



## City of Tracy Police Department



### MEDIA RELEASE

#### IMMEDIATE RELEASE

June 10, 2020

### TRACY POLICE DEPARTMENT RESPONDS TO #8CANTWAIT CAMPAIGN WITH COMPREHENSIVE REVIEW OF USE OF FORCE POLICIES

**Tracy, Calif.** - The City of Tracy holds its peace officers and professional staff to the highest standards of law enforcement. The Tracy Police Department has established the values of “Service, Integrity, and Excellence” because we recognize and respect the sanctity of all human life and dignity without prejudice to anyone.

The Tracy Police Department has a long history of judicious, lawful and minimal use of force supported by strong policy, training, supervision, progressive thinking, accountability, transparency, community engagement and community expectations. We are proud to be a learning organization, continuously seeking to improve, grow and enhance our commitment to protect and preserve life under an umbrella of accountability.

Communities across the nation are outraged by the killing of George Floyd at the hands of police. We are too. The police tactics that we observed that resulted in his death were deeply saddening and disturbing. The City of Tracy does not train, condone or allow our officers to apply such techniques.

This is a moment in time where we, as a community public safety agency, can take a step back to reflect on our purpose and practices, making sure they reflect our core values as trusted guardians of this diverse community we took an oath to protect. Given that, we would like to take this opportunity to share our evaluation of Tracy Police Department’s protocols and policies, specifically those supported by [Campaign Zero](#), which advocates for the adoption and implementation of eight policies (#8CantWait) to reduce harm caused by the use of force.

The Tracy Police Department relies on [Lexipol](#) policy platform, a full library of customizable, state-specific policies for law enforcement to inform our policy manual and training. Lexipol is the leading source of information for comprehensive public safety and local government agency policy development – it ensures our officers have the most up-to-date resources to safely carry out their duties and best serve our community. The Tracy Police Department reviews and updates its policy manual on an annually basis.

The #8cantwait campaign has identified the following policy areas of focus to reduce police related use of force:

- Require de-escalation
- Duty to intervene
- Require warning before shooting



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- Exhaust all other means before shooting
- Require comprehensive reporting
- Ban chokeholds and strangleholds
- Ban shooting at moving vehicles
- Require use of force continuum

Below is a summary of the Tracy Police Department policies that align with the eight policies advocated by Campaign Zero to reduce police-related use of force incidents:

### 1. Require Officers to De-Escalate Situations.

- *Policy 303.9 KINETIC ENERGY PROJECTILE GUIDELINES: (Launchable munitions): This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.*
- *Policy 304 CONDUCTED ENERGY DEVICES (Taser) 304.9: (f) directs that de-escalations techniques are included in our EMDT training.*
- *Policy 410.4 CONSIDERATIONS AND RESPONSIBILITIES: Section (c) directs officers when circumstances permit to use "conflict resolution and de-escalation techniques."*

### 2. Require Officers to Intervene.

- *Policy 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.*

### 3. Require Officers to Give a Verbal Warning.

- *Policy 303.3 VERBAL AND VISUAL WARNINGS: Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.*
- *Policy 303.4 VERBAL AND VISUAL WARNINGS: A verbal warning of the intended use of the CONDUCTED ENERGY DEVICES (Tasers) should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to provide the individual with a reasonable opportunity to voluntarily comply. Provide other officers and individuals with a warning that the CED may be deployed.*



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4. **Restrict the Use of Chokeholds and Strangleholds.**
  - *Policy 300.3.4 CAROTID CONTROL HOLD: Effective June 8, 2020, this is now prohibited per policy.*
  
5. **Prohibit Officers from Shooting at Moving Vehicles.**
  - *Policy 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.*
  
6. **Require Officers to Exhaust All of the Options (before resorting to deadly force).**
  - *Policy 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). Refer to attached policy for further restrictions on the use of deadly force.*
  
7. **Use a Continuum of Force.**
  - *300.2 POLICY: The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties. Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties. The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.*
  - *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.*
  
8. **Required Comprehensive Reporting.**
  - *Policy 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*



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*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.*

- *Policy 322.1.1 REPORT PREPARATION: Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.*
- *Policy 322.2.1 CRIMINAL ACTIVITY: When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.*

In addition to these policies, the Tracy Police Department has proactively incorporated training approaches and techniques to explicitly reduce harm, incidents of excessive force and officer-involved shootings. The Tracy Police Department is fortunate that in the past 12 years, there have been no deaths attributed to the use of deadly force by Tracy peace officers.

Our training efforts focus on a variety of areas, including, but not limited to: de-escalation, crisis intervention, critical incident response and self-regulation techniques. This helps to build a foundation of mindful policing which is further supported by instruction in procedural justice, implicit bias and cultural awareness.

It is our honor and privilege to protect and serve the Tracy community and we want you to know:

We see you and we hear you.

We will be bold for change.

We will do better, because we have to be better.

We are in this together.

**ENCLOSURES:** Images on following pages



IMAGES: Where We Stand... (Image 1 of 4)



# WHERE WE STAND

A comprehensive look at  
your Tracy Police  
Department...



June 2020



## BAN CHOKEHOLDS & STRANGLEHOLDS

The use of "chokeholds" and "strangleholds" are not authorized for use by our Tracy Police Officers.

Effective June 8, 2020 the Tracy Police Department has prohibited the use of the carotid control hold.



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**THE MEN AND WOMEN OF OUR TRACY POLICE DEPARTMENT ARE COMMITTED TO CONTINUING TO BUILD PARTNERSHIPS OF TRUST WITH OUR COMMUNITY.**

*Sekou Millington, Chief of Police*

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## REQUIRE DE-ESCALATION

**Your Tracy Police Department trains all of our officers in de-escalation techniques**

Officers are required to attend a four-hour Interpersonal Communication and De-escalation training certified by California POST (Commission of Peace Officer's Standards and Training). Every two years after that, officers attend a refresher course on the topic. The previously mentioned training is in addition to the training received in the academy and during their Field Training Program. Our Field Training Officers (FTO) attend an eight-hour Crisis Intervention and de-escalation course as well to assist in passing the information to new hires.



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## 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." This requirement is consistent with federal case law.



## REQUIRE TO EXHAUST ALL ALTERNATIVES BEFORE SHOOTING

*Tracy Police Officers are bound by Subdivision (a)(2) of Section 835a California Penal Code, which conveys that peace officers may 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." As such, this section incorporates the "objectively reasonable officer" standard and tacitly acknowledges that an officer is only required to use less-lethal force if it is reasonably safe and feasible for the officer to do so without endangering the officer's life or the lives of others.



## DUTY TO INTERVENE

The Tracy Police Department requires an officer who observes another officer using force that is clearly beyond that which is objectively reasonable under the circumstance shall intervene when in a position to do so.

The policy also requires the officer to report their observations to a supervisor promptly. The requirement is covered in our policy under section 300.2.1



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## SHOOTING AT MOVING VEHICLES

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. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants, or if deadly force other than the vehicle is directed at the officer or others. Policy 300.4.1

### REQUIRE USE OF FORCE CONTINUUM

Officers are required to make decisions in rapidly-changing situations.

The Use of Force Continuum concept is an aged concept from previous decades and has given way to more knowledgeable, science-based use of force training and policies. Use of Force is covered in section 300 and the policy is consistent with California Penal Code section 835a.

### REQUIRED REPORTING

The Tracy Police Department requires officers to document any use of force in a police report. Documentation requirements are covered in department policy.



## CONNECT WITH US

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