

Ross Police Department Use of Force Policy Review

There is a great deal of media attention surrounding the death of George Floyd and Black Lives Matter movement and subsequent protests against police brutality. Many have called for reforms to police policies and specifically to the policies identified as the “8cantwait.”

I have received several emails calling upon the Ross Police Department to adopt the policies in this movement. I have examined our policies and found many of these areas are already addressed. In reviewing our policies, I feel there are some changes that should be made and they have been addressed.

The Ross Police Department policies are in keeping with industry standards and are vetted by a legal team through a vendor, Lexipol. The “8cantwait” movement is a national platform and calls upon law enforcement agencies across the country to adopt standardized policies to address concerns for preventing unnecessary use of force, abuse and fostering accountability.

California law enforcement is in many ways well ahead of other parts in the country in protecting the public with de-escalation techniques, use of force policies and law, and training of their police officers.

In the following, I have addressed each of the “8cantwait’ policies and the position of the Ross Police Department on these policies. I have made changes in policies such as prohibiting “choke holds and strangleholds” also known as” carotid hold.” I placed language into our policies to require officers to use de-escalation techniques and tactics when feasible.

In our policies, we require comprehensive reporting of any use of force. I have included documentation of a new category of force; “Display of Force.” In reviewing the “8cantwait” policy reform information, I noted this area was lacking in our policies. I have now incorporated documenting any “Display of Force” as outlined in the suggested reform measures.

- **Ban Choke Holds and Strangleholds:**

These techniques are now prohibited and our policy has been changed to identify that these are prohibited.

- **Require De-escalation Training:**

All our officers receive de-escalation training. This training is mandated by California Peace Officer Standards & Training, the law enforcement regulatory agency. Our officers receive updated de-escalation training at a minimum of every two years.

We have incorporated language into our “Use of Force” policies requiring officers to utilize de-escalation techniques when it is feasible.

- **Require Warning Before Shooting:**

Our officers are trained to communicate before firing in an attempt to gain compliance/stop the person from continuing to be a threat. The policy states officers should give a warning when feasible. As these events often occur rapidly and do not give officers time to provide a warning, making this a requirement at all times, would not be reasonable.

- **Exhaust all Alternatives Before Shooting**

Officers are trained to use only the amount of force needed in all circumstances. They are trained in techniques to de-escalate situations and communication skills. Our officers have many less lethal options such as; chemical agents (OC spray), tasers, less lethal projectiles.

Use of a firearm is deadly force and as such is covered by the new California use of force law. Penal Code 832(a)(2) reads: It is the intent of the Legislature that peace officers use deadly force only when necessary in defense of human life. In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case, **and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.**

- **Duty to Intervene:**

Our policy has this and reads:

300.2.1 DUTY TO INTERCEDE: Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

- **Ban Shooting at Moving Vehicles:**

Our current policy discourages firing at/or from moving vehicles. It also declares the expectation that officer move out of the path of a vehicle, instead of firing at the vehicle. Officer also should not shoot at a vehicle in an attempt to disable it.

The policy does not outright prohibit shooting at vehicles, as we cannot predict all scenarios pertaining to this topic. Law enforcement has seen mass casualty events with use of a vehicle as the weapon. It is conceivable that officers may be forced to stop a vehicle being used to injure/kill numerous innocent people.

- **Require a Use of Force Continuum:**

The concept of use of force continuum is incorporated into our policy. The policy and California use of Force law may only use the amount of force that is reasonable. Our policy identifies levels of force and appropriate alternatives to force. It also lists factors to consider in using force and levels of force from commands to lethal force.

- **Require Comprehensive Reporting:**

Our policy requires this as stated below:

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this [department/office] shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the [Department/Office] may require the completion of additional report forms, as specified in [department/office] policy, procedure or law.

The “8cantwait” policy reforms ask for including “Displaying a police weapons as a means to gain compliance, this includes aerosol weapon, baton, taser, handgun, rifle or shotgun”. I find this reasonable and was not in our policy and has not typically been in police policies.

I have incorporated this into our policy, as defining them as “Display of Force” and not as “use of Force” But, our policy requires documentation of every “Display of Force”

Conclusion:

I am grateful to have the opportunity to review the Use of Force policies in the context of the “8cantwait” findings. I found most of the “8cantwait” policy reforms to be reasonable. Most we had already been incorporated into our policy.

We made some policy changes that will hopefully lead to more appropriate use of force and increased accountability. These will be disseminated to our personnel and incorporated into our training.