



Clayton Police Department ~ 6000 Heritage Trail Clayton, CA 94517 ~ 925-673-7350 ~ fax 925-672-1429

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Community Message from Clayton Chief of Police Warren:

The members of the Clayton Police Department are dedicated to providing the highest quality police services in order to enhance community safety, protect life and property, and reduce crime and the fear of crime. We are looking at ways to continue strengthening our partnership with the community and to improve the safety and quality of life in our City.

I strongly condemn the actions that led to the death of George Floyd. The Clayton Police Department is intensely reviewing the events that occurred last week in our city, including reviewing all policies related to the use of force and crowd control. We are committed to ensuring any future events are planned with lessons learned from our past, and include best practices that comply with State and Federal Laws. Our complete policy manual is available for review and can be found on the Police Department's Home page at:

<https://ci.clayton.ca.us/fc/police/clayton-police-department-policy-manual.pdf>

In the wake of recent events throughout the country, and in our county and our city, we have received inquiries regarding a national campaign called "8 Can't Wait", and local requests for a restrictive use of force policy. Most of the recommendations outlined in the "8 Can't Wait" campaign are addressed in California statutes.

The campaign has identified the following eight policy recommendations regarding the use of force by law enforcement. Below is our response to the "8 Can't Wait" campaign recommendations:

All responses are referenced in our: Use of Force policy 300

1. Require de-escalation.

Clayton Police Department policy requires officers to employ de-escalation techniques when dealing with people in crisis. California POST requires Police Officers to receive a significant amount of training in de-escalation and crisis intervention.

California Senate Bill 230 requires that *"officers utilize de-escalation crisis intervention tactics, and other alternatives to force when feasible."* SB 230 also mandates that department policies require officers to conduct all duties in a manner that is fair and unbiased. Additionally, SB 230 requires all officers be trained in alternatives to deadly force and de-escalation techniques.

2. Require warning by officers before shooting.

Clayton Police Department policy expressly requires officers to provide verbal warnings, where feasible, and to make reasonable efforts to warn that deadly force may be used.

Additionally, California Assembly Bill 392 (effective January 1, 2020) states: *“where feasible, a peace 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.”* This requirement is consistent with federal case law.

3. Department shall require officers to intervene in the event of excessive force.

Clayton Police Department policy expressly requires officers to intervene and stop excessive force if they observe it occurring. Policy also requires every officer to report any excessive force to a supervisor.

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’s use of force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

Additionally, Senate Bill 230 set a *“requirement that an officer intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances.”* This provision is consistent with federal law as well.

4. Require comprehensive reporting of use of force incidents.

Clayton Police Department policy requires that all uses of force be reported promptly, accurately and completely.

Senate Bill 230 already requires *“comprehensive and detailed requirements for prompt internal reporting and notification regarding a use of force incident.”* Legislation from 2015 (Assembly Bill 71) requires statewide detailed reporting requirements on serious use of force incidents. SB 230 also requires officers to report any excessive force they witness.

5. Ban Chokeholds and Strangulations.

The police department does not authorize chokeholds or strangulations. Effective immediately, the Clayton Police Department will no longer allow the use of the carotid control hold by officers. Our Use of Force Policy 300 has been updated to reflect this change.

6. Ban shooting at moving vehicles.

Clayton Police Department policy expressly prohibits shooting at vehicles except in life-threatening circumstances. The policy states that Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes 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 the officer or others. Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

7. Require use of force continuum.

Clayton Police Department policy specifically states that officers shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a).

8. Require officers to exhaust all means before shooting.

Clayton Police Department policy only permits the use of any deadly force when:

- 1) An officer reasonably believes that the use of deadly force is necessary to protect the officer or another from a threat of imminent death or serious bodily injury, or
- 2) To stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

The Clayton Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. The Department will continue to evaluate our policies and training to ensure they further our shared goal of reducing all use of force incidents and that we are treating all persons with dignity and respect.

All Sworn Clayton Police Officers are graduates of a California Peace Officer Standards and Training (POST) certified Academy. They also receive a minimum of 24 hours of annual training, which exceeds the POST requirements. The training includes: Principled Policing, Crisis Intervention and De-Escalation, Defensive Tactics, Cultural/Racial Diversity, and dealing with Mentally Ill persons.

In closing, I know we are only one of over 18,000 police departments across the Country, but our profession can, and will do better. We will rise to this challenge and help carry the message that police brutality, injustice, and racism will not be tolerated.

Thank you