

RESPONSE TO “8 CAN’T WAIT”



DEMAND

CMPD RESPONSE

1

REQUIRE DE-ESCALATION

Require officers to de-escalate situations, where possible, by communicating with subjects, maintaining distance, and otherwise eliminating the need to use force

**TRAINING IMPLEMENTED
2008**

2

BAN CHOKEHOLDS & STRANGLEHOLDS

Do not allow officers to choke or strangle civilians, in many cases where less lethal force could be used instead, resulting in the unnecessary death or serious injury of civilians

**POLICY IMPLEMENTED
Jan. 1, 1987**

3

DUTY TO INTERVENE

Require officers to intervene and stop excessive force used by other officers and report these incidents immediately to a supervisor

**POLICY REVISED
June 4, 2020**

4

BAN SHOOTING AT MOVING VEHICLES

Restrict officers from shooting at moving vehicles, which is regarded as a particularly dangerous and ineffective tactic

**POLICY IMPLEMENTED
1987**

5

REQUIRE USE OF FORCE CONTINUUM

Develop a Force Continuum that limits the types of force and/or weapons that can be used to respond to specific types of resistance

**POLICY IMPLEMENTED
1994**

6

REQUIRES EXHAUST OF ALL ALTERNATIVES BEFORE SHOOTING

Require officers to exhaust all other reasonable means before resorting to deadly force

**IN PLACE SINCE AT LEAST
April 17, 2003**

7

REQUIRE WARNING BEFORE SHOOTING

Require officers to give a verbal warning, when possible, before shooting at a civilian

**IN PLACE SINCE AT LEAST
April 17, 2003**

8

REQUIRE COMPREHENSIVE REPORTING

Require officers to report each time they use force or threaten to use force against civilians

**IN PLACE SINCE AT LEAST
Jan. 1, 1987**

1.

REQUIRE OFFICERS TO DE-ESCALATE SITUATIONS, WHERE POSSIBLE, BY COMMUNICATING WITH SUBJECTS, MAINTAINING DISTANCE, AND OTHERWISE ELIMINATING THE NEED TO USE FORCE

Where time, distance, communication, and circumstance permit, and considering the safety of officers and the public, officers shall attempt to de-escalate situations through verbal dialogue and other de-escalation techniques. The goal of de-escalation techniques is to slow down or stabilize the situation so that additional time and resources can be used to resolve the situation with a minimal amount of control, when possible.

In October 2016, CMPD began conducting mandatory in-service de-escalation training for all police officers, including an emphasis on scenario-based components.

In 2015, CMPD's mandatory tactical response training incorporated de-escalation tactics which became a core element of this annual training.

CMPD personnel receive eight hours of Mental Health/First Aid training on an annual basis. Incorporated in this training are effective strategies on interacting with members of the public who may experience a wide range of mental health crises.

CMPD collaborates with Mecklenburg County Health Department and Trauma and Justice Partnerships to deliver Crisis Intervention Team (CIT) training. CMPD has trained a total of approximately 820 officers and 90 Communications personnel (dispatchers) on the CIT model.

CMPD's Civil Emergency Unit incorporates FEMA's Center for Domestic Preparedness training principles that focus on protecting First Amendments rights, employing crowd management de-escalation techniques, and ensuring due process of those detained or arrested.

CMPD made additional policy revisions to enhance de-escalation efforts:

Civil Emergency Unit (CEU) SOP

On June 18, 2000, Egress Routes were added to this policy, which designated unobstructed dispersal route(s), which are a means of exit from a building or area.

Additions were made to the Crowd Control/Dispersal section of this policy to include:

If a dispersed crowd reassembles at another location after a lapse in time, additional dispersal orders must be given, absent exigent circumstances.

(For example, An unlawful crowd is engaged in riotous behavior and disperses to a new location and begins an unlawful but peaceful march, the previous behavior in and of itself may not solely be justification to take enforcement action for the dispersal of the unlawful crowd. A new dispersal order must be given.)

When a dispersal order is given, the dispersal order and egress routes will be audibly communicated repeatedly, loudly and clearly to the crowd. Designated egress routes will not be intentionally blocked by RCAs or physical presence.

Additions were made to the Deployment of Riot Control Agents Delivery Systems section:

The deployment of RCAs is intended to disperse unlawful individuals or crowds, stop riotous behavior and activity, deny access to a protected area and ensure the safety of the public and officers. RCAs will not be used to intentionally corral or contain crowds. Prior to deploying RCAs, dispersal orders must be given unless exigent circumstances exist.

2.

DO NOT ALLOW OFFICERS TO CHOKE OR STRANGLE CIVILIANS, IN MANY CASES WHERE LESS LETHAL FORCE COULD BE USED INSTEAD, RESULTING IN THE UNNECESSARY DEATH OR SERIOUS INJURY OF CIVILIANS

The CMPD's General Order on this went into effect Jan. 1, 1987.

Officers will not use the following tactics unless deadly force is reasonably necessary: 1. Any hold with or without a device that restricts a person's airway. 2. Any strike with an impact weapon or object to a person's head or neck. 3. Any other tactic that is reasonably likely to result in death or serious injury unless deadly force was reasonably necessary. (Response to Resistance Directive 600-019)

Additions were made to the Response to Resistance directive:

On July 2, 2020, this policy was updated to include new language concerning that officers will not use any hold with or without a device that restricts blood flow to a person's brain. Also, this policy was updated to include that officers will take appropriate and immediate action in any situation they know or should have known their failure to act would result in an excessive response to resistance or egregious behavior that shocks the conscience. (Response to Resistance Directive 600-019)

3.

REQUIRE OFFICERS TO INTERVENE AND STOP EXCESSIVE FORCE USED BY OTHER OFFICERS AND REPORT THESE INCIDENTS IMMEDIATELY TO A SUPERVISOR

The Rules of Conduct have been in place since the department's inception.

CMPD revised its Neglect of Duty policy (Rules of Conduct) on June 4, 2020 to include the following language: Officers will take appropriate and immediate action in any situation in which they know or should have known their failure to act would result in an excessive response to resistance or egregious behavior which shocks the conscience.

4.

RESTRICT OFFICERS FROM SHOOTING AT MOVING VEHICLES, WHICH IS REGARDED AS A PARTICULARLY DANGEROUS AND INEFFECTIVE TACTIC

The CMPD's discharging a weapon at moving vehicles section of the Response to Resistance directive was implemented in 1987.

An officer will not discharge his or her firearm under the following circumstances: At or from a moving vehicle, unless deadly force is being used against the officer or another person and the officer reasonably believes that no other option is reasonably available.

Discharging a firearm in this circumstance is never authorized when it is reasonable to believe that the vehicle may contain an innocent passenger, or it is reasonably apparent that the vehicle may careen out of control and injure an innocent bystander. When confronted with an oncoming vehicle, an officer will not position him or herself into the path of the vehicle, but will take all reasonable steps to move out of the way. (Response to Resistance Directive 600-019)

5.

DEVELOP A FORCE CONTINUUM THAT LIMITS THE TYPES OF FORCE AND/OR WEAPONS THAT CAN BE USED TO RESPOND TO SPECIFIC TYPES OF RESISTANCE

The CMPD has a Response to Resistance Continuum, implemented in 1994, that officers are trained on and follow. It categorizes types of forces and/or weapons to use based on specific types of resistance.

6.

REQUIRE OFFICERS TO EXHAUST ALL OTHER REASONABLE MEANS BEFORE RESORTING TO DEADLY FORCE

An officer may increase or decrease the degree of control utilized based on the circumstances confronting him or her.

Where time, distance, communication and circumstance permit, and considering the safety of officers and the public, officers shall attempt to de-escalate situations through verbal dialogue and other de-escalation techniques. The goal of de-escalation techniques is to slow down or stabilize the situation so that additional time and resources can be used to resolve the situation with a minimal amount of control, when possible.

If reasonable, an officer will identify him or herself as a police officer and issue a verbal warning before using any control methods. A verbal warning, dialogue or commands are not required in a split-second situation or if the officer reasonably believes that it would place the safety of the officer or another person in jeopardy.

An officer may use deadly force only as follows:

- a. When it appears to be reasonably necessary to defend him or herself or another person from what the officer reasonably believes to be the use or imminent use of deadly physical force
- b. To effect an arrest or prevent the escape from custody of a person who the officer reasonably believes is attempting to escape by means of a deadly weapon
- c. To effect an arrest or prevent the escape from custody of a person who, by his or her conduct or any other means, indicates that he or she presents an imminent threat of death or serious physical injury to other unless apprehended without delay. (Response to Resistance Directive 600-019)

Two brief examples of de-escalation:

On June 3, 2020, 911 received a call stating that a female was armed with two large knives and had stabbed someone. The caller also mentioned that it was a chaotic scene. Officers arrived and located the 20-year-old female crying and yelling outside. They ordered her to put down the knives, which she did.

She sat down and placed both knives down on the ground. The officer slowly approached her, and when he got within arms-reach, he shoved both knives out of the way and then wrapped his arms around her to hug her; no further incident. The female was the victim in an ongoing Domestic Violence situation, and she had armed herself when her ex-boyfriend came to her residence and confronted her. No one was stabbed, and the suspect had already fled the scene. However, officers had no way of knowing these facts. The only information they had at the time was from the 911 call which stated that the described individual stabbed someone, and when they encountered her, she was in a highly volatile emotional state

6. CONT.

of mind, armed with both knives. The Crisis Intervention Team-trained officers successfully de-escalated this situation.

On March 18, 2020, officers to a disturbance call for service. Upon arrival, officers encountered two men who were being asked to leave the site. After both men agreed to leave, one of the men requested medical assistance. After Medic's arrival, the man was escorted into the rear of the truck. The other man was denied entry into the Medic truck, and an argument ensued. He then forced his way into the truck and shot the other subject. Officers surrounded the rear of the Medic truck and gave verbal commands to the shooter, who was still in possession of a firearm. Officers were able to encourage him to put down the firearm and exit the Medic truck. The shooter was then placed in handcuffs without further incident. Officers' decisive action and verbal de-escalation prevented further injury to bystanders or officers and a quick apprehension of the suspect.

7.

REQUIRE OFFICERS TO GIVE A VERBAL WARNING, WHEN POSSIBLE, BEFORE SHOOTING AT A CIVILIAN

The CMPD's Response to Resistance Directive was revised from the department's Use of Force policy in 2019. Prior to that change, the Use of Force policy was in place since at least April 17, 2003.

Where time, distance, communication and circumstance permit, and considering the safety of officers and the public, officers shall attempt to de-escalate situations through verbal dialogue and other de-escalation techniques. The goal of de-escalation techniques is to slow down or stabilize the situation so that additional time and resources can be used to resolve the situation with a minimal amount of control, when possible.

If reasonable, an officer will identify him or herself as a police officer and issue a verbal warning before using any control methods. A verbal warning, dialogue or commands are not required in a split-second situation or if the officer reasonably believes that it would place the safety of the officer or another person in jeopardy. (Response to Resistance Directive 600-019)

8.

REQUIRE OFFICERS TO REPORT EACH TIME THEY USE FORCE OR THREATEN TO USE FORCE AGAINST CIVILIANS

Officers have a duty to report every time they use force. This was established Jan. 1, 1987. Even the threat of the use of force can be a de-escalation in certain circumstances. About two years ago, weapon drawing began being voluntarily reported.

Signal Sidearm is a new technology that enhances CMPD's reporting abilities. It is a wireless sensor that alerts body-worn cameras when a firearm is removed from an officer's holster. CMPD conducted a beta test in the fall of 2017 with 100 officers. CMPD recommended some design changes to improve the effectiveness, reliability and efficiency of this technology. The vendor implemented several changes, and then the technology was ready for a second test in April 2018. That test performed well, and CMPD purchased 1,175 units of the technology in February 2020 for a scheduled March rollout. COVID-19 delayed the rollout schedule until June. The technology is now being installed for all of patrol.

Additions were made to the Body-Worn Camera policy:

a. Sworn employees assigned to Patrol order Bikes, Dual Sports, and CEU leadership (platoon commanders, assistant platoon commanders, pepper ball operators, grenadiers, MFF platoon logistics) will wear and operate BWCs.

b. BWCs will be powered on and activated when actively engaged with the public in an operational capacity or at the discretion of the Incident Commander or designee.

8. CONT.

c. When an officer removes their service weapon from the holster and/or points it at a person, deploys their department issued shotgun, rifle, or approved backup weapon, or activates any weapon mounted light they will document this by categorizing their BWC video as they normally would for the type of incident. In addition, employees will tag the video with a secondary appropriate category of iweapon drawn or iPointing of Firearm. Officers will document in the text box the justification or factors leading to drawing and/or pointing their weapon at a person. If no BWC was activated or required at the time of the incident the officer will document the incident in a KBCOPS report or in a CAD MI notes.

d. BWC videos may contain multiple categories at once. Officers will ensure all BWC videos are categorized with all applicable categories related to that specific video. Examples are listed below.

- Reporting Categories:

40 MM Deployment, ABC Use Only, Accidental, Admin Retention, CIT, Criminal Investigation- Felony, Criminal Investigation- Non- Felony, Crowd Management, IACMS, Non-Citizen Involvement, Non-Criminal Offenses, Pending Review, Pointing of Firearm- Agg Assault, Pointing of Firearm- Alarm, Pointing of Firearm- Arrest Warrant, Pointing of Firearm- Building Search, Pointing of Firearm- Disturbance, Pointing of Firearm- Robbery, Pointing of Firearm- Search Warrant, Pointing of Firearm- Vehicle Stop, Recruit Training, Restricted, Rifle Deployment, SWAT Use Only, Test, Traffic Stop- DWI, Traffic Stop- Infraction, Traffic Stop- Felony, Traffic Stop- Warning, Training Demo, TRAP Use Only, VCAT Use Only, Vehicle Apprehension, Weapon Drawn, Window Breach