



Lafayette Police Department
3471 Mt. Diablo Blvd., Lafayette, CA 94549

To the Lafayette Community,

The City of Lafayette contracts with the Contra Costa County Office of the Sheriff to provide law enforcement services. All of Lafayette Police Department's sworn law enforcement officers are Sheriff's Office employees, including the Chief of Police. All Lafayette Police Department sworn staff are required to follow the policies and procedures of the Sheriff's Office. Annual training, which includes California POST requirements (Commission on Peace Officer Standards and Training), is conducted by the Sheriff's Office. The members of the Lafayette Police Department are dedicated to providing the highest quality police services to enhance community safety, protect life and property, and reduce crime and the fear of crime.

For more information visit the Contra Costa County Office of the Sheriff's Principled Policing, Diversity, and De-Escalation Training for Contra Costa Deputy Sheriffs - <https://www.cocosherriff.org/community-information/principled-policing>

The Contra Costa County Office of the Sheriff's Policy and Procedure Manual can be viewed online at <https://www.cocosherriff.org/community-information>

In the wake of recent events throughout the country we have received inquiries from community members regarding a national campaign called "8 Can't Wait." Most of the recommendations outlined in the "8 Can't Wait" campaign are addressed in California statutes.

In 2019, a new legal standard was established for peace officers' use of deadly force in California (AB 392, Weber) and legislation was passed, which set a national precedent by establishing a minimum use of force policy standard for all departments (SB 230, Caballero).

California Assembly Bill 392 can be reviewed online - https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB392

California Senate Bill 230 can be reviewed online - https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB230

Most of the policies outlined in the 8Can'tWait campaign have been captured by these two new landmark laws. However, several provisions, most notably the requirement that officers' exhaust all alternatives, were not included in either bill due to shared concerns by law enforcement and policymakers. Instead, alternatives to those provisions were embraced to accomplish our shared goal of reducing deadly force incidents. Outlined below are the provisions in the 8Can'tWait platform already captured directly in statute, or concerns and alternatives with what is being proposed:



Lafayette Police Department
3471 Mt. Diablo Blvd., Lafayette, CA 94549

1. Require de-escalation.

SB 230 requires that "officers utilize de-escalation techniques, crisis intervention tactics, and other alternatives to force when feasible." SB 230 also mandates each policy requires officers to conduct all duties in a manner that is fair and unbiased. Additionally, SB 230 requires all officers be trained in alternatives to deadly force and de-escalation techniques.

Contra Costa Sheriff's Office Deputies are provided training in De-Escalation and Crisis Intervention when dealing with people in crisis.

Additionally, Contra Costa Health Services has a Mental Health Evaluation Team (MHET), which is made up of mental health clinicians who partner with law enforcement to reduce potentially dangerous psychiatric incidents. In cases where officers are dispatched to a report of a person show signs of serious mental illness, officers can refer the person to MHET who then attempts to connect the person with the appropriate services. Visit Contra Costa Health Services – Mental Health Services at <https://cchealth.org/mentalhealth/>.

2. Require warning by officers 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.

The Contra Costa Sheriff's Office requires Deputies to provide verbal warnings, where feasible, and to make reasonable efforts to warn that deadly force may be used.

3. Department shall require officers to intervene in the event of excessive force.

SB 230 sets forth a "requirement that an officer intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances." This provision is consistent with federal law as well.

The Contra Costa Sheriff's Office requires Deputies to intervene and stop excessive force if they observe it occurring. Deputies are required to report any excessive force to a supervisor.



Lafayette Police Department
3471 Mt. Diablo Blvd., Lafayette, CA 94549

4. Require comprehensive reporting of use of force incidents.

SB 230 already requires “comprehensive and detailed requirements for prompt internal reporting and notification regarding a use of force incident.” Additionally, legislation from 2015 (Assembly Bill 71) requires statewide detailed reporting requirements on serious use of force incidents. SB 230 also requires officers to report excessive force they witness.

The Contra Costa Sheriff’s Office requires that all uses of force be reported promptly, accurately, and completely.

5. Ban Chokeholds and Strangulations.

SB 230 requires that “an officer may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense.” Any excessive force beyond this requirement is unreasonable.

The Contra Costa Sheriff’s Office does not authorize chokeholds or strangulations as restraint techniques.

Additionally, on Friday, June 5, 2020, Governor Newsom instructed California POST to cease training officers in its use and he stated he intended to sign pending legislation that would ban its use throughout the entire State.

6. Ban shooting at moving vehicles.

SB 230 requires “Comprehensive and specific guidelines for the application of deadly force,” which should include guidance on the limited situations that would warrant shooting at moving vehicles. An outright prohibition in all circumstances does not account for situations where the driver of a vehicle may be threatening death or great bodily injury to others. The Contra Costa Sheriff's Office restricts discharging a firearm from or at a moving vehicle except in the defense of one's own life or the life of another person.

7. Require use of force continuum.

The use of force continuum is an outdated model that has proven impractical, even dangerous when applied in real-life situations. Instead, policies should focus on requiring officers to create space and separation in an attempt to utilize de-escalation techniques, which is captured in the training and policy requirements within SB 230.



Lafayette Police Department
3471 Mt. Diablo Blvd., Lafayette, CA 94549

The Contra Costa Sheriff's Office Deputies use only that degree of force that is objectively reasonable to protect themselves and others or to overcome resistance to their lawful authority. The decision to use force and at what level include many factors that are outlined in policy and are a part of Sheriff's Office training.

8. Require officers to exhaust all means before shooting.

This requirement was rejected in the AB 392 debate because of the untenable position it puts officers and departments in, by permitting second-guessing of split-second decisions. Instead, the focus should be on training alternatives to deadly force, requirements on proportional force, and de-escalation requirements, all of which are contained in SB 230.

If this requirement is implemented, an officer's decision concerning the use of force alternative should be judged based upon the totality of the circumstances and reasonable officer standard in AB 392.

The Contra Costa Sheriff's Office defines deadly force as any use of force that creates a substantial risk of causing death or serious bodily injury. Deadly force is not limited to the use of firearms. Any force option outlined in Sheriff's Office policy could be categorized as deadly force when used intentionally in a manner that falls within the definition of deadly force. A Deputy may only use deadly force where he or she has probable cause to believe that a suspect poses a significant threat of death or serious physical injury to the Deputy or others.

Lafayette Police Department Officers are all equipped with body worn cameras and utilize them while on-duty. Additionally, Lafayette Police vehicles are equipped with in car cameras that activate when the vehicle's police emergency lights are turned on.

The Contra Costa County Office of the Sheriff and the Lafayette Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. The Contra Costa Sheriff's Office continues to evaluate our policies and training to ensure they further our shared goal of reducing all use of force incidents and that we are treating all persons with dignity and respect.

Respectfully,

A handwritten signature in black ink, appearing to read "Ben Alldritt", with a long horizontal stroke extending to the right.

Ben Alldritt
Chief of Police
City of Lafayette