

# **Workgroup to Address Police Reform and Accountability in Maryland**

**Delegate Vanessa E. Atterbeary, Chair**

## **AGENDA**

**Thursday, July 16, 2020**

**1:00 p.m.**

**Zoom**

**“National Perspectives”**

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- I.** Chair’s Opening Remarks
  
- II.** Presentation by **Amber Widgery**, Program Principal, Criminal Justice Program, National Conference of State Legislatures
  
- III.** Presentation by **Laurie O. Robinson**, Clarence J. Robinson Professor of Criminology, Law and Society, George Mason University
  
- IV.** Presentation by **Samuel Sinyangwe**, Policy Analyst and Data Scientist, Human Rights Data Analysis Group
  
- V.** Presentation by **Lucy Lang**, Director, Institute for Innovation in Prosecution, John Jay College of Criminal Justice
  
- VI.** Chair’s Closing Remarks and Adjournment

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# STATE LAW ENFORCEMENT TRENDS & LEGISLATION

AMBER WIDGERY | JULY 2020



# NATIONAL CONFERENCE OF STATE LEGISLATURES



- Non-profit, bi-partisan organization.
- Members are all 7,383 legislators and 30,000 legislative staff in 50 states, D.C. and U.S. territories.
- Offices in Denver and D.C.
- Among our goals - To provide legislatures with information and research about policy issues, both state and federal.
- NCSL tracks state policy developments in all public policy areas.

# LEGISLATIVE RESPONSES FOR POLICING

TOPICS		STATES		
<input type="checkbox"/> All Topics	<input type="checkbox"/> Executive Orders	<input type="checkbox"/> All States	<input type="checkbox"/> Alabama	<input type="checkbox"/> Alaska
<input type="checkbox"/> Other Issues	<input type="checkbox"/> Oversight and Data	<input type="checkbox"/> Arizona	<input type="checkbox"/> Arkansas	<input type="checkbox"/> California
<input type="checkbox"/> Policing Alternatives and Collaboration	<input type="checkbox"/> Technology	<input type="checkbox"/> Colorado	<input type="checkbox"/> Connecticut	<input type="checkbox"/> Delaware
<input type="checkbox"/> Training, Standards and Certification	<input type="checkbox"/> Use of Force			

KEYWORD	STATUS	BILL NUMBER	YEAR	AUTHOR
<input type="text"/>	All ▾	<input type="text"/>	2020 ▾	<input type="text"/>

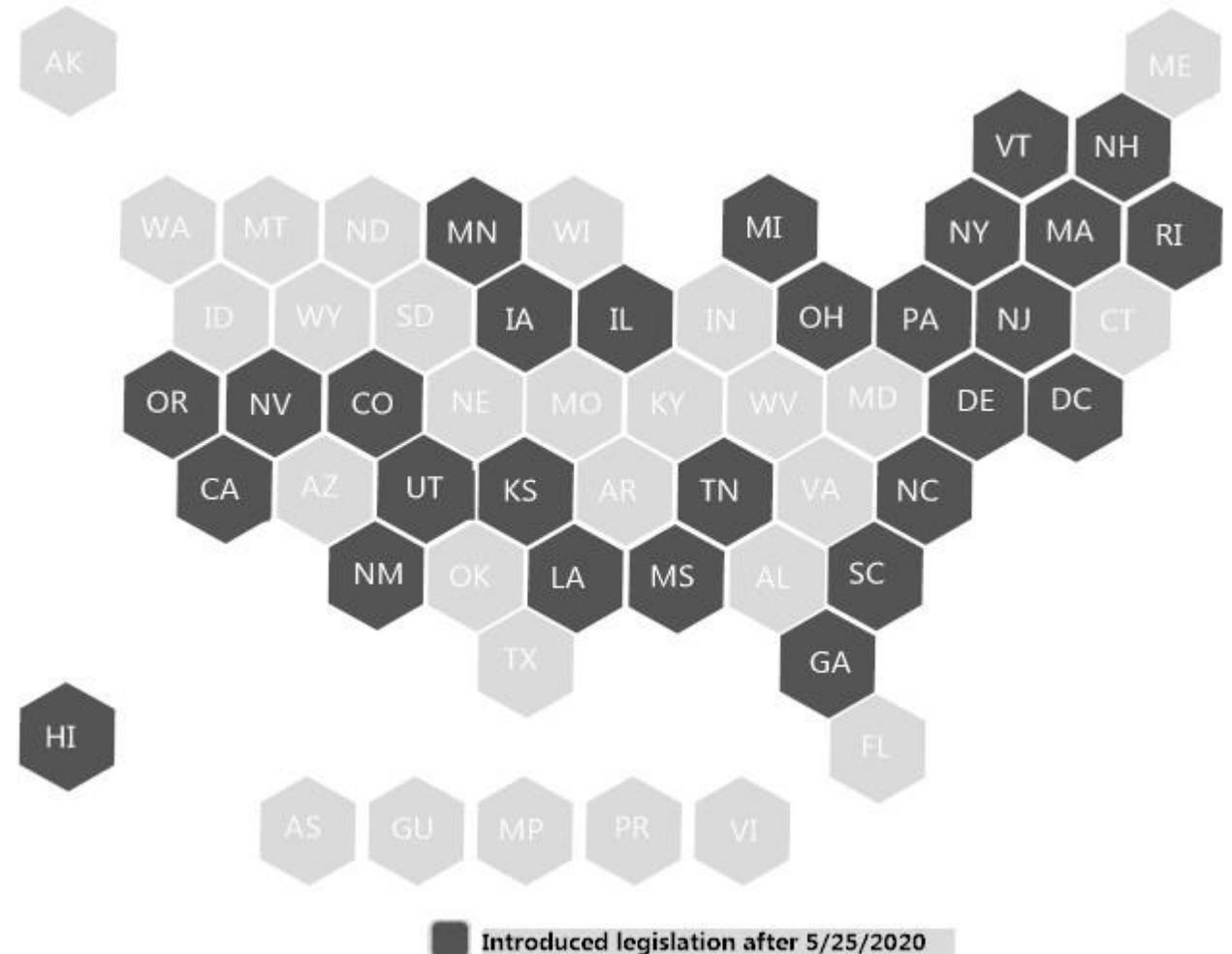
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[LexisNexis General Terms and Conditions](#)



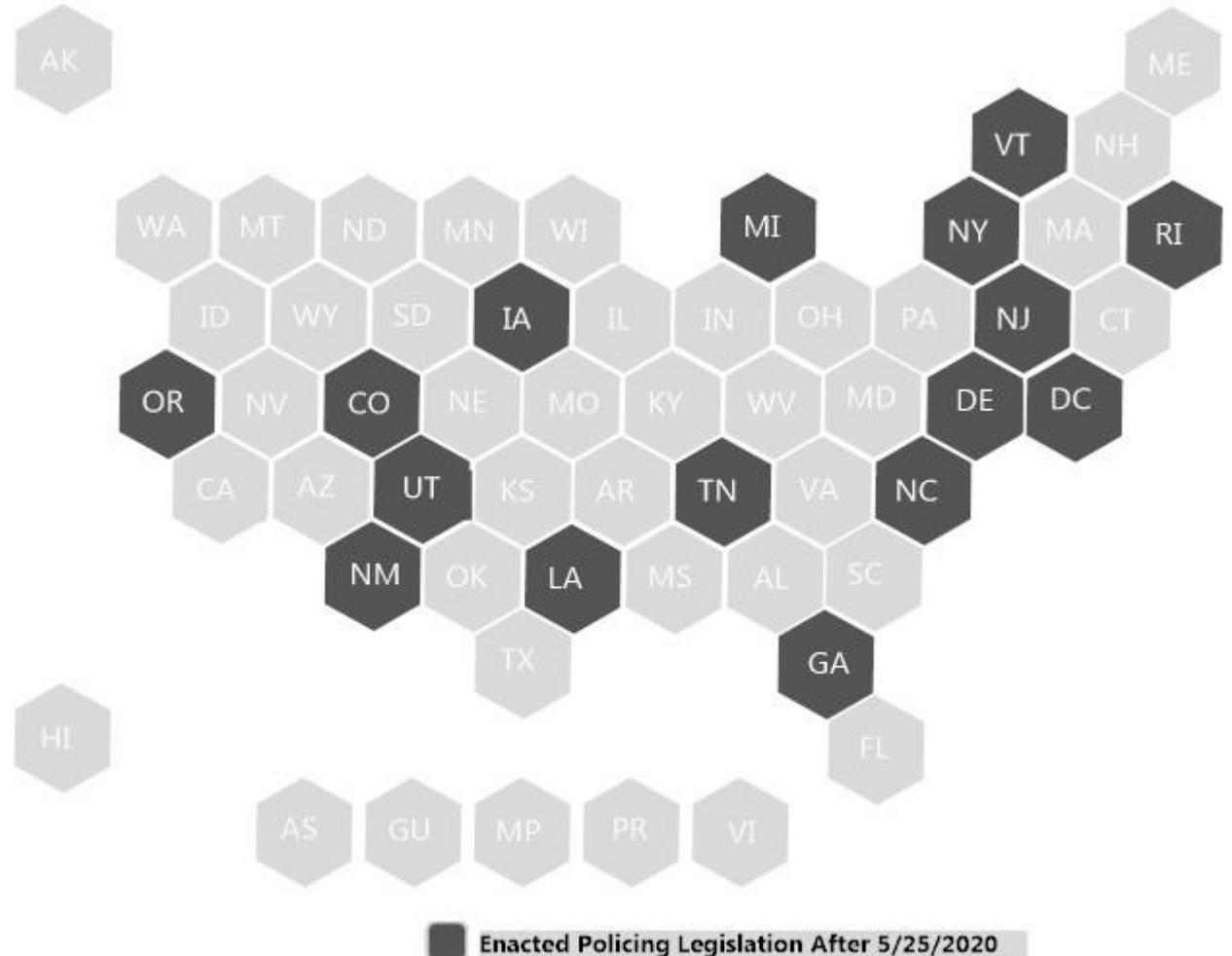
# LEGISLATION BY THE NUMBERS

- 27 states and Washington D.C. have introduced legislation
- 339 bills introduced
- 35 enacted bills/adopted resolutions
- 7 bills awaiting executive action
- 181 measures currently pending



# ENACTED LEGISLATION

- 15 states and Washington D.C. have enacted legislation. Topics include:
  - Oversight & Data
  - Use of Force, including Chokeholds
  - Duty to Intervene/Report/Provide Aid
  - Independent Investigation/Prosecution
  - Training
  - Officer Certification/Decertification
  - Body Cameras



# ENACTED LEGISLATION: OVERSIGHT & DATA

Creation of new state mechanisms to study or oversee policy:

- GA SR 1007 – Creates the Senate Law Enforcement Study Reform Committee.
- LA SCR 7 – Establishes the Police Training, Screening and De-escalation Task Force.
- OR HB 4201 – Establishes the joint legislative committee on transparent policing and use of force reform.
- RI SB 2867 – Creates a special legislative study task force to study and provide recommendations on the law enforcement officers' bill of rights.

Data Collection:

- CO SB 217 – Requires reporting on use of force, weapon unholstering and other police contact data. Requires public database.
- NY AB 10609 – Requires reporting on arrested-related deaths with annual reports to the legislature and the governor.

# ENACTED LEGISLATION: USE OF FORCE

## Restrictions and Standards:

- CO SB 217 – Modernizes the use of force standard to reflect case law, requires use of nonviolent means when possible before using force, limits when physical force may be used, requires that force be consistent with minimization of injury, and prohibits use of chokeholds. Requires identification and warning prior to use of deadly force and restricts when deadly force may be used. Restricts when and how chemical agents and projectiles may be used in response to protests.
- IA HB 2647 – Restricts the use of chokeholds to when deadly force would otherwise be authorized.
- NY AB 6144 – Establishes the crime of strangulation in the first degree specific to officers who disregard procedures banned by their employment related to chokeholds.
- OR HB 4203 – Provides that officers may not use force that limits the ability to breath.
- OR HB 4208 - Prohibits law enforcement agencies from using tear gas or from using long range acoustic devices or sound cannons for the purposes of crowd control, except in circumstances constituting a riot.
- UT HB 5007 – Prohibits officers from using chokeholds or restraints that may cause unconsciousness.

# ENACTED LEGISLATION: USE OF FORCE

## Legal Duty and Liability:

- CO SB 217 – Requires officers to render aid to any injured or affected person as soon as practicable. Creates a duty to intervene to prevent or stop physical force that exceeds permitted force. Requires an officer to report an intervention to their supervisor. Creates protections for intervening officers and criminal penalties and discipline, including termination for failing to intervene. Creates a civil action for deprivation of rights by local law enforcement officers, including personal liability of up to \$25,000 or 5% of the judgment. Authorizes the state attorney general to file a civil action alleging pattern or practice of conduct in violation of a persons' rights.
- NM SB 8 – Specifies that state immunity does not apply for offenses and violations involving officers acting within the scope of their duties.
- NY SB 6601 – Creates a duty to provide attention to the medical and mental health needs of a person under arrest or otherwise in the custody of an officer. Requires obtaining assistance and treatment that is reasonable and provided in good faith.
- OR HB 4205 – Requires the Department of Public Safety Standards and Training to adopt rules requiring officers to intervene to stop another police officer from engaging in conduct that is unethical or that violates law, rules, or policy, defines misconduct.

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# ENACTED LEGISLATION: USE OF FORCE

## Investigation and Prosecution:

- IA HB 2647 – Authorizes the attorney general to prosecute a criminal offense committed by a law enforcement officer arising from a law enforcement-involved death.
- NY SB 2574 - Establishes the Office of Special Investigation within the Department of Law to investigate and prosecute any alleged criminal offense or offenses committed by a police officer, or peace officer, concerning the death of any person as a result of any encounter with such police or peace officer.

# ENACTED LEGISLATION: TRAINING

- CO SB 217 – Requires that officers be trained on new use of force provisions.
- IA HB 2647 – Requires annual training on de-escalation techniques and prevention of bias. Provides guidance on training.
- OR HB 4205 – Directs the Board of Public Safety Standards and Training to adopt rules prohibiting the training of officers to use physical force that impedes normal breathing or circulation of blood by applying pressure on the throat or neck.
- UT HB 5007 – Bans training on the use of chokeholds and restraints that may cause unconsciousness.

# ENACTED LEGISLATION: CERTIFICATION

- CO SB 217 – Require the Police Officer Standards and Training Board to revoke officer certification for inappropriate use of force or failure to intervene. Restricts the POST Board from reinstating certification or granting new certification unless the officer is exonerated by a court. POST Board is required to record decertification in a database.
- IA HB 2647 – Establishes circumstances under which the Iowa Law Enforcement Academy Council is required to revoke officer certification, may suspend or revoke certification or may deny an application for certification.
- NJ AB 744 – Requires that law enforcement agencies provide internal affairs and personnel files to other agencies under certain circumstances.
- NM SB 8 – Requires permanent revocation of certification for a conviction involving unlawful use or threatened use of force or a crime involving failure to intervene.
- OR HB 4205 – Authorizes suspension or revocation of certification for failure to intervene or report.
- OR HB 4207– Requires denial of application, suspension or revocation of certification upon a finding of certain criminal convictions, status as a sex offender, and discharge for cause related to certain circumstances. Requires a database of decertification.

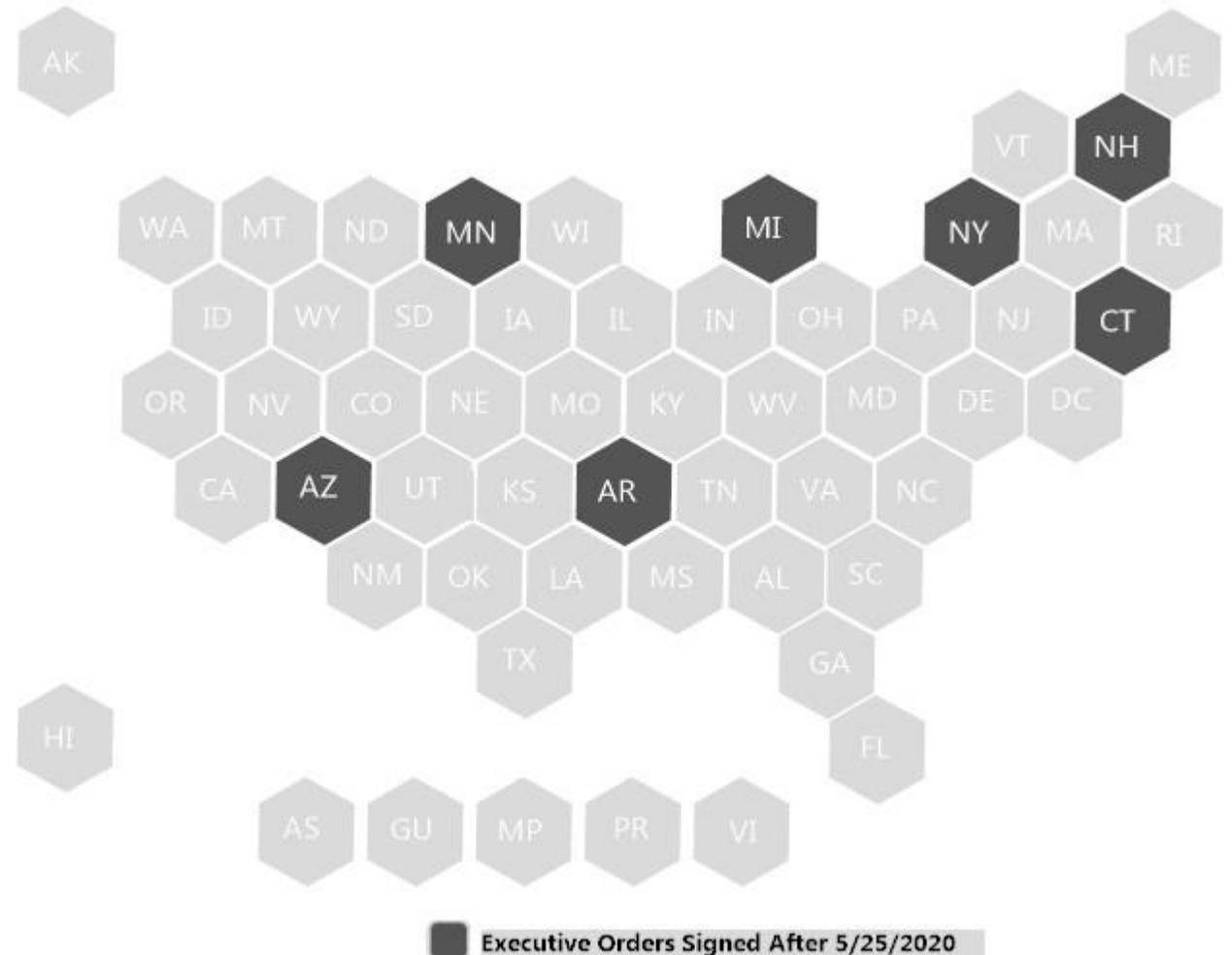
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# ENACTED LEGISLATION: BODY-WORN CAMERAS

- CO SB 217 – Requires broad adoption of body-worn cameras and establishes regulation for use of body-worn cameras.
- NM SB 8 – Requires certain law enforcement officers to use body-worn cameras and requires agency adoption of policies and procedures.
- NY SB 8493 - Establishes the State Police Body Worn Cameras Program, requires the Division of State Police to provide body-worn cameras to be worn by all officers.

# EXECUTIVE ORDERS

- 7 states have signed executive orders
- Orders in AR, NH and NY create new task forces
- The CT order is substantive and addresses use of force, community engagement, demilitarization and body cameras
- The MI order expands the membership of the Commission on Law Enforcement Standards
- AZ & MN are emergency orders addressing immediate situation



# LEGISLATIVE TRENDS 2014-2019

Legislative interest in policing policy started to trend upwards in 2014. Below are some of the areas that were addressed by legislation during those 6 years.

- Expansion of various types of training requirements including training on cultural competency, disabilities, use of force and behavioral health interactions.
- Regulation and encouragement for the use of technology, specifically body cameras and drones.
- Data collection, specifically demographic information for motor vehicles stops.
- Use of force including data collection and reporting, investigations, prosecution, standards, training, and use of specific kinds of force.
- Regulation of civil asset forfeiture.
- Due process protections including warrant requirements, cell phone tracking, and interrogation procedures.
- Community policing initiatives, including appropriations for pilot programs and policing alternatives.
- Deflection/pre-arrest diversion and other early intervention models.

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# POLICING POLICY STATUTES BY THE NUMBERS

States have taken the following actions. At least:

- 50 authorize the use of citation in lieu of arrest.
- 27 and Washington D.C. require officers to be trained to better respond to individuals with mental health, substance use and behavioral health disorders.
- 21 require the collection of demographic information for motor vehicle stops.
- 15 created procedures to improve transparency and integrity of investigations into officer-involved deaths or excessive force.

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# POLICING POLICY STATUTES BY THE NUMBERS

States have taken the following actions. At least:

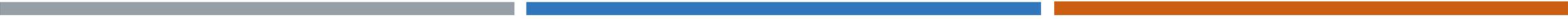
- 15 require reporting or data collection on use of force incidents.
- 13 and Washington D.C. appropriated funds for police departments to support the use of body cameras.
- 12 require training related to cultural and racial diversity, racial profiling prohibitions, training to raise awareness of bias, or supervisor training to detect and effectively respond to biased behavior.
- 12 have requirements or guidelines for establishing crisis intervention teams.
  - Recent legislatively supported pilot programs have also encouraged other alternative responses that include law enforcement partnership models or responses from social workers and mental health professionals in lieu of law enforcement.

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# POLICING POLICY STATUTES BY THE NUMBERS

States have taken the following actions. At least:

- 11 have laws supporting the duty to intervene.
- 10 require independent investigation of police-involved incidents by a state agency, the attorney general or other outside source.
- 9 and Washington D.C. restrict or prohibit neck restraints.
- 8 require that at least some law enforcement officers utilize body-worn cameras.



Thank You!

# CAMPAIGN ZERO

WE CAN LIVE IN A WORLD WHERE POLICE DON'T KILL PEOPLE.

# STRATEGY

**REDUCE  
THE POWER**

USE-OF-FORCE  
POLICE UNION CONTRACTS

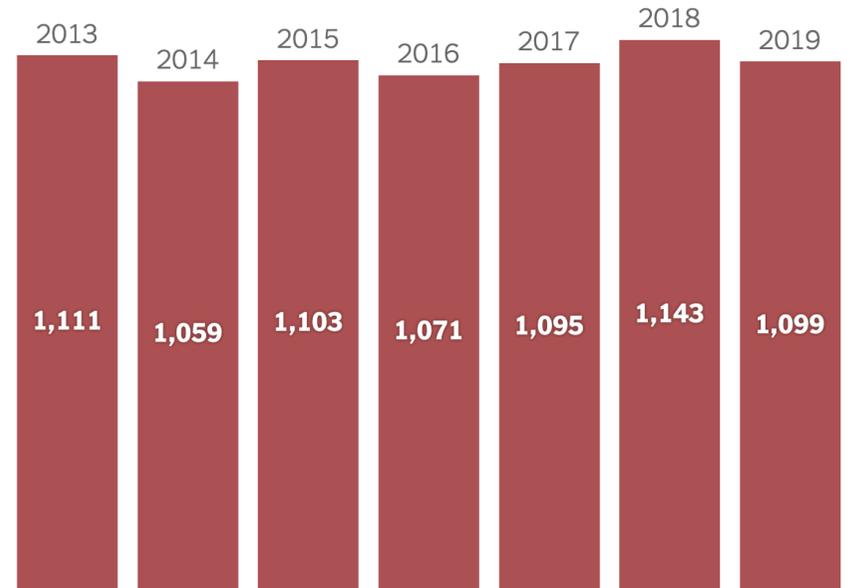
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**SHRINK  
THE ROLE**

DIVESTMENTS  
ALTERNATIVES  
DECARCERATION

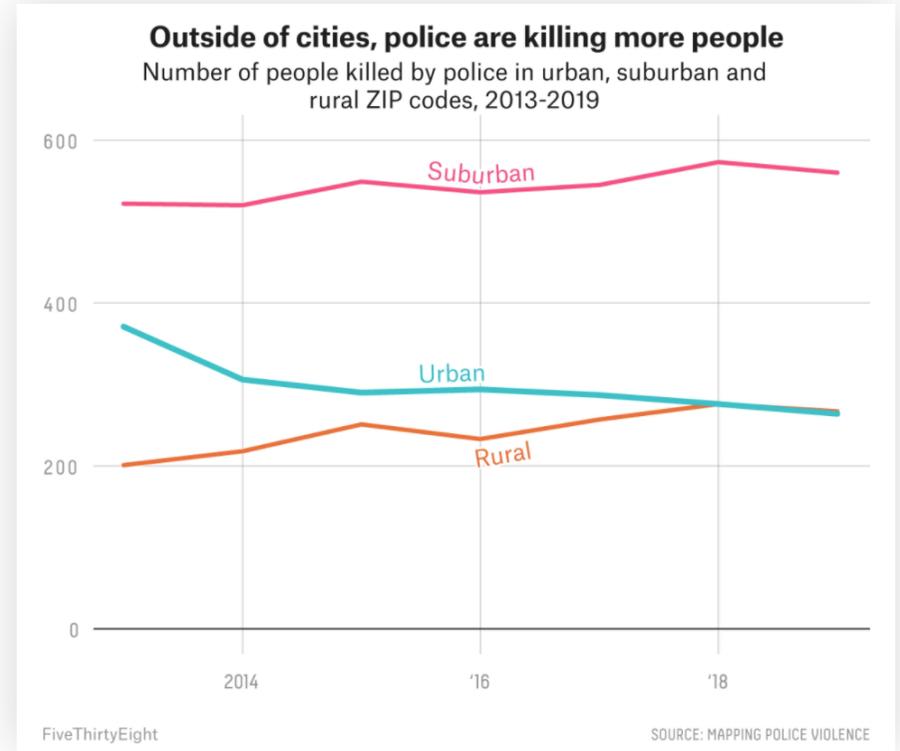
**THE POLICE HAVE  
KILLED MORE PEOPLE,  
NOT LESS, SINCE 2014.**

Police killings by year in the U.S.

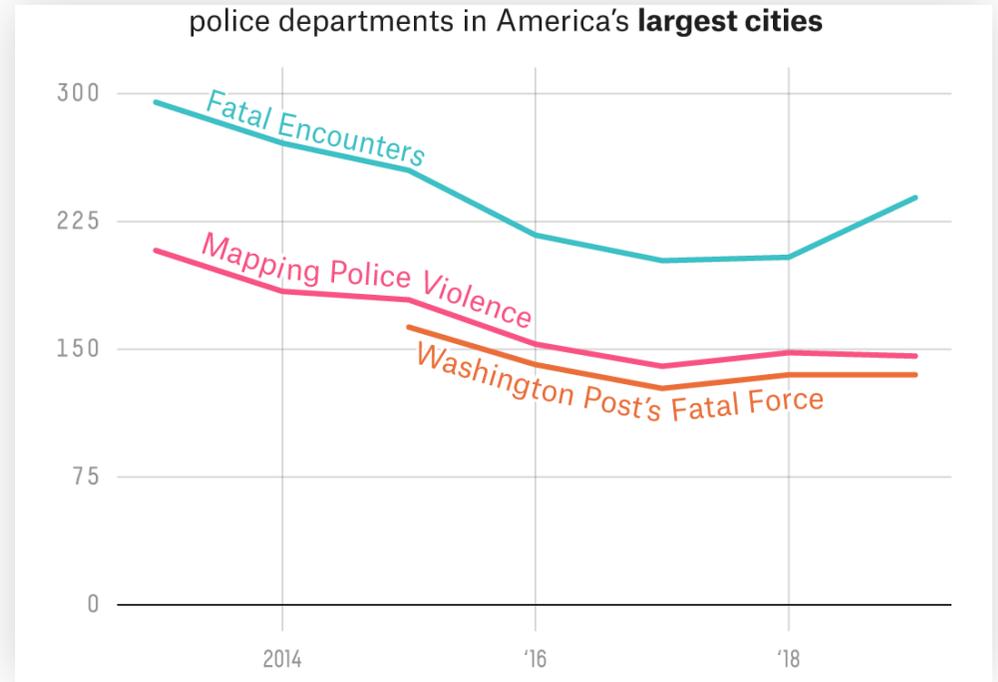


By The New York Times | Source: Mapping Police Violence

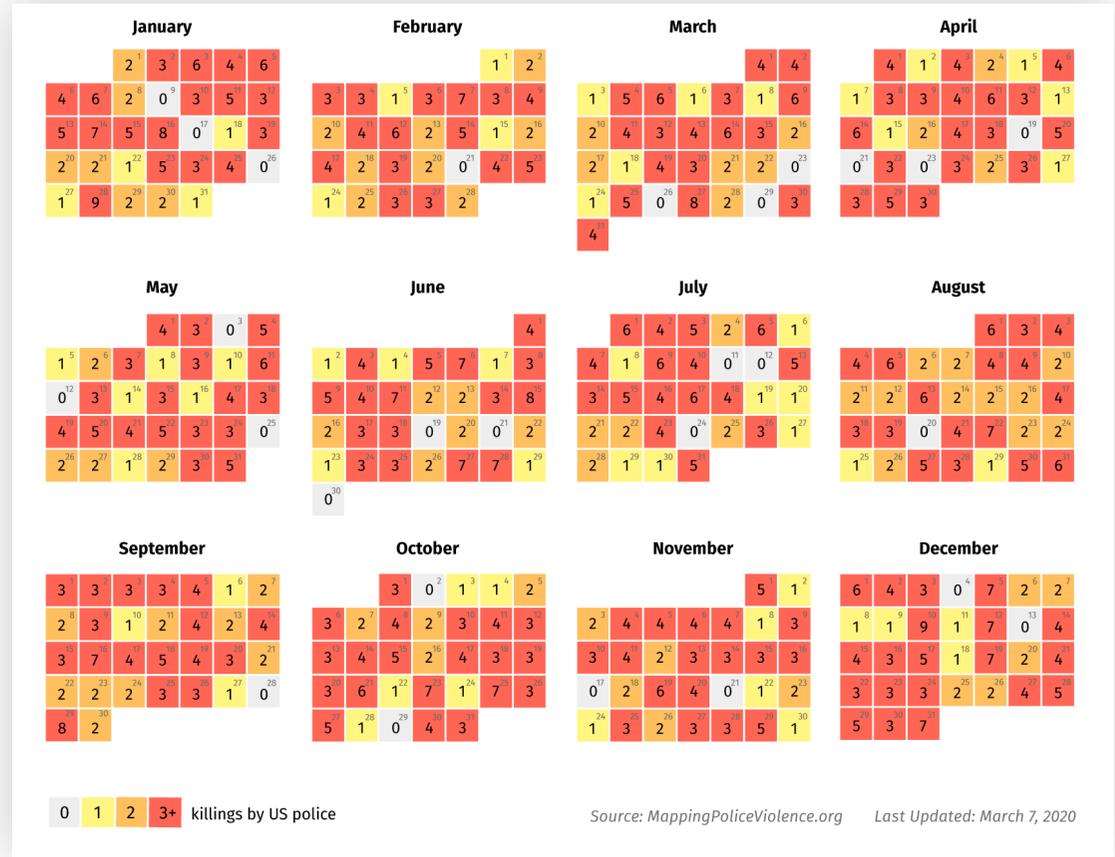
# POLICE VIOLENCE IS INCREASING IN SUBURBAN AND RURAL AREAS



# BIG CITIES HAVE REDUCED POLICE VIOLENCE SINCE 2014



**THERE WERE ONLY 27 DAYS  
IN 2019 WHERE POLICE DID  
NOT KILL SOMEONE.**



# BLACK PEOPLE ARE MOST LIKELY TO BE KILLED BY POLICE AND TO BE UNARMED.

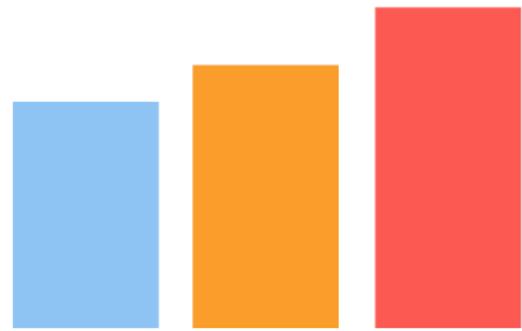
3X more likely to be killed by police than white people.



Black Hispanic White

Police Killings per 1 million population

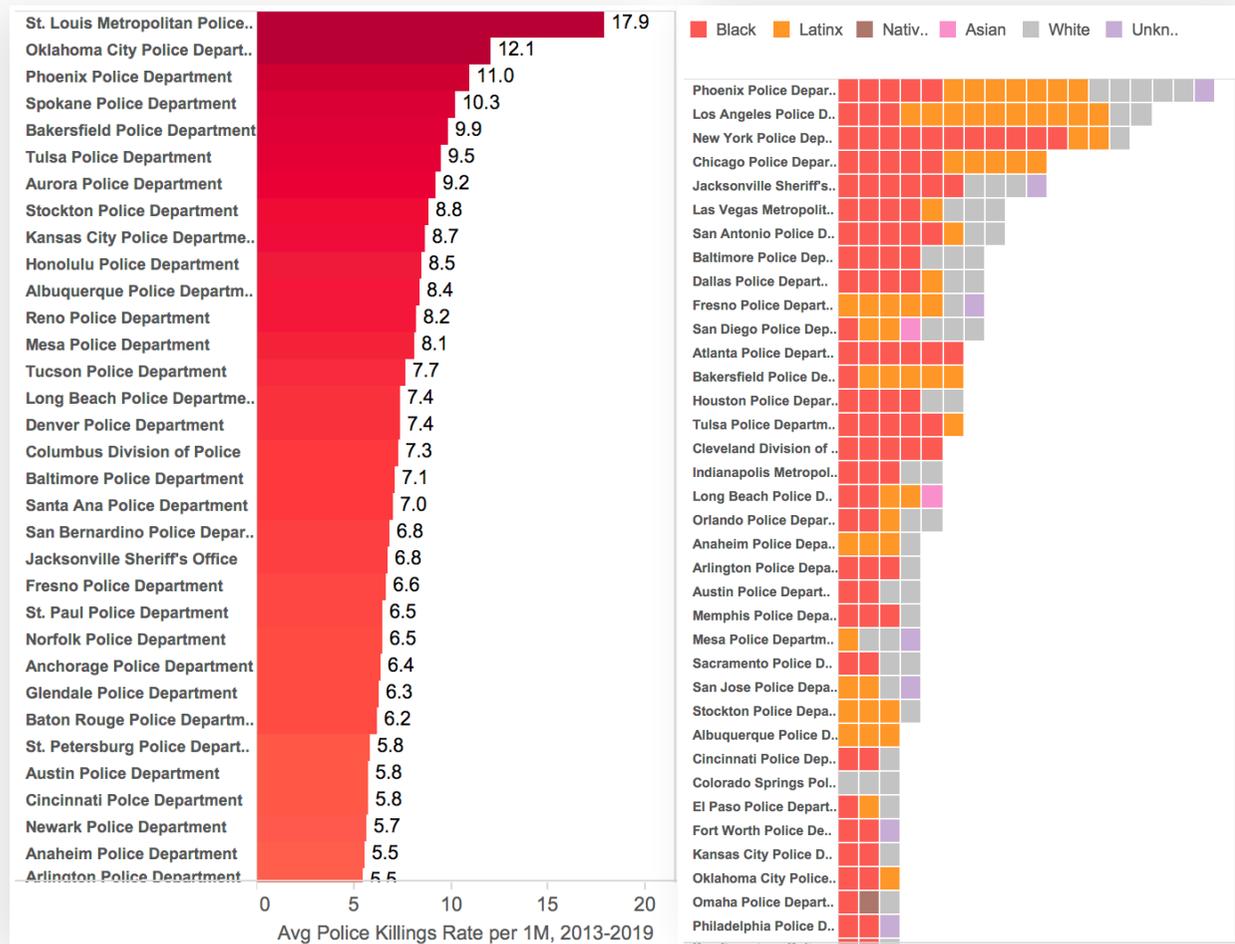
1.3X more likely to be unarmed compared to white people.



White Hispanic Black

% Killed by Police Unarmed, 2013-19

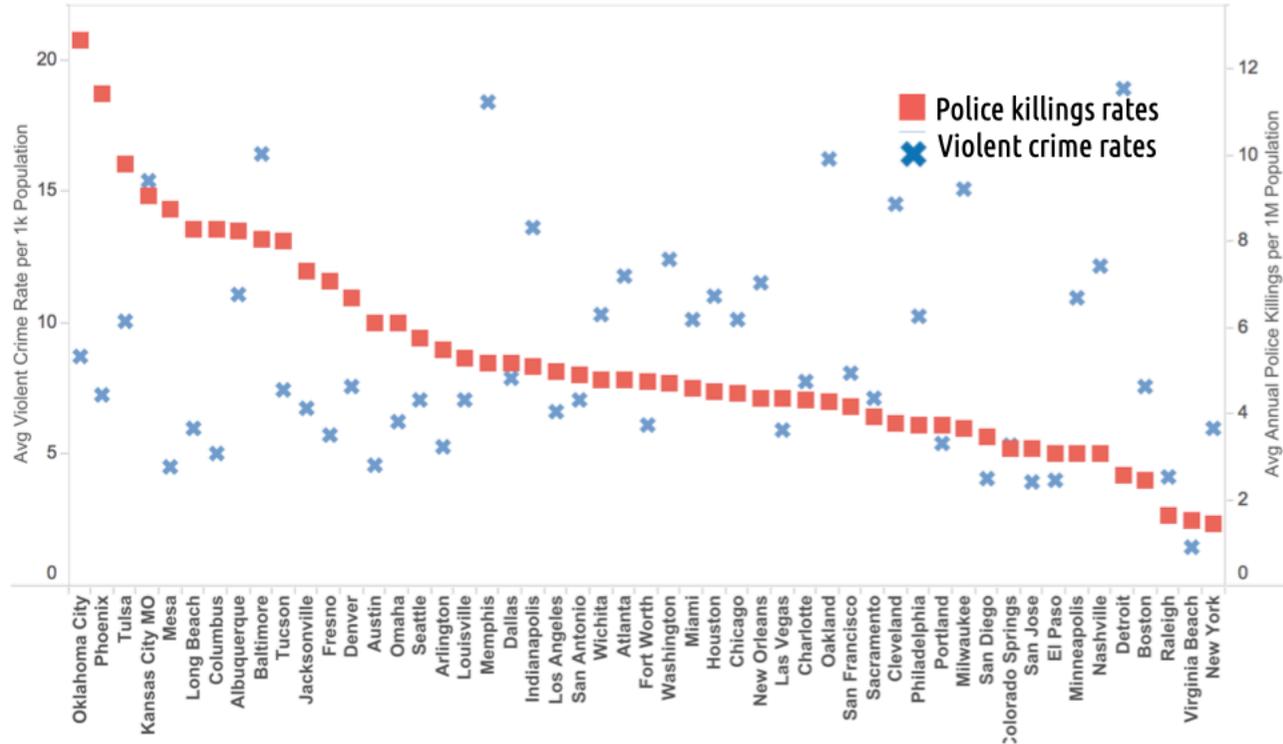
# DATA BY PLACE AND RACE



# IT'S NOT ABOUT CRIME

Levels of violent crime in US cities do not determine rates of police violence.

*Violent crime rates and rates of killings by police in America's 50 largest cities, 2013-2018*



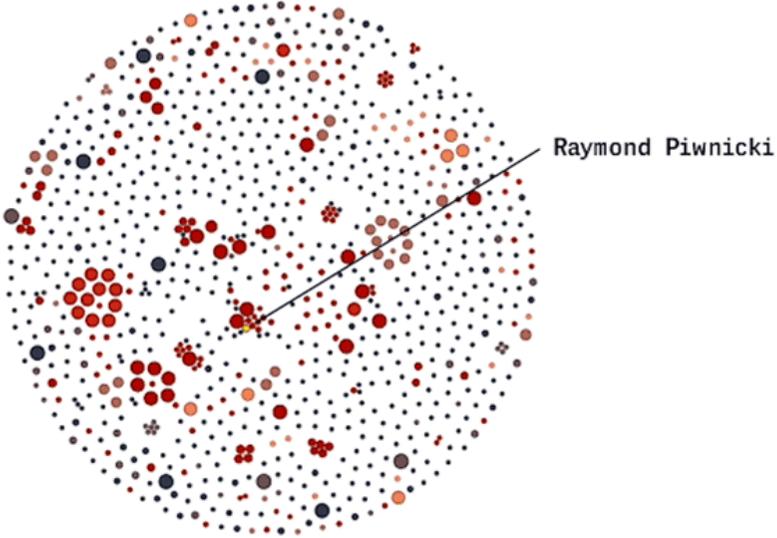
# THERE IS NO ACCOUNTABILITY

99% of killings by police from 2013-2019 have not resulted in officers being charged with a crime.



■ No Criminal Charges ■ Officer(s) Charged ■ Officer(s) Convicted

# POLICE VIOLENCE SPREADS OVER TIME



2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017

Source: Invisible Institute, The Intercept

We can live in a world where the police don't kill people by limiting police **interventions**, improving community **interactions**, and ensuring **accountability**.

CLICK THE CATEGORIES BELOW FOR POLICY SOLUTIONS ([DOWNLOAD THIS GRAPHIC](#))



● No such language

● Problematic language

<b>Police Bills of Rights</b>	<b>Disqualifies Complaints</b>	<b>Restricts / Delays Interrogations</b>	<b>Gives officers unfair access to information</b>	<b>Limits Oversight / Discipline</b>	<b>Requires City Pay for Misconduct</b>	<b>Erases misconduct records</b>
Arizona						
California						
Delaware						
Florida						
Illinois						
Kentucky						
Louisiana						
Maryland						
Minnesota						
Nevada						
New Mexico						
Oregon						
Rhode Island						
Virginia						
West Virginia						

**Universal Citation:** MD Pub Safety Code § 3-110 (2017)

(a) In general. -- On written request, a law enforcement officer may have expunged from any file the record of a formal complaint made against the law enforcement officer if:

(1) (i) the law enforcement agency that investigated the complaint:

1. exonerated the law enforcement officer of all charges in the complaint; or
2. determined that the charges were unsustainable or unfounded; or

(ii) a hearing board acquitted the law enforcement officer, dismissed the action, or made a finding of not guilty; and

(2) at least 3 years have passed since the final disposition by the law enforcement agency or hearing board.

(b) Admissibility of formal complaint. -- Evidence of a formal complaint against a law enforcement officer is not admissible in an administrative or judicial proceeding if the complaint resulted in an outcome listed in subsection (a)(1) of this section.

Accept

Ignore

Officers involved in a deadly force incident will not be interviewed until experiencing a minimum of two sleep cycles. Officers may be interviewed sooner than two sleep cycles if the officer's legal counsel determines the officer could provide a complete statement

# MARYLAND DATA COLLECTION

1. Direct Officer contact that resulted in serious injury or death of the officer or person?

0

2. Complaints of excessive force which were investigated and sustained against an officer where the force resulted in serious injury or death of a person?

0

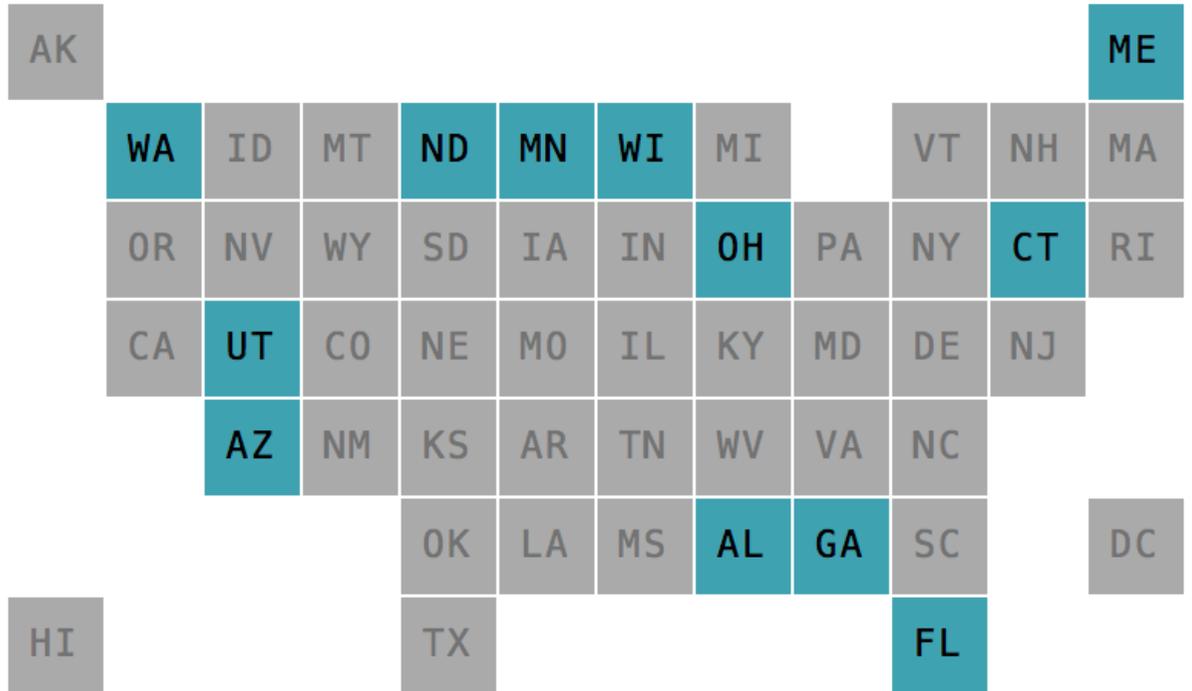
3. Complaints of **criminal misconduct** that have been investigated and sustained against an officer?

4

4. **Criminal charges** were filed against an officer?

2

# STATES WHERE POLICE MISCONDUCT RECORDS ARE PUBLIC



# Colorado Passes Landmark Law Against Qualified Immunity, Creates New Way To Protect Civil Rights

## CRISES Act Would Allow Community Organizations To Respond To Mental Crises And Other Emergencies

June 3, 2020 • by Taylor Walker • 16 Comments



Contributor ©

entrepreneurship, and offbeat lawsuits.

teenth, Colorado Gov. Jared Polis signed a sweeping law on Friday that marks one of the most significant changes to the state's laws over the brutal killing of George Floyd. Among the new provisions include banning chokeholds and the use of deadly force. The [Enhance Law Enforcement Integrity Act \(SB20-217\)](#) is a landmark law that bans “qualified immunity,” one of the biggest barriers to holding police officers accountable in court.

# STRATEGY

**REDUCE  
THE POWER**

USE-OF-FORCE  
POLICE UNION CONTRACTS

+

**SHRINK  
THE ROLE**

DIVESTMENTS  
ALTERNATIVES  
DECARCERATION

# The Prosecutor's Role in Officer-Involved Fatalities



# Working Group Members

- 50 national experts
- Prosecutors, police chiefs, academics, advocates
- Families who lost loved ones to police violence:
  - Anthony Baez
  - Sean Bell
  - Philando Castile
  - Amadou Diallo
  - Eric Garner
  - Oscar Grant
  - Delrawn Small



DIVERSION SOLUTIONS

DDP Driving Diversion Program DDP

# Certificate of Class Completion

**Philando Divall Castile**

**State ID/DL #G827011388117**

**DOB: 7/16/1983**

Has completed all the DDP requirements to acquire a Diversion Drivers License  
A copy of insurance is on file at the DDP home office

Listed below are additional requirements to be performed at the service center  
Reinstatement Fee License Application Fee Insurance form PS35016-10  
Class D Written Test

*[Signature]*  
Instructor/DDP Coordinator

2/18/13  
Date

Diversion license can only be acquired at DVS locations  
To find the closest DVS location to you, go to this web site:  
[www.dmv.org/mn-minnesota/dmv-office-finder.php](http://www.dmv.org/mn-minnesota/dmv-office-finder.php)



# The Working Group



- In February 2018, the IIP convened 50 experts from across the country to examine police use-of-force
- Working Group led by family members who lost loved ones to police violence; prosecutors; and law enforcement experts
- Convened around shared goals of preventing use-of-force, and providing path to accountability for unjustified force

# The Toolkit

- Outlines tangible actions for prosecutors and communities to take before and after a critical incident occurs
- Founded on principles of independence, timeliness, and transparency
- Designed to be actionable and adaptable



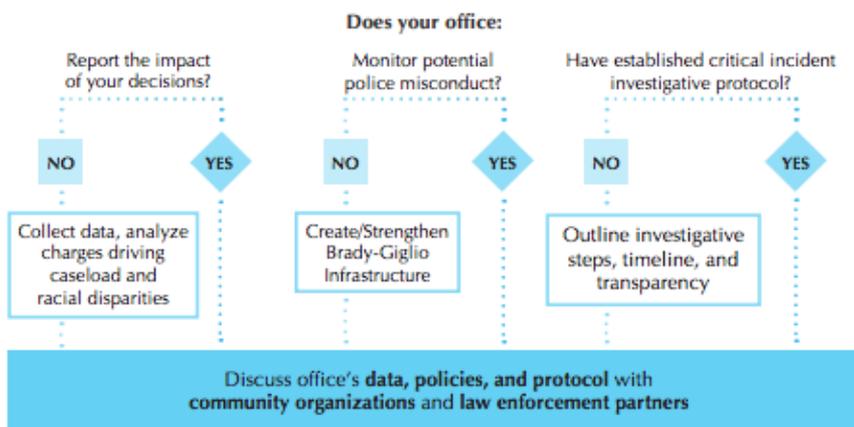
THE PROSECUTOR'S ROLE IN ADDRESSING  
OFFICER-INVOLVED FATALITIES AND CRITICAL INCIDENTS

**A TOOLKIT FOR PROSECUTORS AND COMMUNITIES,  
BY PROSECUTORS AND COMMUNITIES**

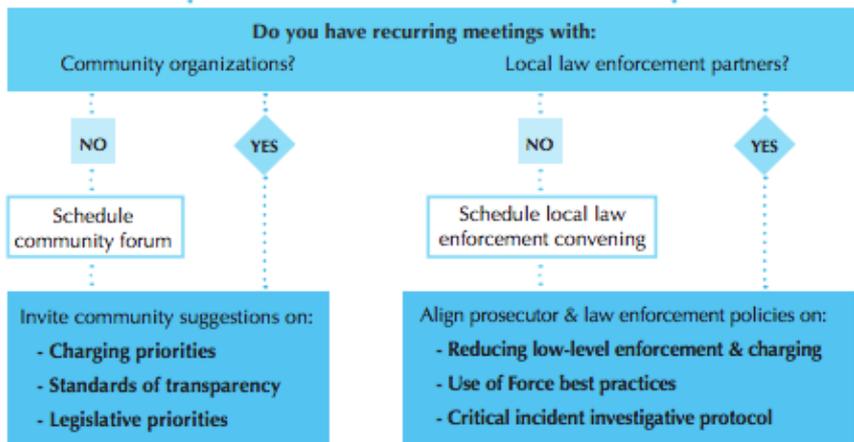
FEBRUARY 2019

## BEFORE An Officer-Involved Critical Incident Occurs

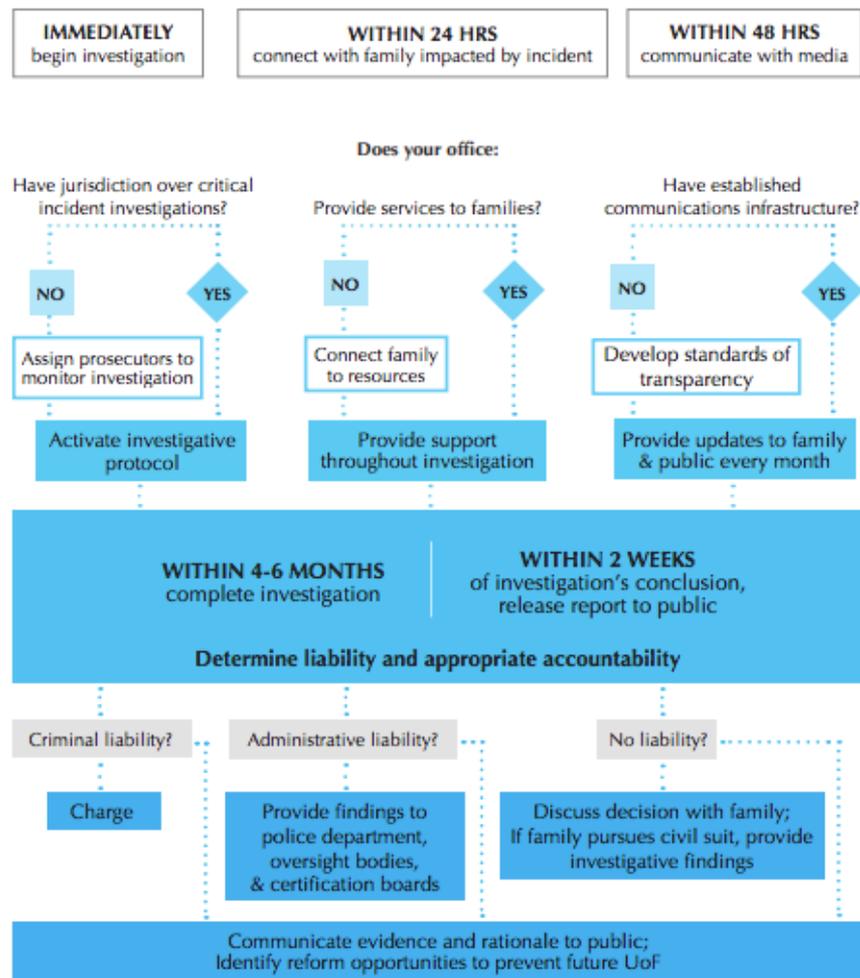
*Internal Infrastructure*



*External Infrastructure*



## AFTER An Officer-Involved Critical Incident Occurs



# Q&A

- Email questions to: **amos@lawenforcementaction.org**
- For further info on the Working Group and the Toolkit:  
**[www.prosecution.org](http://www.prosecution.org)**  
**IIP\_JohnJay@prosecution.org**



# Data Checklist

## STEP 1: COLLECT CASE DATA

### CASE INTAKE

- Quantity / Acceptance Rate
- Arresting Charge(s) / Context
- Filing Charge(s)
- Defendent Demographics
- Officer Demographics
- Prosecutor / Bureau Assigned

### CASE OUTCOME

- Pre-Trial / Bail Recommendation
- Plea Conditions / Sentence Recommendation
- Acquittal / Dismissal
- Time to Resolution / Range of Time

## STEP 2: ANALYZE DATA

### CASE ANALYSIS

- Charges driving caseload?
- Racial and/or geographic disparities in case intake and outcomes?
- Discrepancies between arrests, charges, and office priorities?
  - i.e.* Are low level charges unnecessarily extending criminal justice reach?
  - i.e.* Are low level charges undermining focus on more serious crimes?
  - i.e.* Are disparities in case intake and outcomes undermining fairness?

## STEP 3: USE DATA

### PUBLISH DATA

- Make data public and accessible
- Discuss findings with staff, law enforcement partners, community organizations
- Invite suggestions for data-driven policies

### DEVELOP DATA-DRIVEN POLICIES

- Work with law enforcement to minimize arrests for low-level offenses
- Minimize prosecution of low-level cases
- Examine charges that are driving disparities

# Investigative Checklist

## BEFORE AN OFFICER-INVOLVED INCIDENT OCCURS

- Create an independent investigative bureau and assign prosecutors who:**
  - Only work on officer-involved critical incidents
  - Do not work with local law enforcement on any cases
  - Establish investigative protocol, timeframe, and standards of transparency

## IMMEDIATELY FOLLOWING AN OFFICE-INVOLVED INCIDENT

- The independent investigative bureau should:**
  - Reach out to the family directly impacted within 24 hours
  - Convene local law enforcement agencies within 48 hours
  - Issue press release about context of incident and investigative timeframe within 48 hours

## OVER THE COURSE OF THE INVESTIGATION

- The independent investigative bureau should provide transparency:**
  - Conversations with the family and updates to the press at least once a month
  - Discuss evidence with family 24 hours prior to public release
  - Release audio/video footage to press within 10 days of incident

## WITHIN 4-6 MONTHS OF CRITICAL INCIDENT

- The independent investigative bureau should:**
  - Complete investigation
  - Make decision regarding liability, citing evidence and rationale
  - Write and publish report within 2 weeks of investigation's conclusion

## BASED ON LIABILITY DETERMINATION

- Provide evidence, rationale, and next steps. If findings indicate:**
  - Criminal liability, file charges
  - Administrative violations, inform police department, oversight bodies, certification boards
  - Wrongdoing but no liability, provide information to family should they seek civil suit
  - Wrongdoing but no liability, document reasons and advocate for reform
  - No wrongdoing, communicate evidence and rationale publicly

## FOLLOWING INVESTIGATION, DISCUSS LESSONS

- and opportunities for reform to prevent future critical incidents.**

# State Statute Checklist

## HOW DOES YOUR STATE STATUTE DEFINE DEADLY FORCE?

The US Department of Justice defines deadly force as, “force that a law enforcement officer uses with the purpose of causing, or that the officer knows to create a substantial risk of causing, death, or serious bodily harm.” Deadly force is justified only when:

### Used In Defense of Self/Others

Officers may use deadly force only when necessary, as defined by an imminent threat to self or others.

- *Imminent* is defined as an active threat.
- *Necessary* means there are no other options aside from force to prevent the threat of harm to self or others.

### All Other Means Exhausted

Officers should rely on the least harmful means possible, relying on force only when no other options possible, and using lethal force only as a last resort.

- Officers should aim to de-escalate situations before resorting to force of any kind.
- Officers should give a warning before using force.

### Intended to Protect Life

Officers may only use force to protect life, and should proactively preserve the life of anyone harmed, including the person against whom force was used.

- Officer should only use force that is necessary and proportional to mitigate any potential risk.
- If force is used, officers should immediately provide and/or call for medical assistance.

## HOW DOES YOUR STATE STATUTE DEFINE MECHANISMS OF ACCOUNTABILITY?

Mechanisms should be formalized and stipulated in state statutes in order to ensure thorough and consistent protocol for any officer-involved critical incident. Specific stipulations may include:

### Reporting

A uniform state-wide reporting infrastructure should include:

- A mandate to immediately report the incident to department superiors, oversight bodies, local prosecutor, and state attorney general.
- A written report and in-person interview(s) of officer(s) and witnesses.

### Investigation

An immediate, impartial, and comprehensive investigation should consider the context of the incident, including but not limited to:

- Was the force necessary and proportional?
- Did the officer(s) exhaust all other means possible prior to using force?
- Did the officer(s) follow their department training and policies?

### Sanctions

Sanctions should be delineated based on liability. If investigation finds:

- Criminal liability, officer becomes defendant and subject to same charges, due process, and sanctions as other individuals facing criminal charges.
- Violation of department protocol, officer should be reviewed for termination and/or de-certification, and barred from joining other departments.

# Use of Force Policy Guidelines

## USE OF FORCE PRINCIPLES, GENERALLY

1. Do the Department's policies emphasize necessity, de-escalation, and proportionality when using force?
2. Do the Department's policies require that each of an officer's decisions leading up to a use of force be reasonable (not just the specific use of force at the particular moment that it was applied)?
3. Do the Department's policies require that officers consider a person's specific characteristics, such as mental capacity, developmental disability, the influences of drugs or alcohol, and/or language barriers, when determining whether force is appropriate?
4. Do the Department's policies prohibit use of force to subdue a subject(s) who is not suspected of any criminal conduct, unless necessary to protect an officer's or another person's safety?
5. Do the Department's policies prohibit use of force as retaliation?
6. Do the Department's policies prohibit use of force against a person who only verbally confront officers and is not involved in criminal conduct?
7. Do the Department's policies prohibit use of force against a person who is handcuffed or otherwise restrained (because that person does not present a threat)?
8. Do the Department's policies impose a duty to intervene on officers during improper force?
9. Do the Department's policies require officers to promptly render aid to injured subjects?
10. Does the Department's policy require all uses of deadly force, whether intentional or unintentional, to be immediately reported and investigated?

## FIREARMS SPECIFIC POLICIES

1. Do the Department's policies consider each firearm discharge as a separate use of force that must be specifically justified?
2. Do the Department's policies require officers to give a verbal warning and identify themselves as police officers before discharging a firearm, when possible?
3. Do the Department's policies prohibit officers from firing warning shots?
4. Do the Department's policies prohibit officers from shooting at or from moving vehicles?
5. Do the Department's policies consider pointing a firearm at a person to be a use of force?
6. Do the Department's policies prohibit shooting through a door, window, or in other circumstances in which the target is not clearly in view?

## POLICIES FOR NON-FIREARMS USES OF FORCE

1. Do the Department's policies prohibit maneuvers that may cut off blood or oxygen to a subject's head (e.g., choke holds, strangleholds) except when lethal force is allowed?
2. Do the Department's policies prohibit techniques and modes of transport that run a substantial risk of positional asphyxia (e.g., putting a person prone on the ground while restrained)?
3. Do the Department's ECW (Taser) policies prohibit use against certain "high risk populations," including those who are pregnant, infirm, elderly, or small in size?
4. Do the Department's policies limit intentional weapon strikes (such as with a baton) to the head to only those situations when lethal force is permitted?