



SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



580.02 USE OF FORCE 9-17-20

PURPOSE

This policy establishes guidelines for the use and application of force, as well as the procedures for after-force medical care and for the reporting, investigation and review of incidents after an application of force.

POLICY

The Sacramento Police Department (SPD) values the sanctity of human life and the freedoms guaranteed by the United States and California constitutions. Use of force (UOF) by peace officers is of important concern to the community. The role of law enforcement is to safeguard life, dignity, liberty of all persons, without prejudice to anyone. Peace officers shall carry out duties, including UOF, in a manner that is fair and unbiased.

A peace officer shall consider the principles of proportionality in looking at the totality of the circumstances by weighing the severity of the offense, the reasonably perceived level of resistance and the need for apprehension prior to the utilization of force. A peace officer shall continually evaluate tactics when determining the appropriate UOF response. If necessary, a peace officer shall render medical aid pursuant to GO 522.02 (Emergency Care for Individuals Under Police Care or Control) as soon as reasonably possible.

A peace officer shall employ de-escalation and crisis intervention techniques when feasible and when doing so does not increase the risk of harm to peace officers or another person. When making UOF decisions, a peace officer should be mindful that subjects may be physically or mentally incapable of responding to police commands due to a variety of circumstances including, but not limited to, alcohol or drugs, mental impairment, medical conditions, or language and cultural barriers.

Peace officers shall use deadly force only when necessary in defense of human life or to prevent serious bodily injury. The decision by a peace officer to use force shall be evaluated from the perspective of a reasonable peace officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when peace officers may be forced to make quick judgments about using force. SPD shall evaluate the UOF used by its peace officers to ensure that the use of such force is lawful and consistent with this policy.

PROCEDURE

A. DEFINITIONS

1. **IMMINENT THREAT** - An imminent threat is considered to exist if a subject has demonstrated actions that would lead one to reasonably believe that, based on the totality of the circumstances, the subject will continue to pose a threat if not apprehended immediately. A person is an imminent threat if the peace officer reasonably believes that the person has the present intent, means, opportunity and ability to complete the threat regardless of whether the threatened action has been initiated. Penal Code Section 835a (e)(2) states: "An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed."
2. **FEASIBLE** - "Feasible" means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the peace officer or another person.



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3. TOTALITY OF CIRCUMSTANCES – All facts known to, or perceived by, the peace officer at the time, including the conduct of the officer and the subject leading up to the UOF.
4. PROPORTIONALITY - When determining the appropriate level of force, a peace officer shall balance the severity of the offense committed, the threat to public safety and the level of force needed to overcome resistance based on the totality of the circumstances known to, or perceived by, the officer at the time.
5. DE-ESCALATION - Taking action or communicating verbally or nonverbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the UOF or with a reduction of the force necessary. De-escalation tactics include, but are not limited to, warnings, verbal persuasion, and tactical repositioning.
6. CRISIS INTERVENTION TECHNIQUES (CIT) - A collaborative approach to safely and effectively address the needs of people with mental illnesses, link them to appropriate services, and divert them from the criminal justice system if appropriate. The primary goal of CIT is to improve peace officer and mental health consumer safety while reducing injuries to peace officers and consumers during law enforcement contacts. Crisis intervention techniques include using distance, time, verbal tactics, or other tactics to de-escalate a situation.
7. LEVELS OF RESISTANCE DEFINITIONS
 - a. COMPLIANT - Subject offers no resistance.
 - b. PASSIVE NON-COMPLIANCE - Does not respond to verbal commands but also offers no physical form of resistance.
 - c. ACTIVE RESISTANCE - Physically evasive movements to defeat a peace officer's attempt at control including bracing, tensing, running away, verbally or physically signaling an intention to avoid or prevent being taken into or retained in custody.
 - d. ASSAULTIVE - Aggressive or combative; attempting to assault the peace officer or another person, verbally or physically displays an intention to assault the peace officer or another person.
 - e. LIFE-THREATENING - Any action likely to result in serious bodily injury or death of the peace officer or another person.
8. FORCE DEFINITIONS
 - a. OBJECTIVELY REASONABLE FORCE - An objective standard of force viewed from the perspective of a reasonable peace officer, without the benefit of 20/20 hindsight, and based on the totality of the circumstances known to, or perceived by, the peace officer at the time.
 - b. NECESSARY FORCE – Peace officers may use deadly force only when necessary in defense of human life or serious bodily injury. The decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when peace officers may be forced to make quick judgments about using force. (Penal Code 835a).
 - c. REPORTABLE UOF - Any UOF that causes injury as defined below; any UOF whether or not it results in injury, involving the discharge of a firearm, a canine bite, or use of an impact weapon, chemical agent, or CED; and any UOF, whether or not it results in injury, that deviates from the techniques taught and the equipment provided by the department (section G.4. & G.5.).
 - d. LESS LETHAL FORCE- Any force that is not reasonably likely to cause death. Less lethal force options include, but are not limited to, the use of the CED, baton, chemical agents, 40mm projectiles, bean bag shotgun rounds, personal body weapons, and control holds.
 - e. DEADLY FORCE - Any force that poses a substantial risk of causing death or serious bodily injury is considered deadly force. Deadly force may include, but is not limited to, the discharge of a firearm, an intentional strike to the head with an impact weapon or an improvised impact weapon.
9. INJURY DEFINITIONS



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- a. INJURY - Any visible bodily injury or complaint of bodily injury (non-visible injury). The injury must be reasonably related to the UOF applied. Injury, as defined in this order, does not include the temporary pain associated with the proper application of control holds and/or restraints.
- b. SERIOUS BODILY INJURY - A serious impairment of physical condition, including but not limited to loss of consciousness, protracted loss or impairment of function of any bodily member or organ, a wound requiring extensive suturing, and serious disfigurement.

B. DUTY TO INTERVENE

1. A peace officer shall intervene when they observe another peace officer using force that is clearly beyond that which is objectively reasonable under the circumstances, and when in a position to do so, prevent the use of unreasonable force, and report the incident to their immediate supervisor.
2. Peace officers shall report potential unreasonable force to a superior officer and/or Internal Affairs (IA) when present and observing another peace officer using force that the officer believes to be beyond that which is necessary, as determined by a reasonable peace officer under the circumstances based upon the totality of information actually known to the officer.

C. VERBAL WARNING

If feasible, and if doing so would not increase the danger to the peace officer or another person, the peace officer shall make every attempt to identify themselves and to issue a clear and comprehensible verbal warning before using any type of force that is likely to cause any serious bodily injury or death, so that the subject(s) may submit to the authority of the peace officer.

D. RENDERING MEDICAL AID

Peace officers on scene shall render aid and/or summon medical assistance pursuant to GO 522.02 (Emergency Care for Individuals Under Police Care or Control) when any UOF has resulted in any type of injury or death regardless of custody status.

E. CONSIDERATIONS GOVERNING UOF

1. All applications of force whether deadly or less lethal are governed by this policy.
2. 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 necessary to effect the arrest, to prevent escape or to overcome resistance.
3. A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts because of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of objectively reasonable force (in compliance with Penal Code section 835a) to effect the arrest or to prevent escape or to overcome resistance. For the purposes of this subdivision, "retreat" does not mean tactical repositioning or other de-escalation tactics.
4. When using force, a peace officer should only use techniques and equipment that are approved by the department.
5. Circumstances may arise in which a peace officer reasonably believes that it would be impractical or ineffective to use any of the tools, weapons or techniques provided by SPD. A peace officer may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the peace officer may resort to using any objectively reasonable means of force. The use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.
6. When feasible under the totality of the circumstances and where it may be accomplished without increasing the risk of harm to peace officers or another person, peace officers shall attempt to de-escalate situations.
7. When a peace officer believes they are dealing with a mentally ill, developmentally disabled, or an emotionally disturbed subject, the officer shall, if time and circumstances reasonably permit, utilize CIT.
8. Peace officers shall ensure that a crime scene barrier is placed to preserve the scene and shield the public's view of a deceased subject after they have been declared deceased.



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9. Authorized non-sworn uniformed department personnel shall only use the CED or OC in immediate defense of themselves or another member of the department.
10. Authorized non-sworn uniformed department personnel who use the CED or OC in defense of themselves or another person shall:
 - a. Attempt to get away from the situation as soon as possible.
 - b. Not engage the subject and immediately call for code 3 assistance from sworn peace officers.
11. When determining whether to apply force and evaluating whether a peace officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. Those factors may include, but are not limited to:
 - a. The immediacy and severity of the perceived threat to peace officers or another person (PC 835a)
 - b. The conduct of the subject being confronted (as reasonably perceived by the peace officer at the time)
 - c. Officer versus subject factors such as age, size, relative strength, skill level, injuries sustained, level of exhaustion and number of peace officers available versus subjects
 - d. The conduct of the involved peace officer (PC 835a)
 - e. The effects of drugs or alcohol
 - f. The subject's apparent mental state or capacity (PC 835a)
 - g. The subject's apparent ability to understand and comply with officer commands (PC 835a)
 - h. The proximity or access of weapons to the subject
 - i. The level of threat or resistance presented by the subject
 - j. The availability of other reasonable and feasible options and their possible effectiveness (PC 835a)
 - k. The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained
 - l. The seriousness of the subject offense or reason for contact with the subject
 - m. The training and experience of the peace officer
 - n. The potential for injury to peace officers, subjects or another person
 - o. Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the peace officer
 - p. The risk and reasonably foreseeable consequences of escape or apparent attempt by the subject
 - q. The apparent need for immediate control of the subject who was posing an imminent threat to peace officers or another person
 - r. Whether the conduct of the subject being confronted no longer reasonably appears to pose an imminent threat to the peace officer or another person
 - s. Prior contacts with the subject or awareness of any propensity for violence
 - t. The environmental factors and/or other exigent circumstances.
 - u. The availability of other resources
 - v. Not all of the above factors may be present or relevant in a particular situation, and there may be additional factors not listed.

F. PROHIBITED USES OF FORCE

1. Peace officers shall not use force:
 - a. By means of a carotid control hold, choke hold, or any other type of neck restraint unless the officer reasonably believes there to be an imminent threat of serious bodily injury or death.
 - b. Against subjects who are not subject to arrest or detention, except to protect the officer or another person.
 - c. Against subjects who are handcuffed or otherwise restrained, except where the subject is actively resisting, attempting escape, or poses an imminent threat to the peace officer, themselves or another person.
 - d. Against subjects for the sole purpose of preventing the exercise of first amendment rights, when a legitimate law enforcement purpose does not exist.



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- e. To punish or to retaliate.
- f. To stop a subject from swallowing a substance that is already in their mouth.

G. FORCE OPTIONS

1. Peace officers have a variety of force options available to them. Peace officers do not need to follow a continuum of force but shall select the UOF they deem appropriate for the circumstances, ensuring their UOF complies with the law, the provisions of this policy and any specific department policies or manuals governing the type of force they select to use.
2. Peace officers shall continue to assess their UOF selection and either transition to a different UOF option or discontinue a UOF based on their assessment, ensuring their UOF option remains reasonable for the circumstances.
3. Equipment for Sworn Peace Officers
 - a. Issued and required on person
 - (1) Firearm
 - (2) Conductive Energy Devices (CED)
 - (3) Impact weapons (Baton)
 - (4) Handcuffs
 - (5) Radio
 - (6) Oleoresin Capsicum (OC) spray
 - (7) Body Worn Camera (BWC)
 - (8) Flexible Body Armor
 - b. Issued and need to have readily available. This is not a complete list of other issued equipment:
 - (1) Less Lethal Shotgun (readily available in patrol vehicle)
 - (2) Patrol rifle (readily available in patrol vehicle and for qualified sworn personnel)
 - (3) Flashlight
 - (4) Gas Mask
 - (5) Ballistic Helmet
 - (6) Orange reflective vest
4. Required Equipment Issuance and UOF options for Non-Sworn Uniformed Department Personnel
 - a. Issued and required on duty belt:
 - (1) Oleoresin Capsicum (OC) spray
 - (2) Conductive Energy Devices (CED)
5. UOF Options for Sworn Peace Officers
 - a. The following is an alphabetical list of UOF options. This is not a complete list of options:
 - (1) Bola Wrap
 - (2) Chemical Agents
 - (3) Conductive Energy Devices (CED)
 - (4) Control Holds
 - (5) Discharge of Firearms and Other Deadly Force
 - (6) Impact Weapons (baton)
 - (7) Less Lethal Weapons Systems
 - (8) Personal Body Weapons
 - (9) Pointing of a Firearm at a Person
 - (10) Takedowns
 - (11) Use of Canine
 - (12) Verbal Commands/Instructions/Command Presence
6. The following is a list of SPD policies and manuals covering specific UOF topics:
 - a. GO 580.04 (Firearms)
 - b. GO 580.10 (Use of the Conductive Energy Device (CED))
 - c. GO 580.12 (Less Lethal Weapons Systems)
 - d. GO 580.14 (Use of Canine)



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- e. GO 580.20 (Deployment of BolaWrap®)
- f. RM 523.02 (Search and Handcuff Manual)
- g. RM 532.09 (Arrest of Passive Resisters Manual)
- h. RM 532.11 (Crowd and Riot Control Manual)
- i. RM 580.07 (Chemical Agents Manual)
- j. RM 580.08 (Baton Manual)

H. USE OF PERSONAL BODY WEAPONS

Personal body weapon (PBW) is the improvised use of a part of a peace officer's body, including but not limited to the head, hands, arms, legs, and feet, as an impact weapon to deliver a strike to a subject.

- 1. A peace officer may use PBWs to transition to a better position of advantage (i.e., positional change, handcuffing, etc.) to create distance/space, or overcome an assaultive subject.
- 2. When PBWs are used, peace officers must continually evaluate the ability to transition to a more advantageous position and/or recognize the signs of submission/compliance by the subject.
- 3. PBWs shall not be utilized against subjects solely engaging in passive non-compliance or merely active resistance.
- 4. PBWs should not be used on handcuffed persons unless they are exhibiting active aggression and/or to prevent subjects from harming themselves or another person.

I. USE OF A CONDUCTIVE ENERGY DEVICE (CED)

- 1. A peace officer may deploy and use the CED under the following circumstances:
 - a. To incapacitate a subject whose conduct rises at least to the level of active resistance. This includes threats or pre-indicators leading up to assaultive or resistive behavior.
 - b. To incapacitate a suicidal subject who can't be safely controlled through crisis intervention techniques or other force options.
- 2. Peace officers shall avoid using the CED for more than a total of three (3) five-second cycles (15 seconds), unless the totality of the circumstances are such that a reasonable peace officer would conclude that each subsequent application of the CED, analyzed separately, is warranted by the imminent threat to the officer or another person.
- 3. CED deployment shall cease when the subject no longer represents an imminent threat to the peace officer or another person.
- 4. The use of the CED is considered a serious UOF. Each individual cycle of the CED must be objectively reasonable under the circumstances.
- 5. The CED should not be used on handcuffed persons unless they are actively resisting or exhibiting active aggression and/or to prevent subjects from harming themselves or another person.
- 6. The CED shall be used pursuant to GO 580.10 (Use of the Conducted Energy Device (CED)).

J. POINTING A FIREARM

- 1. Nothing in this policy shall preclude a peace officer from drawing of a firearm when the officer reasonably believes it necessary for the safety of the officer or another.
- 2. Detentions involving the pointing of a firearm at a person shall be entered into RIPA pursuant to GO 210.09 (RIPA).
- 3. The pointing of a firearm at a person shall be documented in the appropriate report, RIPA and on the CAD call using the abbreviation "FPAP" (Firearm Pointed At Person).

K. DISCHARGE OF FIREARMS AND OTHER DEADLY FORCE

- 1. The use of a firearm or other deadly force is the most serious decision a peace officer may make. In determining whether deadly force is necessary, peace officers shall evaluate each situation considering the circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible to a reasonable peace officer.
- 2. 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 against imminent threat of serious bodily injury or death.
- 3. Peace officers are authorized to use a deadly level of force under the following circumstances:



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- a. To prevent a crime where the subject's actions are reasonably believed to place others in imminent jeopardy of serious bodily injury or death; or,
 - b. To prevent the escape of a fleeing subject when the peace officer reasonably believes the escape will pose a significant threat of serious bodily injury or death to the peace officer or another person if apprehension is delayed.
 4. A peace officer shall not use deadly force against a person who presents only a danger to themselves and does not pose an imminent threat of serious bodily injury or death to another person or officer.
 5. A subject gaining control of one or more pieces of a peace officer's equipment, without the subject presenting an imminent threat of serious bodily injury or death, is not enough to justify the use of deadly force.
 6. A peace officer may discharge a firearm in the performance of their official duty:
 - a. To protect themselves or another person from what is reasonably believed to be an imminent threat of serious bodily injury or death.
 - b. To prevent a crime where the subject's actions are reasonably believed to place person(s) in imminent jeopardy of serious bodily injury or death.
 - c. To effect an arrest, prevent an escape, or recapture an escapee when the peace officer reasonably believes the subject to be arrested poses an imminent threat to cause serious bodily injury or death if apprehension is delayed.
 - d. At a firing range, pursuant to all safety rules and regulations.
 - e. To stop a potentially aggressive animal, such as a dog, if the animal reasonably appears to pose an immediate threat of serious bodily injury or death to a peace officer or to another person and alternative methods are not feasible or would likely be ineffective.
 - (1) In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, Conducted Energy Device, oleoresin capsicum (OC) spray, animal control peace officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.
 7. Firearms shall not be discharged as a warning.
 8. Peace officers shall make every attempt to consider their surroundings and potential risks to bystanders and other peace officers to the extent reasonable under the circumstances, before discharging a firearm.
 9. The decision by a peace officer to use deadly force shall be evaluated from the perspective of a reasonable peace officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when peace officers may be forced to make quick judgments about using force.
 10. When an employee discharges or attempts to discharge a firearm while on or off duty, intentionally or accidentally, the employee shall immediately notify the on-duty watch commander. This does not include intentional discharges at a range or for recreational purposes (e.g., hunting, private target practice, or other similar activities).
- L. MOVING VEHICLES
1. A peace officer shall make every reasonable effort to move out of the path of an approaching vehicle instead of discharging their firearms at the vehicle or its occupants.
 2. A peace officer shall make every reasonable effort to not intentionally place themselves in a position where a vehicle could be perceived as a threat to the officer.
 3. Peace officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.
 4. Peace officers shall not discharge a firearm at or from a moving vehicle unless one of the following circumstances exists:
 - a. The peace officer reasonably believes that deadly force, or the imminent threat of deadly force, is being used against a peace officer or another person by means other than the moving vehicle.



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- b. The peace officer reasonably believes that the driver is using or is attempting to use the vehicle as a means to cause injury or death to the peace officer or another person.
5. In reviewing incidents involving the discharging of a firearm from a moving vehicle or at a moving vehicle, SPD will consider the totality of the circumstances, including but not limited to whether the peace officer or another person were in imminent danger of serious bodily injury or death and whether the peace officers present employed tactics consistent with SPD's UOF principles and approved training.

M. MANDATORY REPORTING PROCEDURE

1. Reporting Uses of Force

- a. Employees shall notify the field supervisor as soon as practical anytime any UOF used to overcome a combative, physically aggressive, or fleeing subject who has delayed, obstructed, or fought with a peace officer.
 - b. A reportable UOF is any UOF where any of the following apply:
 - (1) The UOF involves:
 - (a) The discharge of a firearm.
 - (b) A canine bite.
 - (c) The use of an impact weapon.
 - (d) The use of a chemical agent.
 - (e) The application caused a visible injury.
 - (f) The subject subjected to the force complained of injury or continuing pain.
 - (g) Any application of a CED
 - (h) The subject subjected to the force was rendered unconscious.
 - (i) The use of personal body weapons.
 - (j) Any UOF as outlined in Appendix #1 with the corresponding reporting requirements in Appendix #2 (refer to Appendix #1 and #2 at end of policy).
 - (k) A subject alleges any of the above has occurred.
 - (2) The UOF deviates from the techniques taught or the equipment provided by the department (see in section G.4. & G.5.).
 - (3) The UOF causes injury.
 - (a) For the purpose of determining if a UOF is reportable, an injury is defined as any visible bodily injury or complaint of bodily injury (non-visible injury). The injury must be reasonably related to the UOF applied. The temporary pain associated with the proper application of control holds and/or restraints is not an injury for purposes of determining if a UOF is reportable.
 - c. If a peace officer is in doubt as to whether a UOF is reportable, the officer shall notify their field supervisor, who will then be responsible for making the determination.
 - d. After notifying the field supervisor:
 - (1) The peace officer shall complete the applicable report(s) (crime, casualty, and/or incident). The report shall include a complete detailed description of how and why force was used, as well as a description of injuries that the subject received or claims to have received.
 - (2) All peace officers on scene shall write supplemental observations whether or not they used force.
 - (3) A peace officer booking an arrested subject shall notify the appropriate jail medical staff employee of the injury and type of force used.
 - (4) The peace officer shall forward through the chain of command to the Professional Standards Unit (PSU) a completed red border form (RM 3).
 - e. Whether or not a UOF is reportable under this policy, any UOF used to overcome a combative, physically aggressive, or fleeing subject who has delayed, obstructed, or fought with a peace officer shall be documented in a crime, casualty, or incident report. The peace officer's field supervisor shall be notified. Brief resistance to the application of departmentally approved control holds does not require a report.
- ### 2. Supervisors' Responsibilities
- a. Upon notification of a reportable UOF, the peace officer's field supervisor shall:



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- (1) Respond to the location of the arrest to ensure that a thorough investigation takes place. A thorough investigation into a UOF by a peace officer should include, but is not limited to, an area canvass (for witnesses, evidence and surveillance video), witness statements (which should be obtained by a supervisor or peace officers not involved in the UOF), subject statements, and photographs of the scene and any injuries. If the supervisor is unable to respond to the location of the arrest, the supervisor shall note the reasons why on the call.
 - (2) Review the incident with the arresting peace officer and/or other officers.
 - (3) Review all recordings (both audio and video) of the event, including In-Car Camera, Body Worn Camera video, and any available surveillance video).
 - (4) Assess the appropriateness of the UOF and any charge(s) against the subject.
 - (5) Consider arranging for other peace officers to transport and book the subject in the event the subject continues to display hostile, confrontational, or oppositional behavior toward the arresting officer(s).
- b. Management Level Review
- (1) The peace officer's field supervisor shall initiate a management level review by making a tracking software entry whenever the following reportable UOF events occur:
 - (a) Any reportable UOF that results in the subject requiring a medical clearance (Fit for Incarceration report) prior to booking or, if the subject is not booked into jail or juvenile hall, any injury that would likely require a Fit for Incarceration report.
 - (b) Any reportable UOF, involving the discharge of a firearm, a canine bite, or the use of an impact weapon, chemical agent, or CED.
 - (c) Any reportable UOF that deviates from the techniques taught or the equipment provided by the department.
 - (d) Any UOF the supervisor or watch commander determines should be subject to a management level review.
 - (2) The field supervisor shall immediately notify the watch commander upon determining that a management level review is required.
 - (3) The field supervisor shall enter the following information into the tracking software:
 - (a) List of peace officers involved.
 - (b) The type of force that was used.
 - (c) The extent of injuries (if any) to the peace officer and the subject.
 - (d) Whether or not the supervisor responded to the scene and if not, why.
 - (e) Any administrative actions taken by the supervisor or other personnel.
 - (f) All pertinent documents shall be attached to the entry.
 - (4) Tracking software entries should be completed within 30 days of the incident date.
 - (5) In cases where a firearm has been discharged or the UOF results in death, the tracking software entry shall be completed by IA/PSU and shall not be completed by the field supervisor.
 - (6) If the UOF was captured on non-departmental video, a copy of the video shall be forwarded to PSU.
 - (7) All uses of force shall be categorized using the level of force definitions. (See Appendix #1.)
 - (8) The watch commander shall review with the field supervisor any uses of force that are subject to management level review. If, after the review, the watch commander determines that the UOF was inconsistent with department policy, the watch commander shall contact the peace officer's captain and review the incident. If necessary, the captain will refer the incident to Internal Affairs.
 - (9) UOF deployed by supervisors
 - (a) In the event a sergeant uses force or gives a peace officer a direct order to deploy force that triggers the reporting requirements set forth in this order, the watch commander will be responsible for identifying the person responsible for complying with this section.
 - (b) In the event a manager uses force or gives a peace officer a direct order to deploy force that triggers the reporting requirements set forth in this order, the manager shall notify their direct



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superior and the superior shall be responsible for identifying the person responsible for complying with this section.

N. OFFICER INVOLVED SHOOTING RESPONSE AND INVESTIGATION

1. Duties of the Initial On-Scene Supervisor

In any peace officer-involved shooting, the initial on-scene supervisor or district sergeant shall:

- a. Respond immediately, take charge, and ensure the watch commander has been notified of the incident.
- b. Stabilize the situation and establish protection of the crime scene. All personnel desiring to gain access to the scene shall be referred to the crime scene recorder.
- c. Obtain a brief overview of the situation.
 - (1) The supervisor shall attempt to gain an overview of the situation by contacting non-shooting officer(s).
 - (2) If the supervisor is unable to gain an overview of the situation from non-shooting peace officers, the supervisor shall obtain a public safety statement from at least one shooting officer. The on-scene supervisor shall ensure shooting peace officers are only contacted once and that additional supervisors do not repeat the request for a public safety statement.
 - (3) Public safety statements are conducted using SPD Card 136. The supervisor will ask the series of preliminary questions contained on SPD Card 136. While these questions are intended to cover most situations, they may not fit every incident. Supervisors may deviate slightly from the questions to match the facts of the incident but should be careful to limit their questions to only obtaining information needed for a public safety statement. The SPD Card 136 questions are:
 - (a) What was your approximate location(s) when you discharged your firearm?
 - (b) What was the approximate number of rounds you fired and in what direction?
 - (c) Do you know if any other peace officers fired any rounds?
 - (d) Is it possible the suspect(s) fired rounds at you? If so, from what direction?
 - (e) Are you aware of any victims/witnesses/injured people? If so, what is their location?
 - (f) Are there any outstanding suspect(s)? If so, what is their description, direction and mode of travel? Are there weapons involved?
 - (g) Are there any weapons/evidence that need to be secured? If so, what is their location?
 - (4) If a peace officer declines to give a public safety statement the supervisor may administratively order any SPD officer to immediately provide limited public safety information necessary to secure the scene, locate witnesses/evidence, request additional resources and pursue outstanding suspect(s). If the shooting involves peace officers from an outside agency involved within city limits, the supervisor will have to coordinate obtaining the above information with a supervisor from that outside agency.
- d. After obtaining a public safety statement, administratively order each involved peace officer not to discuss the incident with other peace officers until they receive further direction from a supervisor and to turn off their body-worn cameras.
- e. Physically collect the body-worn cameras from all involved peace officers and place them into separate envelopes to start the chain of custody. This camera(s) will later be turned over to investigators for downloading of their contents.
- f. Separate involved officer(s), assign a Peer Support member to each officer, and coordinate with the watch commander to move the officer(s) to an off-site staging area.
- g. Remain on-scene to brief arriving investigators and be there to answer any questions as they may arise.
- h. After turning the scene over to the Homicide Sergeant, the supervisor shall prepare a supplemental report, memorializing the Public Safety Statement(s) and other actions taken at the scene for the general offense report (GO).
- i. Give consideration toward GO 570.03 (Post-Trauma Response) and offer the employee(s) peer support pursuant to GO 570.04 (Peer Support Program).



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2. Officer Involved Shooting Investigation

- a. Care should be taken to preserve the integrity of any physical evidence present on the involved peace officer(s) and the officer(s)' equipment and/or clothing (e.g. blood, fingerprints, etc.) until investigators or Forensic Investigators (FI) can properly retrieve it.
- b. Evidence collection shall minimally consist of:
 - (1) Retrieving and booking any expended cartridges, bullets, along with all live ammunition pertinent to the incident.
 - (2) Diagramming of the crime scene, including positions of persons and objects and the trajectories of expended shots.
 - (3) Producing adequate pictorial sketches and photographs, including the use of a video camera if necessary, of damaged property.
 - (4) Obtaining a recording of all radio transmissions within ten (10) days or as soon as they are available.
 - (5) Obtaining copies of the peace officer(s)' firearm training records.
 - (6) Determining factors of probable cause, if present, that contributed to the peace officer(s)' decision in discharging a weapon.
 - (7) Ensuring all items of evidence related to the shooting are collected and booked.
 - (8) Noting the condition of city equipment that may be associated with the weapon discharge. Removing from service for later inspection all such equipment that could remotely be attributed to or may have been damaged, For example:
 - (a) If a weapon discharged due to being caught on the peace officer's gun belt or clothing, book all such articles.
 - (b) If the discharge was the result of a vehicle door closing on a peace officer with the weapon drawn, remove the vehicle from service.
- c. Obtain statements from all person's present.
- d. Have the area canvassed for witnesses and obtain statements.
- e. Involved peace officers shall not review any video at the scene without supervisor approval except for exigent public safety reasons (e.g., providing subject description, subject's direction of travel, vehicle description, weapon type etc.).

3. Watch Level Investigation Following an Officer Involved Shooting

- a. The following shooting incidents shall be investigated at the watch level:
 - (1) Shooting of an animal.
 - (2) Accidental discharge without injury.
 - (3) Unsuccessful attempted discharge (e.g., weapon malfunction).
- b. The on-duty watch commander shall:
 - (1) Initiate an administrative investigation involving the discharge of firearms, except accidental discharges at the range. The investigation shall be documented in a memorandum and sent through the chain of command to the appropriate office chief. The report shall then be forwarded to the Professional Standards Unit (PSU), where the report shall be kept on file.
 - (2) Designate a sergeant as the principal investigating supervisor.
- c. If, in the watch commander's opinion, a more thorough investigation is necessary, a homicide callout may be initiated.

4. Homicide Unit Responsibilities Following an Officer Involved Shooting

- a. The Homicide Unit shall investigate the following shooting incidents:
 - (1) Intentional discharge at a person.
 - (2) Discharge resulting in serious bodily injury or death to a person.
- b. After the scene has been stabilized and imminent threats of hostility neutralized, command of the scene shall be relinquished to the Homicide Unit supervisor.



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- c. Homicide detectives shall be aware that any shooting may have a traumatic effect upon involved and uninvolved peace officers. Detectives shall conduct their investigation in a professional manner that shall not add unnecessary trauma to the situation.
 - d. District Attorney's Office (DA) and Office of Public Safety Accountability (OPSA) Notification
 - (1) The DA and OPSA or their designees shall be notified to respond to all officer-involved shootings that result in injury to another person.
 - (2) The DA and OPSA shall be permitted access to the incident scene to the extent possible without contaminating evidence or otherwise disturbing the scene. Their presence is to merely observe and familiarize themselves with the situation.
 - (3) The DA shall conduct an independent assessment of the circumstances and will issue written findings.
5. Death Notifications:
- a. The Office of Investigations Captain or designee shall contact the Coroner's Office as soon as practical in an attempt to identify the next of kin of any subject who dies in police custody or as result of a UOF incident.
 - b. The Coroner's Office shall make the death notification to the next of kin.
 - c. The Office of Investigations Captain or designee shall identify an investigative sergeant to serve as an information liaison between the deceased subject's next of kin and the department. Investigative updates shall be provided to the next of kin as needed or requested.
6. Surrender/Inspection of Weapons Following an Officer Involved Shooting
- a. A peace officer shall be allowed to retain a handgun while at the scene. Firearms other than the involved officer(s)' handgun (e.g., rifles, etc.) that have been discharged shall be secured by the watch commander after the situation has been stabilized. A peace officer may be required to surrender their handguns at the scene if a replacement weapon is immediately available. If this occurs, it shall be accomplished in a private area outside the view of the public or the media.
 - b. The peace officer(s)' weapon(s) shall be inspected by an investigator who is familiar with the weapon system used, and documented as follows:
 - (1) The magazine shall be removed.
 - (2) The chamber shall be checked and cleared, and its condition noted.
 - (3) All live rounds shall be counted, or the cylinder be opened, and the number and location of spent and live rounds described and diagrammed (if necessary).
 - (4) The serial number shall be recorded.
 - (5) The weapon shall then be reloaded and returned to the peace officer or booked at the discretion of the investigator.
 - c. On an accidental discharge, the weapon shall be booked and referred to the armorer for inspection.
 - d. The peace officer's supervisor shall ensure that a replacement weapon is issued in a timely manner. Replacement weapons shall minimally be kept available at all substations and in the Detective Division.
 - e. Any other weapon at the scene may be inspected by the investigating peace officers at their discretion.
7. Transportation from the Scene
- a. As soon as is practical, the involved peace officer(s) shall be transported from the scene to an offsite staging area, usually the nearest department facility. The peace officer(s) shall be kept secure from public confrontations pursuant to (GO 570.04) Peer Support Program.
 - b. Peer Support members shall not remove the involved peace officer(s) from the scene without approval of the Incident Commander (IC).
 - c. A peace officer being transported to a police facility in a marked unit shall not be placed in the rear seat unless under arrest. A peace officer may be transported from the scene by their SPOA representative and/or their attorney when appropriate.
8. Incident Documentation



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- a. Every peace officer shall prepare a written report of their activity and observations as soon as reasonably practical unless an oral statement is taken from detectives. Peace officers who complete oral interviews are not required to prepare a written report.
 - b. A peace officer may be directed to prepare reports at the Detective Division at the discretion of the investigating supervisor or higher authority.
 - c. Injured peace officers are exempt from preparing a report until physically capable.
 - d. Reports shall be submitted and approved prior to end of watch unless circumstances make the completion of a report unreasonable as determined by an appropriate supervisor.
 - e. Outside agency personnel may use their own report forms. Copies of the reports may serve as SPD supplements.
 - f. A peace officer shall be advised of their Miranda rights when:
 - (1) Under arrest.
 - (2) Information available to the investigator(s) causes them to believe the peace officer is criminally responsible.
 - (3) The peace officer makes incriminating statements during an oral interview.
 - g. While a peace officer(s) is providing a voluntary oral interview for statement under Miranda, the following personnel may view the process:
 - (1) Assigned detectives, supervisors, Internal Affairs Division (IAD) investigator, PSU representative, DA investigator, OPSA representative, and/or the peace officer's legal representative.
 - (2) Except with the expressed authorization of the ranking detective or supervisor, no others shall be allowed to view the interview.
 - h. When an oral interview is conducted, it shall be audio recorded if possible. The peace officer(s) shall be informed that the interview is being recorded.
 - i. No more than two (2) detectives shall be in the interview room with a peace officer. A peace officer may have representation present during any interview. The representative shall not obstruct or otherwise interfere with the investigative process. However, the representative may invoke Miranda to protect the peace officer from self-incrimination.
 - j. Involved peace officer(s) and their representatives will have access to their In-Car Camera and Body-Worn Camera recordings and/or other reasonably available recordings of the incident that depicts the involved peace officer or the perspective of the involved peace officer at the time of the incident. However, if such a recording also contains significant content outside these parameters, the Chief of Police, or designee, may redact or withhold the portions of the video containing the content. The peace officer and their representative shall be notified of any redactions or withholdings. A peace officer shall be encouraged to recall the circumstances and provide a chronological outline of the incident. The peace officer(s) shall have the opportunity to talk to an SPOA representative or attorney prior to giving an oral or written statement.
 - k. The interviewing detective shall be sensitive to the physical needs and emotional well-being of the peace officer. When appropriate, food and drink shall be provided. The detective shall:
 - (1) Ensure that the peace officer is able to move about the office without confronting subjects, witnesses, or the media.
 - (2) Ask the peace officer(s) if they wish to talk with the police chaplain and/or a Peer Support member pursuant to (GO 570.04) Peer Support Program.
 - l. A peace officer who is an eyewitness to a shooting shall:
 - (1) Respond to the Detective Division to complete a written report or oral interview.
 - (2) Be directed to an available desk away from other peace officers or distractions.
 - (3) Proceed with the preparation of a written report or make notes for the oral interview.
 - m. If applicable, the investigating supervisor shall complete or shall ensure the completion of:
 - (1) An After-Action Report (SPD 005) pursuant to GO 532.13 (After Action/Debriefing Reports).
 - (2) A red border form (RM3).
9. Shooting by SPD Peace Officers Outside City Jurisdiction



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- a. Whenever a peace officer, by discharge of a firearm, causes a death or injury outside the city jurisdiction, the peace officer shall notify the agency having jurisdiction and their watch commander, who shall ensure IAD is notified and assigned to assist the agency conducting the investigation for purposes of coordination and keeping informed of the investigation.
- b. If the agency having jurisdiction does not have the resources available to conduct the investigation and requests the SPD conduct the investigation, the watch commander shall be notified. The watch commander shall assess whether SPD will conduct the investigation.

10. Shooting by Peace Officers of Another Law Enforcement Agency Within City Jurisdiction

- a. If death or injury is the result of a police shooting by another law enforcement agency, the Homicide Unit shall be notified to handle the investigation. The other agency shall be notified immediately so they may monitor the investigation pursuant to GO 560.01 (Arrest and Investigation by Allied Agencies).

11. Refresher Training

Any peace officer involved in an accidental or intentional firearms discharge shall undergo firearms refresher training prior to returning to full duty. Refresher training:

- a. Shall be in accordance with the module prepared by the Training Section.
- b. May include topics such as officer safety tactics, policy, and the law.
- c. Shall be conducted by an authorized range master who shall direct a memorandum to the Captain, Personnel Service Division (PSD), or designee, indicating that the peace officer has received firearm refresher training.
- d. Shall be documented and submitted to the PSD to be placed in the peace officer's personnel file and a copy forwarded to PSU to be placed in the department's incident folder and tracking software system.

12. Return to Duty

Return to duty for each employee involved in a fatal or injury shooting shall only occur after:

- a. Consideration has been given to GO 570.03 (Post Trauma Response).
- b. The COP, or designee, has notified the City Manager.

O. REVIEW PROCEDURES

1. Internal Affairs Division

- a. The IAD captain shall direct IAD investigators or PSU representatives to respond as needed.
- b. If an involved peace officer has elected to not provide criminal investigators with a voluntary statement, the assigned IAD investigator shall conduct an administrative interview to determine all relevant information.
- c. Prepare a memorandum to the involved peace officer(s) advising them of any in policy shooting review disposition.

2. Professional Standards Unit

PSU shall:

- a. Have access to all reports and investigative materials regarding any officer shooting incident with the exception of IAD investigative files.
- b. Keep and maintain reports and related material indefinitely.
- c. Contact the City of Sacramento Risk Manager by the next business day to discuss any potential civil liability issues.
- d. Schedule and facilitate a preliminary review and final review.
- e. Collect data and report statistics on UOF incidents.
- f. Maintain the Early Intervention Program (EIP).

3. Administrative Review

- a. Officer involved shootings, other uses of force resulting in death, in custody deaths and other significant events at the discretion of the Chief of Police shall be reviewed via the following two-step process:
 - (1) Preliminary Review



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- (a) This review shall take place within the first 30 days following the incident. Extensions beyond the 30-day deadline must be approved by the Chief of Police.
 - (b) The Preliminary Review is intended to be a high-level analysis of the incident evaluating our organizational performance. This review should be facilitated by the Area Captain.
 - (c) If the incident involved a UOF, the policy issues related to the specific application of force during the event shall not be addressed.
 - (d) Areas covered should include an overview of facts, initial response, training, equipment, policy considerations other than the specific application of force and internal and external communication.
 - (e) The Captain of the Office of the Chief shall prepare and submit a memo documenting the findings of the preliminary review to PSU.
- (2) Internal Affairs Administrative Review
- (a) The Internal Affairs Division shall investigate the incident for policy compliance.
 - (b) The internal affairs investigation shall commence immediately following the incident.
 - (c) Any policy violations that occurred outside of the UOF application will be investigated within the normal internal investigation procedures and conclude as soon as possible.
 - (d) The investigation into the UOF application will not conclude until all criminal investigations have been completed, and the District Attorney's office or, when applicable, other state or federal agencies have rendered a legal opinion on the UOF.
 - (e) Once the Internal Affairs Review of the UOF application has been completed, the final policy review will be scheduled.
- (3) Final Policy Review
- (a) An administrative review to determine if the force used during the incident complied with department policy.
 - (b) Takes place after the District Attorney has rendered an opinion on the UOF.
 - (c) Shall be chaired by the Deputy Chief, Office of Investigations, and minimally consist of:
 - 1) Captain(s) of the involved employee(s)
 - 2) Lieutenant, Training Division
 - 3) Watch Commander
 - 4) Department Range Master
 - 5) PSU
 - 6) Risk Management
 - 7) Office of Public Safety Accountability Director
 - 8) SPOA President
 - (d) Sworn managers attending the Final Policy Review shall recommend to the COP whether the specific UOF was within department policy.
 - (e) The investigating Watch Commander or Homicide Sergeant shall be prepared to fully explain the investigation during the final policy review.
 - (f) The Homicide Sergeant shall ensure that a copy of the District Attorney's review letter is forwarded to PSU for proper filing and distribution to the involved employee(s).
 - (g) The Captain of the Office of the Chief shall prepare and submit a memo documenting the findings of the Final Policy Review to PSU.

P. UOF REVIEW BOARD

All Level 1 and Level 2 UOF incidents will be reviewed on a monthly basis pursuant to GO 580.01 (UOF Review Board).

Q. DISCLOSURE OF PUBLIC RECORDS

The department will disclose public records pursuant to state and federal law.

R. REPORTING TO THE CALIFORNIA DEPARTMENT OF JUSTICE



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PSU shall submit statistical data regarding all qualifying officer-involved shootings and incidents involving UOF resulting in serious bodily injury is to be reported to the California Department of Justice (URSUS) as required by Government Code 12525.2.

S. UOF ANALYSIS AND POLICY REVIEW

1. At least annually, PSU should prepare an analysis report on UOF incidents. The report should be submitted to the Chief of Police. The report should not contain the names of peace officers, subjects or case number but should include:
 - a. The identification of any trends in the UOF by members.
 - b. Training needs recommendations.
 - c. Equipment needs recommendations.
 - d. Policy review and revision recommendations.

T. TRAINING

1. At least annually, all sworn personnel shall receive training related to this agency's UOF policy and related legal updates for the following:
 - a. Legal standards for UOF
 - b. Duty to intervene
 - c. The use of objectively reasonable force
 - d. Supervisory responsibilities
 - e. UOF review and analysis
 - f. Guidelines for the use of deadly force
 - g. State required reporting.
2. Additional regular and periodic training shall include:
 - a. Training standards and requirements relating to demonstrating knowledge and understanding of the law enforcement agency's UOF policy.
 - b. Training and guidelines regarding vulnerable populations, including, but not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.
 - c. Minimum training and course titles related to the objectives in the UOF policy include but are not limited to:
 - (1) De-escalation and interpersonal communication training, including tactical methods that use time, distance, cover, and concealment, to avoid escalating situations that lead to violence.
 - (2) Implicit and explicit bias and cultural competency.
 - (3) Skills including de-escalation (crisis intervention) techniques to effectively, safely, and respectfully interact with people with disabilities or behavioral health issues.
 - (4) Alternatives to the use of deadly force and physical force, so that de-escalation tactics and less lethal alternatives are, where feasible, part of the decision-making process leading up to the consideration of deadly force. Enhancing a peace officer's discretion and judgment in using less lethal and deadly force in accordance with this policy.
 - (5) Mental health and policing, including bias and stigma.
 - (6) Using public service, including the rendering of first aid, to provide a positive point of contact between law enforcement peace officers and community members to increase trust and reduce conflicts.
 - (7) UOF scenario training including simulations of low-frequency, high-risk situations and calls for service, shoot-or-don't-shoot situations, and real-time force option decision making.
3. All UOF training provided to all sworn personnel shall be documented by the department.

U. LEGAL REFERENCES

1. California Penal Code sections 196 and 835a.
2. *GRAHAM V. CONNOR* (1989) 490 U.S.386 is a legal standard which defines what reasonable force is. The court's decision "requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an imminent threat to the safety of the officer or others, and whether he is actively resisting arrest or attempting to evade arrest by flight." In addition, "the 'reasonableness' of a particular use of force must be judged from the perspective of a



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reasonable officer on scene, rather than with 20/20 vision of hindsight... the question is whether the officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting them."

3. *TENNESSEE V. GARNER* 471 U.S. 1 (1985),[2] is a civil case in which the Supreme Court of the United States held that, under the Fourth Amendment, when a law enforcement officer is pursuing a fleeing suspect, the officer may not use deadly force to prevent escape unless "the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others." It was found that use of deadly force to prevent escape is an unreasonable seizure under the Fourth Amendment, in the absence of probable cause that the fleeing suspect posed a physical danger.



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LEVEL 1	LEVEL 2	LEVEL 3
<ul style="list-style-type: none">• UOF resulting in death• UOF resulting in Serious Bodily Injury (SBI)• Officer involved shooting resulting in injury or death• Officer involved shooting-subject missed• Use of vehicle as weapon resulting in SBI• In-custody death• Use of non-issued equipment resulting in SBI or death	<ul style="list-style-type: none">• Officer involved shooting of an animal• Canine bite• CED deployment-probe• Use of chemical agents• Use of baton• Use of CED drive stun• Use of personal body weapons• Use of less lethal weapons systems• Use of BolaWrap®	<ul style="list-style-type: none">• Any UOF used to overcome a combative, physically aggressive, or fleeing subject who has delayed, obstructed, or fought with an officer• Any UOF that results in a visible injury or complaint of pain by the subject to whom force was applied to. Example: visible scratch, abrasion, complaint of pain however not minor discomfort by application of certain control holds or handcuffs



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REPORTING REQUIREMENTS FOR LEVEL 1	REPORTING REQUIREMENTS FOR LEVEL 2	REPORTING REQUIREMENTS FOR LEVEL 3
<ul style="list-style-type: none">• Sergeant notification• Homicide call out• CSI request• IAD call out• PSU call out• PIO call out• District Attorney response team• OPSA• Crime or casualty report• Red border form (RM 3)• Tracking software entry <p>All call outs are based on the needs of the incident.</p>	<ul style="list-style-type: none">• Sergeant notification• Crime or casualty report• CSI request• Red border form (RM 3)• Tracking software entry• Watch commander investigation (shooting of an animal)	<ul style="list-style-type: none">• Sergeant notification• Incident/crime report• CSI request• Red border form (RM 3) if there is visible injury• No tracking software entry