



MARTINEZ POLICE DEPARTMENT

8 CAN'T WAIT INFORMATION

Over the past several weeks the City of Martinez has received numerous questions regarding “8 Can’t Wait” a national initiative that aims to reduce the harm that can come from Police intervention. This document will provide an overview of the “8 Can’t Wait” recommendations and where the City of Martinez department policy addresses each of them. The Martinez Use of Force Policy can be read in its entirety on our website at www.mpd cops.org.

Recommendations from the “8 Can’t Wait” Initiative

1. Ban police use of chokeholds and strangleholds, including the carotid restraint.

The Martinez Police Department does not use chokeholds or strangleholds. We have banned the use of the carotid. Governor Newsom directed the Peace Officers Standards & Training (POST) Commission to no longer certify training on the carotid and made it clear he would sign legislation banning this hold. We have banned its use in our policy.

2. Require officers to de-escalate situations whenever possible.

De-escalation is an underling theme in our operations, training, and policy. We send each officer to 32 hours of Crisis Intervention Training which emphasizes de-escalation techniques and also conduct continued training on de-escalation every quarter, as we do on use of force related training. SB 230 specifically requires “officers utilize de-escalation techniques, crisis intervention tactics, and other alternatives to force when feasible.” SB 230 also mandates each policy require officers to conduct all duties in a fair and unbiased manner.

In order to further emphasize de-escalation moving forward, the department will look to add more specific language on de-escalation into the City’s policy and will incorporate additional scenario based escalation training into our current training program.

3. Require officers to exhaust all options before shooting, including less lethal force.

This requirement was initially placed in AB 392, but ultimately rejected due to ambiguity and no clearly defined means of objectively deciding what other alternatives might be reasonable in every situation. The language places departments in the position of the second-guessing of split-second decisions related to the use of force with the benefit of hindsight. An officer’s decision on the use of force alternatives should be judged on the totality of the circumstances and the reasonable officer standard set forth in AB 392.

Our policy specifically reads “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.”

4. Ban officers from shooting at moving vehicles.

While our policy does not have an outright prohibition to shooting at moving vehicles, our policy is fairly restrictive. An outright prohibition is problematic and does not account for situations where the driver of a vehicle is threatening death or great bodily injury to others. The language in our policy specifically reads, “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.”

5. Establish use of force continuum that restricts using the most severe force to most extreme situations.

This is an interesting point as the use of force continuum is an outdated model in California. When I was hired 25 years ago, this was the standard and was taught in the Police Academy. At some point, in the mid 2000's I believe, this was removed from the POST curriculum and is no longer the training standard in California. SB 230 addresses that policies should focus on creating space and separation in an attempt to utilize de-escalation technique, which is outlined in the policy and training requirements within SB 230.

Our policy explicitly separates deadly force from any other use of force. It is also worth noting that even when the use of force continuum was used, there was no requirement for an officer to start with one level of force before moving to another.

6. Require comprehensive reporting for each time an officer fires or points their weapon at someone.

All policing actions are documented, to include the use of force. We do require reporting when an officer fires their weapon at someone. In fact, SB 1421, another California legislative initiative, requires that anytime an officer discharges a firearm at another person, the incident must be reported and is subject to public disclosure. SB 230 also requires comprehensive and detailed internal reporting and notification, regarding the use of force incidents.

7. Requiring officers to intervene to stop excessive force by other officers.

Our policy mandates a duty to intercede if an officer observes another officer using force that is unreasonable.



8. Require warning before shooting.

Our policy states that in situations where a person fleeing, whom an officer reasonably believes will cause death or serious injury if not immediately apprehended, the officer, when feasible, will identify themselves and warn deadly force may be used.

I hope that this provides context and a better understanding of our use of force policy. All of our officers participate in training focused on de-escalation, crisis intervention, and the proper use of force. Each use of force is investigated by a supervisor for compliance with policy and is then reviewed by members of command staff to ensure that the use of force is consistent with our guidelines.

I would ask that you make note of several important aspects of our policy:

- Our policy follows best practices as outlined in landmark California Legislation from 2019, Assembly Bill 392 (Weber) and Senate Bill 230 (Caballero). These two pieces of legislation created new legal standards for the use of deadly force in California as well as minimum policy standards for all police departments in this State. As the law changes, our policy adapts to reflect current practices.
- Many aspects of our policies align with the spirit of “8 Can’t Wait” although the language has nuances that do not completely match the language in the “8 Can’t Wait”. Our policy is written and regularly updated by Lexipol – a national leader in public safety training and policy development. The policy is based on current legislation as well as evolving case law.
- Police Officers in California follow training guidelines from the Peace Officer Standards and Training (POST) Commission. Every officer in the State attends a Police Academy and must adhere to mandated ongoing training to maintain compliance with POST standards.

In closing, as the Chief of Police of your community, I am deeply troubled by the criminal, senseless, and brutal act against George Floyd. There is no aspect of how he was treated that is consistent with the oath a Police Officer takes to protect the public.


Manjit Sappal
Chief of Police