



# SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



## 580.02 USE OF FORCE 12-16-21

### PURPOSE

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

### 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, and liberty of all persons, without prejudice to anyone. Peace officers shall carry out duties, including UOF, in a manner that is fair and unbiased. This policy will be regularly reviewed and updated by the Professional Standards Division to reflect developing practices and procedures.

It is the policy of the Department that a peace officer is justified in using deadly force upon another person only as a last resort when reasonable alternatives have been exhausted or are not feasible and the officer reasonably believes, based on the totality of the circumstances, that such force is necessary.

This policy is based upon Assembly Bill 392 as codified in Penal Code 835a which states:

- (a) The Legislature finds and declares all of the following:
  - (1) That the authority to use physical force, conferred on peace officers by this section, is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. The Legislature further finds and declares that every person has a right to be free from excessive use of force by officers acting under color of law.
  - (2) As set forth below, it is the intent of the Legislature that peace officers use deadly force only when necessary in defense of human life. In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.
  - (3) That the decision by a peace officer to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by peace officers, in order to ensure that officers use force consistent with law and agency policies.
  - (4) That 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 officers may be forced to make quick judgments about using force.
  - (5) That individuals with physical, mental health, developmental, or intellectual disabilities are significantly more likely to experience greater levels of physical force during police interactions, as their disability may affect their ability to understand or comply with commands from peace officers. It is estimated that individuals with disabilities are involved in between one-third and one-half of all fatal encounters with law enforcement.



# SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



- (b) Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance.
- (c) (1) Notwithstanding subdivision (b), a peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons:
- (A) To defend against an imminent threat of death or serious bodily injury to the officer or to another person.
  - (B) To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.
- (2) A peace officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person.
- (d) A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested. A peace officer shall not be deemed an aggressor or lose the right to self-defense by the use of objectively reasonable force in compliance with subdivisions (b) and (c) 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.
- (e) For purposes of this section, the following definitions shall apply:
- (1) “Deadly force” means any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm.
  - (2) A threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. 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.
  - (3) “Totality of the circumstances” means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force.

## **POLICY AND PROCEDURE**

### **A. DEFINITIONS AND CONCEPTS**

1. **IMMINENT THREAT OF DEATH OR SERIOUS BODILY INJURY** - A threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. 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** - Reasonably capable of being done or carried out under the totality of the circumstances to successfully achieve the lawful objective without increasing risk to the peace officer or another person.



# SACRAMENTO POLICE DEPARTMENT

## GENERAL ORDERS



3. TOTALITY OF THE 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 - The balance of 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. REACTIVE AUTHORITY- Pre-determined set of force directives given during a critical incident, provided by the Incident Commander or designee, regarding the type of force authorized to effect an arrest, overcome resistance, prevent escape, and/or to preserve life. The reactive authority shall be consistent with current policy and law.
8. PERSONAL BODY WEAPON (PBW) - Improvised use of a part of a peace officer's body, including but not limited to the head, hands, arms, legs, and feet, as a weapon.
9. LEVELS OF RESISTANCE
  - a. COMPLIANT - Subject offers no resistance.
  - b. PASSIVE NON-COMPLIANCE – Subject does not respond to verbal commands but also offers no physical form of resistance.
  - c. ACTIVE RESISTANCE – Subject uses evasive movements in an attempt 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 – The subject is 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 – The subject is taking action likely to result in serious bodily injury or death of the peace officer or another person.
10. FORCE DEFINITIONS
  - a. 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.).
  - b. 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.
  - c. DEADLY FORCE - Any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm.
11. INJURY DEFINITIONS
  - a. INJURY - Any visible bodily injury or complaint of bodily injury (non-visible injury) reasonably related to the UOF applied. This type of injury does not include the temporary pain associated with the proper application of control holds and/or restraints.



# SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



- b. SERIOUS BODILY INJURY- Bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member or organ.
  12. POSTITIONAL ASPHYXIA – Situating a person in a manner that compresses their airway and reduces the ability to sustain adequate breathing. This includes, without limitation, the use of any physical restraint that causes a person’s respiratory airway to be compressed or impairs the person’s breathing or respiratory capacity, including any action in which pressure or body weight is unreasonably applied against a restrained person’s neck, torso, or back, or positioning a restrained person without reasonable monitoring for signs of asphyxia.
  13. RETALIATION – Demotion, failure to promote to a higher position when warranted by merit, denial of access to training and professional development opportunities, denial of access to resources necessary for an officer to properly perform their duties, or intimidation, harassment, or the threat of injury while on duty or off duty.
  14. INTERCEDE- For purposes of this policy, the term “intercede” includes, but is not limited to, physically stopping an excessive use of force, recording the excessive force, if equipped with a body-worn camera, and documenting efforts to intervene, efforts to deescalate the offending officer’s excessive use of force, and confronting the offending officer about the excessive force during the use of force; and if the offending officer continues, reporting to dispatch or the watch commander on duty and stating the offending officer’s name, unit, location, time, and situation, in order to establish a duty for that officer to intervene.
  15. EXCESSIVE FORCE- A level of force that is found to have violated Section 835a of the Penal Code, the requirements on the use of force required by this section, or any other law or statute, including Section 835a of the Penal Code and Section 7286 of the Government Code.
  16. KINETIC ENERGY PROJECTILES- For purposes of this policy, the term “kinetic energy projectiles” means any type of device designed as less lethal, to be launched from any device as a projectile that may cause bodily injury through the transfer of kinetic energy and blunt force trauma. For purposes of this section, the term includes, but is not limited to, items commonly referred to as rubber bullets, plastic bullets, beanbag rounds, and foam tipped plastic rounds.
  17. CHEMICAL AGENTS- For purposes of this policy, the term “chemical agents” means any chemical that can rapidly produce sensory irritation or disabling physical effects in humans, which disappear within a short time following termination of exposure. For purposes of this section, the term includes, but is not limited to, chloroacetophenone tear gas, commonly known as CN tear gas; 2-chlorobenzalmalononitrile gas, commonly known as CS gas; and items commonly referred to as pepper balls, pepper spray, or oleoresin capsicum.
- B. DUTY TO INTERCEDE
1. If a peace officer observes another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject, the peace officer shall intercede, when feasible to do so under the totality of the circumstances. If they do not do so, they shall be subject to discipline to the same severity as if they themselves engaged in the excessive force.
  2. Peace officers shall immediately report potential excessive force to a superior officer when present and observing another officer using force that the officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer.
  3. Retaliation against a peace officer that reports a suspected violation of a law or regulation of another officer to a supervisor or IA is prohibited.
- C. VERBAL WARNING



# SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



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 force that is likely to cause serious bodily injury or death, so that the subject(s) are given the opportunity to submit to the authority of the peace officer.

## D. RENDERING MEDICAL AID

Peace officers on scene shall promptly render aid and/or summon medical assistance when reasonable and safe to do so 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. USE OF FORCE DURING AN ASSEMBLY, PROTEST, OR DEMONSTRATION

1. Peace officers using kinetic energy projectiles or chemical agents during an assembly, protest, or demonstration shall ensure that such force is used pursuant to RM 532.11 (First Amendment Assembly Manual) and GO 580.12 (Less Lethal Munitions).

2. Peace officers shall only use kinetic energy projectiles or chemical agents during an assembly, protest, or demonstration if the use is objectively reasonable to defend against a threat of life or serious bodily injury to any individual, including a peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control, and only in accordance with all of the following requirements:

- a. De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
- b. Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
- c. Persons are given an objectively reasonable opportunity to disperse and leave the scene.
- d. An objectively reasonable effort has been made to identify persons engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of persons.
- e. Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
- f. Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.
- g. An objectively reasonable effort has been made to extract individuals in distress.
- h. Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.
- i. Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
- j. Kinetic energy projectiles or chemical agents shall not be used by any law enforcement agency solely due to any of the following:
  - (1) A violation of an imposed curfew.
  - (2) A verbal threat.
  - (3) Noncompliance with a law enforcement directive.
- k. If the chemical agent to be deployed is tear gas, only a lieutenant or above at the scene of the assembly, protest, or demonstration may authorize the use of tear gas.

## F. GENERAL CONSIDERATIONS GOVERNING USE OF FORCE

1. 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.
2. A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested. A peace officer shall not be deemed an aggressor or lose his right to self-defense by the use of objectively reasonable force in





# SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



compliance with subsections E.1 and F.1-2 to effect the arrest or to prevent escape or to overcome resistance. For the purposes of this paragraph, “retreat” does not mean tactical repositioning or other de-escalation tactics.

3. 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.
4. The decision by a peace officer to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by peace officers, in order to ensure that officers use force consistent with law and department policies.
5. 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. The totality of the circumstances shall account for occasions when peace officers may be forced to make quick judgments about using force.
  - a. Circumstances of consideration may include, but are not limited to:
    - (1) The immediacy and severity of the perceived threat
    - (2) The conduct of the subject
    - (3) 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
    - (4) The conduct of the involved peace officer
    - (5) The effects of drugs or alcohol
    - (6) The subject’s apparent mental state or capacity
    - (7) The subject’s apparent ability to understand and comply with officer commands
    - (8) The proximity or access of weapons to the subject
    - (9) The level of threat or resistance presented by the subject
    - (10) The availability of other reasonable and feasible options and their possible effectiveness
    - (11) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained
    - (12) The seriousness of the subject offense or reason for contact with the subject
    - (13) The training and experience of the peace officer
    - (14) The potential for injury to peace officers, subjects or another person
    - (15) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the peace officer
    - (16) The risk and reasonably foreseeable consequences of escape or apparent attempt by the subject
    - (17) Prior contacts with the subject or awareness of any propensity for violence
    - (18) Environmental factors and/or other exigent circumstances
    - (19) The availability of other resources

Not all of the above factors may be present or relevant in a particular situation, and there may be additional factors not listed.

6. When using force, a peace officer should only use techniques and equipment that are approved by the department. 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.



# SACRAMENTO POLICE DEPARTMENT

## GENERAL ORDERS



7. When feasible, peace officers shall attempt to de-escalate situations.
8. When a peace officer reasonably 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.

### F. CONSIDERATIONS GOVERNING USE OF DEADLY FORCE

1. Notwithstanding subsection E.1, a peace officer is justified in using deadly force upon another person only as a last resort when reasonable alternatives have been exhausted or are not feasible and the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons:
  - a. To defend against an imminent threat of death or serious bodily injury to the officer or to another person.
  - b. To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.
2. A peace officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person.
3. 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 by itself to justify the use of deadly force.
4. A peace officer may discharge a firearm in the performance of their official duty:
  - a. Pursuant to Section F. 1.-4; or
  - b. At a firing range, pursuant to all safety rules and regulations; or
  - c. In order to stop a potentially aggressive animal, such as a dog, if the animal reasonably appears to pose an imminent 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.
5. Firearms shall not be discharged as a warning.
6. Peace officers shall consider their surroundings and potential risks to bystanders and other peace officers to the extent reasonable under the circumstances, before discharging a firearm.
7. When a peace officers 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).

### G. PROHIBITED USES OF FORCE

1. Peace officers shall not use force:
  - a. By means of a carotid restraint, choke hold, or any other type of neck restraint.
  - b. Or utilize any transport methods that involve a substantial risk of positional asphyxia.
  - c. Against subjects who are not subject to arrest or detention, except to protect the officer or another person.
  - d. Against subjects who are handcuffed or otherwise restrained, except where the subject is actively resisting, attempting escape, or poses an imminent threat of harm to the peace officer, themselves or another person.



# SACRAMENTO POLICE DEPARTMENT

## GENERAL ORDERS



- e. For the sole purpose of preventing the exercise of first amendment rights, when a legitimate law enforcement purpose does not exist.
- f. For the sole purpose punishment or retaliation.
- g. To stop a subject from swallowing a substance that is already in their mouth.

### H. VERBALIZATION DURING UNLAWFUL ASSEMBLY OR PROTEST

1. When feasible, peace officers should verbalize any use of force that is utilized during a mass protest/unlawful assembly. The following should be verbalized on body worn camera:
  - a. Location of where the use of force occurred
  - b. Type of force that was utilized
  - c. Reason for the use of force
  - d. Description of subject for whom the use of force was intended

### I. 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 SPD 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





# SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



- (9) Pointing of a Firearm at a Person
  - (10) Takedowns
  - (11) Use of Canine
  - (12) Verbal Commands/Instructions/Command Presence
6. UOF Options for Authorized, Non-Sworn Uniformed Personnel
- a. Authorized non-sworn uniformed department personnel shall only use the CED or OC in immediate defense of themselves or another member of the department.
  - b. Authorized non-sworn uniformed department personnel who use the CED or OC in defense of themselves or another person shall:
    - (1) Attempt to get away from the situation as soon as possible.
    - (2) Call for code-3 assistance from sworn peace officers as soon as feasible.
7. The following is a list of SPD policies and manuals address specific UOF topics:
- a. GO 522.02 (Emergency Care for Individuals Under Police Care or Control)
  - b. GO 580.03 (Use of Force Reporting, Investigations and Response)
  - c. GO 580.06 (De-escalation and Planned Response)
  - d. GO 580.04 (Firearms)
  - e. GO 580.10 (Use of the Conductive Energy Device (CED))
  - f. GO 580.12 (Less Lethal Weapons Systems)
  - g. GO 580.14 (Use of Canine)
  - h. RM 523.02 (Search and Handcuff Manual)
  - i. RM 532.09 (Arrest of Passive Resisters Manual)
  - j. RM 532.11 (Crowd and Riot Control Manual)
  - k. RM 580.07 (Chemical Agents Manual)
  - l. RM 580.08 (Baton Manual)
- J. USE OF PERSONAL BODY WEAPONS (PBWs)
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.
- K. USE OF A CONDUCTIVE ENERGY DEVICE (CED)
1. The CED shall be used pursuant to GO 580.10 (Use of the Conducted Energy Device).
  2. 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.
  3. 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.
  4. CED deployment shall cease when the subject no longer poses an imminent threat of harm to the peace officer or another person.
  5. The use of the CED is considered a serious UOF. Each individual cycle of the CED must be objectively reasonable under the circumstances.
  6. 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.



# SACRAMENTO POLICE DEPARTMENT

## GENERAL ORDERS



### L. 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 the Racial Identify Profiling Act database (RIPA) pursuant to GO 210.09.
3. The pointing of a firearm at a person shall be documented in the appropriate report, RIPA and on the Computer Aided Dispatch (CAD) call using the abbreviation "FPAP" (Firearm Pointed At Person).

### LI. MOVING VEHICLES

1. A peace officer shall make every reasonable effort to move out of the path of an approaching vehicle.
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 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 there is an imminent threat of death or serious bodily injury to a peace officer or another person, by means other than the moving vehicle.
  - b. The peace officer reasonably believes that the driver is using or is attempting to use the vehicle as a means to cause imminent threat of death or serious bodily injury to the peace officer or another person.

### LII. 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 intercede
  - 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, the standards in Peace Officers Standards and Training (POST) Learning Domain 20 (Use of Force), and the following:
    - (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.



# SACRAMENTO POLICE DEPARTMENT

## GENERAL ORDERS



3. All UOF training provided to all sworn personnel shall be documented by the department.
4. Any officer that receives a sustained internal affairs complaint for excessive force will not be allowed to train any officer(s) for a period of three years from the date the complaint is substantiated. This includes:
  - a. Field training
  - b. In-service training
  - c. Academy instruction or evaluation
  - d. Roll Call presentations
5. Officers shall advise any supervisor that tasks him/her with a training assignment that they are not authorized to instruct, teach, or train. Failure to do so will be cause for discipline.
  - a. The officer is not obligated to go into detail about the prior incident or complaint as to why they cannot train other than to advise the supervisor that in accordance with applicable law they are not authorized to train at that time.

### O. REPORTING

1. Supervisors Responsibilities. Upon notification of a reportable UOF, the peace officer's field supervisor shall:
  - a. 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.
  - b. Review the incident with the arresting peace officer and/or other officers.
  - c. Review all recordings (both audio and video) of the event, including In-Car Camera, Body Worn Camera video, and any available surveillance video).
  - d. Assess the appropriateness of the UOF and any charge(s) against the subject.
  - e. 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).
  - f. A peace officer's field supervisor shall advise the watch commander of any incident involving UOF and initiate a management level review by making a tracking software entry whenever the following reportable UOF events occur:
    - (1) 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.
    - (2) Any reportable UOF, involving the discharge of a firearm, a canine bite, or the use of an impact weapon, chemical agent, or CED.
    - (3) Any reportable UOF that deviates from the techniques taught or the equipment provided by the department.
    - (4) Any UOF the supervisor or Watch Commander determines should be subject to a management level review.
  - g. The field supervisor shall enter the following information into the tracking software:
    - (1) peace officer(s) involved
    - (2) type of force used
    - (3) extent of injuries (if any) to the peace officer and/or subject
    - (4) supervisor's response or reason for no response
    - (5) any administrative actions taken by a supervisor or other managerial personnel
    - (6) all pertinent documents related to the incident (i.e. Red Border, Blue Border, Taser download, etc.)
  - h. Tracking software entries should be completed within 30 days of the incident date and routed in accordance to department procedure.



# SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



(1) In cases where a firearm has been discharged or the UOF results in serious bodily injury or death, the tracking software entry shall be completed by FIT personnel.

(2) All uses of force shall be categorized using the level of force definitions. (See Appendix #1.)

P. DISCLOSURE OF PUBLIC RECORDS

The department will disclose public records pursuant to applicable law, including Penal Code Section 832.7.

Q. REPORTING TO THE CALIFORNIA DEPARTMENT OF JUSTICE

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 Section 12525.2.

R. COMPLIANCE

Any member of the public can submit a complaint to any member of the Department and in any form (i.e. in person, telephone, email, etc.). Once the complaint is received, it should be routed to the Internal Affairs Division in accordance with General Order 220.01 (Personnel Complaints).

S. LEGAL REFERENCES

1. California Penal Code Sections 196, 835a, 13652 and 13652.1.
2. California Government Code Sections 7286 and 12525.2.
3. *GRAHAM V. CONNOR* 490 U.S. 386 (1989) sets the legal standard for reasonable force. 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 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."
4. *TENNESSEE V. GARNER* 471 U.S. 1 (1985) 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.



# SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



LEVEL 1	LEVEL 2	LEVEL 3
<ul style="list-style-type: none"><li>• UOF resulting in death</li><li>• UOF resulting in Serious Bodily Injury (SBI)</li><li>• Officer involved shooting resulting in injury or death</li><li>• Officer involved shooting-subject missed</li><li>• Use of vehicle as weapon resulting in SBI</li><li>• In-custody death</li><li>• Use of non-issued equipment resulting in SBI or death</li></ul>	<ul style="list-style-type: none"><li>• Officer involved shooting of an animal</li><li>• Canine bite</li><li>• CED deployment-probe</li><li>• Use of chemical agents</li><li>• Use of baton</li><li>• Use of CED drive stun</li><li>• Use of personal body weapons</li><li>• Use of less lethal weapons systems</li><li>• Use of BolaWrap®</li></ul>	<ul style="list-style-type: none"><li>• Any UOF used to overcome a combative, physically aggressive, or fleeing subject who has delayed, obstructed, or fought with an officer</li><li>• 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</li></ul>





# SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



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