



KENSINGTON POLICE DEPARTMENT

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Walt Schuld

Interim Chief of Police

January 5, 2021

**Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630**

Dear California Commission on Peace Officer Standards and Training (California POST):

This letter confirms and serves as an attestation that, to the best of my knowledge, Kensington Police Department meets use of force eligibility requirements set forth by the U.S. Department of Justice for discretionary federal grants. With this confirmation letter, our agency respectfully requests certifying compliance with the U.S. Department of Justice's Standards for Certification on Use of Force and Safe Policing for Communities.

I have reviewed the Presidential Executive Order on Safe Policing for Safe Communities, dated June 16, 2020, Executive Order No. 13929 (the "Executive Order on Safe Policing"). I understand that, based on the Executive Order on Safe Policing, the U.S. Department of Justice's discretionary grant funding is only available to state, local, and university or college law enforcement agencies which have obtained (or are in the process of seeking) certification that they meet certain standards on use of force. I further understand that the Executive Order on Safe Policing for Safe Communities empowers the U.S. Attorney General to designate independent credentialing bodies — such as California POST — to provide notice to the United States Department of Justice, when a law enforcement agency has attested that it meets the conditions of eligibility for federal grants.

After reviewing the U.S. Department of Justice's Standards for Certification on Safe Policing for Communities and Kensington Police Department's policies, I attest that our agency meets the following mandatory conditions for U.S. Department of Justice certification:

1. Our agency is aware that California's use of force standard as outlined in Penal Code §835a changed effective January 1, 2020. This law states, among other things, the following:

"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.

- c) *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.*"

Our agency's use of force policies has been reviewed, and modified as necessary, as of January 1, 2020. Our agency's use of force policies is compliant with all elements of Penal Code §835a.

Furthermore, our agency's use of force policies adheres to all applicable federal, state, and local laws; and

2. Our agency is aware that California Government Code §7286.5 became effective September 30, 2020, a new law which prohibits the authorization of a carotid restraint or choke hold. This law states, among other things, the following:

"A law enforcement agency shall not authorize the use of a carotid restraint or choke hold by any peace officer employed by that agency."

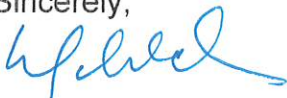
Consistent with California Government Code §7286.5, our agency maintains use of force which do not authorize the use of the carotid restraint or choke hold.

3. Our agency is aware that California Government Code §7286 requires that all California law enforcement agency use of force policies include specified provisions by January 1, 2021. Our agency has reviewed and is compliant with the new provisions in California 3 Government Code §7286.
4. Lastly, our agency is aware of, and has reviewed, the Executive Order on Safe Policing. Our agency maintains use of force policies which comply with the Executive Order on Safe Policing.

Because I believe that we meet the criteria above, I respectfully request that California POST include Kensington Police Department within its database of certified law enforcement agencies. Please provide Kensington Police Department's name to the U.S. Department of Justice with other eligible agencies.

Please do not hesitate to contact me with any questions you may have either by email at wschuld@kppcsd.org or by telephone at 510-526-4148.

Sincerely,



Walt Schuld
Interim Chief of Police