



EL CERRITO POLICE DEPARTMENT

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Dear El Cerrito Community,

I am proud to serve as your Chief of Police. I lead a department of people who have dedicated their professional careers to helping the El Cerrito community. I hope that you will give me a moment of your time while I respond to some community concerns.

To begin with, I would like to talk about our policy manual. Our manual can be found at: <https://www.el-cerrito.org/1391/Policies>. Just a bit of forewarning, if you follow the link you will discover over 680 pages of directives and mandates. It can be a bit daunting to navigate so for the purpose of simplifying your reference, I will help you find our policies relating to the Use of Force. These policies are found beginning in Section 300, on page 44.

The purpose of this letter is to address some community inquiries about our use of force policy. These inquiries have asked whether the ECPD has instituted any, some or all of the recommendations from Campaign Zero, found in their report, "Police Use of Force Policy Analysis". You can also find references to the campaign online by searching "8cantwait". The campaign encourages police departments to adopt 8 policies that organizers believe lead to a reduction in officer use of force. Below, you will find each policy recommendation along with my comments on ECPD policy, philosophy and plans.

#1 Require officers to de-escalate situations, when possible, before using force.

El Cerrito officers are required to consider all tools and training at their disposal, before using force. This means that officers must also rely on their de-escalation training. Our current policy does not explicitly require the use of de-escalation, but we are in the process of changing that.

#2 Use a force continuum or matrix that define/limit the types of force and/or weapons that can be used to respond to specific types of resistance.

The ECPD does not use a force continuum or matrix. Instead, we require our officers to consider 19 factors before using force. These factors consist of legally established statutory and case law mandates. The list is extensive and intended to demonstrate the distinctions present in a given situation. It is a relief to me to know that our officers will not treat all violent physically resisting people the same way. Instead, they will focus on the unique aspects of the incident and suspect behaviors to determine their response. I believe a continuum overly simplifies a legally complex issue. (#300.3.2)

#3 Restrict chokeholds and strangleholds (including carotid restraints) to situations where deadly force is authorized or prohibiting them altogether.

We do not authorize the use of the carotid control hold. (#300.3.4)

#4 Require officers to give a verbal warning, when possible, before using deadly force.

Officers are required to give a warning before using deadly force, when feasible. (#300.4)

#5 Prohibit officers from shooting at people in moving vehicles unless the person poses a deadly threat by means other than the vehicle (for example, shooting at people from the vehicle).

Shooting at moving vehicles is rarely effective. We direct officers to move out the path of approaching vehicles. Our policy allows officers to use deadly force on a person using a vehicle as a weapon, as in the case of terrorist attacks on public gatherings or pedestrians. (#300.4.1)

#6 Require officers to exhaust all other reasonable alternatives before resorting to using deadly force.

Officers are required by policy and state law to consider and exhaust other reasonable alternatives before resorting to deadly force. (#300.4) (CA Penal Code 835a(a)(2))

#7 Require officers to intervene to stop another officer from using excessive force.

ECPD officers are required to intervene to stop another officer from using unreasonable force. (#300.2.1)

#8 Require Comprehensive Reporting that includes both uses of force and threats of force (for example, reporting instances where an officer threatens a civilian with a firearm).

ECPD has comprehensive reporting requirements for the use of force. We also have a robust use of force review process. We do not specifically call out threats of force because they do not currently fall under the definition of a use of force. We are considering modifying this policy to include threats of force. (#300.5)

I hope this letter helped to provide a brief review of our policy positions. Police Use of Force is a legally complex matter. We work with a team of lawyers from our partners at Lexipol, LLC to help craft our policy manual. This way we ensure that our manual is frequently updated as the law changes.

Thank you for taking the time to read this letter. If you would like to discuss anything that I have written, please feel free to call. Alternatively, we can set up a time to talk in person, as long as we are outdoors and socially distancing. Stay safe out there!

Regards,

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