



June 11, 2020

Where We Stand: A Look at Montclair Police Department Policies

Dear residents, visitors, and businesses in Montclair,

We understand events that have occurred nationwide in the last several weeks have pushed many to our limits emotionally, physically, and spiritually. More recently, tragedy has left many questions to be asked of how law enforcement is serving their respective communities.

WE HEAR YOU, and as human beings we are with you to ensure our policies and procedures are in-line with demands from the community we serve.

Eight key recommended police policies have been identified by several communities and social justice initiatives which are likely to reduce deadly and/or use of force encounters with law enforcement resulting in great bodily injury or death. These recommended policies are: banning of "chokeholds" and "strangleholds," require de-escalation, require warning before shooting, requiring exhausting all alternatives before shooting, duty to intervene, ban shooting at moving vehicles, require use of force continuum, and require comprehensive police reporting.

Here is how the Montclair Police Department Policy Manual stands up to these requested policies:

1. Ban "Chokeholds" and "Strangleholds"

The Montclair Police Department does not allow "chokeholds" or "strangleholds", however prior to June 8, 2020, did authorize under strict guidelines a "Carotid Control Hold", Policy 300.3.4, to be applied only by trained Department members under extreme circumstances. Governor Newsom ordered all training courses including the carotid control hold be suspended, and a bill has been introduced to state legislature that, if passed, will eliminate the use of the "Carotid Control Hold." Out of an

abundance of caution and foresight, use by MPD of the hold has been suspended by Chief Avels and is no longer allowed to be trained or used by MPD as of June 8, 2020.

2. Require De-escalation.

The Montclair Police Department Policy expressly requires officers to employ de-escalation techniques when encountering members of the public in crisis. Also, MPD officers are governed by Penal Code 835a pertaining to Use of Force. De-escalation techniques are required in several MPD policies, including Use of Force, Crisis Intervention Incidents, Crisis Intervention De-escalation, Mental Illness Commitments, Civil Disputes, and Taser Guidelines (See Policy Sections 300, 300.3.1, 423, 423.3, 432, 432.5, 432.6, 304, 304.9, 408, 408.4, PC832a)

In addition, officers attend mandated Tactical Communication, Bias Based Policing, Domestic Violence Incidents, Use of Force De-escalation, and Crisis Intervention and De-escalation training to name a few. MPD also conducts mandated Force Options Simulator Training, a virtual training, which teaches proper de-escalation techniques and communication. Sampling of this training has been made available to the public during open-house events.

3. Require Warning before Shooting

MPD already has a policy addressing warnings before shooting, which reads in part, "...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."(Use of Force 300.4(b))

4. Exhaust All Other Means before Shooting

MPD officers are bound by PC 835(a)(2) which states, in part, 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." Also, MPD policy requires officers to evaluate the use of other reasonably available resources and techniques when determining whether to use deadly force. (Deadly Force Applications 300.4)

5. Duty to Intervene

MPD recognizes and respects the value of all human life and dignity without prejudice to anyone. MPD Policy 300.2.1 "Duty to Intercede", reads: "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." These allegations are immediately investigated by Command Staff.

6. Ban Shooting at Vehicles

MPD policy states that shots fired at 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. It may only be permitted under certain circumstances (Policy 300.4.1).

7. Require Use of Force Continuum

MPD policy 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 (Policy 300.3).

8. Require Comprehensive Reporting of Use of Force Incidents

MPD policy requires that any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. These reports are reviewed by supervisory staff (Policy 300.5).

Statistical data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is reported to the California Department of Justice as required by Government Code 12525.2. (Policy 300.5.2)

Please view the 774-page MPD Policy Manual by visiting <https://www.cityofmontclair.org/city-government/police-department/senate-bill-978-cpc-13650>. Also available and transparent on that page are MPD's training materials and manuals.