

CULVER CITY POLICE

TRAINING INFORMATION

DATE: JANUARY 12, 2021

NO: 2021-1

Government Code 7286 (b) and Government Code 7286.5

Purpose

The purpose of the training bulletin is to cover Government Codes 7286 (b) and 7286.5. The Government Codes took effect on January 1, 2021 and requires all sworn personnel to review and understand them. Please see the Government Codes below on pages 2-3.



JASON SIMS

Acting Assistant Chief

Government Code 7286 (b) Each law enforcement agency shall, by no later than January 1, 2021, maintain a policy that provides a minimum standard on the use of force. Each agency's policy shall include all of the following:

- (1) A requirement that officers utilize de-escalation techniques, crisis intervention tactics, and other alternatives to force when feasible.
- (2) A requirement that an officer may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.
- (3) A requirement that officers report potential excessive force to a superior officer when present and observing another officer using force that the officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer.
- (4) Clear and specific guidelines regarding situations in which officers may or may not draw a firearm or point a firearm at a person.
- (5) A requirement that officers consider their surroundings and potential risks to bystanders, to the extent reasonable under the circumstances, before discharging a firearm.
- (6) Procedures for disclosing public records in accordance with Section 832.7.
- (7) Procedures for the filing, investigation, and reporting of citizen complaints regarding use of force incidents.
- (8) A requirement that an officer intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject.
- (9) Comprehensive and specific guidelines regarding approved methods and devices available for the application of force.
- (10) An explicitly stated requirement that officers carry out duties, including use of force, in a manner that is fair and unbiased.
- (11) Comprehensive and specific guidelines for the application of deadly force.
- (12) Comprehensive and detailed requirements for prompt internal reporting and notification regarding a use of force incident, including reporting use of force incidents to the Department of Justice in compliance with Section 12525.2.
- (13) The role of supervisors in the review of use of force applications.
- (14) A requirement that officers promptly provide, if properly trained, or otherwise promptly procure medical assistance for persons injured in a use of force incident, when reasonable and safe to do so.
- (15) Training standards and requirements relating to demonstrated knowledge and understanding of the law enforcement agency's use of force policy by officers, investigators, and supervisors.

(16) Training and guidelines regarding vulnerable populations, including, but not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.

(17) Comprehensive and specific guidelines under which the discharge of a firearm at or from a moving vehicle may or may not be permitted.

(18) Factors for evaluating and reviewing all use of force incidents.

(19) Minimum training and course titles required to meet the objectives in the use of force policy.

(20) A requirement for the regular review and updating of the policy to reflect developing practices and procedures.

Government Code 7286.5

(a) A law enforcement agency shall not authorize the use of a carotid restraint or choke hold by any peace officer employed by that agency.

(b) As used in this section, the following terms are defined as follows:

(1) "Carotid restraint" means a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person's neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person.

(2) "Choke hold" means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe.

(3) "Law enforcement agency" means any agency, department, or other entity of the state or any political subdivision thereof, that employs any peace officer described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.