

June 6, 2019

The California Department of Justice (DOJ) conducted an independent assessment of the Sacramento Police Department (SPD). On January 29, 2019, DOJ released a report of their assessment, including a list of recommendations for SPD.

DOJ's assessment and recommendations address the following six areas:

[Use of Force Policies](#)

[Use of Force Reporting and Investigation](#)

[Use of Force Training](#)

[Officer-Involved Shooting Incident Review](#)

[Personnel Complaint Procedures](#)

[Community Engagement and Transparency](#)

SPD's updated responses to DOJ's recommendations are included in this report. SPD's response to each recommendation includes a "status" update. Each status 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
- **Complete:** The recommendation(s) has been reviewed, analyzed, or implemented as detailed within each itemized response

Use of Force (UOF) 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.

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

Response for Recommendations 1 and 2:

Status: In Progress

The UOF policy is currently being updated and will include significant updated changes, including many of these recommendations. In February of 2018, SPD created a Use of Force Training Review-Committee (UOFTRC) that includes subject matter experts, SPD managers and community members.

The UOFTRC has conducted their review and submitted proposed changes to the UOF policy. When this policy is finalized, it will be available on SPD's transparency webpage.

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

Response for Recommendation 3:

Status: In Progress

This was part of the discussion for the UOFTRC and was more widely incorporated into the proposed UOF policy. When this policy is finalized, it will be available on SPD's transparency webpage.

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

Response for Recommendation 4:

Status: In Progress

Proposed changes have been drafted into the updated UOF Policy to clarify and outline the reasonable application of force. When this policy is finalized, it will be available on SPD's transparency webpage.

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

Response for Recommendation 5:

Status: In Progress

In the proposed updated policy from the UOFTRC, there are updates in these areas. When this policy is finalized, it will be available on SPD's transparency webpage.

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

Response for Recommendation 6:

Status: In Progress

The UOFTRC has addressed this recommendation in the proposed UOF policy. When this policy is finalized, it will be available on SPD's transparency webpage.

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.

Response for Recommendation 7:

Status: In Progress

SPD's Training, Research and Development Division worked with the UOFTRC to evaluate this recommendation and incorporate relevant revisions into SPD's UOF Policy. When this policy is finalized, it will be available on SPD's transparency webpage.

Recommendation 8: In its general UOF 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.

Response for Recommendation 8:

Status: In Progress

This is addressed in the proposed UOF Policy as updated by the UOFTRC. When this policy is finalized, it will be available on SPD's transparency webpage.

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

Response for Recommendation 9:

Status: Completed

On July 26, 2018, SPD implemented a foot pursuit policy that was created by the UOFTRC. Beginning in 2019, SPD also introduced new training relating to the new policy for all SPD officers during their annual training.

Recommendation 10: SPD Policy should specifically prohibit various problematic types of force.

- **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.
- **Recommendation 10.2:** SPD should prohibit the use of techniques and/or transport that involves a substantial risk of positional asphyxia.
- **Recommendation 10.3:** SPD should prohibit shooting *at* or *from* moving vehicles.
- **Recommendation 10.4:** SPD should prohibit specific types of force that are rarely ever consistent with policy.

Response for Recommendations 10, 10.1, 10.2, 10.3, 10.4:

Status: In Progress

These recommendations were discussed by the UOFTRC as they developed an updated UOF policy. Explicit language related to these recommendations are included in the proposed UOF policy. When this policy is finalized, it will be available on SPD's transparency webpage.

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

- **Recommendation 11.1:** SPD should expressly require that all officers carry, and be trained on, less-lethal instruments.
- **Recommendation 11.2:** SPD should consider revising its firearms policy into a policy addressing the use of lethal force.

Response for Recommendations 11, 11.1 and 11.2:

Status: In Progress

These recommendations have been addressed by proposed changes to SPD's UOF Policy, as well as existing applicable policies and manuals. Appropriate staff is currently

developing a training module that provides training at more frequent intervals. When the updated UOF Policy is finalized, it will be available on SPD's transparency webpage.

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

Response for Recommendation 11.3:

Status: In Progress

This is addressed in the proposed UOF Policy as updated by the UOFTRC. When this policy is finalized, it will be available on SPD's transparency webpage.

- **Recommendation 11.4:** SPD's firearms policy should include provisions that better ensure the safety of other officers and bystanders.
- **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.
- **Recommendation 11.6:** SPD should consider eliminating the use of CED's in "drive stun" mode.
- **Recommendation 11.7:** SPD's policy should prohibit the use of a CED on handcuffed subjects.

Response for Recommendation 11.4, 11.5, 11.6, and 11.7:

Status: In Progress

These recommendations were addressed by the UOFTRC in the proposed updates to SPD's UOF policy. and Use of Conducted Energy Device Policy is currently being updated to better align with the proposed UOF policy and address the DOJ recommendations. When these policies are finalized, they will be available on SPD's transparency webpage.

- **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.

Response for Recommendation 11.8:

Status: Under Review

SPD has organized a committee of subject matter experts to research and review this recommendation.

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

Response for Recommendation 12:

Status: In Progress

In addition to existing policy (SPD General Order 522.02) that addresses medical assistance, recommended revision to SPD's UOF Policy also provides clarity on these standards. When this policy is finalized, it will be available on SPD's transparency webpage.

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

Recommendation 14: SPD policy should strengthen its requirement that officers interview when they observe other officers violating its UOF policy.

Response for Recommendations 13 and 14:

Status: In Progress

SPD's current policy covers a portion of these recommendations. The UOFTRC's proposed UOF Policy clarifies and provides clearer guidance to these recommendations as well.

Use of Force Reporting and Investigations:

Recommendation 1: SPD should create a general order dedicated to UOF reporting and investigations.

Response for Recommendation 1:

Status: Under Review

SPD has assigned appropriate personnel to continue to research and review this recommendation.

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.

Response for Recommendation 2:

Status: In Progress

This is addressed in the proposed UOF Policy as updated by Department staff and the UOFTRC. When this policy is finalized, it will be available on SPD's transparency webpage.

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

Response for Recommendation 3:

Status: In Progress

This is addressed in the proposed UOF Policy as updated by Department staff and the UOFTRC. When this policy is finalized, it will be available on SPD's transparency webpage.

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

Response for Recommendation 4:

Status: In Progress

Proposed revisions to the UOF policy include language related to this recommendation. When this policy is finalized, it will be available on SPD's transparency webpage.

- **Recommendation 4.1:** Officers who use a 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.

Response for Recommendation 4.1:

Status: Complete

Existing policy required documentation to include statements from all available sources for any reportable use of force. These statements are codified in police reports and attached to resulting Blue Team reports.

- **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 Level 1 use of force should be forwarded to Internal Affairs for assignment and review.
- **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.

Response from Recommendations 4.2 and 4.3:

Status: In Progress

All reportable UOF incidents by officers are reviewed by the officer's chain of command and can be referred to Internal Affairs at any point during the process. SPD is reviewing the UOF review process to ensure it aligns with proposed UOF policy changes and State legislative mandates. The above recommendations are part of that review and will inform the overall UOF review process.

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

Response for Recommendation 5:

Status: Under Review

Appropriate staff have been assigned to research and evaluate potential implementation of this recommendation.

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.

Response for Recommendation 6:

Status: Under Review

SPD's Training, Research and Development Division will research this recommendation.

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

Response for Recommendation 7:

Status: In Progress

The proposed UOF Policy as updated by Department staff and the UOFTRC includes reporting timelines and review procedures for corresponding timelines. When this policy is finalized, it will be available on SPD's transparency webpage.

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

Response for Recommendation 8:

Status: In Progress

SPD has a robust employee wellness program that includes a full-time peer support team. SPD has a peer support policy that needs to be updated.

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

Response for Recommendation 9:

Status: In Progress

Currently, SPD releases use of force data and information annually. Records and information pertaining to high profile incidents, including officer-involved shootings and other uses of force, are already provided via the Transparency page of the Department's website. SPD continues to evaluate increasing the frequency and type of data disclosed via its website.

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.

Response for Recommendation 10:

Status: In Progress

Appropriate staff have been assigned to research and evaluate potential implementation of this recommendation.

Use of Force Training:

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

Response for Recommendation 1:

Status: In Progress

A guardian approach is emphasized throughout SPD's training. SPD's academy recruits participate in the Adopt-A-School program, Oak Park Peace Walk and Day of Service. The movie clips referenced by DOJ will no longer be used during the academy instruction. SPD will look for additional ways to incorporate the guardian mentality at the academy and during in-service training.

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 policy.

Response for Recommendation 2:

Status: In Progress

SPD's Training, Research and Development Division will research this recommendation.

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).

Response for Recommendations 3:

Status: In Progress

SPD instituted a Curriculum Review Committee in 2018. This committee includes subject matter experts, SPD managers and community members. SPD is looking to expand and enhance its efforts in this area.

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.

Response for Recommendation 4:

Status: Complete

SPD incorporates subject matter experts, including representatives from Brother to Brother, Community Against Sexual Harm (C.A.S.H.), Shiloh Baptist Church, National Alliance on Mental Health (N.A.M.I.), the City's Office of Public Safety Accountability (OPSA), students from Foothills High School, mental health professionals, Dr. Clavo, and district attorneys into academy lesson plans and instructional activities. SPD will continue to look for opportunities to expand its relationship with key stakeholders to add perspective and enhance the training experience for its employees.

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.

Response for Recommendation 5:

Status: In Progress

SPD has created the Training, Research and Development Division to provide the highest quality of appropriate police training. In February of 2018, SPD also instituted a UOFTRC. This committee included subject matter experts, SPD managers and community members.

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

Response for Recommendation 6:

Status: In Progress

The Training, Research and Development Division will formalize the process and guidelines for selecting training instructors.

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

Response for Recommendation 6.1:

Status: In Progress

SPD is formalizing a process to ensure instructors; subjects matter experts and command staff are actively involved in the development of key policies.

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

Response for Recommendation 6.2:

Status: Complete

Beginning in 2019, SPD began a series of meetings with its field training officers and the academy to ensure consistent and high-quality training. This was one of the reasons for implementing the Training, Research and Development Division - so that SPD's training can be better aligned and consistent. These meetings will continue on an annual basis.

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

Response for Recommendation 7:

Status: In Progress

SPD's training staff gets feedback from the recruits, including written evaluations after each class. This is another reason why SPD implemented the Training, Research and Development Division – to get the best results from training. SPD is exploring software solutions to more efficiently capture and track this data.

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.

Response for Recommendation 8:

Status: In Progress

The Training, Research and Development Division is currently researching and evaluating SPD's use of force training to ensure it aligns with best practices.

Use of Force Incident Review

Officer-Involved Shootings – Investigations:

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

Response for Recommendation 1:

Status: In Progress

SPD currently has policy and protocols that address the handling of officer-involved shooting investigations. These materials will be reviewed and incorporated into one comprehensive document.

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.

Response for Recommendation 2:

Status: Completed

In the past, SPD would only send firearm discharge cases to Internal Affairs if during the management review of the shooting, potential policy violations were identified. In the future, SPD will ensure that every officer-involved shooting or death in custody is referred to Internal Affairs for an administrative investigation.

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

Response for Recommendation 3:

Status: Completed

SPD Detectives assigned to the Homicide Unit who are the primary investigators on all officer-involved shooting events, all go through a set number of courses as a minimum requirement of being assigned to the unit. Those courses include:

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

Supervisors always monitor and evaluate officer-involved shooting 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.

Response for Recommendation 4:

Status: Completed

SPD's reports are housed primarily in a computer software format. The point of a standardized summary overview at the beginning of the document has been incorporated into more recent investigations as well as future investigations.

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

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.

Response for Recommendations 5 and 6:

Status: Completed

SPD has always completed a management level shooting review after all officer-involved shooting events. SPD has recently modified its policy to make that review a two-step process. First, within 30 days, management will conduct a Preliminary Review of the event to evaluate any training, equipment, tactics, operational, or communication points that may need to be addressed. Second, the Department will conduct a Final Policy Review to determine whether the actions of the employee(s) were in compliance with Department policy. This will be completed at the end of the criminal investigation.

Use of Force Incident Review

Officer-Involved Shootings – Tactics:

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

Response for Recommendation 1:

Status: Completed

SPD has equipped its patrol vehicles and officers with ballistic protection. SPD's subject matter experts have provided training on how to utilize these pieces of equipment and all officers began to receive related Scenario Based Training in 2019.

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.

Response for Recommendation 2:

Status: Completed

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.

Response for Recommendation 3:

Status: In Progress

The Training, Research and Development Division continually assesses SPD's on-going training that consists of scenario-based training. These trainings include the use of less lethal weapons and emphasize de-escalation tactics, necessity, proportionality, and critical thinking. SPD continues to evaluate its use of force training and policies to ensure it aligns with best practices as well as SPD's goals and vision.

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.

Response for Recommendation 1:

Status: In Progress

SPD's Disciplinary Actions General Order (GO 220.05) covers the discipline process for SPD. SPD's Professional Standards Unit will research areas to provide more clarity for this general order. These proposed changes will also mirror revisions made to SPD's Internal Investigations Manual (RM 220.01) addressing this process. When these updated policies are finalized, they will be available on SPD's transparency webpage.

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.

Response for Recommendation 2:

Status: In Progress

In January of 2019, SPD implemented a new process in tracking all complaints regarding police personnel and its Professional Standards Unit will conduct further research on the recommendation provided. Proposed changes are reflected in revisions being made to SPD's Internal Investigations Manual (RM 220.01) and Disciplinary Actions General Order (GO 220.05) addressing this process. When these updated policies are finalized, they will be available on SPD's transparency webpage.

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

Response for Recommendation 3:

Status: In Progress

SPD is currently in the process of updating its Internal Affairs Manual (RM 220.01) to include seriousness of offense. When this updated policy is finalized, it will be available on SPD's transparency webpage.

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

Response for Recommendation 4:

Status: In Progress

SPD is currently in the process of updating its Internal Affairs Manual (RM 220.01) to more directly address this recommendation. When this updated policy is finalized, it will be available on SPD's transparency webpage.

Recommendation 5: SPD should develop its Early Intervention Program.

Response for Recommendation 5:

Status: In Progress

General Order 570.06 reflects SPD's Early Intervention Program. SPD's Professional Standards Unit is currently taking steps to evaluate this recommendation and revise this program.

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

Response for Recommendation 6:

Status: In Progress

SPD will work with OPSA to develop a memorandum of understanding regarding their role and responsibilities. Proposed changes are reflected in revisions being made to SPD's Internal Investigations Manual (RM 220.01). When this updated policy is finalized, it will be available on SPD's transparency webpage.

Community Engagement and Transparency

Stakeholder Outreach:

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

Response for Recommendation 1:

Status: In Progress

The Division of Outreach and Engagement has developed a strategic plan to create opportunities and increase community engagement. The area commands also 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.

Response for Recommendation 2:

Status: In Progress

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.