



Police Department Use of Force and De-escalation Policy

City Council Sub-Committee on
Race, Equity and Inclusion
June 30, 2020



Agenda

- Overview of Calls for Service
- Policies and Procedures
- Use of Force and De-escalation Policy Update



Overview of Call for Service

- Dispatched
- Self-Initiated
- Enforcement vs. Investigative vs. Community Caretaking





Policies and Procedures

- Organizational and Operational Policies
- Risk Management
- Best Practices
- Framework for Organizational Discipline



Policies and Procedures

- Standards for Expectations, Compliance, and Accountability
- Training
 - Risk vs. Frequency
 - Professional Standards
- Disciplinary Process



Use of Force and De-escalation Policy

- Latest Revisions
 - January 2020, June 2020
- Pending Review
 - POST Recommendations (August)



Use of Force and De-escalation Policy

- Reform Discussions
 - National Campaigns
 - California Attorney General



Recommendation	Campaign Zero's 8 Can't Wait and Use of Force Project	Attorney General	MVPD
<p>Ban chokeholds and carotid restraints</p>	<p>Prohibiting officers to choke or strangle civilians, in many cases where less lethal force could be used instead, resulting in the unnecessary death or serious injury of civilians.</p>	<p>All agencies should have a policy prohibiting the use of chokeholds, strangleholds, carotid restraints or other restraints, or body positioning that is designed to, or which may foreseeably result in, the cutting off of blood or oxygen to the person.</p>	<p>These techniques are not permitted in our policies. MVPD has also banned the use of the carotid hold after a review of our policy and to be in line with state guidance.</p>



Recommendation	Campaign Zero's 8 Can't Wait and Use of Force Project	Attorney General	MVPD
<p>Require de-escalation</p>	<p>Where possible, by communicating with subjects, maintaining distance, and otherwise eliminating the need to use force.</p>	<p>All agencies should require officers to de-escalate situations, when possible, before using force.</p>	<p>De-escalation is interwoven into the department's operations and is included in the department's policies for crisis intervention, conducted energy devices (Tasers), mental illness, and civil disputes. De-escalation techniques are included in various continued professional training topics.</p> <p>To emphasize de-escalation, our use of force policy was renamed to Use of Force and De-Escalation with language added specific to de-escalation.</p>



Recommendation	Campaign Zero's 8 Can't Wait and Use of Force Project	Attorney General	MVPD
<p>Require warning before shooting</p>	<p>Require officers to give a verbal warning, when possible, before shooting at a civilian.</p>	<p>All agencies should require officers to give verbal warning, when feasible, before using lethal force.</p>	<p>Our policy states In cases of deadly force, the officer, where feasible, will identify themselves and warn of deadly force may be used.</p>



Recommendation	Campaign Zero's 8 Can't Wait and Use of Force Project	Attorney General	MVPD
<p>Require warning before less lethal</p>	<p>N/A</p>	<p>All agencies should require officers to give verbal warning, when feasible, before using less lethal force.</p>	<p>Our policies for use of a conducted energy devices (Tasers), and use of control devices and techniques, provide for a verbal warning and opportunity to comply.</p> <p>When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.</p>



Recommendation	Campaign Zero's 8 Can't Wait and Use of Force Project	Attorney General	MVPD
<p>Exhaust all other means before shooting</p>	<p>Require officers to exhaust all other reasonable means before resorting to deadly force.</p>	<p>Consistent with the core concepts of de-escalation, necessity, and proportionality, all agencies should require that deadly force be used only as a last resort when reasonable alternatives have been exhausted or are not feasible to protect the safety of the public and police officers.</p>	<p>Our policy requires officers evaluate the use of other reasonably available resources and techniques when determining whether to use deadly force, and deadly force is only used when there is an imminent threat of death or serious injury to the officer or another person.</p>



Recommendation	Campaign Zero's 8 Can't Wait and Use of Force Project	Attorney General	MVPD
Intervention	Require officers to intervene and stop excessive force used by other officers and report these incidents immediately to a supervisor.	All agencies should have a policy requiring officers to intervene to stop another officer from using excessive or unnecessary force;	Our policy mandates a duty to intercede if any officer observes another officer using force that is unreasonable.



Recommendation	Campaign Zero's 8 Can't Wait and Use of Force Project	Attorney General	MVPD
<p>Ban shooting at moving vehicles</p>	<p>Restrict officers from shooting at moving vehicles, which is regarded as a particularly dangerous and ineffective tactic.</p>	<p>All agencies should prohibit officers from discharging a firearm at the operator or occupant of a moving vehicle unless the operator or occupant poses an imminent threat of death or serious bodily injury to the public or an officer. All agencies should also prohibit officers from discharging a firearm from their moving vehicle, providing only for exceptions that require such actions to end an imminent threat to human life</p>	<p>While our policy does not ban shooting at moving vehicles, it is only allowed when the driver poses a deadly threat consistent with the Attorney General's recommendation, and is close to the Campaign Zero's report, which provides a similar exception.</p> <p>Use of deadly force requires an imminent threat and restricts shooting only when vehicle or occupants are an imminent threat.</p>



Recommendation	Campaign Zero's 8 Can't Wait and Use of Force Project	Attorney General	MVPD
<p>Require use-of-force continuum</p>	<p>Develop a Force Continuum that limits the types of force and/or weapons that can be used to respond to specific types of resistance.</p>	<p>See proportionality</p>	<p>Our policies require officers to use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances.</p> <p>Anticipating POST recommendation in August. See proportionality.</p>



Recommendation	Campaign Zero's 8 Can't Wait and Use of Force Project	Attorney General	MVPD
<p>Require comprehensive reporting each time an officer uses force or threatens to do so</p>	<p>Require officers to report each time they use force or threaten to use force against civilians</p>	<p>All agencies should create a general order dedicated to use of force reporting and investigations, requiring comprehensive reporting that includes both uses of force and threats of force.</p>	<p>All law enforcement actions are documented, to include uses of force and threats of force. The department provides data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury to the California Department of Justice.</p>



Recommendation	Campaign Zero's 8 Can't Wait and Use of Force Project	Attorney General	MVPD
<p>Proportionality</p>	<p>See use-of-force continuum</p>	<p>All agencies should provide express guidance on proportionality to ensure officers understand the relationship that should exist between the force they use and the threat presented in a particular situation. The guidance may include adopting a spectrum, chart, or matrix, which can take the form of a graphical representation;</p>	<p>When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to section 835a PC, officer/subject factors, the offense, potential for injury, among others.</p>



Recommendation	Campaign Zero's 8 Can't Wait and Use of Force Project	Attorney General	MVPD
<p>Canine Use</p>	<p>N/A</p>	<p>All agencies should discontinue the use of “find and bite” and “bite and hold” techniques and instead implement “find and bark” or “circle and bark” techniques, where canines are trained and deployed to alert by barking, rather than biting a suspect as a first response, and then circling and barking until the handler takes control.</p>	<p>Our canine program trains in the “find and bark” technique. Use of a canine to apprehend a suspect may be used if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and poses a threat. Mere flight shall not serve as a basis for use of a canine.</p>



Use of Force Statistics

Type of Force	NJURY					TOTAL
	None	Minor	Moderate	Major	Fatality	
Control Hold	0	0	0	0	0	0
Personal Weapon	5	3	0	0	0	8
Uncontrolled Takedown	5	6	0	0	0	11
OC/Pepper Spray	0	0	0	0	0	0
Baton	2	0	0	0	0	2
CED (Taser)	0	5	0	0	0	5
K-9	0	0	0	0	0	0
Ramming with Vehicle	0	0	0	0	0	0
Carotid Restraint	0	0	0	0	0	0
Firearm	0	0	0	0	0	0
Total	12	14	0	0	0	26