

CITY OF CHICO
POLICING REVIEW AD HOC COMMITTEE

Meeting Agenda
October 8, 2020, 1:00 p.m. – 2:30 p.m.

Committee Members

Mayor Ann Schwab
Vice Mayor Alex Brown
Councilmember Kasey Reynolds

Margaret Swick
Cory Hunt
Rob Berry

COP Matt Madden
Sgt. Omar Peña
Officer Jim Parrott

PUBLIC PARTICIPATION: *This meeting is being conducted in accordance with Executive Order N-29-20.* Members of the public may virtually attend the meeting using the City's WebEx platform or by sending an email to the following email address.

To provide email comments, please submit an email with the subject line "**PUBLIC COMMENT ITEM**", sent to policepubliccomments@chicoca.gov during the meeting, prior to the close of public comment on an item. The public is encouraged not to send more than one email per item and not to comment on numerous items in one email.

WebEx public participants may use the following information to remotely view and participate in the Policing Review Ad Hoc Committee meeting online:

Event Name: **Policing Ad Hoc Committee Meeting 10-08-20 1PM**

Date/Time: Thursday, October 8, 2020 1:00 pm

Event URL: <https://chico.webex.com/chico/onstage/g.php?MTID=ee70a37ec9baef9c045ceaaea68150205>

Event #: **146 277 4360**

Password: **PRAHC**

Call-in #: **1-214-459-3653**

Call-in Password: **146 277 4360**

CALL TO ORDER

1.1. Roll Call

2. **ITEMS TO BE DISCUSSED** (1:00 p.m. – 1:45 p.m.)

2.1 CHIEF OF POLICE UPDATES

Chief Madden will provide a verbal update on Police Department community outreach initiatives.

2.2 REVIEW OF USE OF FORCE POLICIES

Members of the Chico Police Department will lead a presentation on comparing how the My Brother's Keeper use of force policies are integrated into the Chico Police Department Use of Force Policy. Committee members will have the opportunity to ask questions and provide comments.

- A. **Officers' use of maneuvers that cut off oxygen or blood flow**, including chokeholds or carotid restraints, which often result in unnecessary death or serious injury.
- B. **Officer intervention** and stopping of excessive or unnecessary force used by other officers and report these incidents immediately to a supervisor.
- C. **Officers reporting** each time they use force or threaten to use force (e.g., pointing a gun at a person).
- D. **Officers shooting at moving vehicles**, which is regarded as a particularly dangerous and ineffective tactic.
- E. **De-escalation** of situations, where possible, through communication, maintaining distance, slowing things down, and otherwise eliminating the need to use force.

- F. **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.
- G. **Officers' use of all other reasonable means** before resorting to deadly force.
- H. **Officers giving a verbal warning**, when possible, before using serious force such as shooting, tasing, or pepper spraying someone.

Attachments: My Brother's Keeper-Chico Use of Force Policies Table

3. **COMMITTEE MEMBERS COMMENTS AND UPDATES (1:45 p.m. – 2:00 p.m.)**

Members of the committee may offer general comments or pose questions that were raised by the public at a previous meeting.

4. **BUSINESS FROM THE FLOOR/PUBLIC COMMENT** - Time Certain 2:00 p.m. – 2:30 p.m.

Members of the public may address the Committee via WebEx or by email at policepubliccomments@chicoca.gov at this time on any matter not already listed on the agenda, with comments being limited to three minutes or as determined by the Chair. The Committee cannot take any action at this meeting on requests made under this section of the agenda.

5. **ADJOURNMENT** - Adjourn to the Adjourned Regular Meeting of Thursday, October 22, 2020 from 1:00 – 2:30 p.m.

My Brother's Keeper – Chico Use of Force Policies Table

	My Brother's Keeper	Chico Police Department Use of Force Policy
A	Officers' use of maneuvers that cut off oxygen or blood flow , including chokeholds or carotid restraints, which often result in unnecessary death or serious injury.	300.3.4 CAROTID CONTROL HOLD The carotid control hold is not an authorized less lethal technique and should only be utilized during deadly force situations and in accordance with Policy 300.4; DEADLY FORCE APPLICATIONS.
B	Officer intervention and stopping of excessive or unnecessary force used by other officers and report these incidents immediately to a supervisor.	300.2.1 DUTY TO INTERCEDE 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.
C	Officers reporting each time they use force or threaten to use force (e.g., pointing a gun at a person).	300.5 REPORTING THE USE OF FORCE 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. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law. 300.5.1 NOTIFICATION TO SUPERVISORS Any member using force shall notify their supervisor as soon as practicable following the application of force in any of the following circumstances: <ul style="list-style-type: none"> (a) The application caused a visible injury. (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort. (c) The individual subjected to the force complained of injury or continuing pain. (d) The individual indicates intent to pursue litigation. (e) Any application of a TASER device or control device. (f) Any application of a restraint device other than handcuffs, shackles, belly chains, or department issued full body restraint system. (g) The individual subjected to the force was rendered unconscious. (h) An individual was struck or kicked. (i) An individual alleges any of the above has occurred.

		<p>300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE Statistical data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is to be reported to the California Department of Justice as required by Government Code § 12525.2. See the Records policy.</p>
D	<p>Officers shooting at moving vehicles, which is regarded as a particularly dangerous and ineffective tactic.</p>	<p>300.4.1 SHOOTING AT OR FROM MOVING VEHICLES 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.</p>
E	<p>De-escalation of situations, where possible, through communication, maintaining distance, slowing things down, and otherwise eliminating the need to use force. 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. Officers’ use of all other reasonable means before resorting to deadly force. Officers giving a verbal warning, when possible, before using serious force such as shooting, tasing, or pepper spraying someone.</p>	<p>300.3 USE OF FORCE 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). The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving. Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose. While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force. 300.3.1 USE OF FORCE TO EFFECT AN ARREST Any peace officer may use objectively reasonable force to effect an arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person</p>

being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (Penal Code § 835a).

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit.

These factors include but are not limited to:

- (a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The conduct of the involved officer (Penal Code § 835a).
- (e) The effects of drugs or alcohol.
- (f) The individual's apparent mental state or capacity (Penal Code § 835a).
- (g) The individual's apparent ability to understand and comply with officer commands (Penal Code § 835a).
- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
- (k) Seriousness of the suspected offense or reason for contact with the individual.
- (l) Training and experience of the officer.
- (m) Potential for injury to officers, suspects, and others.
- (n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (o) The risk and reasonably foreseeable consequences of escape.
- (p) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (r) Prior contacts with the subject or awareness of any propensity for violence.
- (s) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer.
- (c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.5 USE OF FORCE TO SEIZE EVIDENCE In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Chico Police Department for this specific purpose.

300.4 DEADLY FORCE APPLICATIONS 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).
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