*NOTE\* This policy is effective immediately.**

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**Section 501.05 Use of Force Prohibited.** The following types of force are prohibited:

- a) The use of any hold or any other technique that intentionally brings pressure against the trachea or windpipe of a person.
- b) The use of the Carotid Restraint or any other technique that restricts oxygen or blood flow to the head or neck.
- c) Force used for purposes of punishment.
- d) Force used for purposes of obtaining a confession, admission, or similar statement or assistance.
- e) Force that exceeds a level of intensity required to accomplish the purpose for which it is approved.
- f) Force that continues beyond the point where resistance or aggressive action has been overcome, or where further force is not required to neutralize the subject.
- g) Force used to accomplish any purpose beyond the authority of the involved member.

**\*NOTE\* This is an amended policy that is effective immediately.**

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**Section 515.03 Shooting at Vehicles.** Officers shall avoid placing themselves in the path of a moving vehicle and/or shall move out of the path of an approaching vehicle unless doing so, under the totality of the circumstances, is not feasible.

Officers shall not discharge a firearm at a moving vehicle or the driver of a moving vehicle solely in an attempt to stop the vehicle as the incapacitation of a driver will result in an uncontrolled stop of the vehicle, potentially risking further injury to people along the way. If an occupant of a moving vehicle is exhibiting deadly behavior toward an officer or another person, such as by firing a weapon or using the vehicle in an effort to create a mass casualty event, deadly force may be directed at that person in order to stop the deadly behavior.

**\*NOTE\* The majority of this policy is part of a current protocol that is already in effect. It is now being incorporated into policy manual, with additional direction and information. This policy will be effective within two weeks.**

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**516 Reporting the Use of Force.** Any use or show of force by a member of this department shall be documented promptly, completely and accurately in an arrest, crime or officer's report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use or show of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

**516.1 Report Content.** Documenting the use and/or show of force shall be done in a complete and thorough manner. Reports shall provide a clear and detailed description of the incident, efforts made to gain compliance, the behavior of the involved subject(s), all types of force used or attempted and reasons justifying their application. Reports shall include any attempts to de-escalate the situation (refer to Volume I, Section 502) or why attempts were not made and any warnings given or reasons for not doing so. Reports shall include the existence or lack of any injuries sustained by the subject(s), any complaints of pain from the subject(s), any medical attention provided or offered and refused, and, if applicable, reasons why medical attention was not provided. Reports shall include attempts to locate witnesses and any subsequent statements received. Reports shall include a description of any evidence collected, where it was collected from, and its relevance to the incident. For incidents requiring immediate notification to a supervisor (refer to Section 516.2), the report shall indicate the name of the supervisor. All use and/or show of force reports shall be completed prior to the end of shift unless an exception is authorized by a supervisor, in which case the report shall be completed by the end of the next work shift.

**516.2 Notification to Supervisors.** Supervisory notification shall be made while still on scene and as soon as practicable following the application of force in any of the following circumstances:

- (a) Any use of force used to gain compliance from subjects who are, either actively or passively, resisting.
- (b) The application caused a visible injury.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a TASER®, including use of an arc or laser.
- (f) Any application of a WRAP.
- (g) The pointing of a firearm, or the display of same, in the direction of a subject for the purpose of gaining compliance.
- (h) Discharge of a firearm.
- (i) Any use of less lethal munitions and/or light and sound distraction devices.
- (j) The individual subjected to the force was rendered unconscious.
- (k) An individual was struck or kicked with a personal impact weapon.
- (l) An individual was struck with baton or other object used as an impact weapon.
- (m) An individual alleges any of the above has occurred.
- (n) Use of a canine resulting in a contact.
- (o) Vehicle pursuit.

**516.3 Supervisor Responsibilities.** Upon being notified of a use of force, a supervisor shall respond to the scene and conduct a Use of Force Investigation. If unable to respond to the scene, the supervisor shall delegate the following tasks to another supervisor or, if no other supervisor is available, to another officer. The supervisor shall ensure a complete and thorough investigation of the initiating event is conducted. The supervisor shall inquire about any injuries to officers and subjects and ensure medical attention is being

provided as applicable. The supervisor shall ensure a canvass for witnesses is completed, to include receiving recorded statements, a canvass for evidence is completed, to include video from nearby locations, and photos of any injuries to officers and subjects or the lack of any injuries are taken of the subject(s). The supervisor shall attempt to obtain a recorded interview with the subject(s) of the use of force and minimally seek answers to the following questions:

- (a) Did the subject know the officer(s) was a police officer(s), and, if so, how?
- (b) Did the subject hear any directions given by the officer(s), and, if so, what?
- (c) Did the subject comply with the officer's instructions, and, if not, why?
- (d) Did the subject take any action(s) in defiance with the officer(s), and, if so, why?
- (e) Did the subject physical resist and/or fight with the officer(s), and, if so, why?
- (f) Is the subject injured, if so, where?
- (g) Does the subject have any pre-existing injuries?

The interview should take place post Miranda admonition. In cases where it is not feasible to conduct a post Miranda admonition interview or when a subject invokes Miranda, the supervisor shall provide the following statement and attempt to ask the aforementioned questions:

"I am (provide rank and name), with the Oceanside Police Department. I am conducting a Use of Force Investigation and would like to speak with you about this incident. This is a recorded administrative inquiry regarding the force used against you. Are you willing to speak with me regarding this incident?"

The supervisor shall ensure the recorded interview is uploaded into evidence.

The supervisor is responsible for ensuring all members involved in the incident complete reports in accordance with Sections 516 and 516.1 above and make every effort to review all reports and BWC footage as part of his/her investigation. The supervisor shall complete a numbered report detailing their observations and actions. The report shall be included as part of the case file involving the initiating event. The supervisor shall also complete a BlueTeam® entry. In the event the supervisor believes excessive force may have been used or uncovers potential misconduct, he/she shall also complete an Administrative Memorandum to the Chief of Police for consideration of assignment by the Professional Standards Unit as an Internal Affairs Investigation.

In the event of an officer involved shooting, a use of force resulting in great bodily injury or death, or death resulting from police action, the supervisor shall initiate Policy and Procedure Manual, Volume III, Section 1060 Officer-Involved Shooting Investigation.

If a supervisor's initial on-scene review determines than any of the following uses of force did not result in injury or complaint of pain, the supervisor is not required to complete an on scene Use of Force Investigation. However, the supervisor shall still review all associated reports to ensure compliance with Section 516.1 above and complete a BlueTeam® entry.

- (a) TASER® arc or laser
- (b) The pointing of a firearm, or the display of same, in the direction of a subject for purposes of gaining compliance.
- (c) Any application of a WRAP.
- (d) Use of a canine resulting in no contact.
- (e) Use of control hold or other pain compliance technique.

**\*NOTE\* This policy is effective immediately.**

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**Section 510 Conducted Energy Weapon**

**510.1 Purpose and Scope.** This policy provides guidelines for the issuance and use of TASER® devices.

**510.2 Policy.** The TASER® device is intended to control a violent or potentially violent individual, under the circumstances authorized herein, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to suspects and officers.

**510.3 Issuance and Carrying TASER® Devices.** Upon completion of training, all sworn personnel shall be issued a TASER®. All sworn personnel working in the field and wearing a Department uniform, shall carry the TASER® on their person while on duty. All personnel assigned to an administrative position or a non-uniformed, detective position, shall carry, or have readily available, a TASER® while working in the field. Members assigned primarily to administrative duties are not required to carry a TASER® while engaged in routine business matters. However, they will carry a TASER® if they are assigned to work an enforcement-related function. Exceptions may be made by the employee's respective Division Commander.

For sworn personnel at the rank of Lieutenant or higher, carrying of the TASER® is optional.

While working in a uniformed capacity officers shall wear the device in an approved holster or vest carrier. When carried on the officer's duty belt, while in uniform officers shall carry the TASER® device on the opposite side of their duty weapon. A cross draw or weak hand draw is acceptable.

Officers who carry the TASER® on an outer vest, may carry it on their dominant side, only if it is mounted for a cross draw with the non-dominant hand. Officers who carry their TASER® on their non-dominant side, may draw from a cross draw or weak hand draw position.

- (a) All TASER® devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the TASER® device. When not carried on the officer's person, the officer shall have all additionally issued cartridges readily available.
- (c) Officers shall be responsible for ensuring that their issued TASER® device is properly maintained and in good working order.
- (d) Officers will not attempt to use or hold both a firearm and the TASER® device at the same time.

Officers shall only use the TASER® device and cartridges that have been issued by the Department. Members issued a TASER® are responsible for ensuring the date and time is updated on a monthly basis by plugging the battery into the dock.

**510.4 Verbal and Visual Warnings.** A verbal warning of the intended use of the TASER® device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the TASER® device may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may use the arc switch to display the electrical arc or the 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 person as it may permanently impair his/her vision.

The fact that a verbal or other warning was given, or the reasons it was not given, shall be documented by the officer deploying the TASER® device in the related report.

**510.5 Use of the TASER® Device.** The TASER® device has limitations and restrictions requiring consideration before its use. The TASER® device should only be used when its operator can safely approach the subject within the operational range of the device. Although the TASER® device is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options and is not 100% effective.

**510.5.1 Application of the TASER® Device.** The TASER® device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to possess the present potential or ability to harm officers, him/herself or others.

Flight alone from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the TASER® device to apprehend an individual.

**510.5.2 Special Deployment Considerations.** The use of the TASER® device on certain individuals, listed below, should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles, in or around body of water).

Because the application of the TASER® device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode shall be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other options or actions.

The TASER® device shall not be used to psychologically torment, elicit statements or to punish any individual.

**510.5.3 Targeting Considerations.** Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest, heart, and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the TASER® device probes to a precise target area, officers shall monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

**510.5.4 Multiple Applications of the TASER® Device.** When Officers apply the TASER® device they should evaluate the situation before deploying a second set of darts or re-energizing the initial set of darts. Multiple applications of the TASER® device against a single individual should be avoided unless the officer

reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the TASER® device appears to be ineffective in gaining control of an individual, the officer should consider the following factors before additional applications of the TASER® device:

- (a) Whether the probes are making proper contact.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

Officers should generally avoid intentionally applying more than one TASER® device at a time against a single subject.

**510.5.5 Actions Following Deployments.** Officers shall notify a supervisor of all TASER® device discharges.

**510.5.6 Dangerous Animals.** The TASER® device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

**510.5.7 Off-Duty Considerations.** Officers are not authorized to carry department TASER® devices while off-duty. Officers shall ensure that TASER® devices are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

**510.5.8 Documentation.** Officers shall document all TASER® device discharges, use as a drive/stun tool, use of the arc switch or laser for de-escalation in the related arrest/crime report. If the subject is not arrested (e.g. W&I 5150 case) the use of a TASER® shall be documented on an Officer's Report. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges will be reported to a supervisor as soon as possible and documented in the report.

**510.5.9 Medical Treatment/Dart Removal.** Absent extenuating circumstances, an officer should not attempt to remove TASER® darts that are embedded in a suspect's skin. Only appropriate medical personnel should remove these darts. Used TASER® device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by TASER® device probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories shall, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to need medical attention.
- (d) The TASER® device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

**510.5.10 Supervisor Responsibilities.** When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the TASER® device may be used. A supervisor will respond to all incidents where the TASER® device was activated. Activated the arc switch or laser without subjecting an individual to electrical current does not require a supervisor response.

A supervisor will review each incident where a person has been exposed to an activation of the TASER® device. In addition, the supervisor is expected to:

- (a) Obtain the basic facts from the members involved(s).

- (b) Ensure that any injured parties are examined and treated by qualified medical professionals.
- (c) Ensure photographs have been taken of any probe sites, areas involving visible injury or complaint of pain as well as overall photographs.
- (d) Ensure all witnesses are identified and interviewed.
- (e) Ensure evidence is preserved and collected.
- (f) Review all reports.
- (g) Abide by all other aspects of Volume I, Section 516 Use of Force Reporting.

**510.5.11 Training.** Personnel who are authorized to carry the TASER® device shall be permitted to do so only after successfully completing the initial department-approved training.

Proficiency training for personnel who have been issued TASER® devices shall occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Unit. All training and proficiency for TASER® devices will be documented in the officer's training file.

Command staff, supervisors and investigators should receive TASER® device training as appropriate for the investigations they conduct and review.

The TASER® Training Coordinator is responsible for ensuring that all members who carry TASER® devices have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of TASER® devices during training could result in injury to personnel and should not be mandatory for certification.

The Training Coordinator will ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of accidentally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the accidental application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the TASER® device and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the TASER® device.

**\*NOTE\* This policy will become effective once department-wide training is completed in approximately 60 to 90 days.**

## **Oceanside Police Department**

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#### **Section 502 De-escalation**

##### **502.01 Purpose and Scope**

This policy provides guidelines for the utilization of de-escalation strategies and concepts while interacting with persons in crisis and situations in which the use of force may be likely. The Department recognizes there is no way to anticipate every conceivable situation or exceptional circumstance officers may face or specify the exact amount or type of force to be applied in every situation. However, officers are expected to make such determinations in a professional, reasonable, impartial, and safe manner.

##### **502.02 De-escalation Defined**

De-Escalation is taking action or communicating verbally or nonverbally during an encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of higher-level control techniques and with the overall objective of bringing the situation to a successful resolution. De-escalation includes the use of such techniques as command presence, advisements, warnings and verbal persuasion. De-escalation also includes tactical methods that use time, distance, cover, and concealment in the attempt to de-escalate and not place the safety of the community, officers, persons in crisis, and other involved persons in jeopardy.

##### **502.03 Policy**

When interacting with persons in crisis and situations in which the use of force is likely, officers should use de-escalation strategies. Such strategies are divided into pre-engagement, engagement, and disengagement activities. The Department recognizes the use of force is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and the sanctity of every human life. The Department further recognizes that the authority to use force vested in officers by the people of California must be carried out in a manner that protects citizens from the excessive use of force. The utilization of de-escalation strategies is expected to maximize the chances for successful resolution of incidents while minimizing use of force encounters.

##### **502.04 Pre-engagement Activities and Considerations**

Prior to arriving on scene, and whenever feasible, officers should gather and assess as much information about the incident, involved parties and, more specifically, the person(s) in crisis, as is practical. This should include information concerning factors that may influence a subject's ability to comply with officers, such as:

- Medical condition
- Mental impairment
- Developmental disability
- Physical limitation
- Language barrier
- Drug interaction
- Behavioral crisis
- Fear or anxiety

Whenever feasible, officers should also obtain a criminal history via CAD on the involved subject(s), to include possession and access to weapons. Prior to initiating engagement activities, and whenever feasible, officers should develop a contact plan that minimally includes the following:

- Roll identification
- Communication methods and strategies
- Positioning that allows for a buffer zone between officers and the subject(s) of interest
- Available resources such as less-lethal options, PERT, CNT, etc.

#### **502.05 Engagement**

The goal of engagement efforts should be to achieve voluntary compliance such that the use of force becomes unnecessary. The Department recognizes that it is impossible to control or predict the actions of persons in crisis and others who are non-compliant. Whenever feasible, the use of the following suggested engagement activities may reduce the likelihood of a violent encounter:

- Follow the plan developed during pre-engagement, if any, and adjust as additional information is obtained or the situation requires
- Use of time to slow down and stabilize the situation
- Avoid language, such as taunting or insults that could escalate the situation
- Attempt to develop rapport
- Consider whether any lack of compliance is deliberate or an inability to comply based on factors listed in section 347.03 above
- Attempt to determine whether the incident is criminal or crisis in nature and adjust engagement strategies appropriately
- Continually assess risk of ongoing engagement activities versus disengagement

#### **502.06 Disengagement**

Disengagement is a tactic designed to avoid potentially violent outcomes. Disengagement may be a viable option for individuals in crisis who pose no additional threats to others, or resistant offenders who may be later apprehended under safer conditions. When a determination has been made to disengage, efforts should be made whenever possible to advise involved individuals of the withdrawal from the incident and to ensure they have had the opportunity to establish a position of relative safety with respect to the incident prior to tactical withdrawal. Whenever disengagement/tactical withdraw is determined to be the most appropriate course of action, officers should:

- Provide the involved persons notice of the plan to disengage/withdraw from the situation
- Provide a reasonable opportunity for involved persons to seek a safe location
- Advise them that police protection will cease.

#### **502.07 Debrief**

Following any significant incident, supervisors are encouraged to debrief and evaluate the event within the context of this policy and its considerations. Debriefs should be informal in nature with an objective of individual and agency development. Each incident can serve to augment the capacities of officers and increase their experience and expertise in handling future events, with a goal of protecting the lives and safety of all persons.

#### **502.08 Training**

Whenever feasible, de-escalation concepts should be incorporated into Department training, policy development and revision, and be an overarching principle upon which we interact with the community. Instruction of de-escalation techniques and concepts shall take place on an annual basis.