



MONTEREY POLICE DEPARTMENT

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Former President Obama's "Police Use of Force Project"

As your Chief of Police, representing all Monterey Police Officers I have related our outrage and sorrow regarding the criminal actions of police officers at the Minneapolis Police Department that led to the death of George Floyd. In light of this incident and others, all segments of our society have inquired about policies that limit the police use of force.

On June 3, 2020, President Obama called on Mayors to "take the pledge" to address police use of force policies in their cities. This can be found at <https://www.obama.org/mayor-pledge/>. Monterey Mayor Clyde Roberson has signed President Obama's commitment to action on police use of force.

President Obama's website lists eight points surrounding police use of force policies that are drawn from the *Police Use of Force Project* and *The Leadership Conference on Civil & Human Rights*. The Monterey Police Department (MPD) incorporates aspects of all of the listed suggestions, and is updating policy to further enhance the policies. Each of the eight points are listed below (taken directly from the website), followed by an explanation of how the various policy considerations are addressed by the MPD.

1. Failing to require officers to de-escalate situations, where possible, through communication, maintaining distance, slowing things down, and otherwise eliminating the need to use force.

- The MPD requires de-escalation in multiple policy locations.
- All MPD officers are trained in a nationally recognized de-escalation process created in conjunction with the Police Executive Research Forum (PERF) known as Integrating Communication, Assessment and Tactics (ICAT).
- All MPD officers are trained in Crisis Intervention Training (CIT). This training is a law enforcement and mental health collaborative program designed to help officers when dealing with individuals in crisis.

- All MPD officers are trained in Mental Health First Aid (MHFA), a nationally recognized course to help officers better de-escalate critical incidents involving people in crisis.
- MPD has completed the "One Mind Campaign" pledge, which is an agency specific commitment that seeks to ensure successful interactions between police officers and people in crisis. This program was created by the International Association of Chiefs of Police (IACP).

2. Prohibiting officers from using maneuvers that cut off oxygen or blood flow, including chokeholds or carotid restraints, which often result in unnecessary death or serious injury.

- The MPD is updating policy to prohibit the use of the carotid control hold or any maneuver that restricts the bloodflow to the head or restricts respiration. The "chokehold" has not been allowed at the MPD.

3. Failing to require officers to intervene and stop excessive or unnecessary force used by other officers and report these incidents immediately to a supervisor.

- Per policy, MPD officers observing another officer using force that is clearly beyond that which is objectively reasonable shall intercede to prevent the unreasonable use of force and promptly report these observations to a supervisor.

4. Failing to restrict officers from shooting at moving vehicles, which is regarded as a particularly dangerous and ineffective tactic.

- MPD policy restricts officers from shooting at moving vehicles. Policy relates that officers should move out of the path of an approaching vehicle and only discharge a firearm at a moving vehicle or its occupants when there are no other reasonable means available to avert the threat of the vehicle or if deadly force other than the vehicle is directed at officers or others.

5. Failing to limit the types of force and/or weapons that can be used to respond to specific types of resistance and specific characteristics such as age, size, or disability.

- MPD policy requires officers to take specific factors into consideration when potentially using reasonable force. These factors include:
 - The individual's age, size, relative strength, apparent mental state or capacity.
 - The influence of drugs or alcohol.
 - The individual's apparent ability to understand and comply with commands.
 - And other factors

6. Failing to require officers to exhaust all other reasonable means before resorting to deadly force.

- MPD policy reflects that the Department recognizes and respects the value of all human life and dignity without prejudice to anyone.
- MPD policy relates that if an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers should evaluate the use of other reasonably available resources and techniques when determining whether to use deadly force. The use of deadly force is only justified in the following circumstances (Penal Code § 835a):
 - a. 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.
 - b. 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. Where feasible, the officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.
- 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 an imminent threat of death or serious bodily injury to the officer or to another person (Penal Code § 835a).
- 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. An officer's subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).
- MPD policy relates that the ultimate objective of every law enforcement encounter is to avoid or minimize injury.

7. Failing to require officers to give a verbal warning, when possible, before using serious force such as shooting, tasing, or pepper spraying someone.

- Per policy, MPD officers, when reasonable, should give a verbal warning and opportunity for an individual to comply prior to the use of control devices such as a taser, baton, or Oleoresin Capsicum (OC) spray.

- Per policy, MPD officers should give a verbal warning prior to using kinetic projectiles in order to give the individual a reasonable opportunity to comply.
- MPD officers are required to give a verbal warning preceding the application of the taser, unless it would endanger officers to do so. The warning is to provide the individual with a reasonable opportunity to comply.
- MPD officers are required, when feasible and prior to the use of force, to make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has reasonable grounds to believe the person is aware of those facts.

8. Failing to require officers to report each time they use force or threaten to use force (e.g., pointing a gun at a person).

- Per MPD policy, anytime force is used by any member of MPD, they shall promptly, completely and accurately document that use of force in a report.
- Per MPD policy, anytime an officer points a firearm at any person, the incident shall be documented.

The Monterey Police Department is committed to serving everyone with honor, dignity, fairness and respect. The MPD utilizes the on-line Lexipol Policy System to ensure policy is up-to-date, consistently reviewed and incorporates the most contemporary standards and best practices.

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