



Piedmont Police Department Let's Begin The Conversation



June 10, 2020

The Piedmont Police Department values the sanctity of human life of all persons under all circumstances. The killing of George Floyd precipitated by four officers was horrific and requires us as a police department to acknowledge it not just as a singular event, but as the latest example of a historical pattern in the misuse of force in our country. It is with this understanding that we must take an inward assessment to ensure we are employing policies, procedures and training to strive for the safest outcomes for the public and police officers.

Understandably, many law enforcement agencies throughout the country are being asked specifically how their use of force policies, procedures, and training are being effectuated to reduce or minimize use of force. In response to inquiries relative to our use of force policies and specifically those generated by Campaign Zero's 8cantwait project, we are providing this information to assist the community in its understanding of the Piedmont Police Department's policies and practices.

The Piedmont Police Department utilizes Lexipol Inc. to host our policy manual and to also provide daily training bulletins. This ensures that our personnel are consistently exposed to policy and are tested on various aspect of it routinely. Lexipol is the leading platform for comprehensive public safety and local government agency policy development, to ensure our staff have the most up-to-date resources to carry out their duties and ensure public safety. Lexipol's group of expert attorneys develop evidence-based, legally defensible policies. The Piedmont Police Department regularly reviews and updates the policy manual.

Updates to our existing policy have largely been formed by two relatively recent pieces of landmark legislation. AB 392 (Weber) set a new legal standard for peace officers use of deadly force in California and SB 230 (Caballero) set a national precedent by establishing a minimum use of force policy standards for all departments in the state.

Below you will find each of the eight areas identified by the 8cantwait campaign with examples of Piedmont Police Department policies which correspond.

- Ban Chokehold & Strangleholds – PPD policy does not permit the use of a “choke hold” or any other technique that is intended to stop the flow of air into a person’s lungs. PPD Policy Manual Section 300.3.4 CAROTID CONTROL HOLD was suspended effective 6/8/2020 and will remain so pending continued review.
- Require De-Escalation – The Piedmont Police Department has integrated de-escalation into policies and all use of force and firearms training. Directives and guidance relative to de-escalation can be found in the following PPD policy sections: 300.3.1 – USE OF FORCE TO EFFECT AN ARREST; 304.9 – TRAINING; 414.4 – MENTAL ILLNESS COMMITMENTS: CONSIDERATIONS AND RESPONSIBLTIES; 441.5 – CRISIS INTERVENTION INCIDENTS: FIRST RESPONDERS; 441.6 – CRISIS

INTERVENTION INCIDENTS: DE-ESCALATION; 443.3 – CIVIL DISPUTES;
GENERAL CONSIDERATIONS

- Require Warning before Shooting – AB 392 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.” PPD Policy Manual Section 300.4 provides specifically for this provision of the law. PPD policy also provides guidance for warnings relative to the use of Conductive Emergency Weapons (TASER device) and crowd control situations.
- Requires Exhaust all Alternatives before Shooting – PPD Policy Manual Section 300.4 – DEADLY FORCE APPLICATIONS 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.
- Duty to Intervene – PPD Policy Manual Section 300.2.1 – DUTY TO INTERCEDE states, “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 – PPD Policy Manual Section 300.4.1 – SHOOTING AT OR FROM MOVING VEHICLES states, “Shots fired at or from a moving vehicle are rarely effective. 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.
- Require Use of Force Continuum – PPD Policy Manual Section 300 – USE OF FORCE requires our officers to use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances. Existing policy sections 300.3; 300.3.1 and 300.3.2 provide the framework and outline factors to be used in the determination of the reasonableness of force.
- Require Comprehensive Reporting – PPD Policy Manual Sections 300.5 – REPORTING THE USE OF FORCE outlines the comprehensive requirements of officers to document and report incidents of use of force. The police department maintains multiple levels of review and determination of the appropriateness of the force used. Additionally, legislation from 2015 (Assembly Bill 71) requires statewide detailed reporting requirements on serious use of force incidents.

The information provided here is a compilation of information you may find in other areas of our website. Our complete policy manual can be found on the Department's Transparency web page. By providing this information we hope to provide the public with a starting place for understanding how the Piedmont Police Department effectuates use of force in our community. We here at the Piedmont Police Department understand that use of force and larger equity issues are now in the foreground of the general public's consciousness in ways perhaps never before seen. Your police department is committed to the ongoing process of our community, region and country addressing these issues.

Sincerely,

Jeremy Bowers
Chief of Police