

INTRADEPARTMENTAL CORRESPONDENCE

BPC 20-0101 2A  
8/13/20  
RICHARD M. TEFANK  
EXECUTIVE DIRECTOR  
DATE

July 23, 2020  
1.12

RECEIVED

AUG 13 2020

POLICE COMMISSION

TO: Chief of Police

FROM: Director, Office of Support Services

SUBJECT: COUNCIL ACTION ON CAROTID RESTRAINT CONTROL HOLDS

In response to the AD HOC COMMITTEE ON POLICE REFORM relative to the use of the Carotid Restraint Control Hold (CRCH) Council File 20-0730, a fact sheet was prepared that summarizes the Departments policy action to date and potential disciplinary actions should an officer utilize a CRCH. In addition, the fact sheet contains information regarding the overall history and use of the CRCH and actions the Department has taken in updating our training standards and implementation of Senate Bill 230.

Please review the fact sheet completed to address the above inquiries. Should you have any questions, please contact the Office of Support Services, at (213) 486-8410.

Respectfully,

BEATRICE M. GIRMALA, Assistant Chief  
Director, Office of Support Services

Attachment

BOARD OF  
POLICE COMMISSIONERS  
Approved: *[Signature]* 8/13/20  
Secretary: *[Signature]*  
Approved August 18, 2020

## INTRADEPARTMENTAL CORRESPONDENCE

August 12, 2020

1.12

**TO:** The Honorable Board of Police Commissioners

**FROM:** Chief of Police

**SUBJECT:** COUNCIL ACTION ON CAROTID RESTRAINT CONTROL HOLDS

### RECOMMENDED ACTION

1. That the Board of Police Commissioners (Board) REVIEW and ACCEPT the attached report relative to updating use of force standards in the Los Angeles Police Department (LAPD), related to the use of carotid restraint control holds (CRCH) and potential disciplinary action should an officer utilize a CRCH.
2. That the Board TRANSMIT the Fact Sheet to the AD HOC COMMITTEE ON POLICE REFORM.

### DISCUSSION

On June 24, 2020, the AD HOC COMMITTEE ON POLICE REFORM issued a motion (Council File No. 20-0730) directing the LAPD to report relative to updating the Use of Force Standards as related to the use of a CRCH, and what disciplinary actions could be taken if an officer utilized a CRCH.

In response to the motion, a fact sheet was prepared that summarizes the LAPD's policy action to date, and potential disciplinary actions should an officer utilize a CRCH. In addition, the fact sheet contains information regarding the overall history and use of the CRCH and actions the LAPD has taken in updating our training standards and implementation of Senate Bill 230.

On June 8, 2020, I issued a moratorium on training officers in the use of a CRCH and rescinded the Use of Force – Tactics Directive No. 18, Carotid Restraint Control Holds, which authorizes the use of the CRCH, pending a review by the Board of Police Commissioners.

On July 14, 2020, the Board voted in favor of rescinding Use of Force – Tactics Directive No. 18, Carotid Restraint Control Holds, which authorizes the use of the CRCH.


The Honorable Board of Police Commissioners

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1.12

The attached fact sheet was prepared to address the inquiries. Should you require additional information, please contact Commander Ruby Flores, Commanding Officer, Training Group, at (213) 486-4639.

Respectfully,

A handwritten signature in black ink, appearing to read "Michel R. Moore". The signature is written in a cursive style with a horizontal line extending to the right.

MICHEL R. MOORE  
Chief of Police

Attachment

## FACT SHEET

### **COUNCIL ACTION ON CAROTID RESTRAINT CONTROL HOLDS**

Council File No. 20-0730

July 23, 2020

#### PURPOSE

On June 24, 2020, the AD HOC COMMITTEE ON POLICE REFORM conducted an inquiry on use of force standards related to the use of Carotid Restraint Control Holds (CRCH), Council File No. 20-0730. This fact sheet summarizes the Department's history, recent events, use over the last five years, policy efforts to update the use of force standards, and summary of potential disciplinary actions relative to the CRCH.

#### BACKGROUND

The CRCH was a technique trained and used by the Department. The technique was used to subdue violent suspects at the level of deadly force via blood flow and/or airway restriction. Amongst the general populous, this technique is referred to by a variety of terms which include carotid holds, upper body control holds, choke holds and the like.

#### FINDINGS

##### **History**

During the 1970's, the Department trained its personnel on two upper body control techniques: the bar arm control and the CRCH (*1982 Training Bulletin Vol. IV, Issues 16 and 17*).

The bar arm control utilized pressure on the trachea to stop the flow of oxygen to the brain and cause loss of consciousness. Variations of the bar arm control which included the "chancery" and "front headlock" were taught (*1982 Training Bulletin Vol. IV, Issue 18*).

The CRCH utilized pressure on the arteries of the neck to cut off the supply of blood to the brain and cause loss of consciousness. The CRCH hold consisted of the modified carotid, full carotid and locked carotid techniques (*1987 Training Bulletin Vol. X, Issue 13*). From the 1970's to the early 1980's, these techniques were authorized to control combative suspects.

On May 7, 1982, the Department prohibited the use of the bar arm control. On May 12, 1982, the Department revised its use of force policy and restricted the use of the carotid upper body control holds to only those situations where deadly force was authorized. This policy has remained unchanged until 2005<sup>1</sup>.

##### **Recent Events**

On August 19, 2019, Assembly Bill 392 was signed into law by California Governor Gavin Newsom that amended Penal Code Section 835(a). In conformance with the new legislation, the Department revised Manual Section 1/556.10, *Policy on the Use of Force*, which took effect on

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<sup>1</sup> In 2005, Training Bulletin Vol. XXXVII, Issue 1, was updated to specify that Force Investigation Division investigates uses of force involving the CRCH.

## **FACT SHEET**

### **COUNCIL ACTION ON CAROTID RESTRAINT HOLDS**

Council File No. 20-0730

July 23, 2020

January 1, 2020. Training Division updated all Expanded Course Outlines and submitted them to the California Commission on Peace Officer Standards and Training (POST). The Department also updated lesson plans to reflect these changes.

In April 2020, the Department published Use of Force-Tactics Directive No. 18 (Carotid Restraint Control Holds). The Directive emphasized the Department's guiding principle of Reverence for Human Life in all investigative, enforcement, and other contacts between officers and members of the public, as well as, when practicable, the use of tactical de-escalation techniques to reduce the intensity of an encounter and mitigate the need for physical force. Additionally, the Directive clarified that any force applied by an officer that causes restriction to the airway or carotid arteries of a person's neck, that is more than momentary and incidental, regardless of intent, will be investigated and evaluated as a Categorical Use of Force, by Force Investigation Division.

On June 5, 2020, Governor Newsom, called for the "end of the carotid hold and other like techniques in California, directing that the carotid hold be removed from the state police training program and state training materials." Further, Governor Newsom committed to working with the Legislature on a statewide ban that would apply to all California police departments<sup>2</sup>.

On June 8, 2020, Chief of Police Michel Moore placed a moratorium on the training and use of the CRCH. All Department personnel were advised of the moratorium via a Department Operations Center email. Training Division immediately complied and stopped CRCH training in the Regular Basic Course (Police Academy). Additionally, Use of Force - Tactics Directive No. 18, Carotid Restraint Control Holds, was rescinded by Chief Moore.

On June 18, 2020, POST held an emergency session and voted to remove the CRCH from the Training and Testing Specifications for all Peace Officer Basic Courses.

On July 1, 2020, the State of California, Office of Administrative Law, approved the emergency regulatory action which amended Learning Domain Workbook 33 (Arrest and Control), removing Chapter 4 (Carotid Restraint Control Hold) from the workbook. Training Division updated all Academy Expanded Course Outlines, Lesson Plans, and the 2017 Arrest and Control Manual to reflect the changes.

On July 14, 2020, the Board of Police Commissioners (BOPC) voted in favor of rescinding Use of Force - Tactics Directive No. 18, Carotid Restraint Control Holds, which authorizes the use of the CRCH.

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<sup>2</sup> Office of Governor Gavin Newsom (June 5, 2020). Governor Newsom Announces New Policing and Criminal Justice Reforms. Retrieved from <https://www.gov.ca.gov/2020/06/05/governor-newsom-announces-new-policing-and-criminal-justice-reforms/>

## FACT SHEET

### COUNCIL ACTION ON CAROTID RESTRAINT HOLDS

Council File No. 20-0730

July 23, 2020

#### **Use of the Carotid Restraint Control Hold**

Since 2015 the CRCH was utilized nine times by Department personnel. The table below delineates each occurrence by year and the respective BOPC findings.

<b>Case/Year</b>	<b>Division of Occurrence</b>	<b>Injured</b>	<b>Deceased</b>	<b>BOPC Findings</b>
1. 97-15	Harbor	Y	N	Out of Policy
2. 06-16	Foothill	Y	N	In-Policy
3. 73-16	Central	Y	N	In-Policy
4. 07-17	Central	Y	N	In-Policy
5. 33-17	Hollenbeck	Y	N	Out of Policy
6. 33-18	77 <sup>th</sup> St	Y	N	Out of Policy
7. 24-19	Southwest	Y	N	Out of Policy
8. 30-19	Devonshire	Y	N	Out of Policy
9. 13-20	Central	Y	N	The case is currently under investigation

#### **Policy Efforts to Update the Use of Force Standard Relative to the CRCH**

As mentioned above, the Department has ceased training the CRCH and rescinded Use of Force-Tactics Directive No. 18, Carotid Restraint Control Holds, which authorizes the use of the CRCH. In addition, the Department is working on a comprehensive Use of Force policy update in relation to Senate Bill 230 which takes effect January 1, 2021.

#### **Disciplinary Actions**

In the event an officer utilizes a CRCH, it will be investigated as a Categorical Use of Force by Force Investigation Division. If the BOPC finds that an employee's use of force was "Out of Policy," the case will be referred to the Department for corrective action. Such corrective action may include: 1) Extensive Retraining; 2) Notice to Correct Deficiencies; and/or, 3) Personnel Complaint. Penalties for sustained personnel complaints may include suspension, demotion, or removal from office.

#### **REFERENCES**

- *Training Bulletin, Control Holds Part I.* Volume IV, Issue 16. Dated July 31, 1972.
- *Training Bulletin, Control Holds Part II.* Volume IV, Issue 17. Dated July 31, 1972.
- *Training Bulletin, Control Holds Part III.* Volume IV, Issue 18. Dated July 31, 1972.
- *Training Bulletin, Control Holds Part II.* Volume X, Issue 13. Dated May 1978.
- *Moratorium on the Use of Upper Body Control Holds.* Office of the Chief of Police, Memorandum No. 6. Dated June 18, 1972.
- *Training Bulletin, Use of Force, Upper Body Control Holds.* Volume XIX, Issue 2. Dated April 1978.
- *Training Bulletin, Use of Force, Carotid Restraint Control Hold.* Volume XXXVII, Issue 1. Dated August 2005.

**FACT SHEET**

**COUNCIL ACTION ON CAROTID RESTRAINT HOLDS**

Council File No. 20-0730

July 23, 2020

- *Use of Force- Tactics Directive, Carotid Restraint Control Holds.* Directive No. 18. Dated April 2020.
- Los Angeles Police Department (2019). *Use of Force Year-End Review 2019.*
- Internal Affairs Group (2015). *Complaint Investigations: A Guide for Supervisors.*
- *Moratorium on Carotid Restraint Control Holds.* Department Operations Center Communications Division. Dated June 8, 2020.

Prepared by:  
Training Division

AD HOC COMMITTEE ON POLICE REFORM REPORT relative to updating use of force standards in the Los Angeles Police Department (LAPD) as related to the use of carotid holds.

Recommendation for Council action, pursuant to Motion (Blumenfield - Harris-Dawson - Bonin):

DIRECT the LAPD to report in regard to how it will update its use of force standards as related to the use of carotid holds, and what disciplinary actions could be taken against officers who continue to employ the technique now that the LAPD has ended its use.

Fiscal Impact Statement: Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

Summary:

On June 24, 2020, your Committee considered a Motion (Blumenfield - Harris-Dawson - Bonin) relative to updating use of force standards in the LAPD as related to the use of carotid holds. According to the Motion, the killing of George Floyd by Minneapolis police officers using a controversial choke hold has caused a number of police departments across the country to review their use of carotid holds, which restrict or block the flow of blood to the brain. On June 8, 2020, the LAPD instructed its officers to stop using any carotid holds. The LAPD also placed a moratorium on training officers in the use of carotid holds, pending a review by the LAPD and the Board of Police Commissioners. Also, state legislation was recently introduced with the backing of the governor which would prohibit the use of carotid holds state-wide. The LAPD already had significant restrictions in place on the use of carotid holds, and these actions strengthen those. It is important that the public is informed of these policy changes, and how they will be implemented. Further, the public should be advised of the disciplinary actions faced by officers who use this prohibited technique. After consideration and having provided an opportunity for public comment, the Committee moved to recommend approval of the Motion as amended and detailed in the above recommendation. This matter is now submitted to Council for its consideration.

Respectfully Submitted,

AD HOC COMMITTEE ON POLICE REFORM

<u>MEMBER</u>	<u>VOTE</u>
WESSON:	YES
KORETZ:	YES
LEE:	YES
CEDILLO:	YES
HARRIS-DAWSON:	YES