



MESSAGE TO THE COMMUNITY:

The Foster City Police Department hears the concerns echoed across the nation.

The death of George Floyd at the hands of Minneapolis Police Officers has encouraged communities to ask questions of their police departments as they relate to use of force. As I have previously stated on the record, I and everyone else in the Foster City Police Department are disgusted that George Floyd unnecessarily died while begging for his life.

As we discuss law enforcement practices, it is important to view the topic locally. Our 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. We have an unwavering focus on hiring those that hold the same values, reflect the diversity of our community, and are in the law enforcement profession to truly serve and protect the rights and safety of all.

The Foster City Police Department is proud of the consistent professionalism of our officers, which resulted in zero sustained use of force complaints in at least the last five years. We've had only one actual complaint in at least the last five years. In that incident, body worn camera footage showed the officers never physically touched the complainant. In 2019, we had seven reportable uses of force out of 17,416 calls for service. In 2020 to date, we've had five reportable use of force incidents out of 11,133 calls for service. One of those incidents was the officer involved shooting in January. The officer involved shooting was thoroughly investigated by the District Attorney's Office and the involved officers were praised for their restraint during the incident. Most of the use of force incidents were control holds involving the use of hands only. All uses of force are reviewed by a supervisor and manager to look for adherence to department policy, state law and to ensure there are no training issues or concerning patterns. In response to questions surrounding the department's use of force [policies](#), which are largely generated by the [8cantwait.org](#) website, here's where we stand:

1. Ban Chokeholds & Strangleholds

- Both holds have never been permitted, nor are they part of our policy. In addition, we will no longer allow the Carotid Control Hold as a less than lethal option. It is important to note that in over 20 years, our department has never used the Carotid Control Hold.

2. Require de-escalation

- De-escalation is already interwoven into many of our department's core policies such as Use of Force, Crisis Intervention, Mental Illness, Taser, BolaWrap, as

well as our bi-monthly required trainings. 100% of our patrol officers are trained in De-escalation and/or received Crisis Intervention Training. We have added the following language to our use of force policy:

- It is the policy of this Department that when all of the reasonably known circumstances indicate it is safe, prudent, and feasible to do so, an officer(s) shall attempt to slow down, reduce the intensity, or stabilize the situation so that more time, options and/or resources may become available for incident resolution.

3. Require warning before shooting

- Many of our policies (300.4) include issuing verbal warnings prior to the use of force. In situations where a person is fleeing, who an officer reasonably believes will cause death or serious injury if not immediately apprehended, the officer, shall make reasonable efforts where feasible to warn that deadly force may be used.

4. Exhaust all alternatives before shooting

- Our policy (300.4) states when safe and feasible, under the totality of the circumstances, including split second decisions, officers should evaluate the use of other reasonably available resources and techniques when determining whether to use deadly force, and deadly force is only used when there is an imminent threat of death or serious injury to the officer or another person. AB 392 and SB 230, signed into law in 2019, substantially changed the language of 835a PC. California Police Officers can now use deadly force "only when necessary in defense of human life". The record of that legislation reflects the consideration of the exact language of "exhaust all other means", but that language was found to be legally and practically problematic.

5. Duty to intervene

- Our policy (300.2.1) mandates officers to intercede if they observe another officer using unreasonable force and to promptly report the observations to a supervisor.

6. Ban shooting at moving vehicles

- While our policy does not ban shooting at moving vehicles (300.4.1), it severely restricts shooting at or from a moving vehicle and is only allowed when the driver and vehicle pose a deadly threat.

7. Establish use of force continuum

- Our officers are trained on various levels of force similar to a continuum. Our policies (300.3) require officers to use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

8. Require all force be reported

- ANY use of force by a member of this department shall be documented. All uses of force are reviewed by a supervisor and manager in adherence to our policy (300.5). Officers are also required to document pointing a taser device and firearm at an individual.

The use of force by law enforcement personnel is a matter of critical concern, both to the public and the law enforcement community. The Foster City Police Department remains committed to providing the necessary training, oversight, and accountability that is paramount to building and maintaining the trust of our community. We will continue to ensure that our officers have an understanding of, and true appreciation for, their authority, limitations and community expectations. Our department is dedicated to the service and protection of all, most importantly the preservation of life.