

Mia De Marzo

From: Nicholas Marsden < >
Sent: Tuesday, September 1, 2020 1:50 PM
To: City Clerk
Subject: Item 10 - Review Carlsbad Police Use of Force / De-escalation Policies
Attachments: Carlsbad Use of Force Policy Gap Analysis.pdf

All Receive - Agenda Item # 10
For the Information of the:
CITY COUNCIL
Date ✓ CA ✓ CC ✓
Policies ✓ ACM ✓ DCM (3) ✓

I support a review of Carlsbad Police Use of Force & De-escalation policies, as well as forming an ad hoc committee to work on the 4 items outlined in item 10 of today's agenda, because the city's statement and ongoing claims do not truthfully align with 8cantwait's data-driven standards of de-escalation and use of force.

If possible, I'd like to officially submit the attached PDF as its own standalone document to provide City Council and include with the meeting record.

In case that's not possible I've copied that info here—

Carlsbad Police Use of Force Policy Gap Analysis

On 6/4/20, Carlsbad released a statement¹ claiming to meet all 8 standards set out by 8cantwait.org based on research shown to reduce police violence. Some city and police officials have repeated those claims multiple times since the announcement. **The following outlines the significant differences between Carlsbad's Use of Force policy and 8cantwait's *data-driven* standards.**

The black text is what's clearly and publicly available at 8cantwait.org. *The red text outlines additional insight obtained from an official 8cantwait representative of how their Use of Force standards are established.*

Five policies very clearly fall short and do not meet the actual standard backed by data.

These first two are literally NOT part of the manual.

1) Requires exhaust all alternatives before shooting.

Carlsbad Policy: "USE OF FORCE: officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish legit LE purpose."

***Gap:** This gives officers legal standing to use whatever force they "perceive" necessary. They're not explicitly required to exhaust all other means before shooting. **There should be a specific clause requiring officers to exhaust alternatives before resorting to force, when feasible, including de-escalation techniques.**

2) Has Use of Force continuum.

Carlsbad policy's "DEADLY FORCE APPLICATIONS", but those are simply the options not actually a "continuum".

***Gap:** *A continuum is defined as a 'range, series, or spectrum that gradually changes' ; OR, a coherent whole characterized as a collection, sequence, or progression of values or elements varying by minute degrees.*

That definition aligns with the application in another CampaignZero project - Per UseOfForceProject.org² a continuum *limits the types of force and/or weapons that can be used to respond to specific types of resistance. The continuum, or matrix, should include appropriate and proportional responses to various types of resistance, and include restrictions and guidelines on use of authorized weapons.*

These three are merely superficial and half-hearted at best.

3) Requires De-escalation.

***Gap:** Does not require officers to use de-escalation whenever possible. Instead, de-escalation is only required in limited circumstances involving civil disputes or where officers believe the person to be having a mental health crisis.

4) Requires comprehensive reporting.

***Gap:** Does not require officers to report when they point a firearm at a civilian. Only required to report physical use of force, but not the threat of lethal force.

And as a real example of why this exact language matters, a Washington Post study³ showed a very strong correlation between that gap in D above and police violence. Although it's not causation, the strong correlation still shows that minor omissions or exceptions can yield major changes in a policy's effects.

5) Bans Chokeholds and Strangleholds

***Gap:** Does not ban all other neck restraints, but only the carotid hold. **The policy should explicitly ban neck restraints that restrict airway AND blood flow. If passed, California bill AB1196 will ban all neck restraints statewide.**

1. <https://www.carlsbadca.gov/news/displaynews.asp?NewsID=2156&TargetID=7>
2. <http://useofforceproject.org/#project>
3. <https://www.washingtonpost.com/news/monkey-cage/wp/2017/03/14/want-to-reduce-fatal-police-shootings-this-policy-makes-a-big-difference/>

Nicholas Marsden
Carlsbad resident, CHS graduate

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