

Santa Clara County

Office of Correction and Law Enforcement Monitoring:

**RESPONSE TO BOARD OF SUPERVISORS**

**JUNE 23, 2020 REFERRAL**

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323-821-0586  
7142 Trask Avenue | Playa del Rey, CA 90293  
[OIRGroup.com](http://OIRGroup.com)

# Introduction

This report of the Santa Clara County Office of Correction and Law Enforcement Monitoring addresses some of the specific policy and reform initiatives that have gained prominence in the aftermath of the tragic death of George Floyd's in Minneapolis. To a seemingly unprecedented extent, individual jurisdictions throughout the country have committed to scrutinizing the operations of their own law enforcement agencies, and to reconsidering the ways that policing practices reflect and advance societal priorities. Officials in Santa Clara County have embraced this process. In particular, the Board of Supervisors has initiated a multi-faceted conversation, one piece of which is the Board referral that is the impetus for this report and frames the discussion below.

For the new Office of Correction and Law Enforcement Monitoring ("OCLEM"), the referral constituted a first opportunity for us to engage substantively with some of the County's justice system entities – and in particular the Sheriff's Office. The chance to evaluate several of the department's current policies and procedures in relation to a set of "model" standards, new state laws, and other proposed changes has been an important starting point. These are useful first steps to a more holistic and substantive evaluation of these areas that we look forward to undertaking.

Since the time of the Board meeting that produced the referral on June 23, OCLEM has taken the following actions:

- A detailed survey of Sheriff's Office policies as they compare to the standards publicized in the "8 Can't Wait" initiative by Campaign Zero.<sup>1</sup>
- An assessment of Sheriff's Office compliance efforts in relation to new state law standards for the use of deadly force.
- A review of five additional policy recommendations expressly set out in the Board referral.

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<sup>1</sup> Campaign Zero is an activist organization, committed to legal system reform and reductions in police violence, that formed in the aftermath of Michael Brown's 2014 death in Ferguson, Missouri. The 8 Can't Wait initiative is one component of its broader efforts.

- A review of numerous documents – many of them identified as confidential or otherwise restricted – that were provided by the Sheriff’s Office and that relate to policy as well as training, hiring practices, an inventory of armaments, use of “military-style” equipment, and crowd control techniques.
- Telephonic meetings with a Sheriff’s Office designee for clarification and discussion of the Office’s approach to the specific policy areas identified within the referral.
- Introductory telephonic meetings with representatives from the District Attorney’s Office and the Probation Department about their respective use of force policies and experiences in these topic areas.<sup>2</sup>
- An introductory telephonic meeting about emergency response options with a staff member from the Behavioral Health Services Department.

We were also pleased to facilitate (online) two separate “Community Input” listening sessions in July that were focused on the specific elements of the referral.<sup>3</sup> These virtual meetings also featured opportunities for broader community input about public safety and police reform. Both sessions were well-attended and a source of valuable feedback. And it was gratifying to be able to introduce ourselves to a range of County residents – many of whom have followed up about their interest in contributing to our work through further communication.

Among their other benefits, these activities provided a foundation for the impressions that we share below. To the extent our views are still forming, it is because the more complete and useful assessment of any law enforcement policy is based on insight into how the guidance within the written documents actually shapes operational practices. This happens through training, supervision, incident review, and accountability – all components that we anticipate learning more about in the coming months as they apply to the Sheriff’s Office.

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<sup>2</sup> Because of the nature of their work and the relative volume of their use of force incidents, our primary focus in this report is on the Sheriff’s Office. However, we recognize that the District Attorney’s Office, the Probation Department, and County Parks have a peace officer and enforcement component to which the various state laws and aforementioned policies are relevant. We allude below to their initial responses to these issues where applicable.

<sup>3</sup> It should be noted that these sessions were coordinated both administratively and substantively by Martha Wapenski and her team members in the County Executive Office. Their leadership, expertise, and assistance were extremely valuable.

For now, though, we can summarize our key observations as follows:

1. The 8 Can't Wait platform of policy standards offers a helpful frame of reference to begin a discussion about public safety reform.
2. The 8 Can't Wait initiative is primarily focused on decreasing deadly force in the context of patrol or enforcement operations, whereas review of the efficacy of Sheriff's Office policy and procedure need also encompass custody issues.
3. In spite of receiving a low score for compliance on the Campaign Zero web site, current policies of the Sheriff's Office are generally but not completely aligned with the goals and/or specific components of the 8 Can't Wait policy versions.
4. To the extent there are differences between the 8 Can't Wait model and current Sheriff's Office approaches, we offer explanation, clarification, and/or recommendations for attainable improvement.
5. Recent legislative amendments to the California Penal Code (through AB 392 and SB 230) speak to many of the same principles as the 8 Can't Wait standards with regard to authorized use of deadly force by officers.
6. While still a work in progress on the custody side, Sheriff's Office policies generally appear to align with the new state law requirements, and officials are staying abreast of evolving training standards and curricula.
7. The Sheriff's Office describes strict hiring standards that contemplate past law enforcement performance history where applicable; we encourage the formalization of these approaches, and look forward to conducting an audit of hiring procedures.
8. The Sheriff's Office has shared with us a listing of its lethal and less-lethal armaments; we encourage it to follow through on a stated inclination to publicize that list in the interest of transparency.
9. The Sheriff's Office has a minimal amount of "military-style" equipment obtained from the federal government, and the current nature of its inventory does not seem to implicate the concerns about local enforcement practices becoming militarized in their orientation or particulars.
10. The Sheriff's Office has a specific "Crowd Control Unit" whose members are specially trained in the tactics, equipment, and force options associated with enforcement responses to large scale public events. We look forward to working with the department in examining the policies, protocols and training that regulate the use of these options, and that presumably help mitigate the potential for misuse that has prompted calls for their elimination.

Lastly, the topic of emergency response, and how it might be restructured on a County-wide basis, both relates to and transcends the more specific aspects of the Board's referral. Indeed, the necessity, feasibility, and advisability of structural change, and specific proposals about accomplishing it, were recurring themes of the public participation during the Community Input sessions we facilitated.<sup>4</sup> We look forward to playing a role in the evaluation of these reform ideas as they further develop.

We are, at the same time, eager to make the full range of contributions that County officials and many residents envision for our Office. While the Coronavirus pandemic has certainly presented logistical obstacles at the outset of our tenure, OCLEM would and could be doing the work expected of us if the information-sharing agreements with the Sheriff's Office had been ratified. On June 9, 2020, we received from County Counsel a draft of an information sharing agreement for our review. On June 22, 2020, at County Counsel's request, we provided additional language intended to address gaps in the initial draft. Since that date, we have received no further information other than that our suggestions and feedback from the Sheriff's Office necessitated further legal review.

While we appreciate the information provided by the Sheriff's Office in order to respond to this Board referral, meaningful oversight and document access cannot effectively function on a project-specific basis. Our ability to initiate audits, perform effective monitoring of the Sheriff's Office internal processes, and respond to concerns or complaints from the Santa Clara community – key functions that are set forth in the Ordinance that established OCLEM – depends on the resolution of access issues and the development of regular lines of communication. We urge the involved parties to prioritize the achievement of these foundational steps.

## 8 Can't Wait: Overview

Within days of its occurrence, the George Floyd case became emblematic of a larger need to align policing standards with new demands for restraint, fairness, and accountability. The 8 Can't Wait initiative (and the larger work of Campaign Zero) had been underway for many months before Mr. Floyd's death, but was responsive to this moment in several relevant ways.

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<sup>4</sup> As for the feedback we received in those sessions about 8 Can't Wait, the particularities of those policies seemed to be less a preoccupation than were people's individual experiences with law enforcement (positive as well as negative) and their interest in more fundamental structural reform. Several of the participants suggested that the 8 Can't Wait policies were clearly worthy of attention but insufficient for true public safety reform.

The 8 Can't Wait idea was straightforward: it showcased eight policies that regulate the use of force, had been implemented in part or whole by law enforcement agencies around the country, and could be adopted quickly and cost-effectively. According to Campaign Zero, the policies were statistically correlated with reductions in uses of force, including deadly force.

The 8 Can't Wait website not only listed and explained the policies but published a "scorecard" that allowed users to evaluate compliance for individual agencies across the country. In numerous jurisdictions – including Santa Clara County – "8 Can't Wait" became a vehicle for specific accountability and calls for fast, measurable reform. Elected officials and law enforcement leaders have also engaged with the movement as one concrete component of broader reconsiderations about policing.

The 8 Can't Wait platform offers a heightened understanding of specific law enforcement policies, what differences exist, and why they matter in the effort to minimize incidents of deadly force. In doing so, it has made agencies newly accountable to their communities and initiated a discussion on police reform. And in Santa Clara County specifically, it was a starting point for a referral from the Board of Supervisors that has focused and advanced the conversation about reform.

At the same time, though, there are limitations to the project that also merit attention at the outset of this discussion. As the 8 Can't Wait project gained prominence in June, it also met with criticism that had different components. These included the following:

- *Challenges to Methodology:* With regard to the organization's statistical claims about the nexus between these policies and reduced uses of force, questions emerged about the soundness of the data analysis. Campaign Zero has subsequently acknowledged the legitimacy of these critiques.
- *Gaps in Actual Performance:* Critics have observed that the existence of the policies on paper does not ensure a given law enforcement agency's actual adherence to them, and is therefore insufficient as a metric of progressive policing. (For example, the Minneapolis Police Department had adopted the "duty to intervene" plank of the 8 Can't Wait platform, only to have its officers fail to take action during the long minutes preceding George Floyd's loss of consciousness.)<sup>5</sup>
- *Limitations of the Current Paradigm:* Another argument is that, by focusing attention on revisions of existing structures, the 8 Can't Wait policy reforms potentially curtail or distract from the larger, more fundamental changes that many activists seek. Campaign

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<sup>5</sup> Another example is San Francisco, where Campaign Zero found the Police Department in compliance with all eight of the metrics and adopted many of its policies in its own model. Even so, the Department received a failing grade as part of its overall evaluation.

Zero has itself asserted recently that the “immediate harm reduction” should be understood as part of a larger strategy – one that has divestment and abolition as its ultimate goals.

To these concerns we would add a further one as backdrop to the discussion: namely, that the 8 Can’t Wait project takes an “all or nothing” approach in its evaluation of existing law enforcement policies. There is no partial credit for a policy that, while falling short of the Campaign Zero “model” approach in one or more ways (some of which are quite technical), nonetheless reflects key elements of that approach’s animating principles. This can be misleading insofar as it flattens important distinctions in the ways that agencies’ own versions might deviate from Campaign Zero’s standard: in other words, having *no* policy is treated the same as having one that differs from or lacks one of several component parts.

Accordingly, in our view, Campaign Zero’s “one out of eight” assessment<sup>6</sup> of the Santa Clara Sheriff’s Office – and the department’s own assertions about complete compliance – are best understood in the fuller, more nuanced context we hope to provide below.

We go through each of the eight – as well as the other elements of the Board’s referral – in some detail. As explained below, with the exception of the shooting at vehicles policy, the Sheriff’s Office has at least *some* responsive policies and procedures in each of the categories we assessed. Though we highlight differences from the 8 Can’t Wait model standards where applicable, we also seek to explain the relative significance of those differences, and whether they lend themselves to worthwhile adjustments.

Finally, we offer a couple of additional preliminary observations. One is that the reform priorities of any law enforcement agency should be driven by a combination of recognized best practices and the particular circumstances, challenges, and operational realities – including community expectations – that apply in a given jurisdiction. The Enforcement Division of the Sheriff’s Office has patrol responsibility for County areas and contract cities which have relatively low crime rates. Deadly force incidents are infrequent.<sup>7</sup> (Conversely, of course, the Sheriff’s custody responsibilities create issues that other law enforcement partners do not contend with.) While this does not obviate the importance of specific, agreed upon standards,

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<sup>6</sup> Per the Campaign Zero website, the scorecard gives the Sheriff’s Office credit for compliance only with the “Requires warning before shooting” policy requirement. In addition, considering additional metrics, Campaign Zero awarded Santa Clara County Sheriff’s Office an overall failing grade, placing it near the bottom of California counties.

<sup>7</sup> In an even more extreme illustration of this concept, the Chief of the District Attorney’s Office Investigations Bureau represented that his investigators had not been involved in a single use of force *of any kind* in his 14 years with the agency.



there is utility in bearing this larger context in mind when it comes both to understanding existing conditions and to proposing meaningful change.

The other point we wish to emphasize is that a full understanding of the efficacy of Sheriff's Office policies and practices is contingent on a more complete, multi-faceted review process. As helpful as the documents (and our attendant discussions about them) have proven to be as a starting point, we look forward to the opportunity to supplement our understanding of them in additional ways.

For example, as detailed below, we consider the department's "duty to intercede" policy to be largely responsive to the underlying goal of affirmative prevention of inappropriate/excessive force. But, apart from the language of the current policy (which we endorse, though with caveats), there is the larger reality of how this policy obligation "plays out" in the actual culture and actions of Sheriff's Office personnel.

To determine this would require learning about how, and how often, the policy is trained and reinforced. We would want to learn more about the thoroughness and rigor with which force incidents are reviewed internally. We would ask for examples of instances in which officers did intervene as required by the policy, and/or examples of instances in which officers were disciplined or otherwise censured for violations of the policy. And we would wonder how, and how effectively, the department contends with the human reality of officers being reluctant to "break ranks" with colleagues.

Because these collateral means of evaluating the policy (and the others discussed below) have not yet been available, we see this report as the first component of a longer and more holistic process that we anticipate furthering in the coming weeks.<sup>8</sup>

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<sup>8</sup> As discussed above, a robust information-sharing agreement with the Sheriff's Office would pave the way for this more comprehensive review.

# 8 Can't Wait: Policy Analysis

The Sheriff's Office has responsibilities for both enforcement (including patrol) and custody operations. The respective personnel follow separate policy manuals that overlap in many ways but are also notably distinctive from each other. The discussion below covers relevant parts of both the "General Orders" that cover enforcement officers and the "Custody Policy" that applies in the jail.<sup>9</sup>

## 8 Can't Wait: Ban Chokeholds and Strangleholds

Campaign Zero's model use of force policy with regard to neck holds is a straightforward, outright and unqualified prohibition:

**NECK HOLDS PROHIBITED.** Law enforcement 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 current, relevant Santa Clara County Sheriff's Office General Order and Custody Policy contain exceptions for situations where the use of deadly force is justified:

**General Order 12.00.1.3.** The use of a carotid restraint or any other means of a trachea hold are expressly prohibited unless the use of deadly force is justified.

**Custody Policy 9.01.X.F.1.d.** Except where deadly force is justified, the following use of force techniques are prohibited: . . .

d. Carotid restraints and choke holds.

It should be noted that this is a recently updated policy that imposes new limitations; on the Enforcement side of the Sheriff's Office, the carotid hold was until very recently permitted as a force option in situations where there was no deadly threat. The Campaign Zero model policy is more restrictive than the Sheriff's Office policy in that it prohibits a wider array of applications (e.g. chest compressions) and is a strict prohibition on their use without a "deadly force" exception.

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<sup>9</sup> We also reviewed policies provided by the Probation Department. By the Department's admission, the various policies and procedures governing Adult Probation Officers, Juvenile Hall Group Counselors, and Juvenile Ranch Probation Counselors have become over the years somewhat unorganized and inconsistent. The Department is in the process of working with Lexipol to update all its policies and procedures to align with California Law and State Title 15 Regulations. Lexipol is a private company that through a subscription service provides model policies to many law enforcement agencies in California.

Agencies that have newly restricted their use of the carotid hold argue that outright prohibition is not warranted because, in truth, *any* use of force would be justified if an officer or deputy was in a fight for his or her life. For example, if under those dire circumstances the only weapon available to an officer is a brick, throwing it or striking a subject with it would be acceptable. While this is true, the larger point is that – unlike bricks – the carotid hold has recently been authorized for lower levels of threat. Removing the carotid hold from the lexicon of the policy manual would ensure that deputies recognize that it is no longer to be used except for the rare situation in which a deputy’s life hangs in the balance.<sup>10</sup>

RECOMMENDATION 1: The Sheriff’s Office should consider removing from its policy manuals the authorized use of any neck holds or any other tactics that restrict oxygen or blood flow to the head or neck.

## 8 Can’t Wait: Require Warning Before Shooting

This is the one category for which Campaign Zero credits the Santa Clara County Sheriff’s Office for being in compliance with its model approach. Citing the San Francisco Police Department policy as a standard, the language from its model deadly force policy reads as follows:

**VERBAL WARNING:** The law enforcement officer shall issue a verbal warning, when feasible, and have a reasonable basis for believing the warning was heard and understood by the individual at whom the warning is directed prior to using deadly force against the individual.

The respective policies in the Custody Manual and General Orders are indeed reflective of the idea behind the recommended approach: with limited exception, they impose an affirmative obligation to warn in order to diminish the possibility of an individual’s misunderstanding or underestimation. Significantly, they also align with the principles (and much of the specific language of) the new state law requirements under AB 392.

**General Order 12.00 K.1 VERBAL WARNING OF USE OF FORCE:**

Whenever feasible, a Deputy prior to the use of force, shall 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*

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<sup>10</sup> The Sheriff’s Office believes that, because of the prior authorization, overtly expressing the new restriction provides more clarity than would the simple removal of all references to the carotid from policy. We are gratified to share the same goal but continue to encourage removal as a clearer form of emphasis.

*person is aware of those facts.* [Emphasis added.] [See also General Order 12.02 B., which tracks the below listed Custody Policy.]

**Custody Policy 9.21.IV.C.** Discharging a firearm – Authorized officers may discharge a Firearm . . . *only after warning has been given, if practicable.*  
[Emphasis added.]

## 8 Can't Wait: Require De-escalation

“De-escalation” is a term that applies to a broad range of techniques, tactics, and approaches that are intended to reduce the need for physical force by lessening the conditions that lead to active conflict. In recent years, greater emphasis has been placed on peace officers’ skills in the area of crisis communication, recognition of a subject’s relevant physical or mental health factors, and tactical positioning that creates time and distance for safer engagement. The goal is to enhance both officer and subject safety. While these tactics have long been taught in standard peace officer training programs, the more recent emphasis on “de-escalation” reflects a change in mindset and a growing recognition that having legal authority does not absolve officers of a need to avoid physical interventions where possible. And, increasingly, the long-encouraged principles of de-escalation are moving into the realm of policy *requirements* that will influence how uses of force – including deadly force – are judged.

The Campaign Zero model use of force policy has several components. It cites the San Francisco Policy as exemplary in key respects: “Officers shall, when feasible, employ de-escalation techniques to decrease the likelihood of the need to use force during an incident, and to increase the likelihood of voluntary compliance. Officers shall, when feasible, attempt to understand and consider the possible reasons why a subject may be non-compliant or resisting arrest.” SFPD General Order 5.01 I. C.

The Santa Clara County Sheriff’s Office recognizes the various principles of de-escalation in both training and policy. It expressly requires deputies to attend relevant training in crisis intervention and de-escalation (General Order 12.00 I.2). And its Custody Policy Manual includes repeated references to de-escalation techniques as a means of resolving conflicts with detainees. (*See*, for example, the emphasis on consultation with medical and mental health personnel in the context of planned cell extractions as a potential source of force-avoiding intervention. Custody Policy 9.01.XI)

Within its General Orders, the Sheriff’s Office addresses de-escalation directly in the introduction to its Use of Force policy 12.00. It reads as follows: “Deputies shall use only force which is necessary, given facts and circumstances known to the Deputies at the time. Every reasonable effort to de-escalate an uncooperative or actively resisting subject shall be made prior to the use of force.” Though the principles may not be new, this language appears to be a

relatively recent revision – and one that aligns the Sheriff’s Office standard with both the new state law framework (discussed below) and the Campaign Zero model language.

The General Orders also includes a reference to the potentially “diminished ability to understand or comply with commands” that could influence the responses of certain subjects, and provides that deputies “shall take this into consideration and use Crisis Intervention Techniques when feasible.” (General Order 12.00.I.2)

In short, the department seems cognizant of the contemporary emphasis on de-escalation as an approach to resolving encounters without reliance on physical force.

## 8 Can’t Wait: Exhaust Alternatives Before Shooting

The Campaign Zero model policy includes a requirement that the “law enforcement officer has exhausted all reasonable alternatives to the use of deadly force, including de-escalation, other reasonable means of apprehending the suspect, defending themselves or others...” as one of several precursors to an authorized shooting.

It is curious that the organization’s “scorecard” does not credit the Sheriff’s Office in this category, because its policies are directly responsive to this concept in both the General Orders and the Custody manual. (General Order 12.02 and Custody Policy 9.21) In fact, the Sheriff’s Office includes language that pushes the concept further and in ways we haven’t seen before – expressly protecting an involved officer from discipline in a scenario in which a suspect is not apprehended but the officer decides against using deadly force:

**General Order 12.02:** No deputy/Correctional Officer will be disciplined if a suspect is not apprehended when all methods short of the use of deadly force have been exhausted and the use of deadly force is determined in the discretion of the deputy to be inadvisable.

This appears to be a category in which the department’s policies do indeed reflect the animating principles of this Campaign Zero standard.

## 8 Can’t Wait: Duty to Intervene

The Campaign Zero model policy (reportedly patterned after the current SFPD policy) requires officers to intervene when they believe another officer is using or about to use unnecessary or excessive force and must report the incident to a supervisor.

**DUTY TO INTERVENE AND REPORT.** All law enforcement officers must intervene when they reasonably believe that a law enforcement officer is using or is about to use unnecessary or excessive force in violation of this mission, and must report the incident to a supervisor. Failure to report incidents involving the use of unnecessary or excessive force will result in disciplinary action.

Santa Clara Sheriff's Office current policies speak to the duty to intervene:

**General Order 12.00. L.2. e:** Any employee who witnesses any potential unnecessary or excessive force shall immediately intervene and prevent such force from being applied, taking into consideration the possibility that the involved deputies may have additional information regarding the threat posed by the subject. When potential unnecessary or excessive use of force is witnessed and intervention is made, the witnessing employee is required to notify the supervisor as soon as safely practical.

**Custody Policy 9.01.X.D: Staff Are Responsible for Preventing Excessive Force:** Sworn staff have an affirmative duty to prevent excessive force. Within safety considerations, sworn staff witnessing excessive force shall attempt to stop, reduce, or control the force being used and to document the situation.

There are slight differences between the model policies and the Sheriff's Office written guidance. One difference is that the General Order instructs deputies to consider the "additional information" that the deputy using force may have about the level of threat, a caveat that is in neither the Campaign Zero directive nor current Custody Policy. Further, the General Order could be read to require reporting another deputy's excessive force only when a deputy has intervened to stop it. That potential and likely not intended interpretation could be eliminated by changing the "and" in the General Order to "and/or" ("when potential unnecessary or excessive use of force is witnessed *and/or* intervention is made").

RECOMMENDATION 2: The Sheriff's Office should consider making minor modifications to its duty to intervene policy to clarify the duty to report.

The Sheriff's Office policy includes language that takes the duty to intervene a step further in a way we have not often seen and that is not part of the Campaign Zero model:

**General Order 12.00.L.2.j:** Deputies observing the use of reportable force who do not believe the spirit and intent of the reporting requirements are being met shall advise their supervisor immediately or as soon as practical.

This language essentially expands the principle of a duty to intervene into a duty to ensure that fellow deputies are honestly reporting their uses of force. The Sheriff's Office deserves credit for this proactive and progressive policy provision and the apparent intent to foster a culture of integrity and accountability.

## 8 Can't Wait: Ban Shooting at Moving Vehicles

The Campaign Zero model policy (reportedly derived from SFPD and Philadelphia PD) provides the following guidance on shooting at moving vehicles:

### **MOVING VEHICLES.**

- Officers shall not discharge a firearm at or into a moving vehicle unless the occupants of the vehicle are using deadly force, other than the vehicle itself, against the officer or another person, and such action is necessary for self-defense or to protect the other person; shall not intentionally place themselves in the path of, or reach inside, a moving vehicle; and shall attempt to move out of the path of a moving vehicle.
- Moving into or remaining in the path of a moving vehicle, whether deliberate or inadvertent, SHALL NOT be justification for discharging a firearm at the vehicle or any of its occupants. An officer in the path of an approaching vehicle shall attempt to move to a position of safety rather than discharging a firearm at the vehicle or any of the occupants of the vehicle. [Philadelphia PD Policy]
- Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.
- Officers shall not discharge a firearm from his or her moving vehicle. Shooting accurately from a moving vehicle is extremely difficult and therefore, unlikely to successfully stop a threat of another person.

The Santa Clara County Sheriff's Office policies on shooting at moving vehicles (General Order 12.02.C.4 and C.5 Custody Policy 9.21.IV.D.4 and D.6.) currently state:

**Firearms Shall Not Be Discharged:** At or from a moving vehicle, except when a life-threatening situation requires immediate action in the form of deadly force.

**Firearms Shall Not Be Discharged:** At a moving vehicle with the intent to disable it, except as a member of the Sheriff's Emergency Response Team when the member is directed to do so by the commander in charge of the team.

Unlike most of the other 8 Can't Wait issues, there is significant divergence between any guidance provided to Sheriff's deputies and the Campaign Zero model policy. First, the model policy prohibits an officer from shooting into a moving vehicle unless the occupants of the vehicle are using deadly force and instructs that the moving vehicle itself cannot be the basis for an officer shooting. Second, the model policy instructs officers not to place themselves in the path, reach into moving vehicles and requires them to attempt to move out of the path of any

moving vehicle. Third, the model policy instructs officers that moving or remaining in the path of a moving vehicle shall not be justification for shooting at the vehicle. The Sheriff's General Order has none of these three restrictions.<sup>11</sup>

Instead of the specific instruction given to officers by the model policy on how to address moving vehicles and specific restrictions on the use of deadly force in these scenarios, the Sheriff's Office' policy only limits shooting at a moving vehicle to life threatening situations where immediate action is required (not significantly different than the general use of deadly force policy).<sup>12</sup> And curiously, the Sheriff's Office policy contains a prohibition on shooting at a vehicle to disable it, but carves out an allowance for members of its Emergency Response Team; this is an exception to the deadly force policy that we have not encountered before.<sup>13</sup> In sum, there is significant substantive divergence between the model policy regarding shooting at vehicles and current Sheriff's Office policy.<sup>14</sup>

**RECOMMENDATION 3:** Current Sheriff's Office policy on shooting at vehicles should be revised to provide further guidance to its members, particularly with regard to moving into or remaining in the path of a moving vehicle.

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<sup>11</sup> We have been advised that the Sheriff's Office intends to subscribe with Lexipol and consider adopting the policies in that platform. Lexipol is a private company that provides model policies for law enforcement organizations; the Santa Clara District Attorney's investigators are currently being guided by Lexipol, and the Probation Department is in the process of updating its policies through a contract with Lexipol. The current Lexipol model policy on shooting at moving vehicles contains more guidance for officers about moving out of the path of a moving vehicle and is more restrictive regarding use of deadly force than Sheriff's Office current policy.

<sup>12</sup> The Sheriff's Office maintains that while there is no guidance in its policy relating to advising deputies to stay or move out of the path of an oncoming vehicle, discussions about this occur in the academy, classroom training, and field training. We believe, as have other law enforcement agencies that have adopted a more prescriptive policy, that merely including a training component on these tactical decisions provides important but insufficient guidance to deputies and does not provide an ability to hold deputies accountable who do not follow the guidance provided through training.

<sup>13</sup>The Sheriff's Office maintains that allowing the specialized unit the authority to shoot to disable a vehicle highlights to regular deputies that they cannot do so.

<sup>14</sup> While the Sheriff's Office has been involved in relatively few officer-involved shootings over the past several years, it was reported that earlier this year that a Sheriff's Office enforcement deputy did use deadly force against a moving vehicle in the City of San Jose. This incident would come within OCLEM's monitoring protocols as a real example of application of policy to fact and would provide more significant insight than a simple review of policy. But again, until information sharing protocols consistent with the Ordinance are adopted, we are unable to conduct this type of case monitoring or analysis.



## 8 Can't Wait: Require Use of Force Continuum

Also among the 8 Can't Wait standards is a requirement that agencies “Establish a Force Continuum that restricts the most severe types of force to the most extreme situations and creates clear policy restrictions on the use of each police weapon and tactic.”

The Sheriff's Office General Orders and current version of the Custody policy both expressly refer to a Use of Force Continuum and require personnel to use the lowest level and amount of force needed to resolve a situation. (General Order 12.00 (B); Custody Bureau Policy and Procedure Manual 9.01 (X.C)). The General Order lays out an escalating scale of force that begins with physical presence and ends with deadly force. Consistent with the 8 Can't Wait recommendation, the policy then defines each level of force and sets out restrictions on its use and procedures to follow after each use of force.

## 8 Can't Wait: Comprehensive Reporting of Force

The 8 Can't Wait standards include a policy to “[r]equire officers to report each time they use force or threaten to use force against civilians. Comprehensive reporting includes requiring officers to report whenever they point a firearm at someone, in addition to all other types of force.”

The Sheriff's Office policy on reporting force is comprehensive in its requirements for who reports and in what degree of detail. For example, employees who witness a use of force are required to submit a supplemental report describing what they witnessed. This is a practice we frequently recommend in agencies we review, but not one that many organizations currently have in place.

There are some aspects of the Campaign Zero model policy on reporting force that are not expressly spelled out in either the Sheriff's Office General Orders or the Custody Policy on reporting force. The model policy requires officers to include specific information in his or her incident report, including:

- The subject's action allegedly necessitating the use of force, including any threat presented by the subject;
- Efforts to de-escalate prior to the use of force; and if not, why not;
- Any warning given and if not, why not;
- The type of force used;
- Injury sustained by the subject:

- Injury sustained by the officer or another person;
- Information regarding medical assessment or evaluation, including whether the subject refused;
- The supervisor’s name, rank, star number and the time notified.

Sheriff’s deputies and correctional officers may regularly include all this information in their reports.<sup>15</sup> Indeed, much of this information is required for an incident to be entered into the database employed by the Sheriff’s Office – BlueTeam, a platform for documenting and reviewing the use of force that is becoming increasingly popular among law enforcement agencies.

Nonetheless, formally requiring these elements in a report on the use of force would emphasize the importance of comprehensive reporting and reinforce the department’s priorities. For example, the requirement that deputies and correctional officers document any warning given prior to using force, or the reason for not providing a warning, both reinforces and provides a basis for evaluating compliance with the “verbal warning” requirement itself that forms another of the highlighted policies. (See above.).

Likewise, the model policy’s suggestion that officers document any de-escalation efforts in their incident reports would encourage deputies to reflect on their actions in a way that may help them independently recognize what they did well, and what they might have done differently. Further, given the department’s emphasis on de-escalation, as set out in its policies, a supervisor or higher-level executive performing a rigorous review of a force incident should have a full explanation of any efforts deputies or correctional officers made to de-escalate before concluding the force was within policy. Identifying these concerns would allow the department to determine whether alternative strategies could have been deployed short of using force and to identify ways to use the incident as a learning opportunity.

In addition to these accountability measures, requiring deputies and correctional officers to fully document de-escalation efforts in their reports also would give the Sheriff’s Office the opportunity to positively reinforce conflict resolution skills and affirm personnel who have the capability and temperament to handle difficult situations without resorting to force. Because most departments do not encourage or require report-writing on force-avoidance efforts, those efforts often go unnoticed and personnel with the skill and mind-set to defuse situations go unrecognized. Accordingly, we recommend the Sheriff’s Office supplement its comprehensive force reporting policies to include a requirement that personnel fully document all efforts to de-escalate a situation, including the warnings given.

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<sup>15</sup> We look forward to being in a better position to assess Sheriff’s personnel compliance with reporting requirements, assuming we are provided access to use of force reports and BlueTeam entries.

RECOMMENDATION 4: The Sheriff’s Office should amend its General Order and Custody Bureau manual to require Deputies and Correctional Officers to include in their incident reports full accounts of their efforts to de-escalate a situation, or an explanation of why no such efforts were made.

A final clause of the Campaign Zero model policy states: “Each law enforcement officer must submit a report without coaching or assistance from other law enforcement officers present during the incident.” This is not currently an element of Sheriff’s Office policies.<sup>16</sup> While we understand it is deputies’ practice to write reports independently, we also understand the Campaign Zero position and believe that making independent reporting a formal requirement could be beneficial.

RECOMMENDATION 5: The Sheriff’s Office should add to its force reporting policies a requirement that personnel write their supplemental reports independent of any assistance or collaboration with others.

Another key piece of the 8 Can’t Wait recommendation on comprehensive use of force reporting is a requirement that officers report as a use of force any time they point a firearm at an individual. The Sheriff’s Office General Orders do not include such a provision. There is some evidence to suggest that agencies that have this requirement tend to have significantly lower rates of officer-involved shootings.<sup>17</sup> Tracking this information also allows agencies to more deeply assess any disparities in police activities on different racial and ethnic groups.

RECOMMENDATION 6: The Sheriff’s Office should consider adding to its force reporting policies a requirement that Deputies report as a use of force any time they point a firearm at an individual.

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<sup>16</sup> We note that such independent reporting is currently a requirement of Probation Department policy (Juvenile Hall Procedures Manual Section 5.01.V.B.2). We encourage Probation to maintain this requirement as it amends its policy to conform to Lexipol standards.

<sup>17</sup> “Preventing the use of deadly force: The relationship between police agency policies and rates of officer-involved gun deaths,” by J.T. Jennings, and M.E. Rubado, 2017, *Public Administration Review*, 77(2), 217-226.

# BOS Referral 6-23-20: Other Reform Proposals

## Making Public a List of All Lethal and Less-Lethal Armaments Currently Owned by County Departments

In its response to the Board referral, the Sheriff's Office advised that it concurred "in concept" with the recommendation and that it intended to review ways that information about its various armaments could be easily shared with the public. The Sheriff's Office provided to OCLEM a draft list of all lethal and less-lethal armaments owned by the Sheriff's Office, describing five lethal and three less-lethal armaments.<sup>18</sup> No further information has been provided to date about when and how this information will be made public by the Sheriff's Office.

RECOMMENDATION 7: The Sheriff's Office should move on its stated commitment to make public a list of lethal and less-lethal weapons it currently owns and deploys.

## Limiting the Acquisition of "Military-Style" Weaponry and Equipment

The Law Enforcement Support Office (LESO) of the United States Military facilitates 10 US Code 2576a, which originated from the National Defense Authorization Act of Fiscal Year 1997. This law allows the Department of Defense to transfer to local law enforcement agencies excess equipment that might otherwise be destroyed.

The Sheriff's Office advised that they currently have only the following limited equipment obtained pursuant to the LESO program:

- Cargo netting used for shade from sun;
- Rifle scopes that are not being used;
- A non-armored SUV that is being used as a utility vehicle at the Sheriff's Academy.

RECOMMENDATION 8: The Sheriff's Office should make public and accessible on its website any acquisition of excess military equipment.

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<sup>18</sup> The draft list did not include information on non-projectile equipment such as flash-bang devices, gas, or other chemical weapons that might be authorized by the Sheriff's Office.

## Prohibiting the Hiring of Enforcement and Correctional Officers with a History of Excessive Force or Misconduct Complaints

The Sheriff's Office reports that it has a comprehensive hiring process that mandates a pre-employment background investigation for all peace officers as required by Government Code Section 1031 and the California Commission on Peace Officer Standards and Training (POST). The Sheriff's Office further reports that its background process is comprehensive and allows executive staff to make informed hiring decisions.

In addition to basic age, physical, education and citizenship requirements, Government Code Section 1031 sets some minimal requirements for peace officers, while also advising that agencies may adopt additional or higher standards:

- Good moral character, as determined by a thorough background investigation.
- Free from any physical, emotional, or mental condition that might adversely affect the exercise of the powers of a peace officer.

POST also issues a Background Investigation Manual: Guidelines for the Investigator for law enforcement agencies to assist with compliance with Section 1031. According to the Manual, the following ten characteristics are important features that the investigator should endeavor to discern:

1. Integrity (including honesty, impartiality, protection of confidential information, moral/ethical behavior, and trustworthiness)
2. Impulse Control/Attention to Safety (including safe driving practices, attention to safety, impulse/anger control)
3. Substance Abuse and Other Risk-Taking Behavior
4. Stress Tolerance (positive attitude and even temper, stress tolerance and recovery, accepting responsibility for mistakes)
5. Confronting and Overcoming Problems, Obstacles, and Adversity
6. Conscientiousness (including dependability/reliability, personal accountability and responsibility, safeguarding and maintaining property, equipment and belongings, orderliness, thoroughness, and attention to detail, initiative and drive and general conscientiousness)
7. Interpersonal Skills (social sensitivity, social interest and concern, tolerances, social self-confidence/persuasiveness, and teamwork)

8. Decision-Making and Judgment (situation/problem analysis, adherence to policies and regulations, response appropriateness, response assessment)
9. Learning Ability
10. Communication Skills (oral and written communication)

The Manual expressly notes that the POST background dimensions are intended to assist agencies by identifying and detailing the attributes underlying moral character and other qualities essential to the jobs of peace officer but that “nevertheless, it is ultimately up to each agency to establish its own clearly articulated legally defensible standards of conduct.”

The Sheriff’s Office advised us that it follows the POST Standards for Training in Corrections. It further reported that it uses POST certified background investigators and requires them to conduct complete work history investigations and professional reference checks, including obtaining waivers and reviewing confidential personnel records from previous agencies.

The Sheriff’s Office reports that a history of excessive force, misconduct, violence, racism, other forms of bigotry, or any substantial variance from its core values would disqualify an applicant from its hiring process. It points to current policies that apply to existing employees, including the Code of Ethics (General Order 1.00), Core Values (General Order 1.02), Standards of Conduct (General Order 11.00), Medical and Psychological Standards (General Order 11.01), and Harassment and Discrimination (General Order 11.02), and that they are applied when considering new or lateral personnel as well. The Sheriff’s Office notes that these policies cover numerous types of “misconduct” including, “brutality in the performance of duties.”

The Sheriff’s Office also advised that it takes the selection of new applicants very seriously, which results in the selection/hiring of approximately 7% of applicants (averaged over the past 5 years). It further represented that it has hired few laterals over the years.

The Sheriff’s Office did not produce a specific document that expressly sets out that a history of excessive force or misconduct would disqualify an applicant from hiring consideration, but did advise that it is considering developing a Personnel Selection policy that would make clear that certain prior misconduct is expressly disqualifying for employment consideration.

One effective method to determine the rigor with which lateral applicants’ prior conduct history is reviewed would be to conduct an audit, reviewing a sample of background investigative files. In fact, an audit of hiring practices and background investigations was expressly noted in the work plan OCLEM submitted earlier this year and, which was approved by the Board of Supervisors. However, again, in order to conduct such an audit, OCLEM would need ratification of an information sharing agreement with the Sheriff’s Office.

RECOMMENDATION 9: The Sheriff's Office should develop a policy that expressly lists conduct that disqualifies a potential applicant for employment as a Deputy or Correctional Officer.

## Compliance with New Standards, Guidelines and Training on Use of Force (SB 230 and AB 392)

Key aspects to use of force policies mandated by **Senate Bill 230** are:

- (1) A requirement that officers utilize de-escalation techniques, crisis intervention tactics, and other alternatives to force when feasible.
- (2) A requirement that an officer may only use a 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.

**Assembly Bill 392** changes the use of deadly force standard accordingly:

- (b) Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance.
- (c) (1) Notwithstanding subdivision (b), a peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons:
  - (A) To defend against an imminent threat of death or serious bodily injury to the officer or to another person.
  - (B) 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, a peace 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.
- (2) A peace officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person.

Relevant Sheriff's Office policies governing its Enforcement Bureau<sup>19</sup> (General Order 12.00) have provisions consistent with the key dictates of SB 230 and AB 392, including a requirement that Deputies only use "force which is necessary" after making efforts to "deescalate an uncooperative or actively resisting subject." The same order prohibits using deadly force on a person based only on the threat that person poses to themselves.

General Order 12.02 authorizes the use of deadly force only when "[a]ll reasonable means of apprehension and control" have been exhausted and under "circumstances where a deputy/Sheriff's Correctional Officer has no alternative other than the use of deadly force to protect himself or herself, or to protect others from death or serious injury."

The policy goes further than the state laws require, in protecting from disciplinary scrutiny officers who decide against using deadly force: "No deputy/Sheriff's Correctional Officer will be disciplined if a suspect is not apprehended when all methods short of the use of deadly force have been exhausted and the use of deadly force is determined in the discretion of the deputy to be inadvisable."

The Sheriff's Office reports that it is currently working with plaintiff's counsel to revise the Custody Bureau Policy as required by the Court in order to meet the January 1, 2021 statutory deadline included in SB 230. The Sheriff's Office also reports that it has implemented changes to training to incorporate the requirements of AB 392, including Academy use of force and perishable skills training.<sup>20</sup>

## Banning or Limiting the Use of Tear Gas and Rubber Bullets as a Crowd Control Technique

In the context of the national demonstrations that followed George Floyd's death, concerns emerged about the heavy-handed nature of police response in multiple jurisdictions. Of particular note were episodes in which less lethal munitions (such as rubber bullets) were deployed in ways that seemed indiscriminate or even deliberately punitive; serious injuries resulted from people being struck in the face or head. And the use of tear gas to disperse crowds created disturbing imagery that furthered a narrative of law enforcement as hostile, unduly aggressive, and dismissive of constitutional rights.<sup>21</sup>

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<sup>19</sup> OCLEM has not been provided the "in process" revisions of the Custody Manual and is therefore unable to conduct a similar comparison for the Custody Bureau.

<sup>20</sup> "Perishable skills" training focuses on skills that must be continually reinforced such as firearms and tactical decision-making.

<sup>21</sup> There is, of course, a counter-narrative: that "peaceful" demonstrations had elements of danger and violence, that lawful orders to disperse were repeatedly defied long before police escalated their own



Among the different elements of the public reckoning that has followed those events was a call to eliminate tear gas and rubber bullets in the context of crowd control. The idea was partly that these tools were both harmful and difficult to control or to use with appropriate precision, even in the absence of problematic intent. Accordingly, they are associated more with intimidation and abuse of state power than with legitimate order maintenance and public safety.

The Sheriff's Office has expressed its disagreement with calls to eliminate these force options. Although they are rarely used, and though the department espouses a philosophy of *avoiding* the criminalization of crowd gatherings to the extent possible, the Sheriff's Office maintains that the availability of a range of resources allows law enforcement to best meet its responsibilities in challenging circumstances. Naturally, though, the continuing authority to use these resources is contingent on public confidence in the policies and protocols that dictate their deployment. In other words, careful, restrictive controls and appropriate accountability correlate with legitimacy – as the Sheriff's Office seemingly recognizes.

The department has a designated Crowd Control Unit<sup>22</sup> with a detailed organizational scheme. Use of chemical munitions is restricted to members of this group, with attendant training and certification requirements. We have reviewed several related documents about the Unit's training schedule and protocols.

As the Board's referral articulates, placing clear *limits* on the use of certain controversial crowd control techniques (without banning them) could reassure the public and help prevent future controversy. While the materials we have seen are useful and give us a sense of the department's recognition of key issues, we hope to expand upon this by further study and assessment (such as a review of past incidents assuming we receive the access we need to do so). And informed by those reviews, we may learn ways for the Sheriff's Office to further refine its internal standards in the interest of clarity and responsiveness to public concern.

## Restructuring County Emergency Response

The participants in the two community listening sessions we facilitated were a diverse group – residents of different parts of the County that represented a range of demographics and viewpoints – and a number were most interested in this final topic of the Board referral. Whether they spoke in terms of “defunding” the police, “reallocating” County resources, or “abolition” of police agencies, the articulated sentiment was that there are some situations that a social worker, mental health clinician, or some other non-law enforcement professional might be

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responses, and that law enforcement faced withering criticism for standing down as well as for their deployment of force during the intense days of protests.

<sup>22</sup> This group is rarely deployed, and participation is a collateral duty only.

better suited to handle.<sup>23</sup> The notion is straightforward and makes intuitive sense – a mental health crisis is a unique challenge that trained experts are seemingly better suited to resolve – but the details, implications, and funding solutions are complex.

The County already has made some policy decisions that move in this direction. The Behavioral Health Services Department funds a Mobile Crisis Response Team (MCRT) that operates 24 hours a day, seven days a week and works closely with law enforcement,<sup>24</sup> responding to calls to assist with subjects in acute mental health crises. Since August 2018, the MCRT has had a dedicated law enforcement phone line, and in 2019, handled nearly 400 referrals from law enforcement. In addition, the County is moving forward with plans for a Psychiatric Emergency Response Team (PERT) that will pair a mental health clinician with a law enforcement officer who, together, will respond to mental health-related calls for service. These are encouraging first steps toward the sort of re-imagining of County emergency response systems that have become part of the national dialogue in recent months.

Beyond mental health calls, however, many participants in the County’s listening sessions also were interested in discussing a re-alignment of resources around traffic issues, or calls for service that obviously do not present a need for an armed response. They seek a more fundamental shift in the way we have become accustomed to viewing “public safety.” Again, some of these ideas seem like common sense – a social worker to assist a homeless person find a meal and a shower, for example – but again implicate complex systems that cannot be changed overnight, and come with their own obstacles.<sup>25</sup>

And while all of these ideas are worthy of further conversation, we note that they may potentially conflict with some of what we have already been advised about the “service-oriented” culture of the Sheriff’s Office. The Office takes pride in the fact that it is responsive to the residents of the communities it serves, sending a deputy to any call for service, even those as simple as a car or tree blocking a resident’s driveway. In part, it sees the value of such approach as going beyond resident satisfaction and extending into the kind of relationship-building and information-gathering that helps prevent crime. We learned recently that the current pandemic has effected a

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<sup>23</sup> This was by no means a universal sentiment; there were also participants who spoke highly of law enforcement in the County and expressed their satisfaction with and appreciation for Santa Clara County’s public safety services.

<sup>24</sup> The majority of the MCRT’s calls come from San Jose Police Department and relatively few from the Sheriff’s Office, which is largely a function of demographical differences in the areas patrolled, but also could be a signal of the need for greater training and outreach to Sheriff’s deputies and other personnel.

<sup>25</sup>For example, the “round the clock” nature of police services, as well as the theoretical flexibility of officers in adjusting to the demands of varied calls in varied ways, has been part of the reason that so much emergency response has defaulted to them in recent years. Adjusting new kinds of responders to this model would require planning and realignment of resources.

shift in the department's willingness to generate reports online, without an in-person response, but even this was a seemingly difficult departure from the Sheriff's Office culture.

With regard to the broader discussion of realigning the public safety response to unarmed personnel when appropriate, much of that discussion has been more theoretical than real. As an important first step, it would be helpful for all stakeholders to have a better understanding of the various demands on the Enforcement side of the Sheriff's Office, the types of calls received and responded to, and what other tasks occupy a deputy throughout his or her shift.

**RECOMMENDATION 10:** The Sheriff's Office should gather data on the types of calls and enforcement activity its Enforcement personnel respond to and perform, broken down by time and shift, and should share this information with County stakeholders and communities.

The conversation about re-imagining public safety has clearly engaged large percentages of the public. The difficult task is to balance the constructive fervor of the moment with the value of/need for carefully considered responses that are tailored to the jurisdiction's circumstances and priorities. We look forward to further dialogue with the Sheriff and her staff, other County public safety partners, and the Santa Clara County communities on these complex transformational issues.

# Recommendations

- 1: The Sheriff's Office should consider removing from its policy manuals the authorized use of any neck holds or any other tactics that restrict oxygen or blood flow to the head or neck.
- 2: The Sheriff's Office should consider making minor modifications to its duty to intervene policy to clarify the duty to report.
- 3: Current Sheriff's Office policy on shooting at vehicles should be revised to provide further guidance to its members, particularly with regard to moving into or remaining in the path of a moving vehicle.
- 4: The Sheriff's Office should amend its General Order and Custody Bureau manual to require Deputies and Correctional Officers to include in their incident reports full accounts of their efforts to de-escalate a situation, or an explanation of why no such efforts were made.
- 5: The Sheriff's Office should add to its force reporting policies a requirement that personnel write their supplemental reports independent of any assistance or collaboration with others.
- 6: The Sheriff's Office should consider adding to its force reporting policies a requirement that Deputies report as a use of force any time they point a firearm at an individual.
- 7: The Sheriff's Office should move on its stated commitment to make public a list of lethal and less-lethal weapons it currently owns and deploys.
- 8: The Sheriff's Office should make public and accessible on its website any acquisition of excess military equipment.
- 9: The Sheriff's Office should develop a policy that expressly lists conduct that disqualifies a potential applicant for employment as a Deputy or Correctional Officer.
- 10: The Sheriff's Office should gather data on the types of calls and enforcement activity its Enforcement personnel respond to and perform, broken down by time and shift, and should share this information with County stakeholders and communities.