



Newark Police Department

Where We Stand

Require De-escalation

- Our department follows the law (Penal Code § 835a) which requires officers to “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.” Our department trains officers on de-escalation techniques and reviews expectations which are embedded into annual training objectives. In addition to the police academy curriculum, Crisis Intervention Technique (C.I.T.) seminars, de-escalation is intertwined into the Newark Police Department’s operations and de-escalation techniques are included in various continued professional training topics.

Duty to Intervene

- We require officers to intervene and report when unreasonable force is observed. NPD Policy 300.2.1 – DUTY TO INTERCEDE states the following: “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.”

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. We do not validate or authorize chokeholds or stranglements. Effective June 9, 2020, our department suspended the training and use of the carotid restraint.

Require Warning Before Shooting

- NPD Policy 300. 4(a)/(b) – DEADLY FORCE APPLICATIONS states the following: “An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury to the officer or another person. An officer may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. **Where feasible, the 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.**”

Require Exhausting All Other Means Before Shooting

- Each use of force situation is different and may call for a particular technique or appropriate level of force to control the situation. Our department follows the law, Penal Code § 835a, subsection (a)(2), which requires officers to “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.” Penal Code § 835a, subsection (a)(2) conveys that peace officers may use deadly force “only when necessary in defense of human life.”
- Additionally, our department policy, 300.3 – USE OF FORCE, follows the law in that “Officers shall 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” (Penal Code § 835a). Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving. 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.
- In addition, the Newark Police Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with policy. This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

Require Comprehensive Reporting

- SB230 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. Documentation and reporting requirements are outlined in NPD Policy 300.5 – Reporting the Use of Force. The department provides data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury to the California Department of Justice.

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. Each use of force situation is different and may call for a particular technique or appropriate level of force to control the situation. We have a rigorous review process for each incident and we have clear standards on when force can be used.

Ban Shooting at Moving Vehicles

- The Newark Police Department recognizes that shooting at moving vehicles is rarely effective and officers should make a reasonable attempt to move out of the path of an approaching vehicle. We also recognize that there may be situations that leave officers no choice but to protect a member of the community, other officers or their own life utilizing a firearm.
- NPD follows guidelines in 300.4.1 – SHOOTING AT OR FROM MOVING VEHICLES which states the following: “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.”