

California Department of Justice Recommendations

USE OF FORCE POLICIES

Recommendation 1: SPD’s general Use of Force policy (GO 580.02) should more clearly define and describe to officers when force is and is not authorized.

Status: **Complete**

Notes/Comments:

SPD added section C. This section articulates several “considerations” officer should evaluate prior to any UOF. Section C goes beyond the legal standard and provides further guidance on when officers should or should not use force. In addition, section D instructs officers on prohibited uses of force. Section F discusses the use of the Conductive Energy Device (CED). Section H discusses the use of a Firearm and Other Deadly Force. These additions are designed to give officers a clear understanding of SPD’s philosophy related to UOF as well as guidance on its application.

Recommendation 2: SPD should better define the applicable legal standard of objective reasonableness.

Status: **Complete**

Notes/Comments:

SPD policy defines “Reasonable Force” in GO 580.02 Definitions (A) section- 8 (a). The “reasonableness” standard is conveyed many times throughout the document which links the definition and concept to the application of force. Section C was added to add further context to the reasonableness standard. Section 8, FORCE DEFINITIONS states:

a. REASONABLE FORCE - An objective standard of force viewed from the perspective of a reasonable officer, without the benefit of 20/20 hindsight, and based on the totality of the circumstances known to, or perceived by, the officer at the time.

Recommendation 3: SPD’s general policy statement in its Use of Force policy should more expressly connect the sanctity of human life with use of force.

Status: **Complete**

Notes/Comments:

The policy “policy statement” has been expanded to address this recommendation. Under “Policy” the sanctity of life is expressed in the opening sentence: *The Sacramento Police Department values the sanctity of human life and the freedoms guaranteed by the United States and California constitutions.* This statement is immediately followed by: *Officers shall only use the amount of force that the officer believes is necessary under the totality of the circumstances.* The “policy statement” continues, to include the principles of proportionality, de-escalation and crisis intervention. The design of this section clearly expresses SPD’s priorities related to UOF and links the “sanctity of human life” with UOF. This policy language also aligns with the legislative language and intent of AB 392.

Recommendation 4: The Use of Force policy should better define and explain the requirement that force be used only when necessary.

Status: Complete

Notes/Comments:

The policy is built upon the principle that police UOF is grounded in concept of “objective reasonableness” . In section C., SPD’s policy builds upon these broad principles by adding additional articulated factors that officers should consider prior to the UOF, stating: *In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case.*

In addition, the policy includes the following statement under the “policy” section: *Officers shall only use the amount of force that the officer reasonably believes is necessary under the totality of the circumstances.* This statement clearly instructs officers to use only the force that is necessary. The policy requires an officer to focus on specific principles while maintaining the officer’s ability to make good decisions in a dynamic, complex and unknown environment, to keep our community safe. In addition, the policy lists specific factors that officers need to consider when using force in section C.4. which states: *In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case.*

Recommendation 5: SPD should refine and expand its treatment of de-escalation in its core force policy.

Status: Complete

Notes/Comments:

De-escalation is a core principle throughout the policy. The term de-escalation is included as part of the “policy” statement. It is defined under Procedure- A. Definitions -5. It is part of the “Crisis Intervention” definition in Definitions- 6. It is further referenced in section B. - 6.

Recommendation 6: SPD policy should affirm the importance of proportionality.

Status: Complete

Notes/Comments:

The policy includes “proportionality” in the “Policy” statement. Proportionality is defined in section A.- 4. The concept of proportionality is also referenced in section C. 4. a. – “consider the severity of the crime when deciding to use force” .

Recommendation 7: Consistent with the core concepts of de-escalation, necessity, and proportionality, SPD should consider expressly requiring that officers exhaust all other means reasonably available to them under the circumstances, before using deadly force.

Status: Complete

Notes/Comments:

Concepts are defined under section A. Definitions-4 and 5. Section C further builds upon those concepts by providing officers a series of “considerations” prior to using force. SPD uses a standard in correlation with AB392 codified at 835a P.C.

Recommendation 8: In its general Use of Force policy, SPD should require that, when feasible under the circumstances, officers provide verbal warnings to subjects before using force, whether deadly or less-lethal force.

Status: Complete

Notes/Comments:

This recommendation is included in the policy under section B. 9 and H. 4.

Recommendation 9: SPD should amend its policy to provide more guidance on foot pursuits.

Status: Complete

Notes/Comments:

In July 2018, SPD implemented a new policy related to “Foot Pursuits”. Its General Order 580.13.

Recommendation 10: SPD policy should specifically prohibit various problematic types of force. (See sections 10.1-10.4)

Recommendation 10.1: SPD should continue to prohibit chokeholds, and further prohibit carotid restraints and other maneuvers designed to, or may foreseeably result in, cutting off blood or oxygen to a subject’s head.

Status: Complete

Notes/Comments:

SPD currently prohibits chokeholds. The carotid control hold is no longer authorized and prohibited to use.

Recommendation 10.2: SPD should prohibit the use of techniques and/or transport that involves a substantial risk of positional asphyxia.

Status: Complete

Notes/Comments:

The updated SPD Use of Force Policy (523.02) requires prisoners/detainees to be transported in a seated, upright position so that torso pressure is released. SPD’s 2020 Continuing Professional Training (CPT) instructs officers on the new transporting procedure. Additionally, CPT 2020, included instruction and training on Max Restraints, which by design places a person in a position of recovery.

SPD has enhanced first aid training to include identifying the warning signs of excited delirium and strategies to mitigate the associated outcomes.

Recommendation 10.3: SPD should prohibit shooting *at* or *from* moving vehicles.

Status: Complete

Notes/Comments:

SPD policy addresses this recommendation in section I. SPD does not consider a complete prohibition as reasonable based on subjects using vehicles as means to commit a terrorist act or homicidal assault towards large gatherings of people. However, SPD has strengthened the policy language in section I so that officers have a clear understanding of the department's expectations.

Recommendation 10.4: SPD should prohibit specific types of force that are rarely ever consistent with policy.

Status Complete

Notes/Comments:

Section D- "Prohibited Uses of Force"- was added to the policy to address this recommendation

Recommendation 11: SPD should have policies governing each type of force instrument that it authorizes officers to carry.

Status: Complete

Notes/comments:

In section B. 1, of the policy is explicit that the UOF policy governs both deadly and less-lethal force.

Each type of force is further defined in training manuals and other General Orders. Those are referenced in section E.-"Force Options", subsection 3. The manuals will be updated and linked to the UOF policy. In addition, the use of the CED was added as Section F.

Recommendation 11.1: SPD should expressly require that all officers carry, and be trained on, less-lethal instruments.

Status: Complete

Notes/Comments:

SPD is currently working on developing a training model that provides officers training, more frequently. As part of SPD's 2020 continuing professional training (CPT) officers are trained on all of their required less lethal tools. The training is scenario based and includes the tools' function and policy considerations.

Recommendation 11.2: SPD should consider revising its firearms policy into a policy addressing the use of lethal force.

Status: Complete

Notes/Comments:

The UOF policy combines the current UOF (580.02) policy and the current Discharge of Firearms Policy (580.03). Section H was added to include firearms and other deadly force.

Recommendation 11.3: SPD's general Use of Force policy and its Discharge of Firearms policy should better address issues involving exhibiting and pointing firearms.

Status: Complete

Notes/Comments:

The revised UOF policy addresses this recommendation in section G. Nothing prohibits an officer from drawing their firearm for the safety of the officer or others. However, if an officer points a firearm at a person, it will be documented in the appropriate report and/or database.

Recommendation 11.4: SPD's firearms policy should include provisions that better ensure the safety of other officers and bystanders.

Status: Complete

Notes/Comments:

Section H. 5 was added to address this recommendation in the policy. Current firearms training focuses on officers recognizing and understanding the surroundings in which deadly force encounters occur. Scenario based training supports that effort.

Recommendation 11.5: SPD's Conducted Energy Device (CED) policy should limit use of the CED to three, standard five-second cycles, with individual cycles separately justified in use of force reporting.

Status: Complete

Notes/Comments:

The revised UOF Policy addresses this recommendation. Page 5, Section F.2 specifically addresses the 3 five second cycles issue.

The law and this UOF policy requires officers to justify all applications of force. Section F "Use of Conductive Energy Device" was added to the UOF policy inform officers on the general philosophy and application of the CED. The CED general order (580.10) provides more specificity on the use of the device. Section F -2 of the UOF policy addresses this recommendation directly.

Recommendation 11.6: SPD should consider eliminating the use of CEDs in "drive stun" mode.

Status: Complete

Notes/Comments:

The CED policy (G.O. 580.10) was revised on 9/17/20 and now prohibits the use of the drive stun except in the immediate defense of an officer or citizen where there is imminent risk of great bodily injury or death which is consistent with current training and best practices.

Recommendation 11.7: SPD’s policy should prohibit the use of a CED on handcuffed subjects.

Status: Complete

Notes/Comments:

The CED policy (580.10) does instruct officers not to use on handcuffed persons unless they are actively resisting (Section B. 5). A CED section (F) was added to the UOF policy to further express department expectations. Section F. 5 of the UOF policy also addresses this recommendation.

Recommendation 11.8: SPD should modify its canine-related policies so that its canines are deployed in a manner consistent with “find and bark” rather than “find and bite” approaches.

Status: Complete without Implementation

Notes/Comments:

SPD has researched this recommendation. SPD has updated the K-9 policy (580.14) with enhanced language related to the use of the K-9. The focus of the new policy is on “handler control” so that decisions on deployment is made by the officer, including de-escalation, proportionality, and crisis intervention techniques, in-line with current best practices, as articulated in Police Executive Research Forum dated 5/2020-*Canine Recommendations*.

Recommendation 12: SPD should more clearly articulate its requirement that officers render and/or request medical assistance when necessary following a use of force.

Status: Complete

Notes/Comments:

The UOF policy makes it clear in the “policy” section that “officers shall render, if properly trained, or request medical aid as soon as reasonably possible”. SPD has a separate General Order re: medical care –522.02- *Emergency Care for Individuals Under Police Care or Control*. That GO is referenced in section B. 10, H.8 and K 1. d of the UOF policy.

Recommendation 13: SPD should ensure that officers report potential misconduct related to force to Internal Affairs and/or a supervisor.

Status: Complete

Notes/Comments:

The Internal Investigations Manual (RM220.01) was revised. SPD added language that addresses this recommendation in that document, requiring employees to notify the Internal Affairs Division and employee’s Captain of personnel complaints. The UOF policy includes section K-2 “Excessive Force”, which added language to address this recommendation.

Recommendation 14: SPD policy should strengthen its requirement that officers intervene when they observe other officers violating its Use of Force policy.

Status: Complete

Notes/Comments:

The revised Use of Force policy includes this recommendation in section K. 2

USE OF FORCE REPORTING AND INVESTIGATION

Recommendation 1: SPD should create a general order dedicated to use of force reporting and investigations.

Status: Complete

Notes/Comments:

The revised Use of Force policy includes force reporting and investigation.

Recommendation 2: SPD should categorize reportable use of force into levels (i.e., Level 1, 2, and 3) based on seriousness and specify associated roles and responsibilities of involved officers, supervisors, and investigative personnel at each level with respect to reporting and review.

Status: **Complete**

Notes/Comments:

The revised Use of Force policy includes categories of reportable force and specifies responsibilities. See chart below.

| 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 <u>shooting-suspect</u> missed • Use of vehicle as weapon resulting in SBI • In-custody death • Use of non-issued equipment resulting in Serious Bodily Injury or death | <ul style="list-style-type: none"> • Officer involved shooting of an animal • Canine bite • Use of control holds resulting in SBI • CED deployment-probe • CS gas • Use of baton • Use of CED drive stun • Use of OC spray • Use of personal body weapons • Use of 40 MM impound sponge (Blue Tip) • Use of 40 MM direct impact OC (Orange Tip) • Use of flexible baton rounds (bean bag) • Use of pepper ball (live-x-round) | <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 use of force 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 |

| 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 • Blue team 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 • Blue team entry • Watch commander investigation (shooting of an animal) | <ul style="list-style-type: none"> • Sergeant notification • Incident/crime report • CSI request • Red border if there is visible injury • No Blue Team Entry |

Recommendation 3: Non-reportable levels of force should be clearly identified and described in the general order.

Status: Complete

Notes/Comments:

The revised UOF Policy specifically defines “reportable use of force” in section A- Force Defined- subsection 2. Specific force tools and techniques are identified in the “levels of force” section (see above graph). In addition, section K specifically addresses the UOF reporting requirements.

Recommendation 4: SPD should specify the reporting, investigation, and review requirements for each level of force, including reporting requirements for the involved and witness officers, the responsibilities of the investigating supervisor, criminal and administrative investigator responsibilities, and review requirements.

Status: Complete

Notes/Comments:

The UOF policy has added specific language related to this recommendation. Reporting and investigative responsibility begins in section K and continues through section Y. The policy includes a graph that specifies three categories of force and the corresponding reporting/investigative responsibilities.

Recommendation 4.1: Officers who use reportable force should be required to complete a Force Statement, as should officers who witnessed or were at the scene of a Level 2 or Level 3 use of force. All Force Statements should be entered into Blue Team.

Status: Complete

Notes/Comments:

Any reportable use of force requires documentation to include statements from all available sources. Those are part of the police report which is referenced and attached to the Blue Team.

Recommendation 4.2: Level 1 uses of reportable force may, under ordinary circumstances, be reviewed at the district or unit commander level. Any administrative investigation opened as a result of a Level 1 use of force should be forwarded to Internal Affairs for assignment and review.

Status: Complete

Notes/Comments:

All Level DOJ Level 1 / SPD Level 3 uses of force triggering a District level review are reviewed by our new Use of Force Review Board; and entered and logged into our use of force tracking software. Incidents may be forwarded to the Internal Affairs Division by the UOFRB after review. Furthermore, our early warning system will identify use of force trends that need to be addressed.

Recommendation 4.3: Level 2 uses of force may be reviewed by the district or unit commander but should also be forwarded to Internal Affairs for administrative investigation assignment and review.

Status: Complete

Notes/Comments:

All Level 2 uses of force are reviewed by our new Use of Force Review board; and logged and entered into our Use of Force tracking software. Incidents may be forwarded to the Internal Affairs Division after review by the Use of Force Review Board. Furthermore, our early warning system will identify use of force trends that need to be addressed.

Recommendation 5: SPD should establish a multidisciplinary team to conduct both the criminal and administrative investigations of Level 3 Reportable Force Incidents.

Status: Complete

Notes/Comments:

SPD has established a dedicated (FIT) Force Investigations Team within the Professional Standards Unit which will be responsible to conduct administrative investigations of Level 1 Reportable Force Incidents (referred to as “Level 3” by DOJ) in coordination with the Office of Investigations criminal team and the Internal Affairs Division.

Recommendation 6: SPD should establish a Use of Force Review Board charged with reviewing all Level 3 Reportable Uses of Force, all uses of force otherwise investigated by FIT, and any other matters referred to them by Internal Affairs or the Chief of Police.

Status: Complete

Notes/Comments:

The Use of Force Review Board (UOFRB) has been created, and is scheduled to have its first meeting in July, 2020. The Board will be composed of Executive Staff, Area Commanders, Training, Investigations, and Professional Standards representatives and reviews will be done with the goals of consistency and information flow across commands in mind.

Recommendation 7: The general order should specify time frames for the reporting, investigation, and review of reportable use of force.

Status: Complete

Notes/Comments:

The draft UOF policy (GO 580.02) includes this under section F (Mandatory Reporting Procedure), subsection 2 (Supervisor’s Responsibilities), (6) “Submit BT entry within 30 days of the incident date.”

Recommendation 8: A general order on reporting and investigating use of force should reflect officer wellness and safety concerns.

Status: Complete

Notes/Comments:

References to Peer Support for Officers (GO 570.04) and Post Trauma Response (GO 570.03) was incorporated into the Use of Force policy (GO 580.02) in the policy revision signed by the Chief of Police on 9/18/2019.

Recommendation 9: SPD should identify the nature and extent of the use of force information it will release to the public.

Status: Complete

Notes/Comments:

Professional Standards Unit has produced a comprehensive series of reports capable of extracting data which includes officer and citizen demographics, geographical information, statistical data on calls for service, uses of force by type, and levels of resistance. Management has approved the content and format of these data reports which will be shared with the public via the Department's transparency webpage.

Recommendation 10: SPD should consider entering into a Memorandum of Understanding with an outside agency regarding their potential role in the future use of force investigations and SPD improvements around serious use of force.

Status: Complete

Notes/Comments:

Critical Incidents such as officer involved shootings and in custody deaths are currently investigated in a thorough manner and in close collaboration and agreement with other independent agencies such as the OPSA, the Sacramento County DA's Office, the Coroner's Office, and the Sacramento County Crime Lab. A new Force Investigations Team and Use of Force Review Board has also been established to ensure consistency in administrative review process. Sacramento PD is always open to new ideas and ways of furthering trust and transparency in the investigative process.

USE OF FORCE TRAINING

Recommendation 1: SPD should place greater emphasis on teaching officers to have a guardian mindset.

Status: Complete

Notes/Comments:

Guardian mindset: This mindset is an underlying theme throughout the Academy, when SPD discusses

Use of Force, Tac Com, victimology, in scenarios, etc. SPD can always work to improve the curriculum and training to achieve better outcomes. The video referenced in this section will no longer be part of our UOF training. SPD will also evaluate and incorporate the other suggestions into the upcoming LD20 (UOF) curriculum which will also comply with City Council Use of Force Policy mandates.

Recommendation 2: SPD should ensure that its Training Academy staff and the content of all training initiatives reflect and embody the Department’s mission, core values and policies.

Status: Complete

Notes/Comments:

SPD created the new division (Research, Development and Training) to address recommendations such as this. SPD agrees that monitoring and evaluating training staff is a necessary and important activity. Leadership will meet with Academy instructors to ensure compliance. SPD Training Division has also developed a formal evaluation form and process of review and storage to evaluate and improve the content and instructors of both Academy and CPT instruction. SPD Training will comply with all City Council mandates to include de-escalation, implicit bias, persons with disabilities, among other topics.

Recommendation 3: SPD should establish a Curriculum Design Committee that reviews and approves all curricula, lesson plans and training materials (including the use of videos).

Status: Complete

Notes/Comments:

SPD training division instituted a Curriculum Review committee for UOF training in 2018. This was a recommendation from the UOFTRC. The Curriculum Review Committee included SME’s, PD managers and community members. SPD hopes to expand and enhance our efforts in this area. SPD agrees with the recommendation and see this as a vital part of creating alignment and consistency with department values and goals.

Recommendation 4: SPD should find meaningful ways to incorporate members of local colleges and universities, community-based organizations, and community members into their curriculum and lesson plan development process and instructional activities.

Status: Complete

Notes/Comments:

SPD uses experts to help instruct, speak and put together certain classes. DA’s, community members, doctors, mental health professionals, etc. all participate in teaching our employees. SPD will continue to look for opportunities to expand our relationship with key stakeholders to add perspective and enhance the training experience for our employees. A member of the Sacramento Police Review Commission observed and evaluated the instruction of LD 20 (UOF). Some of the recommendations will be implemented into future instruction. Additionally, SPD partners with the Los Rios Community College system for a majority of the current training curriculum. In class development, SPD training staff works hand in hand with Los Rios staff to develop syllabus and the training delivery method. The classes are reviewed, and if approved, certified by a Los Rios Curriculum Committee.

Recommendation 5: SPD should establish a Training Committee responsible for assessing the effectiveness of the curricula against current policies, as well as the integration of use of force scenario-based training, guardian philosophy and adult learning theory.

Status: Complete

Notes/Comments:

SPD currently has a Use of Force Training Review Committee consisting of training staff and managers who proactively identify UOF trends or issues and evaluate the effectiveness of training techniques and tactics. The Academy staff takes input from the Review Committee and addresses issues and adjusts training as necessary. SPD is in the process of formalizing this group along with a system of feedback and accountability. In addition to the UOF Review Committee, SPD has also begun the work of establishing a Training Advisory Committee (TAC), consisting of key personnel within the department and community members. The goals of this committee include seeking better performance, training, equipment, tactics, techniques, procedures, and outcomes. The establishment of a Training Advisory Committee (TAC) will serve as a guide to the departments strategic training objectives within the department's overall mission, vision and values. The department is in the process of recruiting community members to serve on the committee. The UOF Review committee is also charged with updating the TAC with emerging issues or trends that could be improved.

Recommendation 6: SPD should have clear guidelines for selecting training instructors, with prior performance history being a significant factor in the selection criteria.

Status: Complete

Notes/Comments:

The Academy utilizes instructors who are SME's in the area of instruction, are interested in teaching and have completed AICC. There is no formal written policy on selecting the instructors. Performance and discipline are considered when choosing an instructor. The Academy Lieutenant and the Training Lieutenant review the instructional staff for all SPD classes on an annual basis, and ensure that they possess the requisite training, knowledge, skills, and abilities in order to deliver the training to either recruits or sworn officers. SPD will formalize the process further.

Recommendation 6.1: Instructors should be actively involved in the development and discussion on key policies.

Status: Complete

Notes/Comments:

Subject matter experts (SME) are involved in the development and implementation of key policies. *Instructors are part of the SME group.* California POST establishes the Training and Testing Specifications (TTS) which are met in each of the Academy Learning Domains Curriculum development is conducted by most instructors. SPD agrees with the recommendation.

Recommendation 6.2: SPD should regularly convene its FTOs, and its force- related training instructors, to ensure consistency and high-quality training.

Status: Complete

Notes/Comments:

SPD began a series of meetings with the FTO's in February. These meetings include 4 hours with Academy staff to discuss current trends and alignment. SPD agrees with the recommendation. SPD created the new division: Research, Development and Training to address recommendations such as these. SPD recognizes and supports the need to have ongoing dialog re: UOF between FTO's and UOF instructors. Future Academy/FTO meetings are scheduled for January/February of 2020.

Recommendation 7: SPD should evaluate the quality and effectiveness of its training, including evaluating student learning, and conducting formal instructor evaluation and classroom audits.

Status: Complete

Notes/Comments:

Academy recruits provide written evaluations after each class regarding effectiveness of teaching aids/methods, instructor performance and how the class could be improved. The Academy sergeant does sit in on classes as time allows. A debrief/evaluation of the entire Academy experience including instruction, instructors, staff, and facilities is done at the end of each Academy class. SPD committed additional personnel to the training division. The new personnel and alignment will give our training division the capacity to monitor and evaluate all aspects of our training. SPD plans to use all evaluation tools available, to include researching best practices in this space. SPD includes a formal evaluation by students as part of its continued professional training program. Supervisory staff also audit instruction to ensure proper curriculum and delivery.

Recommendation 8: SPD should re-assess its use of force training, ensuring it emphasizes critical-decision making skills. Such training should be required annually in- service, and also to supervisors, managers and command staff.

Status: Complete

Notes/Comments:

Critical-decision making skills are emphasized in the classroom lecture and exercises as part of the UOF LD class. Critical decision making continues to be emphasized in scenario training and testing spanning many LD's throughout the Academy. SPD agrees with the recommendation. SPD should always search for ways to improve, particularly in the area of force. The new Research, Development, Training division is currently researching and evaluating SPD's UOF training to ensure it aligns with best practices. SPD is currently researching and developing a new "Critical Decision Making Model" to ensure decisions reflect the mission and values of our organization in addition to other considerations. Plan to implement CDM in 2021

OFFICER-INVOLVED SHOOTINGS INCIDENT REVIEW – INVESTIGATIONS

Recommendation 1: SPD should develop a manual that governs both administrative and criminal investigations of officer-involved shootings.

Status: Complete

Notes/Comments:

SPD policy for the handling of officer involved shooting investigations has been codified in an Office of Investigations order which details written protocols for the investigation of officer involved shootings and in custody deaths. These comprehensive procedures are currently in place and practiced; and the written document will be incorporated into the SPD policy manual conversion to Lexipol.

Recommendation 2: SPD should have its Internal Affairs Division investigate every officer-involved shooting to determine if policies and/or training were violated during the incident.

Status: Complete

Notes/Comments:

SPD Internal Affairs Investigators respond to all officer involved shooting incidents and take an oversight role in the investigation. SPD initiates an administrative investigation for every OIS and death in custody.

Recommendation 3: Detectives who are assigned to conduct investigations of officer-involved shootings should receive relevant training.

Status: Complete

Notes/Comments:

SPD Detectives assigned to the Homicide Unit are the primary investigators for all OIS or Death in Custody incidents. Detectives assigned to this unit are required, at a minimum, to have attended the following courses approved by the Commission on Peace Officer Standards and Training (POST):

- POST Basic Investigators Course
- POST Homicide Investigators Course
- Interview and Interrogation Course
- POST Officer Involved Shooting Investigation Course

Supervisors always monitor and evaluate OIS interviews and provide feedback to the investigator as appropriate.

Recommendation 4: SPD should standardize its investigative case files, and ensure that they include documents that will facilitate various kinds of reviews following the conclusion of the investigation.

Status: Complete

Notes/Comments:

SPD reports are housed primarily in a computer reporting system that doesn't allow us to modify the order. The point of a standardized summary at the beginning of the case has been incorporated into more recent cases and will continue in the future. SPD is exploring a divider system for print copies of the report to better delineate sections of the report for the reader.

Recommendation 5: SPD should conduct a formal after-action review, which includes supervisors and command staff, following every officer-involved shooting.

Status: Complete

Notes/Comments:

SPD has always completed a management review after all OIS events. SPD recently modified the process to make that review a two step process. First within the first 30 days following the incident, management will conduct an After-Action Review of the event to evaluate any training, equipment, tactics, communication or operational points that need to be addressed immediately. Second, the Department will conduct a full shooting review of the event to address if the actual use of force event was within the policy guidelines of SPD. This second phase will be completed at the end of the criminal and administrative investigation.

Recommendation 6: SPD should require supervisors and chain-of-command to review all use of force cases, including officer-involved shootings and serious use of force.

Status: Complete

Notes/Comments:

SPD has a computer software program that tracks all reportable uses of force. Part of that tracking software incorporates, at a minimum, that each use of force event receives a review by a Sergeant, two Lieutenants and a Captain. More serious uses of force, including officer involved shooting receive a more intensive review of the event.

OFFICER-INVOLVED SHOOTINGS INCIDENT REVIEW – TACTICS

Recommendation 1: SPD should ensure its officers are effectively employing cover, distance, and time tactics to minimize the need for deadly force.

Status: Complete

Notes/Comments:

The Research, Development and Training division has implemented more scenario-based training in the area of deadly force encounters. The 2019 CPT curriculum includes 8 hours of scenario-based training related to the elements raised in this recommendation to include de-escalation techniques and tactical communication.

Furthermore, De-escalation techniques are covered and re-enforced during the basic police academy as required by SB230 via scenarios and instruction to include but not limited to learning domain (LD) LD1- Leadership, Professionalism & Ethics, LD3-Policing in The Community, LD4-Victimology & Crisis Intervention, LD20-Use of Force, LD21-Patrol Techniques, LD33-Arrest and Control, LD37-People with Disabilities, and LD42-Cultural Diversity & Discrimination).

Recommendation 2: SPD should assess its practices and provide officers with guidance on the discharge of firearms in situations that may endanger bystanders and other officers.

Status: Complete

Notes/Comments:

These techniques are incorporated within firearm instruction, training and bi-annual qualification for all officers.

Recommendation 3: SPD should ensure its training prepares officers to encounter and detain individuals in a manner that decreases the need for deadly force applications.

Status: Complete

Notes/Comments:

The Training, Research and Development Division established a number of systems and processes that help assess the UOF training provided to SPD personnel. The development and implementation of a new UOF policy supports that effort. SPD training emphasizes guardianship, de-escalation, proportionality, necessity and critical thinking when making decisions. These elements are part of the classroom curriculum, but more importantly are modeled and evaluated throughout the academy as part of scenario-based training. SPD agrees with this recommendation and continues to evaluate and refine its UOF training to achieve better outcomes.

PERSONNEL COMPLAINT PROCEDURE

Recommendation 1: SPD should adopt a general order that outlines its complaint process and requires all personnel to comply with the process or be subject to potential disciplinary action.

Status: Complete

Notes/Comments:

The Internal Investigations Manual (RM220.01) was revised, and a Personnel Complaints policy (GO 220.01) was added. SPD added language that addressed this recommendation in those documents.

Recommendation 2: SPD should establish a specific intake process that requires all complaints be accepted and forwarded to Internal Affairs for processing, and Internal Affairs should serve as the repository for all complaints, regardless of origin or level of severity.

Status: Complete

Notes/Comments:

The Internal Investigations Manual (RM220.01) was revised, and a Personnel Complaints policy (GO 220.01) was added. SPD added language that addressed this recommendation in those documents.

Recommendation 3: SPD should establish a complaint classification system, that among other things, accounts for the seriousness of the offense.

Status: Complete

Notes/Comments:

The Internal Investigations Manual (RM220.01) was revised. SPD added language that addressed this recommendation in that document.

Recommendation 4: SPD should require Internal Affairs to assign and review complaint investigations.

Status: Complete

Notes/Comments:

The Internal Investigations Manual (RM220.01) was revised. SPD added language that addressed this recommendation in that document.

Recommendation 5: SPD should develop its Early Intervention Program.

Status: Complete

Notes/Comments:

The revision of policy 570.06 (Early Intervention Program) is complete. SPD recognizes the importance of having a meaningful and robust early intervention program.

Recommendation 6: SPD should enter into a memorandum of understanding with OPSA regarding its role and responsibilities.

Status: **In progress**

Notes/Comments:

A new director for OPSA was recently appointed and SPD has started engaging in communications with the new director. A formal memorandum of understanding will be developed and discussed as the new director settles in and is brought up to speed with the respective roles and responsibilities of each partnering entity.

Community Engagement and Transparency

Recommendation 1: SPD should develop and implement a community outreach plan that includes regularly scheduled and broadly accessible meetings with Sacramento residents.

Status: **Complete**

Notes/Comments:

The Division of Outreach and Engagement has developed a strategic plan to create opportunities and increase community engagement. In addition, SPD area commands have regularly scheduled community events and meetings throughout the City. SPD will continue to develop a strategic plan to engage Sacramento residents.

Recommendation 2: SPD should strive for greater transparency by consistently releasing information regarding use of force and other related topics.

Status: **Complete**

Notes/Comments:

Currently, SPD has a transparency page that provides information on officer-involved shooting incidents, death in custody events, vehicle stop data information, policies, the body-worn camera project, Public Records Act Information, Crisis Intervention Training and incidents of public interest. SPD will update this information and will continue to find ways to expand on this page and provide information to the public.