

January 29, 2019

California Department of Justice (DOJ) independent assessment of the Sacramento Police Department (SPD).

California Department of Justice's assessment and recommendations address the following six areas:

1. Use of Force Policies
2. Use of Force Reporting and Investigation
3. Use of Force Training
4. Officer-Involved Shooting Incident Review
5. Personnel Complaint Procedures
6. Community Engagement and Transparency

California Department of Justice's recommendations and responses by the Sacramento Police Department:

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.

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

Response for recommendations 1 and 2: The Use of Force policy is currently being updated and will include significant updated changes, including many of these recommendations. In February of 2018, we created a Use of Force Training Review Committee that includes subject matter experts, SPD managers and community members. Currently, the Use of Force Committee is updating the Use of Force policy. When this policy is finalized, it will be available on our transparency webpage.

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.

Response for recommendation 3: This will be part of the discussion for the Use of Force Training Review Committee as they continue to update and review our Use of Force policy. Currently, we have the term "Sanctity of Life" at the beginning of this policy and will look at adding it throughout the policy.

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

Response for recommendation 4: We will continue to research this term and evaluate the appropriate legal terminology.

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

Response for recommendation 5: In the proposed updated policy from our Use of Force Training Review Committee, there are updates in these areas. The Use of Force Training Review Committee will review policy again after these recommendations.

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

Response for recommendation 6: The Use of Force Training Review Committee has already addressed this in the proposed policy by updating this terminology and “proportionality.”

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: This will be part of the discussion for the Use of Force Training Review Committee as they continue to update and review our Use of Force policy. Our Training, Research and Development Division will work with the Use of Force Training Review Committee to evaluate this recommendation.

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.

Response for recommendation 8: This is contained in our proposed policy that is still being updated by the Use of Force Training Review Committee.

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

Response for recommendation 9: On July 26, 2018, we implemented a foot pursuit policy that was created by the Use of Force Training Review Committee. We will present these recommendations to our Training, Research and Development Division and Use of Force Training Review Committee for an update to our current policy.

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: This will be part of the discussion for the Use of Force Training Review Committee as they continue to update and review our Use of Force policy. Some of these techniques are incorporated in our training but could provide more clarity by incorporating them in our policies.

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: This will be part of the discussion for the Use of Force Training Review Committee as they continue to update and review our Use of Force policy and policies related to less-lethal instruments.

- **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.

Response for recommendation 11.3: This data will be captured and reported to the Department of Justice via the Racial and Identity Profiling Advisory (RIPA) report.

- **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.
- **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 11.4, 11.5, 11.6, 11.7 and 11.8: This will be part of the discussion for the Use of Force Training Review Committee as they continue to update and review our Use of Force policy. We will present these recommendations to the Use of Force Training Review Committee and our Training, Research and Development Division for further evaluation.

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: The Use of Force Training Review Committee is currently updating this policy. We have a policy (SPD General Order 522.02) that states this, but it could be clearer by being in our Use of Force policy.

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 Use of Force policy.

Response for recommendations 13 and 14: Our current policy covers a portion of this recommendation. We will present this recommendations to the Use of Force Training Review Committee to clarify and provide clearer guidance.

Use of Force Reporting and Investigations:

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

Response for recommendation 1: We will refer this to our Use of Force Training Review Committee to include this portion in our Use of Force policy.

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: Our current proposed policy has this material. We will provide this recommendation to the Use of Force Training Review Committee to review and determine if there is a need for this information to be in a separate policy.

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

Response for recommendation 3: This is already incorporated in our draft policy.

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.

- **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.
- **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, 4.1, 4.2 and 4.3: All reportable use of force 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.

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: Our Training, Research and Development Division will research 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: Our Training, Research and Development Division is currently working on developing 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: We are currently in the process of implementing timelines and review procedures for corresponding timelines.

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

Response for recommendation 8: We have a robust employee wellness program that includes a full-time peer support team. We have 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: Currently, we release information annually. We will evaluate increasing the frequency and type of data we release on our department's 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.

Response for recommendation 10: Our Training, Research and Development Division will research 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: We strive to incorporate warrior and guardian mentality into our academy. Our 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. We 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.

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).

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.

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 recommendations 2, 3, 4 and 5: We have created the Training, Research and Development Division to ensure we provide the highest quality of appropriate police training. In February of 2018, we instituted a Use of Force Training Review Committee. This committee includes 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: The Training, Research and Development Division will use 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: We are 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: Beginning in 2019, we began a series of meetings with our 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 our training can be better aligned and consistent.

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: We get feedback from the recruits, including written evaluations after each class. This is another reason why we implemented our Training, Research and Development Division – to get the best results from our training.

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: Our Training, Research and Development Division is currently researching and evaluating our 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: We currently have policy and protocols and the handling of officer-involved shooting investigations. We will begin the process of consolidating those materials 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: 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, we 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: 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 the 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: Our 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: SPD has always completed a management level shooting review after all officer-involved shooting events. We have recently modified our policy to make that review a two-step process. First, within 30 days, management will conduct a Critical Incident debrief 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 full shooting review to address if the event was within the guidelines of SPD. 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: We have equipped our patrol vehicles and officers with ballistic protection. Our subject matter experts have provided training on how to utilize these pieces of equipment.

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: Some of these techniques are incorporated in our training but could provide more clarity by incorporating them in our policies.

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: We have on-going training that consists of 5 hours of scenario-based training. Part of the training includes the use of less lethal weapons and de-escalation tactics.

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: There is a general order (220.05) that covers the internal affairs complaint process and our Professional Standards Unit will research areas for the need for more language to provide more clarity for this general order.

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: In January of 2019, we implemented a new process in tracking all complaints regarding police personnel and our Professional Standards Unit will conduct further research on the recommendation provided.

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

Response for recommendation 3: We are currently in the process of updating our Internal Affairs Manual to include seriousness of offense.

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

Response for recommendation 4: We will have our Professional Standard Unit research this recommendation.

Recommendation 5: SPD should develop its Early Intervention Program.

Response for recommendation 5: General Order 570.06 is our early intervention policy that we are currently revising. The Training, Research and Development Division is currently taking steps to evaluate this recommendation.

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

Response for recommendation 6: We will work with OPSA to develop a memorandum of understanding regarding their role and responsibilities.

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: 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: Currently, we have 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. We will update this information and we will continue to find ways to expand on this page and provide information to the public.

