

8 Can't Wait



What is 8 Can't Wait?

8 Can't Wait is an effort led by Campaign Zero to reduce the number of people killed during interactions with police officers in the United States. The campaign asks local, state and federal officials to act on issues related to use of force, accountability, training and equipment. Campaign Zero's initial set of requests included eight specific categories for reform and was titled *8 Can't Wait*. The City of Milwaukie received a number of inquiries about how the Milwaukie Police Department did or did not align with the campaign. To help answer the community's questions, the city has responded to each of the eight items below.

For more information about Campaign Zero's effort, visit www.joincampaignzero.org/#action.

Please note: Any reference to a policy number relates to the city's police policies guiding officer conduct and training requirements. Policies can be found in their entirety at www.milwaukieoregon.gov/police/data-policies.

1. Require De-Escalation

It is the policy and culture of the Milwaukie Police Department to strive to consistently resolve situations with the least amount of force possible. The department is fully committed to this principal and recognizes the inherent value of every human life. The Milwaukie Police Department recognizes the critical importance of de-escalation efforts and have embraced them throughout its training, policies and practices.

2. Duty to Intervene/Intercede if Police Officers Use Inappropriate or Unreasonable Force

Officers are expected to intervene in cases where they see inappropriate or unreasonable use of force. The Milwaukie Police Department also requires the officer to promptly report their observations to a supervisor or the management team.

3. Ban Chokeholds

Based on national concern, the city's policy on the Neck Restraints (Policy 300.3.3) was changed in 2020 from discouraging and limiting the Chokehold and Carotid Restraint, to prohibiting them.

4. Require Verbal Warning Before Shooting

Policy 300.4 states that, if feasible, a warning should be given before an officer resorts to deadly force. This policy language must account for the fact that police officers are asked to respond to rapidly evolving, volatile and uncertain circumstances.

5. Ban Shooting At or Into Vehicles

There are a variety of reasons why shooting into a vehicle is inherently dangerous and problematic. Officers are directed to move out of the path of an approaching vehicle, rather than shooting at the vehicle or driver. Policy 300.4.1 stipulates an officer should only shoot at a vehicle or driver, "If there are no other reasonable means available", and the use of deadly force is otherwise justified. While we strongly discourage shooting into a vehicle, there are times when a vehicle is intentionally used as a deadly weapon, or part of a deadly attack, and there is no other viable option at the time to preserve life.

6. Exhaust Alternatives Before Shooting

In policy, training and real-world application, the Milwaukie Police Department emphasizes de-escalation and resolving situations at the lowest level possible. Policy 300.3 stipulates officers shall only use that amount of force reasonably necessary, given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose. This guidance is consistent with Supreme Court Case *Graham v. Connor*, as well as guidance from the Department of Justice and Board on Public Safety Standards and Training.

7. Require a Use of Force Continuum

While the intention behind this policy is sound, the Milwaukie Police Department finds the continuum methodology to be outdated, originating in the 1990s, and problematic. The continuum uses a systematic, stair-stepped approach that does not realistically account for the dynamic, rapidly evolving and unpredictable nature of these events. For those reasons, the Oregon Board on Public Safety Standards and Training, which trains and certifies police officers, does not support or teach a use of force continuum model.

Instead, the city uses a model based on the legal standard of objective reasonableness, as established and outlined in U.S. Supreme Court case *Graham v. Connor*. The Milwaukie Police Department believes its been successful in managing and balancing these factors, evidenced by its data and track record.

8. Require Comprehensive Force Reporting

The city fully agrees that transparency, along with internal and external accountability, are crucial aspects of legitimacy in policing. The Milwaukie Police Department's policy, training and practice is to properly document, investigate and review its use of force. The department believes its policies and practices generally exceed the recommendation of 8 Can't Wait, however, the city will continue to refine these policies to meet or exceed best practices.



QUESTIONS OR MORE INFORMATION

Chief Luke Strait
straitl@milwaukieoregon.gov
503.786.7416

