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SUPPLEMENTAL MATERIAL

For the Meeting of:	October 13, 2016
Item Number:	**Item 11**
Title:	**Police Use of Force Policy**
Contact Information:	Mayor Pro Tem Larry Carr, Councilmember, (916) 808-7008, Office of Councilmember Carr District 8
Description of Change:	Public Comments on DRAFT Use of Force Policy Submitted to Mayor Pro Tem Carr

Public Comments on DRAFT Use of Force Policy Submitted to Mayor Pro Tem Carr

1	Hello Mr. Carr. I am a retired peace officer. I was in law enforcement for twenty six years. I worked in detention, patrol, the courts and was on a SWAT team for ten years of my career. I was promoted to sergeant and later, to lieutenant. The U.S. Supreme Court has ruled on what is expected of police officers regarding use of force. By creating new laws or policies restricting use of force by your officers you would be opening the City of Sacramento up to civil liability when those officers did not follow your new, more restrictive policies. Potentially, the City of Sacramento could end up paying huge civil awards to people who sued after becoming injured when officers failed to follow these new more restrictive policies even when the officers followed established case law. Additionally, it might not just be suspects or their families that might sue the City. By making use of force policies more restrictive bystander citizens may become injured by dangerous suspects due to the hesitation of officers to take appropriate action brought on by the more restrictive policies. The injured bystander citizens or their surviving family members could bring a civil action against the City when officers failed to take reasonable action consistent with the law as directed by the U.S. Supreme Court. Many law enforcement agencies in the past have had use of force policies more restrictive than required by the U.S. Supreme Court. For example, some agencies used to have language that required their officers to "use the least amount of force possible." The courts have stated that "it would required superhuman efforts" for officers to accomplish these directives. Those agencies that made their use of force policies more restrictive than required learned the hard way not to do so after paying out huge civil awards. Many agencies with more restrictive policies changed their use of force procedures so they would be in line with current case law after being advised by their attorneys about the pitfalls of making their policies more restrictive. Use of force decisions are made by officers in tremendously harsh and stressful conditions. Usually use of force decisions must be made in a fraction of a second to protect the lives of officers and citizens. I strongly urge you to request to participate in the use of force simulation scenarios used by your police department to train your police officers. You would gain insight on just how difficult it can be to make these decisions successfully. After participating, I believe you would have second thoughts about making changes in your use of force policy. Respectfully, Matthew Chertkow mchertkow@aol.com
2	Hello, I think if you give the media the recorded video before the investigation in done, the Instigators will have something to talk about and cause more problems for the police. Instigators will spin a story to their agenda and no matter what you do. Instigators will always be there no matter what the laws say. Have the police use the least amount of pressure as possible. I don't think there is an answer, but treat people with respect even if you are disrespected. Some people are just trouble makers, and you just have to do your best. Thank You, Carla Coluzzi carlacoluzzi777@gmail.com

3	Hi Mayor Pro Tem Larry Carr, I appreciate you for all you do in communicating with me. That speaks mountains to me and I really appreciate you for that. Yes, our police are too reactive and need to take a few moments to stop. If they are so concerned about someone having a weapon, they need not to approach them yet. Let things unfold until they are certain they are unarmed. Good police are not the problem, the problem is with their training. They are trained to shoot and protect themselves. If this was a war, then the training is good but this is a vibrant community and needs them to protect us, not the other way around. For example, there was a teenage kid that ran from the cops. The 15 year old did not have a weapon but yet, they sent the dog on him where he was badly injured. After the incident, the police ran around to every neighbor so concerned someone saw what happened or video-taped the dog attack. The police are so concerned about law suits that they are more reactive and less communicating. No wonder the kid ran from the co i In the news, we hear so much about the mentally ill being killed by police where they are unarmed. This needs to stop. Dan McGhan happydaydan@hotmail.com
4	Mr. Carr: Thank you for providing an opportunity for public comment on the City of Sacramento's use of force policy for its police force. Since 1965, the Sacramento Police have been very helpful to me and my family, and their interactions with others that I observed have also been generally positive. This policy sets the tone for these interactions; however, there are rare and shocking occasions that might catch an officer off guard. It's when adrenaline is pumping, people are moving, and words are shouted that officers need the greatest amount of personal awareness and control. Here are my three suggestions about the policy: 1. The policy allows for deadly force when an officer has a "reasonable ***belief*** that there is an immediate threat of death or serious bodily injury." Belief is a complicated term to understand. The policy should define belief in an operational way that accounts for deep-seated fears and prejudices that plague most people. In that critical moment when deadly force becomes an option, the policy must account for the possibility that some officer might have entered the situation with a pre-existing belief that he or she was in danger of death or serious bodily injury. That's the moment when an officer's unconscious beliefs become self-evident in the actions he or she takes. 2. The policy should address how to use deadly force to maim a suspect without killing him or her. Recent news reports have emphasized that officers have shot a suspect a dozen times. Why wouldn't twice have been enough? It seems that some officers apply any type of force in a more intensive level than might be necessary or productive. How much is enough voice commands, baton use, pepper spray? 3. The policy should include the option of moving away from the suspect when the suspect is alone or isolated. The Highway Patrol has conditions under which it will discontinue a high-speed chase to maintain public safety. The same should be in place for certain suspects and behaviors. There is no need to get into a power struggle with a suspect who is simply offensive, inebriated, or noncompliant. A suspect being ugly does not justify use of force. The policy should address that. Again, thank you for the opportunity to read this policy and to comment on it. Many thanks to the Sacramento Police Department for working to keep us all safe. David Merritt David.Merritt@dhcs.ca.gov

5	Each individual & citizen should be dealt with as least force as necessary.Before the law enforcement officers tIe a life.They should be trying to preserve it first. Officers need more and constant training on people handling. Body And cruiser cameras are a must. lltharris@comcast.net
6	Hello Councilmember Carr, I am responding to your call for comments on your proposed policy. My feedback and suggestions are as follows: · Opening: "Sanctity of life" could be a charged term associated with a different cause. Consider rephrasing or eliminating. · Opening: Consider adding, ""diverse", culturally competent", and "reflective of the community it serves" in the list of attributes for a highly-trained police force · Item H is excellent and invaluable! · Item J: typo – should be "employ" instead of "employee" · Consider adding: "trained in community/problem-oriented policing and implicit bias in disproportionate minority contact" · Use of Force Continuum: is Philadelphia a best practice model? Have they had greater success in non-controversial officer-involved shootings? If not, consider using a generic model from DOJ, POST, or another source. · Provide some explanation and context as to the relevance and compilation of the supplementary documents (background on Fact-Finding Police Commission Visit and comparison data) Thank you for the opportunity to review and comment. Best, Camille Wise drcbw3@gmail.com
7	Dear mayor protem Carr, On behalf of Allience of California for Community Empowerment and Sacramento Youthempowerment Organization, we 100 percent agree with the policy proposal. Most people are sicken by the police burtelity against minorities, young people as well as the mentally ch Sacramento City council introducing such proposal, means alot to minority parents and the community as a whole.. Knowing that the City Council is finally speaking on their behalf, gives communities hope for a better furture for their children as well as the hope for a better positive relationship between the policy and the communities they serve. The only line i will remove from the proposal is line B. Line B will serve as a cover up for the officer who did the shooting of an inocent person. I don't think guns should be use when someone is pulled over instead, a Tazser to apprehend a suspect should be used instead of a gun which will leave s permanent loss that will never be forgotton. Just imergin a monther with an only child loosing that child due to police force and lies? Our Oganization would like to be present for any voting as well as informed about any upcoming events. We are truly greatful for this the good new. Should you want to contact ACCE or Sac. Youthempowerment Org, we can be reach at amiebongay55@gmail.com Regard, Amie Bongay ACCE./SYEO amiebongay55@gmail.com

8	Hi Larry A couple of comments: Items A and B suggest the justification of Deadline Force - that is a slug and snail killer. Item G Do not shoot at moving vehicles unless the person poses a deadly threat by means other than the vehicle - while it appears the goal is to prevent justification of deadly force simply because a vehicle is being driven towards you, it seems a ridiculous expectation that officers are expected to allow themselves to be run over without response if they don't see another weapon. I beleive this should be wrapped in to item D and levels of risk associated with appropriate response. Evasion of vehicle should be prefered option but deadly force should still be available as a final alternative to protect the officer. Cheers JG PS Don't kill the slugs and snails ;-) John Gourlay igourlayca@gmail.com
9	Hello Mr. Carr, I understand that you are looking for feedback on your proposal per the LEAD facebook page. Let me be clear in saying that your courage and dedication in making this a reality was swift and greatly appreciated. For that, as a grandmother of five young men, I will always be grateful. I must say as Cheryl Underwood stated on the show, The talk, "We don't have to tell them how to not kill white people so why do we have to tell them not to kill us?.": Based on that statement alone, I would like to see a zero tolerance process somewhere in item one. I can't tell you how many times I have heard about a black unarmed man, the words , they posed an eminent threat when in fact their was no threat. I think you and I both know that if it wasn't for cell phones we would not know the truth today anymore than our ancestors before us when it came to the truth about their love ones. Innocent men constantly being accused of resisting arrest, on drugs etc. and it was as I see more and more a fabrication and warrant to end life. I am speaking nationally. Would it be possible when low threat level calls are answered by our police , or calls made to handle mentally ill behavior be answered with non lethal weapons and make that required protocol. something like using a bean gun, taser only, a bean gun that hits them but does not cause a fatality ? Can something be done about hitting and beating a black person once they are hand cuffed ? Can that fall under a zero tolerance protocol and officer's loss of job be the result?? Let us remember that over 65% of the US will be in senior status,and some of us look younger than we are and could be having heart attacks, strokes etc. and cannot respond because a policeman barked and order at us. If you review the numbers of people that are bipolar or suffering from anxiety, the numbers are staggering . Is it too late to add mandatory protocol training and diversity training (40) hours annually followed by mandatory volunteer hours (20) per quarter, of work in the community of which they are paid to protect. Corporations encourage volunteerism through various organizations and expect it on the performance reviews of the people they employ. That diversity training needs to be monitored through the commission. I don't live in a fantasy world and I know we all have our prejudices. I also know that once you cross the threshold of the establishment you work in those

	feelings must be checked at the door. It had to be done where I worked and things changed. I support strongly the zero tolerance process. It would be great if it could be considered, no racist language, no racist pictures and no racist attitudes will be tolerated that would include disrespect for woman and LGBT as well. My brother is a sergeant on the Vallejo department. I have many discussions with him on the police point of view. I understand that they put their lives o the line daily to protect the city. I would just like to see fair and equal treatment and see non threatening offenders make it to jail the same way those not of color do. I think the discussion needs to be had inside the police organization and solutions other than training need to be produced. On a personal note, Mr. Carr, do you by chance know an officer named Paul Brown, lead of the SPOA. apparently my linkedIn file has sparked his interest and I do not know why. I was wondering if you knew him. I wish you well Mr. Carr, you are rewriting the history books in Sacramento and it is that very leadership that is needed to eradicate, eliminate and destroy the past to rebuild the future. God Bless you , Sir. Thank you for the opportunity of sending my thoughts. Warmest regards, Donna Darden dmd111955@yahoo.com **Donna Darden, Author, MBA, Certified JMT Coach** *"Making YOU perfect is our business"* Perfect Seminars LLC
10	**Sacramento City Council-** attached is our letter regarding the shooting death of Joseph Mann and Councilmember Carr's draft recommendations for the City Council meeting on 10/13/2016. SRCEH feels strongly that while it is important to have a City policy regarding use of force as well as expand the powers of the Police Commission, it is imperative that we equally address the need to increase the number of IMPACT Teams who are specially trained to respond to people with mental health issues. SRCEH has been urging the City Council to expand the funding for the IMPACT team for the past two years and tragically it took the apparent murder of Joseph Mann to again raise the urgency of the need for specialized teams trained in responding to both homeless and housed people with mental health issues. It is time to act decisively so Mr, Mann's death was not in vain. Best, Bob Bob Erlenbusch Executive Director Sacramento Regional Coalition to End Homelessness [SRCEH] www.srceh.org

11	Hello Councilmember Carr First of all, thank you for addressing the issue, and forgive my delayed response. I've enclosed my thoughts on the proposed Police Procedure Policy. I feel that in order to stop the police from killing us we must change the process for prosecuting those who unlawfully kill. The real issue is that nearly none of the officers involved are ever convicted of murder and sentenced to prison. There is no deterant for killing supposed suspects. The current system calls for the District Attorney(DA) to investigate and prosecute the accused. We must change this process to truly rectify/limit killings by the police. You must remember that the police are the enforcers of state law. Throughout history the police have enforced the racist systems of oppression in all facets of the "American" society. The DA is charged with prosecuting offenders of said laws. The police are the enforcers of the law. When Jim Crow was the law of the land the police enforced it. Ultimately, we must change societies institutionalized racist/oppressive systems, but by changing the way the District Attorney is selected is the first step in stopping killings by police. The District Attorney should be appointed by and report to the City Council. As it stands now the DA is an elected position charged with prosecuting offenders and its enforcers (the police) when they break the law. The election process makes the position a political appointment rather than a position based solely on upholding the law. As a political appointment the DA is forced to play the game of "getting re-elected". To get re-elected the DA must alway reduce crime rates. And must win all of the cases he/she prosecutes. The politics of the position open the door for corruption i.e. wrongful convictions, malicious/incompetent prosecution and illegal collaboration between the DA and police. In nearly all of the recent police involved shootings(including the Rodney King beating) the police were never prosecuted. Why do the police always get off? Why are these killers very rarely found guilty? Because those responsible for prosecuting them (DA) are the very people that give them their directives. A simple explanation - one that deserves more detail is because prosecuting police officers is frowned upon by law enforcement related entities that fund District Attorney candidates. This issue is much bigger than just the police. In addition, the District Attorney is afforded "immunity from prosecution" in cases of incompetent, malicious or biased prosecution. We can have great policing policies on paper but the only way to truly stop the killing is to lock up the police who wrongly take a life. The ethnic demographic of the police force must be addressed. The "Good Old Boy Network" within the department must also be dismantled. I suggest that Black councilmembers have a discussion with several former Black Sac Police officers (whom we all know) to gain insight into racial/ethnic issues within SPD. An independent review of SPD culture complete with anonymous officer interviews annually would be very insightful. I've provided my thoughts on the proposed Police Policy below: A. In every police shooting the officer says he was in imminent danger - In society encountering a Black man is seen as dangerous B. Police always give a verbal warning - remember the "stop resisting" while they beat suspects or "he has a gun".

	C. Nullified when the officers claims to be in imminent danger D. Again nullified when officers claims he was in danger E. Don't they already have tasers? Rodney Kings knows they have batons F. If they jump in front of a car they must not feel in danger G. Ok H. Remember the "Blue Code of Silence" - It's real I. Please do. So they don't already? J. They shoot to kill so this won't be necessary K. Thought the Chaplin did this already L. This should be the first thing that the council demands from the police. Council shouldn't ask for it then be told(advised) by the City Attorney that you shouldn't see it because of the "ongoing investigation", as if the council is part of the investigation. The police, City Attorney and the City Manager work for you. True leadership starts at the top. "Staff" shouldn't feel empowered enough to think that they can delay, alter or influence any city business. Just my thoughts, Gary R. Simon Executive Director Sacramento Juneteenth, Inc. gary@sacramentojuneteenthinc.org
12	The problem is not the Sac PD Use of Force Policy. The written policy is consistent with California Penal Code and in agreement with National Institute of Justice Standards Use of Force Continuum. Nothing surprising about that. Significant problems arise when there is lack of transparency by the City of Sacramento and Sac PD, and when officers are not held accountable for misconduct. Two words that come to mind when reviewing the Community Police Commission are “farce and sham”. This proposed commission is toothless and powerless. Committee members: • do not make recommendations on police practices and procedures • do not conduct investigations of police complaints or misconduct • do not investigate citizen complaints • do not provide mediation • do not convene confidential inquiry boards • do not issue complaint finding • do not review police policies This is committee is nothing more than a bureaucratic, do nothing creation formed for the purpose making it appear that the city council is actually doing something to positively affect community and police interactions. This is a non-serious attempt to try and convince the public that the Sacramento City government is actually doing something constructive to actually produce accountability. M. Kamau Kam175@comcast.net

13	Hi Larry, Here are my recommendations for inclusion in your City's Policy for Handling Police Shootings of Unarmed Civilians. Please excuse the second email address. I added it because I believe your message had a typo in your email address, but just in case it wasn't, I used what you sent and what I thought you meant to send. Call me if you have questions about any of my recommendations or if they need additional clarification. Hope this is helpful, please excuse the little bit of pontificating at the end, I just had to say something. Recommend the following actions be implemented as policy for the City Of Sacramento whenever there is a police shooting of an unarmed civilian: 1. Any police officer involved in the shooting be placed on ***UNPAID*** administrative leave. ***Reason*** - Currently the consequence of such an event is tantamount to a paid vacation for the officer(s) involved. If after the follow-up investigation clears the officer(s) of any wrong doing, they will then be paid retroactively for any lost pay and allowances. With this policy, the officer(s) involved experiences the discomfort of no income as a result of his/her action and would be less likely to choose lethal measures unless there is truly an immediate threat the their life. If police can engage and subdue a bomber who chooses to resist capture by engaging in a fire fight with police without taking the life of that individual, then they can do the same for an unarmed person with their hands in the air. 2. Any police officer, although not directly involved in the event who gives a statement which supports the stated justification of the parties directly involved, will be placed on ***UNPAID*** administrative leave. ***Reason*** - See the reason stated above. Police officers must remember that their primary responsibility is to protect and serve the public, not their "brothers in blue". If they and their families have to experience the discomfort of the loss of their income then they need to be sure that they are making the sacrifice in support of the truth and not their fellow officer. 3. The general public should be encouraged to record any incident that they witness which involves a police officer discharging their weapon. They should be cautioned to do so from a distance and in a manner that does not interfere with the actions of the officers and others involved. ***Reason*** - Any record of the incident will help to shed light on what really happened. The public should be strongly cautioned that any record of the incident should be an ***UNEDITED AND TRUE*** record of the event. Any record offered which proves to have been altered will subject the person who submitted the recording to criminal charges. We are after the truth and nothing but the truth. 4. Any time there is a real or perceived shooting of an unarmed civilian, the investigation will be reviewed by a civilian oversight committee that is made up of individuals which reflect the makeup of the environment/neighborhood in which the incident occurred. That does not mean that the committee actually includes local residents but rather individuals with whom the local residents can identify. Local residents should not necessarily be excluded from consideration for membership in the committee. As a minimum, the committee should also include two defense attorneys and two prosecuting attorneys to insure that any recommendations that they produce are consistent with the law. ***Reason*** - This gives the governed the insurance that the government is placing their interests above the interests of the police. If the public feels their interests are protected following events such as this, then they will be less likely to distrust and demonstrate their dissatisfaction of police actions.

5. Any officer who is subsequently indicted following the completed investigation of the incident, should be terminated regardless of the outcome of the trial. This will insure that an individual who the government considers might be guilty of a criminal offense and has most likely lost the trust of the community that they serve, will not be returned to that community.

In a post 9/11 world the thrust of police actions appears to have changed to handle terrorist threats as opposed to protect and serve. However, the overwhelming majority of Americans do not pose a terrorist threat. Although it is understandable that police need to be alert for terrorist activity, we also need to apply common sense when interacting with ***all*** segments of the general public. Police are more likely to apply that common sense when dealing with that portion of the public that they don't consider to be an overwhelming danger to themselves, based upon the individual's physical appearance. There are too many examples of non-minority individuals that are engaged in disruptive behavior being controlled and taken into custody using non-lethal methods to believe that that is not a viable option for police. Our society must insist that our police force consider them same options regardless of the racial identity of the individual involved. Those officers who base their threat assessment on racial terms need to be identified, reeducated and if necessary dismissed from the police force.

Rick Jones
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