



# **NEWARK POLICE DEFENSIVE TACTICS JANUARY 2021**



# Overview



- Policy 300
  - 300.1.1, 300.4, 300.3.6, 300.3.4, 300.4.1, 300.6, 306.5, 300.4.2
- Alternative Tactics- De-escalation- Policy 300.3.1
- Excited Delirium



# POLICY 300.1.1- Definitions

- Feasible- Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.
- Necessary- Means the no reasonably effective alternative to the use of force appeared at the time and that the amount of force used was reasonable based on the department's policy and training to effect the lawful purpose intended.
- Force- The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

# POLICY 300.4-Deadly Force Applications



- The use of deadly force is only justified when the officer reasonably believes it is necessary in the following circumstances:
  - An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury to the officer or another person
  
  - An officer may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

# Policy 300.4- Deadly Force Applications



- Officers shall not use deadly force against a person based on the danger that person poses to him/herself, if an objectively reasonable officer would believe the person does not pose and imminent threat of death or serious bodily injury to the officer or to another person.
- An “imminent” threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the **present ability, opportunity and apparent intent** to immediately cause death or serious bodily injury to the officer or another person. As officer’s subjective fear of future harm alone is insufficient as an imminent threat. As imminent threat is one that from appearances is reasonably believed to require instant attention.
- [Phoenix officers shoot man with gun to his head – YouTube](#)



# Policy 300.4.2 – Displaying or Pointing of Firearms

- Officers need to document in supplement (handgun, 40mm, Taser).
- Use the Use of Force Tab in RIMS to document collective force used against a suspect.

Use of Force Report - Case 20-04317

20-04317

Were multiple agencies involved in the incident?  Did any officers use force on a civilian?  
 Were any firearms discharged?  Did this cause serious injury or death to a civilian?  
ANY discharge of a firearm during an interaction between a civilian and an officer, regardless of whether any person was injured.  Did any civilians assault an officer?  
 Did this cause serious injury or death to an officer?

**Screening**

**Details**

**People and Officers**

**California Use of Force Reporting**

This form is only required if any of the following are true:

- A civilian is seriously injured by an officer's use of force.
- An officer is seriously injured by a civilian assault.
- A firearm is discharged, either by an officer toward a civilian, or a civilian towards an officer.

Save Cancel Delete Print

Use of Force Report - Case 20-04317

20-04317

Involved Person	Address	Age	DOB
TABRON, JEFFREY	21162 HAVILAND AV		1/14/1988

Add Person

Officer Name	Officer ID
HIGBEE, DAVID	10839

Add Officer

Save Cancel Delete Print

Use of Force Report - Case 20-04317 - TABRON, JEFFREY

**Tabron, Jeffrey**

**Page 1**

**Weapons**

**Force Used**

**Injuries**

Force Used on Civilian by Officer(s)?

Type of Force Used on Civilian by Officer

- Animal
- Blunt / impact weapon
- Carotid restraint control hold
- Chemical spray (e.g. OC/CS)
- Civilian physical contact
- Civilian vehicle contact
- Discharge of firearm (hit)
- Discharge of firearm (miss)
- Electronic control device
- Impact projectile
- K-9 contact
- Knife, blade, or stabbing instrument
- Officer vehicle contact
- Other control hold/takedown
- Other dangerous weapon
- Other physical contact (Use of hands, fists, feet, etc)
- Threat of firearm

Body Injury Locations

- Arms/hands
- Front below waist/groin area
- Front legs/feet
- Front upper torso/chest
- Head
- Neck/throat
- Rear legs
- Rear lower torso/back
- Rear upper torso/back

Save Cancel Delete



# Policy 300.3.2- Factors Used to Determine the Reasonableness of Force

[Man Gets Shot After Charging At Female Cop With Knife in Phoenix, Arizona - YouTube](#)

- a. The apparent immediacy and severity of the threat to officers or others
- b. The conduct of the individual being confronted , as reasonably perceived by the officer at the time.
- h. Proximity of weapons or dangerous improvised devices
- k. Seriousness of the suspected offense or reason for the contact with the individual prior to and at the time force is used.
- m. Potential for injury to officers, suspects, bystanders, and others.
- n. Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- p. The apparent need for immediate control of the subject or a prompt resolution of the situation.



# **Policy 300.3.2- Factors Used to Determine the Reasonableness of Force**

[Bodycam Footage Of Officer Shooting Retail Theft Suspects in San Mateo, California - YouTube](#)

[Bodycam Shows Woman Punching Baltimore Cop Twice Before Another Knocks Her Out - YouTube](#)

[Bodycam Footage of Police Officer Shooting Woman Wielding Scissors - YouTube](#)

[Bodycam Footage of Vallejo Police Shooting Knife Wielding Trespasser - YouTube](#)

[Police Use Bean Bag Rounds And K-9 To Subdue Armed Man - YouTube](#)





# Policy 300.3.6- Alternative tactics- De-Escalation

[Liveleak.com - Police officer deescalates a potential suicide by cop suspect](#)

- Ambush/ suicide by cop?
- Is this good de-escalation tactics?
- Should the officer have tactically repositioned (cover/concealment)?
- Needed resources?



# Policy 300.3.6- Alternative tactics- De- Escalation

[Liveleak.com - Glendale PD Releases Video Of Deadly Shooting in a Taco Bell parking lot](https://www.liveleak.com/view/?i=104805)

Totality of the circumstances (Penal Code 835(a))- All facts known to the officer a the time, including the conduct of the officer and the subject leading up to the use of force.

- Is this good de-escalation tactics?
- Needed resources?
- Did the officer's actions cause the shooting?



# Policy 300.3.4-Carotid Control Hold

- 300.3.4 Restrictions on the Use of Carotid Control Hold
  - Officer of this department are not authorized to use a carotid restraint hold. A 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.
  - [Carotid Restraint, Carotid Application, Proper Application vs. Improper Application - YouTube](#)
  - [Orlando Cop Gets Fired After Choking a Man While Arresting Him - YouTube](#)
  - *"...Improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose" ( Policy 300.3)*



# Policy 300.4.1- Shooting At or From Moving Vehicles

- 300.4.1- Shooting At or From Moving Vehicles
  - *Officers may only shoot from a moving vehicle to protect him/herself or others from an imminent threat of death or serious bodily injury to the officer or another person.*
  - [https://www.youtube.com/watch?v=v\\_YTx5wWEg](https://www.youtube.com/watch?v=v_YTx5wWEg)
  - [\*Efren Esquivel: San Jose Police officers cleared by District Attorney in fatal May 2019 shooting - YouTube\*](#)
  - When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm as the vehicle or any of its occupants.



# Policy 300.6-Excited Delirium

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called “excited delirium”), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death.

Calls involving these persons should be considered medical emergencies.

Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

# Policy 300.6-Excited Delirium



- Excited Delirium is a medical emergency and should be treated as such without compromising Officer Safety.
- Avoid Prolonged Struggles
- Most Common Traits
- Male Subject, average age 36
- Destructive or bizarre behavior generating calls to police
- Suspected or know psychostimulant drug or alcohol intoxication
- Suspected or known psychiatric illness
- Nudity or inappropriate clothing for the environment
- Failure to recognize or respond to police presence at the scene
- Erratic or violent behavior
- Unusual physical strength and stamina
- Ongoing struggle despite futility



# Policy 300.6-Excited Delirium

<https://www.ktvu.com/news/body-camera-footage-shows-riverside-co-deputies-pinning-suspect-placing-spit-mask-over-face-before-his-death>

- *Policy 306.5*

*-Spit hoods should not be used in situations when the restrained person is bleeding profusely from the are area around the mouth or nose, or if there are indications that the person has a medical conditions, such as difficulty breathing or vomiting. In such case, prompt medical care should be obtained. If the person vomits while wearing a spit hot, the spit hood should be promptly removed and discarded. Person who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit hood.*

# Q&A



- Questions, comments, and/or concerns?