December 29, 2020

The California Department of Justice (DOJ) conducted an independent assessment of the Sacramento Police Department (SPD). On July 8, 2020, DOJ released Phase II of their assessment, including a second set of recommendations for SPD.

SPD's updated responses to DOJ's Phase II recommendations are included in this report. SPD's response to each recommendation includes a "status" update. Each category is defined below:

Under Review: The recommendation(s) is under review for determination of feasible application and appropriate staff assignment.

In Progress: The recommendation(s) has been assigned to appropriate staff to research and evaluate potential changes to training or policy.

Completed: The recommendation(s) has been reviewed, analyzed, or implemented as detailed within each itemized response.

Less-Lethal Force

1. **Recommendation #1:** SPD should affirmatively de-authorize the use of carotid restraint holds.

    Status: Completed

    Notes/Comments:
    The newest revision of General Order 580.02 (9-9-20) expressly prohibits the use of the carotid control hold or any other neck restraint absent the threat of serious bodily injury or death (consistent with deadly force). As of 6-6-20, SPD no longer teaches any type of carotid control or neck restraint.

2. **Recommendation #2:** SPD should ensure that its foot pursuit policy sets clear guidelines for initiating and ending foot pursuits.

    Status: Completed

    Notes/Comments:
    SPD established a comprehensive foot pursuit policy (General Order 580.13) on 7-26-18 which articulates in detail, factors officers are to consider when initiating, continuing or terminating foot pursuits. This policy spells out initiating officer, supervisor, and communication center responsibilities in the coordination of a foot pursuit and emphasizes the need for the pursuing officer and supervisor to continually assess and evaluate the need to continue the foot pursuit balanced with the need for apprehension and the safety of the public as well as for all persons involved.

3. **Recommendation #3:** To ameliorate the unnecessary risk of injury, SPD should restrict officers from using a Taser on a fleeing suspect except when necessary to avoid more lethal uses of force.

    Status: Completed

    Notes/Comments:
    General Order 580.10 (revised 8-3-20), the SPD policy governing Conducted Energy Device (CED) usage, authorizes officers to use a CED on a fleeing subject ONLY when the officer has considered the severity of the offense, the subject's threat level to others; and the risk of serious injury to the subject if the CED were used.

4. **Recommendation #4:** As recommended in Phase I, SPD limit Taser use to three, standard five-second cycles and prohibit Taser use in drive stun mode.

    Status: Completed

    Notes/Comments:

The CED (TASER) General Order was revised on 8-3-20 to limit officers to three (3) five second cycles absent an articulable imminent threat which would warrant a subsequent cycling. With the last revision of the CED General Order, use of the CED in drive-stun mode is no longer authorized unless used in imminent defense from risk of serious bodily injury or death (consistent with deadly force).

5. **Recommendation #5:** SPD should continue its commitment to Crisis Intervention Training (CIT) for Officers.

   Status: In progress

   Notes/Comments:
   Our Training, Research and Development Division has been assigned this recommendation to further review and research it.

6. **Recommendation #6:** SPD should transition its canine deployment strategy from "Find and Bite" to "Find and Bark."

   Status: Completed

   Notes/Comments:
   SPD has researched this recommendation and in September of 2020 updated the K-9 policy 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. This is also In line with current best practices as articulated in Police Executive Research Forum dated 5/2020-Canine Recommendations.

7. **Recommendation #7:** SPD should make de-escalation an affirmative duty.

   Status: Completed

   Notes/Comments:
   The SPD Use of Force General Order 580.02 was first revised on 8-26-20 to make de-escalation an affirmative duty with language changed from "officers should" to "officers shall" attempt to de-escalate situations when feasible and where it may be accomplished without increasing the risk of harm to officers or others.

8. **Recommendation #8:** SPD should avoid the tactical approach that SPD officers refer to "overwhelming use of force".

   Status: In progress

   Notes/Comments:
   Our Training, Research and Development Division has been assigned this recommendation to review and research it.

Use of Force Policy, Reporting, and Chain of Command Review

9.   **Recommendation #1:** SPD should further modify its use of force policy to better reflect the changes in policy and practice mandated by the Legislature in AB392, as well as to implement all the recommendations from DOJ's phase I report.

Status: Completed

Notes/Comments:
SPD revised its Use of Force policy G.O. 580.02 on 9-9-20 to add additional language and definitions such as "imminent harm" and "necessary force" to better reflect the changes in penal code 835a PC as mandated by AB 392 and as recommended in DOJ's Phase I report.

10.   **Recommendation#2:** SPD should mandate that officers complete and submit detailed statements describing and explaining their use of force.

Status: Completed

Notes/Comments:
SPD requires that all reportable uses of force be fully documented by officers and General Order 580.02 details the reporting requirements for all three levels of force as defined in the order.

11.   **Recommendation #3:** SPD should implement a policy that expresses clear and specific guidelines for how it categorizes and reviews force incidents.

Status: Completed

Notes/Comments:
SPD's General Order 580.02 on use of force defines and categorizes force into three separate levels with specific requirements and guidelines for the reporting and investigation of all levels of reportable force. In addition, a new policy was signed on 9-30-20 authorizing a Use of Force Review Board under General Order 580.01, which will provide for further consistency and information sharing in the review of use of force incidents.

12.   **Recommendation #4:** SPD should conduct an analysis of potential racial disparities with respect to its use of force. If such a study identifies areas of disparate impact, SPD should explore effective, alternative approaches or strategies that could reduce the disparity while ensuring officer, subject, and public safety.

Status: Completed

Notes/Comments:
SPD recently finished a comprehensive data analysis of uses of force for the past three years (2017-2019) which encompasses involved citizen and officer demographics, as well as arrest statistics. This report is being finalized and will be published on the Department transparency website and can be used for further analysis.

Bias Prevention

13. **Recommendation #1:** SPD should regularly review and update its implicit bias training lesson plans and materials to ensure that they reflect POST and SPD curricula and core principles.

   Status: In progress

   Notes/Comments:
   Our Training, Research and Development Division has been assigned this recommendation to further review and research it.

14. **Recommendation #2:** SPD should continue to develop and provide robust training exercises that focus on de-escalation, tactical repositioning, and techniques that may reduce threat perception failures.

   Status: In progress

   Notes/Comments:
   Our Training, Research and Development Division has been assigned this recommendation to further review and research it.

Personnel Complaints and Investigations

15. **Recommendation#1:** Every SPD misconduct investigation should include a comprehensive investigative summary.

   Status: Completed

   Notes/Comments:
   Every formal internal affairs case now includes an investigative and a case summary.

16. **Recommendation#2**: SPD should clarify the process for classifying personnel complaints and assigning them for investigation.

   Status: In progress

   Notes/Comments:
   Our Special Services Division has been assigned this recommendation to further review and research it.

17. **Recommendation #3:** SPD should ensure that Internal Affairs coordinates, tracks, and oversees all investigations to ensure investigation quality regardless of the source of the complaint.

   Status: Completed

   Notes/Comments:
   SPD has created a system in which all complaints are tracked. Per our policy, reflected in general order 570.06, anytime a community member wishes to speak with a supervisor it shall be documented in our IA Pro software. Furthermore, all complaints shall be documented on a complaint form (SPD 330). The Professional Standards Unit oversees all documents

related to supervisor contacts, and the Internal Affairs unit tracks and oversees all internal investigations.

18. **Recommendation#4:** SPD policy should clarify the difference between internal and external complaints.

   Status: In progress

   Notes/Comments:
   SPD agrees with this recommendation and it will be codified in the next update of our Internal Investigations manual.

19. **Recommendation#5:** SPD and its supervisors should meaningfully evaluate the classification of personnel misconduct to ensure accuracy and integrity.

   Status: In progress

   Notes/Comments:
   Our Special Services Division has been assigned this recommendation to further review and research it.

20. **Recommendation #6:** SPD should train its investigators to thoroughly investigate all evidence/indications of personnel misconduct that arise during an investigation even if its not included in the original complaint.

   Status: In progress

   Notes/Comments:
   SPD agrees with this recommendation and it will be codified in the next update of our Internal Investigations manual.

21. **Recommendation #7:** SPD should train its investigators to avoid using leading questions when interviewing personnel and other witnesses.

   Status: Completed

   Notes/Comments:
   SPD Internal Affairs investigators are required to attend specialized training in conducting internal investigations. Thorough investigations are paramount to earning and maintaining public trust, and ensuring that our employees, and other witnesses, are not asked leading questions is essential in that process.

22. **Recommendation #8:** SPD should require its investigators conduct in-person, videotaped interviews of all witnesses in all investigations.

   Status: In progress

   Notes/Comments:
   This recommendation would constitute a change in working conditions as employees are not currently videotaped during internal affairs interviews. As

23.   **Recommendation #9:** SPD should ensure consistency with respect to timelines for completing investigations.

Status: In progress

Notes/Comments:
Our Special Services Division has been assigned this recommendation to further review and research it.

24.   **Recommendation#10:** SPD should track consistency across chains of command and across cases with respect to imposed discipline.

Status: In progress

Notes/Comments:
Our Special Services Division has been assigned this recommendation to further review and research it.

25.   **Recommendation #11:** If an officer resigns in lieu of termination, SPD should complete the investigation and refer the outcome, as applicable, to the state certification board.

Status: Completed

Notes/Comments:
Completing internal investigations, even when an employee resigns prior to the case being completed, is a practice that SPD engages in. Our next policy update will codify that practice. AB 1299 was vetoed, and as such, no governing body exists to oversee certifications. SPD retains Internal Affairs cases for 5 years.

26.   **Recommendation #12:** SPD should periodically conduct compliance audits to determine whether its personnel complaint policy is being followed.

Status: Completed

Notes/Comments:
SPD recently created an inspections and standards unit to conduct department audits. Auditing our personnel complaint policy will be a function of that unit.

Discipline

27.   **Recommendation #1:** To ensure the fairness and equity of discipline imposed across cases, incidents, and officers, and to promote predictability and transparency for officers and the public, SPD should codify and standardize its disciplinary recommendation process to ensure all recommended discipline is commensurate with the seriousness of the offense and is applied consistently.

Status: In progress

Notes/Comments:
Our Special Services Division has been assigned this recommendation to further review and research it.

28. **Recommendation #2:** SPD should clearly delineate the parameters and protocols for employing disciplinary alternatives, such as "education-based discipline" to ensure that the alternative process utilized effectively corrects the behavior leading to disciplinary action.

Status: In progress

Notes/Comments:
Our Special Services Division has been assigned this recommendation to further review and research it.

Early Intervention Program (EIP)

29. **Recommendation #1:** SPD should define and describe the EIP more specifically and thoroughly in General Order 570.06.

Status: Completed

Notes/Comments:
SPD recently revised General Order 570.06 which details the Department's Early Intervention Program. The program was updated to reflect procedures implemented with the use of new tracking and intervention software purchased by the Department and recently put into use in 2020.

30. **Recommendation #2:** SPD should allow a supervisor to place an officer directly into the EIP.

Status: Completed

Notes/Comments:
EIP alerts are now sent directly to the officer's chain of command for review and appropriate action or referral. Supervisors currently have the ability to make immediate referrals to Peer Support or to refer the employee to the Employee Assistance Program (EAP) as needed.

31. **Recommendation #3:** SPD should consider integrating additional factors into the EIP.

Status: Completed

Notes/Comments:
With the revision of the Early Intervention Program's implementation policy, eleven different incident factors were included in the 10-11-19 update to the EIP program and are currently being used with the new EIPro alert software recently purchased by SPD.

32.   **Recommendation #4:** SPD should determine if the use of ratios and/or peer groups can improve the accuracy of its EIP alerts.

Status: Completed

Notes/Comments:
As part of the 10-11-19 revision to the EIP policy and the adoption of new EIPro monitoring software in 2020, various program incidents, ratios and triggers were considered in order to come up with usable EIP program alert thresholds. These thresholds are constantly being revisited and modified as needed based on peer group activity and frequency of alerts.

33.   **Recommendation #5:** SPD should take steps to ensure that the EIP contains accurate data and is being used in a standard and effective way.

Status: Completed

Notes/Comments:
The EIP program was revised and the policy updated on 10-11-19. New software from EIPro was activated and put into place in 2020. As a part of the policy and software upgrade, data collection, analysis and notifications were all reviewed and are periodically revisited for efficiency and effectiveness of use.

34.   **Recommendation #6:** SPD should connect the EIP with its officer wellness program.

Status: Completed

Notes/Comments:
Responsibilities for EIP follow up is spelled out in SPD General Order 570.06 which designates the involved officer's Division Command as the authority to implement and monitor any EIP plans and associated progress. Employee wellness and EAP benefits and referrals made in conjunction with the EIP program are to be noted in any records maintained by the EIP Coordinator.

35.   **Recommendation #7:** SPD should permit officers to review their EIP files and raise issues with the accuracy of the EIP data.

Status: Completed

Notes/Comments:
Per SPD General Order 570.06, Section E.5., EIP alerts and documentation shall be considered confidential employee personnel records. As such, employees have a right to review these files and bring up any inaccuracies for needed correction.

36.   **Recommendation #8:** SPD should annually compile a comprehensive statistical report on its EIP.

Status: Completed

Notes/Comments:
The SPD EIP program was recently revised with the update of General Order 570.06 in 2019 and the addition of new EIPro alert software in 2020. A yearly comprehensive Early Intervention Program report will be prepared for this new program stating with the end of calendar year 2020. The first inaugural report will be due to be published in year 2021.

Recruitment, Hiring, and Retention

37. **Recommendation #1:** SPD should create and implement a formalized recruitment plan that codifies existing work and expands efforts toward attracting high-quality, diverse officer corps.

    Status: In progress

    Notes/Comments:
    Our Outreach and Engagement Division has been assigned this recommendation to further review and research it.

38. **Recommendation #2:** SPD should look to incorporate elements from successful recruitment strategies employed by other departments and identified in best practices literature.

    Status: In progress

    Notes/Comments:
    Our Outreach and Engagement Division has been assigned this recommendation to further review and research it.

39. **Recommendation #3:** SPD should consider establishing and maintaining an employee referral system.

    Status: In progress

    Notes/Comments:
    Our Outreach and Engagement Division has been assigned this recommendation to further review and research it.

40. **Recommendation #4:** SPD should seek community input on the recruitment and hiring process.

    Status: In progress

    Notes/Comments:
    Our Outreach and Engagement Division has been assigned this recommendation to further review and research it.

41. **Recommendation #5:** SPD should invest in strengthening or expanding its Law Enforcement Candidate Scholars Program.

    Status: In progress

    Notes/Comments:

42.   **Recommendation #6:** SPD should ensure that all its recruitment messaging and materials emphasize the best messages to attract the ideal candidates.

Status: In progress

Notes/Comments:
Our Outreach and Engagement Division has been assigned this recommendation to further review and research it.

43.   **Recommendation #7:** SPD should continue to regularly assess which parts of the hiring process disproportionately affect under-represented groups.

Status: Completed

Notes/Comments:
SPD constantly evaluates what aspects of the process have an unusually high failure rate, especially if they disproportionately affect any under-represented group. In doing so, over the last twelve months we have shortened our on-going recruitment/application process, transitioned to an online law enforcement entry-level exam, and underwent an exam question analysis by City HR to identify any question(s) that disproportionally impacts an underrepresented group. If such questions are identified, they are eliminated from the test, as well as from future test question pools.

In addition to the on-going analysis, we are in the process of purchasing eSOPH background system software. This software will allow us to do data analysis to identify which phase leads to failure for different groups of people, and whether certain criteria in the overall analysis disproportionally impacts a specific group. This will allow us to constantly reevaluate our criteria and expeditiously modify our process when needed.

44.   **Recommendation #8:** The decision to suspend or not select a candidate based on his or her background should rest at the level of Deputy Chief or higher.

Status: Completed

Notes/Comments:
All backgrounds are either selected, suspended, or declined to hire by a Deputy Chief or the Chief of Police. The only exception is when a candidate advises us that they no longer wish to seek a job with our agency (voluntary waive).

45.   **Recommendation #9:** SPD should prepare a quarterly recruitment and hiring report for the police chief, analyzing critical data regarding each stage of the hiring process, including success-rate data about candidates who are not excluded during the background phase of the process.

Status: In Progress

Notes/Comments:
The Personnel Division recently started identifying the number of applicants we lose in each stage of the process and analyzing if any aspect of that portion disproportionally impacts an underrepresented group. Moving forward, we will be utilizing eSOPH backgrounds software, which will allow us to not only analyze what portion of our background process loses an unusually large number of applicants; but also whether it is a particular activity or experience that has a higher than average disqualification effect. Subsequent to the hiring process, beginning with our next academy class (beginning January 2021) we will track the success rate of individuals in the academy and field training, with a focus on identifying whether any aspect of the training program has disproportionate failures rates.

All of this will be utilized to see the success rates for applicants that we may have previously lost during the application, background, hiring, and training processes.

46. **Recommendation #10:** All recruiters and background investigators should receive periodic training in procedural justice and implicit bias focused on specific issues or strategies relevant to the hiring process.

    Status: Completed

    Notes/Comments:
    POST currently requires procedural justice, implicit bias and racial profiling training to be completed once every five years. Since 2016, The Sacramento Police Department has provided Procedural Justice, Fair and Implicit Bias, Racial Profiling and Gender Awareness courses each year during our Continued Police Training (CPT) for all sworn members. Additionally, the Training Department is further developing a Cultural Competency and Implicit Bias course. These courses allow for small breakout discussions to develop necessary conversations as it relates to the continued development of a fair and impartial background process.

47. **Recommendation #11:** SPD should conduct periodic audits of background investigations to ensure that all standards are applied consistently, and that SPD is taking the steps necessary to obtain a well-qualified, diverse workforce.

    Status: Completed

    Notes/Comments:
    POST currently conducts bi-annual audits of completed background investigations. Moving forward the Backgrounds Unit Sergeant will conduct quarterly audits of five (5) non-selected applicant investigations from the previous quarter, to ensure consistent standards are being applied. Additionally, our process provides 3 levels of background review to ensure consistent application of standards. Every background is reviewed by the Backgrounds Unit Sergeant, Personnel Division Captain, and the Chief of Police.

48. **Recommendation #12:** SPD should develop a formal officer retention plan.

Status: In progress

Notes/Comments:
Our Outreach and Engagement Division has been assigned this recommendation to further review and research it.

49. **Recommendation #13:** Internal procedural justice should be recognized as a key officer retention strategy.

Status: In progress

Notes/Comments:
Our Outreach and Engagement Division has been assigned this recommendation to further review and research it.

50. **Recommendation #14:** SPD should examine its current officer wellness programs and initiatives, recommit to those that are working, and establish new initiatives to address identified opportunities.

Status: Completed

Notes/Comments:
SPD's Employee Services Unit was recently reorganized at the beginning of 2020 with the addition of new personnel. The unit is responsible for heading up employee wellness programs and has done a review of the program to see what is working and also to research and introduce new initiatives to include 24-hour peer support coverage, health screenings, on-line workout programs and health content, etc.

51. **Recommendation #15:** SPD should regularly conduct structured exit interviews of departing personnel.

Status: Completed

Notes/Comments:
When an employee retires/resigns, they are given the option on their paperwork to have an exit interview with the Personnel Captain. We strongly encourage it and take any information gleaned in those interviews to improve and continue to utilize programs that were thought of favorably.

52. **Recommendation #16:** SPD should assess its evaluation process and ensure that it is substantive and valuable for all employees.

Status: In progress

Notes/Comments:
SPD revised its evaluation process in 2020 and updated the employee evaluation manual. SPD is continuing to research our process to ensure it is valuable for all employees.

Data Management

53. **Recommendation #1:** To improve its data quality, SPD should create clear operational policies for collecting key data elements, such as information about interactions with homeless persons and persons with mental health and other disabilities.

Status: In progress

Notes/Comments:
Our Support Services Division has been assigned this recommendation to further review and research it.

54. **Recommendation #2:** SPD should regularly audit its critical data.

Status: In progress

Notes/Comments:
Our Support Services Division has been assigned this recommendation to further review and research it.

55. **Recommendation #3:** SPD should consider collecting additional data points regarding mental health and homelessness related incidents.

Status: In progress

Notes/Comments:
Our Support Services Division has been assigned this recommendation to further review and research it.

56. **Recommendation #4:** SPD should assess the usefulness of its regular reports and establish a feedback mechanism to increase their effectiveness.

Status: In progress

Notes/Comments:
Our Support Services Division has been assigned this recommendation to further review and research it.

57. **Recommendation #5:** SPD should ensure that officers receive proper training in data systems and provide refresher courses for experienced officers.

Status: In progress

Notes/Comments:
Our Support Services Division has been assigned this recommendation to further review and research it.

58. **Recommendation #6:** SPD should streamline the Crime Analysis Unit, Criminal Intelligence Unit, and Real Time Crime Center.

Status: In progress

Notes/Comments:

59.   **Recommendation #7:** SPD should create a Technology Advisory Council comprised of police personnel, technologists, lawyers, researchers, and community representatives to advise the Chief on the purchase, implementation, and use of technology and data.

Status: In progress

Notes/Comments:
Research regarding a Technology Advisory Council has been recently initiated and a look into industry best practices has been started by the Police Public Safety Information and Technology Division, with recommendations forthcoming.

60.   **Recommendation #8:** In adopting new technology, SPD should analyze how it could affect different racial and ethnic groups, consider conducting a formal cost-benefit analysis, and solicit public input.

Status: In progress

Notes/Comments:
A process for the review and adoption of new technology and Public Safety Information Technology (PSIT) programs and their potential impact on different demographic groups is being considered as part of the duties of any Technology Advisory Council that may be established pending research and recommendations by PSIT.

61.   **Recommendation #9:** SPD should ensure that there are operational policies that govern its RTCC and PODs.

Status: In progress

Notes/Comments:
Our Detectives Division has been assigned this recommendation to further review and research it.