Davis Police Announce Change to Use of Force Policy - Ban Use of Carotid Control Hold

On June 5, 2020, Davis Police Chief Darren Pytel announced that the Davis Police Department’s Use of Force Policy was amended to ban the use of neck holds. More specifically, the policy specifies – “Due to the potential for inflicting unintended serious bodily injury, officers shall not use chokeholds, strangleholds, Lateral Vascular Neck Restraints, Carotid Restraints, chest compressions, or any other tactics that restrict oxygen or blood flow to the head or neck.”

“The death of George Floyd at the hands of police officers in Minneapolis only two weeks ago has caused the public, community leaders, elected officials, and law enforcement officers across the nation to re-examine their use of force policies to ensure they meet the most contemporary best practices, ensure the safety of the public and guide officers to come to reasonable outcomes in even the most dangerous of circumstances,” said Chief Pytel. “This policy change reflects the strong thoughts and public demand for change in contemporary policing today. It also reflects changes to basic academy training that is being immediately implemented by order of the Governor,” he added.

Although the policy language has changed, this does not represent a significant change to any current practice for the members of the Police Department. The use of the carotid control hold and other neck restraints was previously reserved for only those situations where deadly force was authorized. Although officers receive training in the techniques, the techniques had not actually been used in a force situation in at least the last 20 years. These types of neck restraints have always been considered dangerous because significant injury could result, even if used properly. Therefore, their use was strictly limited and not seen as a reasonable option even in serious situations. Contemporaneously, officers are trained and rely on de-escalation, crisis intervention and other alternatives to force, which has reduced the overall instances where any force is used by members of the Police Department.

In 2019, California law changed and required significant updates to law enforcement use of force policies around the State. California now has some of the most progressive requirements in the country. The Davis Police Department revised their policy in 2019 to conform to the State requirements, even though many of the changes aren’t required until 2021.
The following are only a few of the State required policy components, all of which are specifically addressed and are requirements in the Davis Police Department Use of Force Policy:

- A requirement that officers use de-escalation techniques, crisis intervention tactics, and other alternatives to force when feasible.

  This is a contemporary best-practice. The Davis Police Department has been training officers in de-escalation and crisis intervention for more than a decade. Regular training occurs in live scenarios and simulators and the techniques are widely used by officers in interactions.

- A requirement that an officer may only use the level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (a Use of Force Continuum).

  The Davis Police Department Policy specifies: “An arrest for a suspected infraction and/or a non-violent misdemeanor alone will generally not give rise to a governmental interest in the use of physical force. If feasible, officers will use alternatives including, but not limited to, tactical communication, crisis intervention, tactical repositioning, and/or de-escalation techniques, consistent with their training, to avoid or reduce the need for the use of physical force or higher amounts of force when arresting someone for minor non-violent crimes. Strategic disengagement may also be an option, in some instances. The use of other law enforcement equipment, such as conducted electronic devices (Tasers) or pepper spray, are intermediate levels of force and reserved for violent or potentially violent situations. Deadly force is reserved for those situations where there is an imminent threat of great bodily injury or death to the officer or another person.”

- The Davis Police Department requires officers report potential excessive force to a superior officer.

- The Davis Police Department requires officers to intercede when present and observing another officer using force that is excessive.

- The Davis Police Department requires officers to warn and allow an opportunity to comply before using any force, including deadly force, when feasible.

- The Davis Police Department requires comprehensive and detailed requirements for prompt internal reporting and notification regarding a use of force incident, including reporting use of force incidents to the Department of Justice.

- The Davis Police Department requires comprehensive and specific guidelines that generally prohibit shooting at a moving vehicle and a requirement to get out of the way of a moving vehicle whenever possible.
“The Davis community wants assurance that we take precautions to prevent any such event like the one that occurred to George Floyd, and others, from occurring here in Davis. We are providing those assurances through our policies, our training, and our actions. We continually evaluate our policies and training regimen, utilizing feedback from multiple sources, including our Police Accountability Commission and Independent Police Auditor,” said Mayor Brett Lee.

“We expect that, whenever possible, our officers will resolve conflict in a peaceful manner. Over any given year, our members contact tens of thousands of people. Only a very small percentage of those interactions result in any force being used. In the rare circumstances when force is used, officers are trained to apply force or physical restraints in a legal, safe, humane and professional manner,” said Chief Pytel.

“As an organization we strive to develop and maintain a workforce that values public service, humanity, compassion and the dignity of all people. Every one of our officers receives training in procedural justice, principled policing, and bias – both conscious and unconscious,” said City Manager Mike Webb. Additionally, many of our supervisors have been trained as instructors in the concepts of Procedural Justice. To instill a strong sense of empathy in our officers, we have used both law enforcement and non-traditional training formats as recommended by the Department of Justice.

The Davis Police Department’s policies and training on the topics of physical restraint and the use-of-force reflect the law and are constantly being updated to meet evolving changes. The Police Accountability Commission (https://www.cityofdavis.org/city-hall/commissions-and-committees/police-accountability-commission) can be a conduit for community dialogue, and can make recommendations to the Police Chief, City Manager or City Council regarding policy changes. Additionally, the Police Chief works with a Community Advisory Board (https://www.cityofdavis.org/city-hall/police-department/administration/community-advisory-board) for policy and procedure guidance.

Davis Police use-of-force policies and training outlines can be found online at https://www.cityofdavis.org/city-hall/police-department/administration/department-manual.

Training material can be found online at https://www.cityofdavis.org/city-hall/police-department/administration/department-training-materials.

Force is also reported annually (https://www.cityofdavis.org/city-hall/police-department/administration/annual-report) and is reviewed by the Davis Independent Police Auditor (https://www.cityofdavis.org/city-hall/police-department/administration/independent-police-auditor).

Darren Pytel
Police Chief