# LOS ANGELES POLICE DEPARTMENT

## OPERATIONS-VALLEY BUREAU

#8CANTWAIT

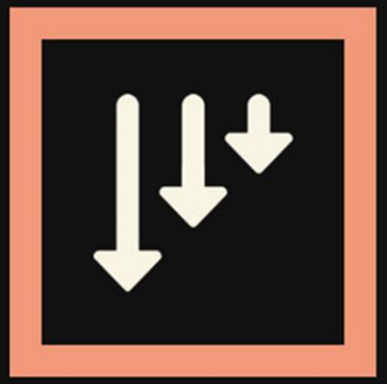
- #8CANTWAIT is a movement taken from the Campaign Zero police use of force and procedural justice research campaign in 2016.
  - ❖ It sets out *8* procedural rules that if adopted by a police department will reduce "police violence" by 72%.

- The Los Angeles Police Department as an organization has established policies that *PRE-DATE* those requested in the *#8CANTWAIT* movement.

# HERE ARE THE EIGHT

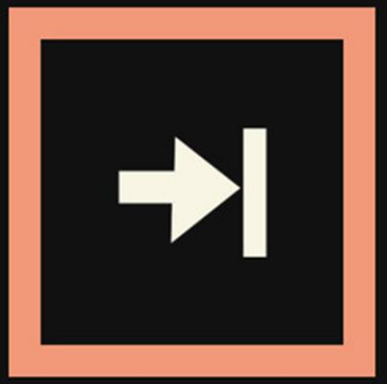
BAN CHOKEHOLDS & STRANGLEHOLDS

REQUIRE DE-ESCALATION



REQUIRE WARNING BEFORE SHOOTING

EXHAUST ALL OTHER MEANS BEFORE SHOOTING



DUTY TO INTERVENE

BAN SHOOTING AT MOVING VEHICLES

REQUIRE USE OF FORCE CONTINUUM

REQUIRE COMPREHENSIVE REPORTING

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# 1) Ban Chokeholds and Strangleholds

*Officers shall not use chokeholds , strangleholds, Lateral Vascular Neck Restraints, Carotid Restraints, chest compressions, or any other tactics that restrict oxygen or blood flow to the head or neck*

- The arm bar (chokehold) has been banned since 1982
- The LAPD classified the use of the *Carotid Restraint Control Hold* to be the same as deadly force with a firearm in 1982
- Only used for Immediate Defense of Life
- The LAPD has only averaged 1.5 applications per year during the last 5 years
- Carotid Hold Banned as of June 8, 2020, per Chief of Police.

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# 2) Require De-Escalation

*Prior to using physical, deadly and or non/deadly force, all law enforcement officers must use proper de-escalation techniques to decrease the likelihood that law enforcement officers will resort to force and to increase the likelihood of cooperation between officers and members of the public*

October 2016 - LAPD implemented Tactical De-Escalation techniques with Directive No. 16

REQUIRE DE-ESCALATION

- Tactical De-Escalation does not require an officer to compromise their *safety* or the *safety of the public*. De-Escalation should only be used when safe and prudent to do so.

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# 3) Require a Warning Before Shooting

*The law enforcement officer shall issue a verbal warning, when feasible, and have a reasonable basis for believing that the warning was heard by the individual to whom the warning was directed prior to using deadly force against the individual*

- September 2001 - Verbal Warning Requirement for a Use of Force which may cause a significant risk of serious injury, if warning is feasible.

- Officers may use *deadly force* only when they reasonably believe, based on the totality of circumstances, that such force is necessary *in defense of human life*. (Special Order 4 – revised 02/05/20)

- An officer shall give a verbal warning (*Deorle vs. Rutherford*) in situations which require the use of a Less Lethal device to control an individual *when feasible*.

  - TASER, Bean Bag Shotgun, 40mm Launcher, Impact Devices (batons)

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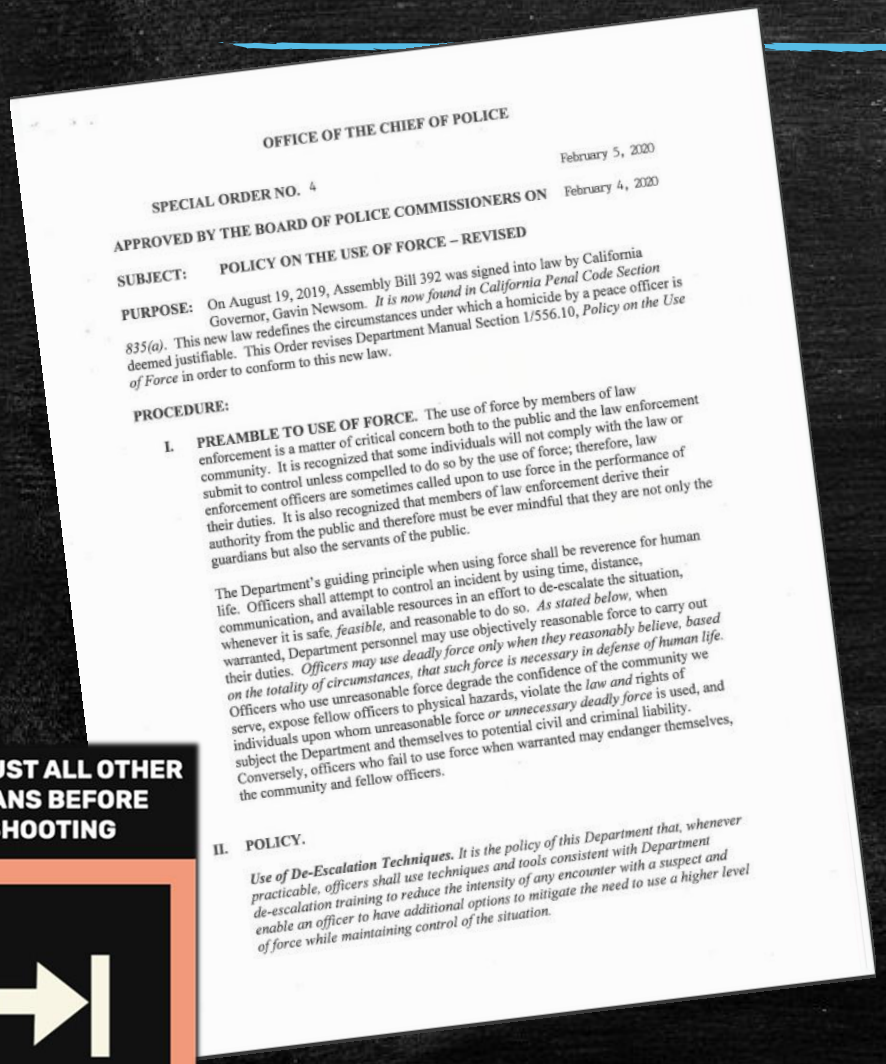
# 4) Exhaust All Other Means Before Shooting

*The law enforcement officer [shall] exhaust all reasonable alternatives to the use of deadly force, including de-escalation, other reasonable means of apprehending the suspect and defending themselves*



OFFICE OF THE CHIEF OF POLICE

February 5, 2020

SPECIAL ORDER NO. 4

APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON February 4, 2020

SUBJECT: POLICY ON THE USE OF FORCE – REVISED

PURPOSE: On August 19, 2019, Assembly Bill 392 was signed into law by California Governor, Gavin Newsom. *It is now found in California Penal Code Section 835(a).* This new law redefines the circumstances under which a homicide by a peace officer is deemed justifiable. This Order revises Department Manual Section 1/556.10, *Policy on the Use of Force* in order to conform to this new law.

PROCEDURE:

I. **PREAMBLE TO USE OF FORCE.** The use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. It is also recognized that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians but also the servants of the public.

The Department's guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communication, and available resources in an effort to de-escalate the situation, whenever it is safe, *feasible*, and reasonable to do so. *As stated below*, when warranted, Department personnel may use objectively reasonable force to carry out their duties. *Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life.* Officers who use unreasonable force degrade the confidence of the community we serve, expose fellow officers to physical hazards, violate the *law and* rights of individuals upon whom unreasonable force *or unnecessary deadly force* is used, and subject the Department and themselves to potential civil and criminal liability. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers.

II. POLICY.

***Use of De-Escalation Techniques.*** *It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a suspect and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.*

- Official Use of Force Policy in place for Decades
- Reverence for Life
  - Department's guiding principle when using force.
    - Background
    - Age
    - Last Resort
    - Knowledge of Circumstances
    - Seriousness of the Crime
- Officers shall attempt to control an incident by utilizing:
  - Time
  - Distance
  - Communication
  - All Available Resources

**…to de-escalate the situation whenever safe and feasible to do so.**

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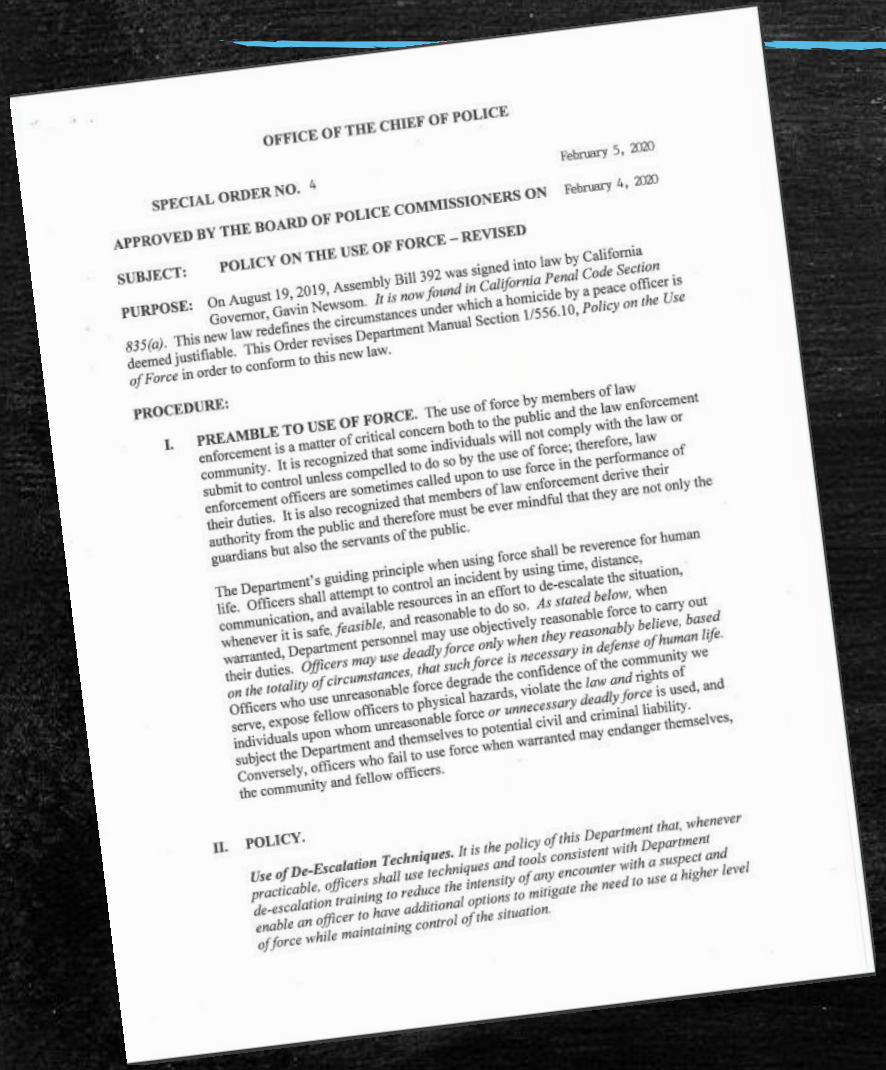
# "Deadly Force as a Last Resort"



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- Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident creates a *reasonable belief* that the situation could escalate to the point where deadly force would be justified.

- Officers may use deadly force to defend against an *imminent* threat of death or serious bodily injury to the officer or to another person.

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# 5) Duty to Intervene

*All law enforcement officers must intervene when they reasonably believe that a law enforcement officer is using or is about to use unnecessary or excessive force in violation of this mission, and must report the incident to a supervisor. Failure to report incidents involving the use of unnecessary or excessive force will result in disciplinary action*

## LAPD Department Manual section 3/813.05

- Requires officers to report misconduct *immediately*
- Officers shall take appropriate action to cause the misconduct to *immediately cease*
- Failing to do so is misconduct on the officer's part & subjects the officer to discipline or termination

## The Los Angeles Police Department Core Values

- Service to Our Communities
- Reverence for the Law
- Integrity in all we say and do
- Respect for People
- Commitment to Leadership
- Quality through Continuous Improvement

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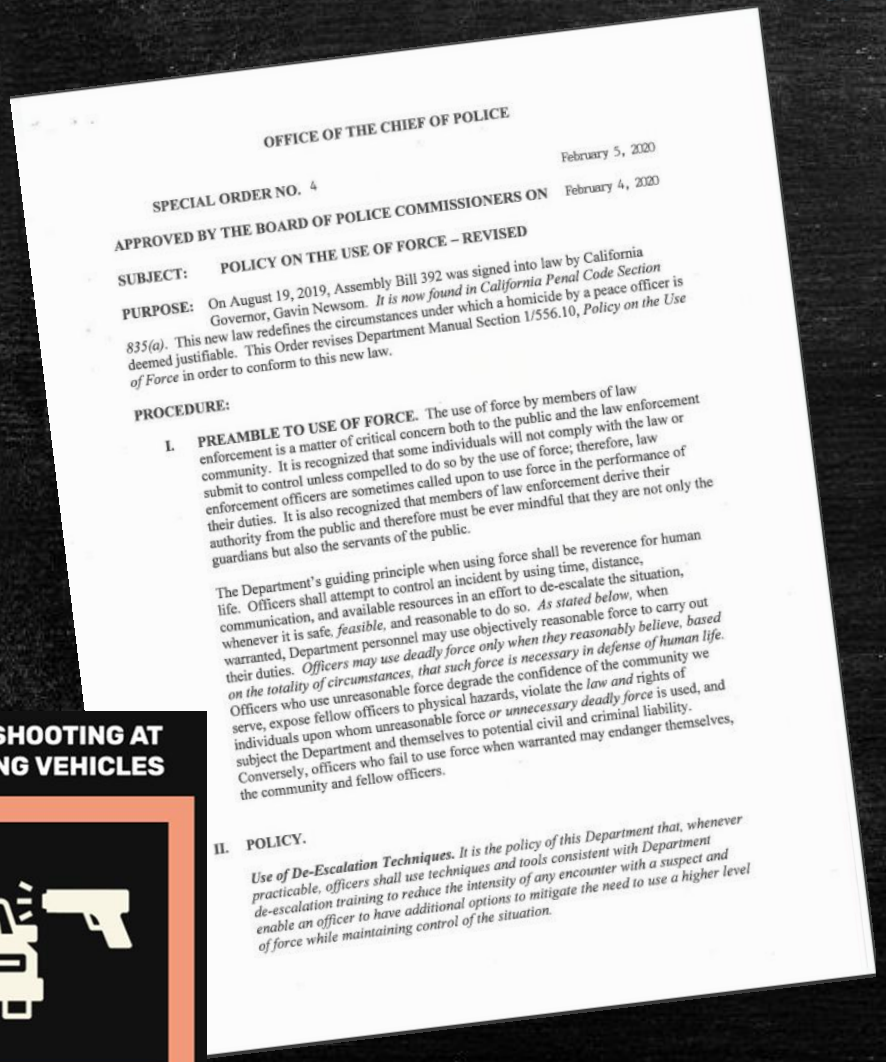
# 6) Ban Shooting at Moving Vehicles

*Officers shall not discharge a firearm at or into a moving vehicle unless the occupants of the vehicle are using deadly force and such action is necessary for self-defense….officers shall not shoot at any part of a moving vehicle to disable it….officers shall not discharge a firearm from his or her moving vehicle…*



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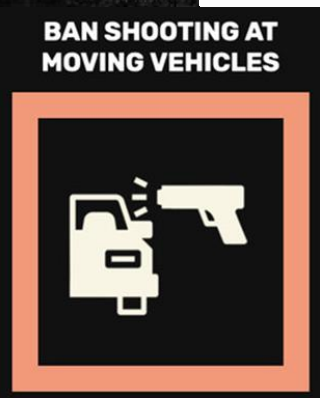


## February 16,2005 (Special Order No. 1)

- (revised on 02/05/2020)

- Firearms shall not be discharged at a moving vehicle…
  - unless a person in the vehicle is immediately threatening the officer or another person with deadly force ***other than the vehicle***.
- Moving vehicle itself shall not presumptively constitute a threat
- Must articulate any deviation
  - No reasonable or apparent means of escape that place the officer's lives or other lives in immediate peril.

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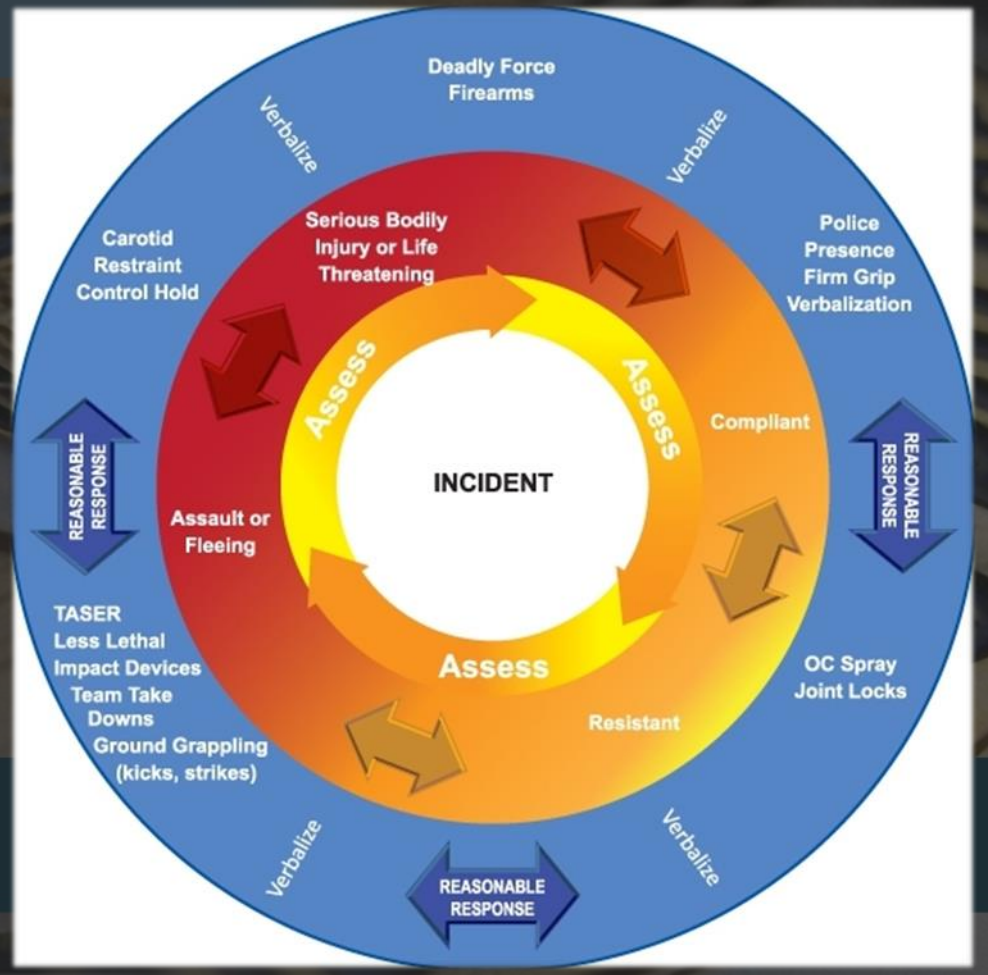
# 7) Require Use of Force Continuum

***Law enforcement officers shall use physical force only when it is objectively reasonable, necessary and proportional to effectively and safely resolve a conflict. Force may only be used if and only if doing so is aligned with the Department's mission of preserving life and minimize physical harm….officers shall strive to use the minimum amount of force necessary to accomplish a lawful purpose…***

- LAPD policy is consistent with state and federal law, and is more…
  - ❖ *Focused & Restrictive*
- Each incident is evaluated by looking at *individual's behaviors* such as lack of cooperation, level of resistance or threat posed by the suspect.
- Officer's reaction to that resistance and or threat is evaluated.




REQUIRE USE OF FORCE CONTINUUM

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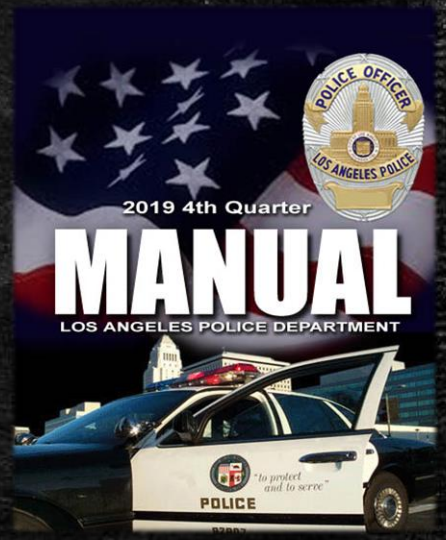
# 8) Require Comprehensive Reporting

*To promote transparency and accountability of actions involving force against civilians, law enforcement officers shall report any use of force involving physical controls when the subject is injured, complains of injury in the presence of officers….officers shall report the use of personal body weapons [less lethal] ..officer shall notify supervisor immediately…a supervisor shall conduct a use of force evaluation…*

## LAPD Department Manual section 4/245.10

***"An employee who becomes involved in a reportable Non-Categorical Use of Force shall":***

- Notify a Supervisor immediately,
- Complete a report in detail,
- Describe the suspect's and officer's actions in plain language,
- Off-duty employees are required to report a use of force immediately as well.



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# CATEGORICAL USE OF FORCE REVIEW PROCESS

- *An incident involving the use of deadly force by a Department employee*

- ➢ Officer Involved Shooting
- ➢ In-Custody Death
- ➢ Animal Shooting
- ➢ Unintentional Discharge
- ➢ Carotid Restraint
- ➢ Law Enforcement Related Injury - requires Hospitalization
- ➢ Head Strike (w/ an Impact Device)
- ➢ K-9 Contact (w/ Hospitalization)
- ➢ Chief of Police Directed

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# NON-CATEGORICAL USE OF FORCE

## USE OF FORCE REVIEW PROCESS

All Use of Force Incidents that are not deemed Categorical

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# BOARD OF POLICE COMMISSIONERS

## Police Commission

Provides *civilian oversight* to the Department's Use of Force process and oversees implementation of improved Use of Force practices. It is composed of a President, Vice President, and three additional Commissioners.

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# That concludes the #8CANTWAIT reforms

## ADDITIONAL MEASURES OF ACCOUNTABILITY

**TEAMS II "Early Warning System"**

**Attorney General "Add On" Items**

**City of LA Force Statistics**

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# TEAMS II

## Training Evaluation and Management System

"Pointer" system used to generate a complete personnel summary report for supervisory review of an employee's personnel record

TEAMS came online in July of 1997 ➡ Expanded to TEAMS II in 1999

**Purpose of the system is accountability- *Early warning "threshold" triggers* compare a risk management event against that employee's peer group.**

**Employee's TEAMS report contains:**

Discipline -- Use of Force -- Pursuits -- Traffic Collisions -- Training
Civil Litigation -- Assignment History -- Qualification -- Work Permits
Work Performance (Citations & Arrests) -- Commendations

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# LAPD Canine

## Did away with "Find & Bite" & implemented "Find & Bark"

- One of the few departments that trains & certifies its Police Service Dogs (PSDs) in the "find and bark" method.
- PSDs are trained to take a bite hold on a suspect ***in response*** to movement that may constitute
  - an aggressive,
  - threatening,
  - or evasive action that poses a threat of harm

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# Bias in Policing

- In 2015, LAPD employees were required to attend the *Harm Reduction and Community Policing* training.
- In 2017, LAPD required all sworn personnel to attend *Implicit Bias and Community Policing Training*.
- Law Enforcement Code of Ethics
  - Adopted by Council Resolution, July 21, 1959.

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# USE OF FORCE

## IN PERSPECTIVE

It is important to note that a vast majority of police interactions with the public do not result in a use of force. In 2019, the Department had 1,692,351 documented public contacts. During those contacts, 712,759 individuals were stopped during observation-related field detentions (including both vehicle and pedestrian stops), 82,288 arrests were effected, and 2,187 use of force incidents occurred (26 of which were OIS incidents).

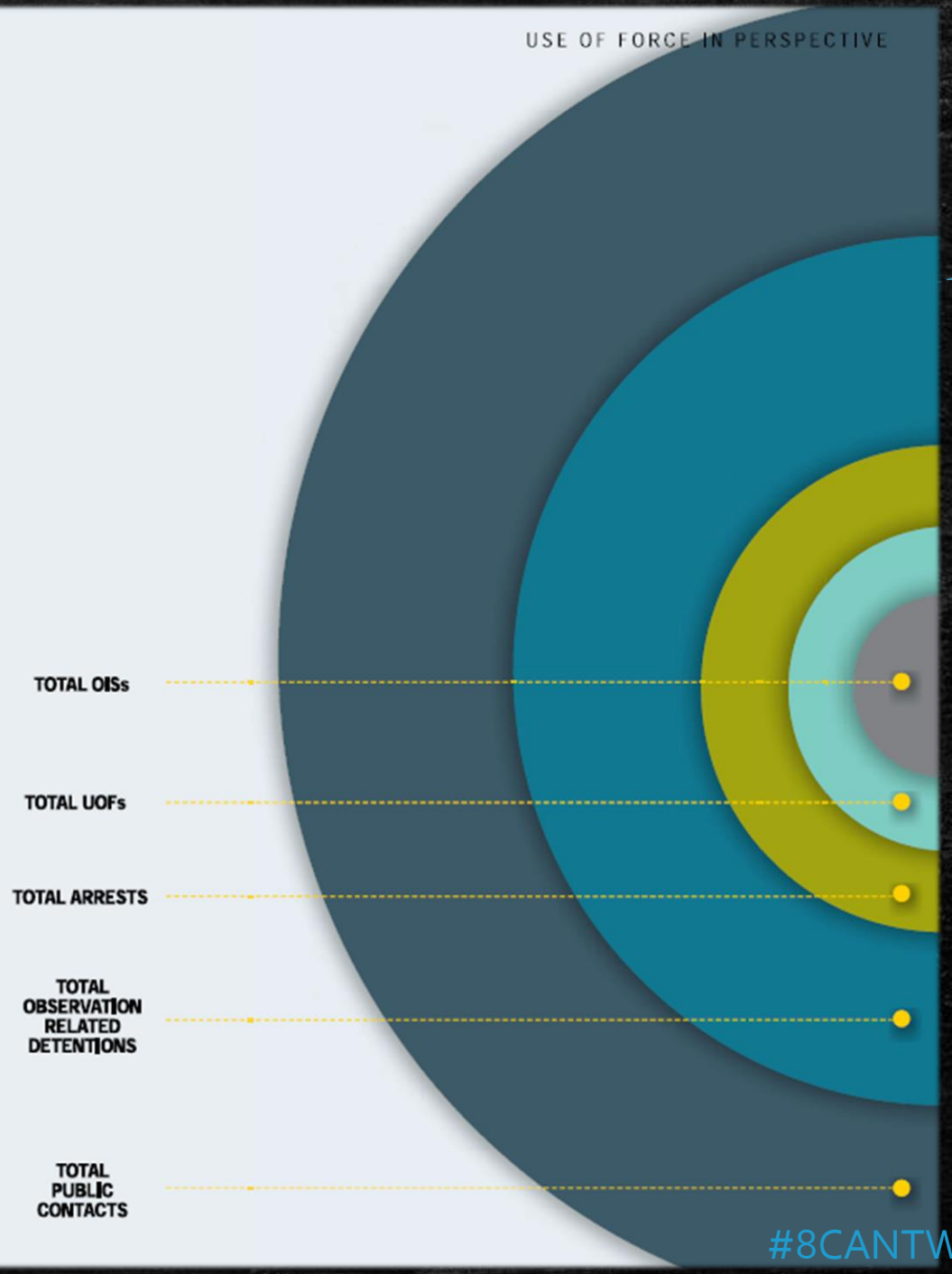
**1,692,351** Total documented public contacts.

**712,759** Total observation-related field detentions occurred in **42%** of the total public contacts.

**82,288** Arrests occurred in **5%** of the total public contacts.

**2,373** Uses of Force occurred in **0.14%** of the total public contacts.

**26** OISs occurred in **0.001%** of the total public contacts.

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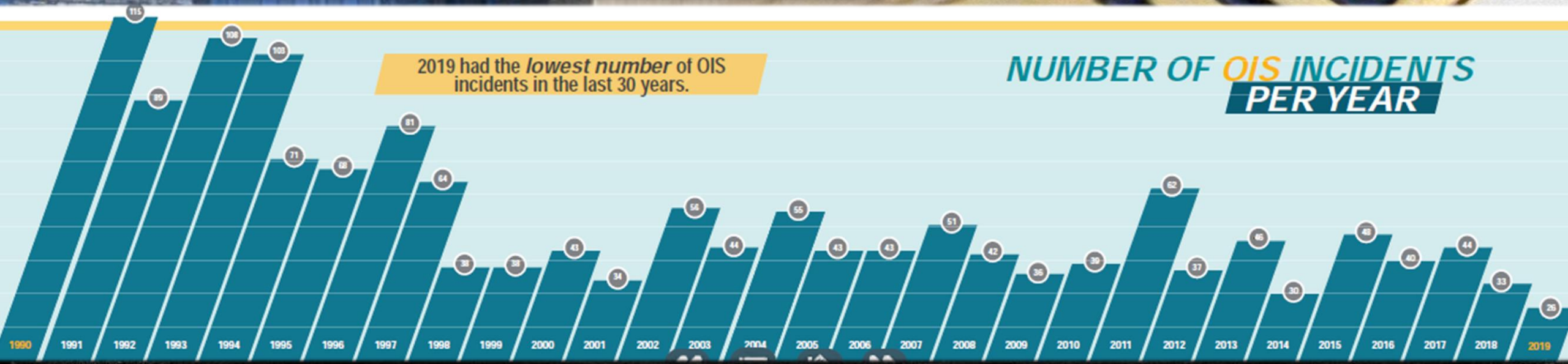
# 2019 Officer Involved Shootings

- Total Officer Involved Shootings: 26
  - 15 Hispanic – 58%
  - 8 Black – 31%
  - 2 White – 7%
  - 1 Other – 4%



# Force Trends

- In 2019, LAPD Officer Involved Shootings – 26; In 1990 – 115 OIS
  - 31% of OIS – Suspect fired at officers or other persons (8 out of the 26)
- In 2019, more than 69% of suspects were armed with a firearm (18 out of 26)
  - 23% of suspects were armed with a weapon other than a firearm (6 out of 26)
  - 8% - perception shootings (2 out of 26)
- Over a 5 year period
  - Physical Application of Force (i.e. takedowns, strikes, body weight, firm grips, and joint locks) increased 27%
  - Application of impact/less lethal devices (i.e. Beanbag Shotgun, OC Spray, TASER, Baton) decreased 24%

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Questions?
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# Contact Information and Department Links

- **Los Angeles Police Department Manual link:** http://www.lapdonline.org/lapd_manual/
- **Los Angeles Police Department Year End Review Report link:** http://www.lapdonline.org/year_in_review (Click on 2019 Annual Report)
- **CAMPAIGN ZERO *Model Use of Force Policy***
- **Operations-Valley Bureau: 818-644-8100**
- **Operations-Valley Bureau Training Unit 818-644-8086**
- **Adapted from North Hollywood Division's #8CANTWAIT presentation**