

Sacramento Police Department
2320-29580
Use of Force PSP

Statement of purpose: The purpose of this course is to provide the student with topics of use of force options which meet the requirements of the Perishable Skills Program (PSP) for POST. The student will refresh their knowledge with review of relatable Statutory law, Case law and Sacramento Police Department policy, and will be given an overview of new laws applicable to Use of Force. The student will demonstrate understanding of the knowledge through a hands-on assessment of force options and will have discussions regarding report writing and articulation of facts. This course consists of hands-on / practical skills of force options for sworn Sacramento Police Department officers. This course complies with the legislative content and mandates of AB392, SB230 & PC835a.

Minimum Topics/Exercises:

- a. Statutory Law
- b. Case Law
- c. Agency Policies
- d. Reverence for Human Life
- e. De-Escalation
- f. Duty to Intercede
- g. Rendering First-Aid
- h. Class Exercises/Student Evaluations/Testing

1. Statutory Law. Review of the new Senate and Assembly Bills. Discussion to ensure applicable bills are understood. **(a)**

- a. **Review of AB 392 and SB 230**

- i. Confirm through dialogue and scenario application students understanding of the bills that dictate how force is applied and the requirements for justified applications and legal consequences for not intervening when necessary or applying after force care when it becomes safe to do so.

- b. **AB 26**

- i. **Peace officers: Duty to intercede, use of force.**

1. Ensure students understand when it is necessary to report use of force applications to a supervisor and the requirement for the agency to maintain a policy regarding excessive use of force and the potential for discipline.
 2. Reference SPD policy 580.02 section titled, 'Duty to Intercede'.
 3. Reference SPD 2021 CPT class Peer intervention.

- c. **AB 490**

- i. **Law enforcement agency policies: arrests: positional asphyxia.**

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1. Explanation of termination of all possible force techniques that could lead to positional asphyxia.
2. Should a force application lead to positional asphyxia, officers shall request appropriate medical attention per SPD General Order policy 522.02.

d. SB 2

i. Peace officers: certification: civil rights

1. Discussion with students about issues that could arise that could lead to termination and furthermore POST certification revocation of all police powers.
2. 13510.8 PC, Officers may have certification revoked if termination for: Dishonesty, abuse of power, physical abuse, sexual assault, etc.

e. SB 16

i. Peace Officers: release of records

1. Ensure students understanding through discussion that every incident involving unreasonable or excessive force where an officer was terminated can lead to a release of training and additional records that pertain to Use of Force.
2. Officers who do not intercede during excessive force incidents will be held to the same standard.

f. AB 48

i. Law enforcement: Kinetic energy projectiles and chemical agents

1. Law enforcement can only use kinetic energy projectiles and chemical agents to protect life or serious bodily injury to any individual or to disperse a crowd that is objectively dangerous and an unlawful situation.

2. Case law

(b)

- a. Discussed and taught as adjudicated.
- b. Graham V. Connor
 - i. The federal standard, as it relates to AB 392 and reasonable officer standard and its interconnectedness with the updated verbiage of 835(a) PC.
- c. Hayes V. County of San Diego
 - i. Case law discussion regarding subjects experiencing suicidal thoughts that are alone in a residence be left and no force is used through self-created exigency.

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- d. Tennessee V. Garner
 - i. Officers can use deadly force on a fleeing felon if they have probable cause to believe the suspect poses a significant threat of death or serious physical injury to the officer or others.

3. Agency Policy (c)

- a. Sacramento Police Department Use of Force Policy (GO 580.02)
 - i. Addition of term 'last resort' as it relates to deadly force.

b. 835(a) PC

i. 835a(a):

1. Peace Officers should only use deadly force when necessary in defense of human life.
2. Peace officers shall constantly re-evaluate force to determine if force is still necessary given the facts and circumstances.
3. Understanding that subjects with physical, mental health, developmental or intellectual disabilities are significantly more likely to experience greater levels of force due to inability to comply with commands, and possible heightened impairment for pain tolerance.

ii. 835a(b)

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 to effect the arrest, to prevent escape, or to overcome resistance.
2. The standard has changed from "reasonable" to "objectively reasonable."

iii. 835a(c)(1)

1. 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 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

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- i. Where feasible, a peace officer shall, before the use of force, make reasonable efforts to identify themselves as a peace officer and
 - ii. warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.
 - 2. Discussion on GO 580.02 and updates to policy due to verbiage being verbatim in policy.
 - iv. 835a(c)(2)
 - 1. Deadly force shall not be used on a person who poses a threat of death of serious bodily injury to only themselves.
 - v. 835a(d)
 - 1. 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
 - 2. A peace officer shall not be deemed an aggressor or lose the right to self-defense using objectively reasonable force
 - vi. 835a(e)
 - 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. Imminent is met when it is believed by an objectively reasonable officer that the person has the present ability, opportunity and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person.
 - a. 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
 - i. Discussion on verbiage and how it pertains to articulation or force.
4. Reverence for Human Life **(a,d)**
 - a. AB 392 Effective January 1, 2020
 - i. Expectation of objectively reasonable force under the totality of the circumstances.
 - b. SB 230 Effective January 1, 2021

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- i. Expectation for after force care when safe to do so and intervention of excessive force.

5. De-escalation

(c,e)

- a. Practical application through scenario of armed subject. Subject will not drop the weapon until the Officer has attempted to properly de-escalate and not continually reiterate a phrase but tries to understand the problem the subject is facing. Furthermore, the subject will not drop the weapon until the student offers resources and has a genuine human-like response to the subject's crisis.
- b. The student will be expected to give appropriate commands by showing a demeanor of self-control to build rapport but get the subject to comply with their verbal commands and demands.

6. Duty to Intercede

(f)

- a. When applicable the Sacramento Police Department General Order 580.02 states that officers are under an obligation to intercede during excessive force situations or be held liable to the same standard as the officer who applied the force.
- b. Confirm understanding through a question and answer.

7. Rendering First Aid

(c,g)

- a. Students will be tested in each scenario on how to apply proper first aid as well as tested on additional force options, duty to intervene and supervisor notifications.

8. Class exercises:

(h)

- a. Scenarios that will encompass use of force option decision making as well as de-escalation and working with peers to have effective communication and provide after force care when feasible and safe.

- i. Scenario 1

- 1. Learning topics and evaluation points:

- a. Proper techniques to clear buildings
 - b. Approach plan to contact suspect, contact team
 - c. After force care
 - d. Communication with dispatch
 - e. Organization of additional units

- ii. Scenario 2

- 1. Use of:

- a. First aid as necessary
 - b. Request for higher medical authority

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- c. Discussion about additional/other use of force options as it pertains to the elements related to the scenario
 - i. What after force care would be need if other force options used, if practical.
- d. Supervisor notification
- e. Confirmation that students understand legal authority for force option that was used.
- f. Discussion on additional force options that were available but not used.

2. Learning topics and evaluation points:

- a. Tac-Com/De-escalation
- b. Lines of demarcation
- c. Crossfire awareness
- d. Contact team/arrest team
- e. Safety while providing medical aid
- f. After force care
- g. Team communication
- h. Appropriate vehicle positioning

iii. Scenario 3

1. Use of:

- a. Hands on force/ground control techniques
- b. Max restraints
- c. Recovery position
- d. Communication with partner
- e. Supervisor notification
- f. Request for medical care

2. Learning topics and evaluation points:

- a. Tac-Com/De-escalation
- b. Max restraint use
- c. After force care (if necessary)
- d. Team communication
- e. Maintained conscious thinking

9. Report writing

(c)

- a. 2-page handout of report writing considerations. Handout includes topics and points that will assist officers in the articulation of force incidents.