

Meeting Date: 02/11/2019

Report Type: Discussion



**Sacramento
Community Police
Review Commission
Report**

**915 I Street, 1st Floor
www.CityofSacramento.org**

Title: Discussion on Sacramento Police Department Use of Force Policy Draft

Location: Citywide

Recommendation: Receive and File

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Department: Office of Public Safety Accountability

Attachments:

1 – Use of Force Policy Draft

Description/Analysis

Issue Detail: The Commission requested at the January 2019 meeting to review and discuss the Sacramento Police Department's Use of Force Policy Draft, to include any community inputs gathered and provided to the Use of Force Committee.

Policy Considerations: None.

Economic Impacts: None.

Environmental Considerations: None.

Sustainability: None.

Commission/Committee Action: None

Rationale for Recommendation: None

Financial Considerations: None

Local Business Enterprise (LBE): Not applicable

**580.02
USE OF FORCE
CTR # 18-02**

PURPOSE

The purpose of this order is to outline procedures for the use and application of force. This includes medical follow-up that may be necessary when the use of force results in injury as well as the reporting, investigation and oversight of incidents after an application of force.

POLICY

The Sacramento Police Department values the sanctity of human life and the freedoms guaranteed by the United States and California constitutions. Officers shall consider the principles of proportionality in looking at the totality of the circumstances by weighing the severity of the offense, the level of resistance and the need for apprehension prior to the utilization of force. Officers shall use only the force that is objectively reasonable to effect an arrest, prevent escape, or to overcome resistance. During these situations officers shall continually evaluate their tactics and decision making when determining the appropriate use of force response.

Officers shall employ de-escalation and crisis intervention techniques when reasonable and when doing so does not increase the risk of harm to officers or others. When making use of force decisions, officers should be mindful that subjects may be physically or mentally incapable of responding to police commands due to a variety of circumstances, including, but not limited to, alcohol or drugs, mental impairment, medical conditions, or language and cultural barriers.

PROCEDURE

A. DEFINITIONS

1. BLUE TEAM (BT) – Web-based computer software that allows sergeants to enter UOF and pursuit incidents from a department computer.
2. CRISIS INTERVENTION TECHNIQUES (CIT) – A collaborative approach to safely and effectively address the needs of people with mental illnesses, link them to appropriate services, and divert them from the criminal justice system if appropriate. The primary goal of CIT is to improve officer and mental health consumer safety while reducing injuries to officers and consumers during law enforcement contacts. Officers currently conduct a collaborative approach with our Mental Health team, Impact team and local resources to effectively address the needs of a person with mental illnesses by linking them with appropriate services which may include medical services, mental health services, shelters, and assisting with diversion from the criminal justice system if appropriate.
3. DEADLY FORCE – Any force, agent, or device that is likely to cause death.
4. DE-ESCALATION – Employing techniques to stabilize a situation, to decrease the likelihood of the need to use force, and to increase the likelihood of voluntary compliance.
5. FEASIBLE: Capable of being done or carried out to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.
6. GREAT BODILY INJURY: A significant or substantial physical injury.
7. *GRAHAM V. CONNOR* (1989) 490 U.S.386 legal standard which defines what

reasonable force is. The court's decision "requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer or others, and whether he is actively resisting arrest or attempting to evade arrest by flight." In addition, "the 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on scene, rather than with 20/20 vision of hindsight... the question is whether the officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting them."

8. IMMEDIATE THREAT: An immediate threat is considered to exist if a suspect has demonstrated actions that would lead one to reasonably believe that the suspect will continue to pose a threat if not apprehended without delay. A person is an immediate threat if the officer reasonably believes that the person has the present intent, means, opportunity and ability to complete the threat regardless of whether the threatened action has been initiated.
9. INJURY – Any visible bodily injury or complaint of bodily injury (non-visible injury). The injury must be reasonably related to the use of force applied. Injury, as defined in this order, does not include the temporary pain associated with the proper application of control holds and/or restraints.
10. IMPACT WEAPON – Any weapon/device/technique used to strike a subject or fire an impact projectile at a subject. Examples of impact weapons include, but are not limited to, baton, pugilistic hand strikes, 40 MM launchers, and flexible baton rounds.
11. LESS LETHAL FORCE – Any force, agent, or device that is not reasonably likely to cause death.
12. PROPORTIONALITY – When determining the appropriate level of force, officers shall balance the severity of the offense committed, the threat to public safety and the level of force needed to overcome resistance based on the totality of the circumstances known to or perceived by the officer at the time.
13. 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.
14. REPORTABLE USE OF FORCE – Any use of force (UOF) that causes injury as defined above; any UOF, whether or not it results in injury, involving the discharge of a firearm, a canine bite, or use of an impact weapon, chemical agent, carotid restraint, or CED; and any UOF, whether or not it results in injury, that deviates from the techniques taught and the equipment provided by the Department (see extraordinary conditions in section B.4.).
15. SERIOUS BODILY INJURY: A serious impairment of physical condition, including but not limited to loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, a wound requiring extensive suturing, and serious disfigurement.

A. GENERAL

1. Force shall be used in compliance with Penal Code Section 835a, which states "Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts because

of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to affect the arrest or to prevent escape or to overcome resistance.”

2. Officers may use deadly force if, under the circumstances, the officer reasonably believes that the suspect poses an immediate threat of death or serious bodily injury, either to the officer or to others.
 3. Officers shall not use force upon a subject’s head or neck area in an effort to prevent individuals from swallowing or attempting to swallow evidence.
 4. When using force, officers should use techniques and equipment that are approved by the department. Under extraordinary conditions that involve the risk of serious bodily injury or death, and in situations where it may be impractical or impossible to comply with the provisions of this order, officers may resort to using any reasonable means of force to prevent injury or death to themselves or any other person.
 5. When reasonable under the totality of the circumstances and where it may be accomplished without increasing the risk of harm to officers or others, officers should attempt to de-escalate situations. De-escalation techniques include, but are not limited to, gathering information about the incident; assessing risks; gathering resources (personnel and equipment); (using time, distance, and cover) using crisis intervention techniques; and communicating and coordinating a response.
 6. Refer to GO 522.02 Emergency Care for Individuals Under Police Care or Control when rendering emergency medical treatment or summoning medical assistance.
 7. Officers shall not use deadly force against a person who presents only a danger to himself/herself and does not pose an immediate threat of death or serious bodily injury to another person or officer.
 8. When an officer believes they are dealing with a mentally ill, developmentally disabled, or an emotionally disturbed individual, the officer shall, if time and circumstances reasonably permit, utilize Crisis Intervention Techniques. These techniques include using distance, time, verbal tactics, or other tactics to de-escalate a situation.
 9. If feasible, and if doing so would not increase the danger to the officer or others, the officer shall give a verbal warning to submit to the authority of the officer before using force.
- B. CONSIDERATIONS GOVERNING ALL REASONABLE USES OF FORCE**
1. Use of force must be for a lawful purpose including, but not limited to:
 - a. To effect a lawful arrest, detention, or search.
 - b. To overcome resistance or to prevent escape.
 - c. To prevent the commission of a public offense.
 - d. In defense of others or in self-defense.
 - e. To gain compliance with a lawful order.
 - f. To prevent a person from injuring himself/herself. (Note: deadly force is prohibited)
 2. Use of force evaluation
 - a. This general order builds upon the broad principles in *Graham* by adding additional factors upon which an officer’s use of force shall be evaluated.
 - b. The court specified four specific factors, known as *Graham* factors, which assist in determining reasonableness. Although not required, nor all inclusive, the following

factors provide a good framework for justifying a particular force and include:

- (1) The severity of the crime.
 - (2) Whether the subject was an immediate threat to the officers or others.
 - (3) How the subject was actively resisting arrest.
 - (4) How the subject was attempting to evade arrest by flight.
3. Other factors for evaluating the use of force include but are not limited to:
 - a. The number of suspects vs. the officers involved (availability of back-up).
 - b. Pre-assault indicators including actions and statements.
 - c. Size, age, and physical condition of the officer and suspect.
 - d. Known or perceived physical abilities of the suspect.
 - e. Previous violent or mental history, known to the officer at the time.
 - f. Perception of the use of alcohol or drugs by the subject.
 - g. Perception of the suspect's mental or psychiatric history based on specific actions.
 - h. The availability and proximity to weapons.
 - i. Environmental factors.
 - j. Injury to the officer or prolonged duration of the incident.
 - k. Officer on the ground or other unfavorable position.
 - l. Characteristics of being armed.
 - m. Risk of escape.
 - n. Training and experience of the officer.
 - o. Other exigent circumstances.
 4. **Not all of the above factors may be present or relevant in a particular situation, and there may be additional factors not listed.**

C. DISCHARGE OF FIREARMS

1. Officers may discharge a firearm in the performance of their official duty
 - a. In the necessary defense of themselves or in the defense of another person when the officer reasonably believes that an immediate danger of death or serious bodily injury exists.
 - b. To effect an arrest, prevent an escape, or recapture an escapee when the officer reasonably believes the suspect to be arrested poses an immediate threat to cause death or serious bodily injury if apprehension is delayed.
 - c. To stop a dangerous animal that poses an immediate risk of death or serious bodily injury to a person.
 - d. At a firing range, pursuant to all safety rules and regulations.
2. Firearms shall not be discharged as a warning.
3. A verbal warning should precede the use of deadly force where feasible and when it will not increase the risk of harm to officers or others.
4. Justification for the use of deadly force shall be limited to what reasonably appears to be the facts known or perceived by the officer at the time. Facts unknown to an officer shall not be considered in later determining whether the shooting was within policy.
5. Nothing in any firearms procedure shall preclude the drawing of the officer's firearm during the course of an arrest or investigation or when an officer reasonably believes it necessary for the safety of the officer or the safety of another.
6. When an employee discharges or attempts to discharge a firearm while on or off duty, intentionally or accidentally, the employee shall immediately notify the on-

duty watch commander. This does not include intentional discharges at a range or for recreational purposes (e.g., hunting, private target practice, or other similar activities).

7. Refer to GO 522.02 (Emergency Care for Individuals Under Police Care or Control) when rendering emergency medical treatment or summoning medical assistance.

D. MOVING VEHICLES

1. Officers should make every effort to move out of the path of an approaching vehicle instead of discharging their firearms at the vehicle or its occupants.
2. Firearms should not be discharged at a moving or fleeing vehicle unless one of the following circumstances exists:
 - a. Deadly force, or the threat of deadly force, is being used against a police officer or another person by means other than the moving vehicle
 - b. The driver has used or is attempting to use the vehicle as a means to cause injury or death to the officer or another person.

E. MANDATORY REPORTING PROCEDURE

1. Officers' Responsibilities
 - a. Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so and without increasing the risk of harm to officers or others, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law shall promptly report these observations to a supervisor.
 - b. If officers are in doubt as to whether the UOF is reportable, the officers shall notify their field supervisor, who will then be responsible for making the determination.
 - c. Any reportable UOF shall require the immediate notification of the officer's field supervisor and the following:
 - (1) The applicable report(s) (crime, casualty, and/or incident) shall be completed and include a complete description of how and why force was used, as well as a description of injuries that the suspect received or claims to have received.
 - (2) When an individual is arrested, the booking officer shall notify the jail intake nurse or detox staff nurse of the injury and type of force used.
 - (3) The City of Sacramento General Liability Loss Report Non-vehicular (RM Red Border Form) shall be completed and forwarded through the chain of command to the Professional Standards Unit (PSU).
 - d. When the UOF has resulted in an injury, officers shall comply with the provisions in GO 522.02 Emergency Medical Care for Arrestees. If the individual is not arrested or will be released with a citation, officers should offer to call for an ambulance or assist in arranging transportation to an authorized medical facility.
 - e. Whether or not it results in injury, any UOF used to overcome a combative, physically aggressive, or fleeing subject who has delayed, obstructed, or fought with

an officer shall be documented in a crime, casualty, or incident report. The officer's field supervisor shall be notified. Brief resistance to the application of departmentally approved control holds does not require a report.

2. Supervisors' responsibilities

- a. Upon notification of a reportable UOF, the officer's field supervisor shall
 - (1) Respond to the location of the arrest to ensure that a thorough investigation takes place. A thorough investigation into the UOF by officers should include, but is not limited to, an area canvass (for witnesses, evidence and surveillance video), witness statements (which should be obtained by officers not involved in the UOF or a supervisor), suspect statements, and photographs of the scene and any injuries. If the supervisor is unable to respond to the location of the arrest, the supervisor shall note the reasons why on the call and in the BT entry (see section C.2.c. below).
 - (2) Review the incident with the arresting officer and/or other officers.
 - (3) Review all recordings (both audio and video) of the event (e.g. In-Car Camera [ICC] video, Body Worn Camera [BWC] video, surveillance video).
 - (4) Assess the appropriateness of the UOF and the charge(s) against the suspect (if applicable).
 - (5) Consider arranging for other officers to transport and book the suspect in the event the suspect continues to display hostile, confrontational, or oppositional behavior toward the arresting officer(s).
 - (6) Submit BT entry within 30 days of the incident date.
- b. If the UOF requires a BT entry (as outlined in section C.2.c. below), the officer's field supervisor shall:
 - (1) Notify the watch commander immediately.
 - (2) Review the UOF with the watch commander. If, after this review, the watch commander determines that the force used was inconsistent with this order or department policy, the watch commander shall contact the officer's captain and review the incident. If necessary, the captain will refer the incident to Internal Affairs.
- c. Blue Team
 - (1) The officer's field supervisor shall initiate a BT entry whenever the following reportable UOF events occur:
 - (a) Any use of force that results in the suspect having Medical Clearance as defined in section A.2.
 - (b) Any UOF, whether or not it results in injury, involving the discharge of a firearm or a canine bite, or use of an impact weapon, chemical agent, carotid restraint, or CED.
 - (c) Any UOF, whether or not it results in injury, that deviates from the techniques taught and the equipment provided by the Department.
NOTE: Nothing shall preclude a supervisor or watch commander from using BT to document any type of UOF.
 - (2) The BT entry should contain the following information:
 - (a) Summary of the event, including which officer(s) were involved, what type of force was used, and the extent of injuries to the officer and the

suspect (if any).

(b) Any information that is not relevant to the crime or incident report (e.g. administrative actions taken by the supervisor or other personnel).

(c) The supervisor's opinion as to whether the UOF was consistent with department policy.

(3) In cases where a firearm has been discharged or the UOF results in death, do not initiate a BT entry. IA/PSU will initiate a BT entry after the administrative review of the incident has been conducted.

(4) All pertinent documents to the BT entry.

(5) If the UOF was captured on video, a copy of the video shall be forwarded to PSU.

F. USE OF FORCE DEPLOYED BY SUPERVISORS

1. In the event a sergeant uses force or gives an officer a direct order to deploy force that triggers the reporting requirements set forth in this order, the watch commander will be responsible for identifying the person responsible for complying with section C.2. (Supervisor's responsibilities).

2. In the event the watch commander, another lieutenant, or a captain uses force or gives an officer a direct order to deploy force that triggers the reporting requirements set forth in this order, the division captain or deputy chief shall be notified immediately. The division captain or the employee's deputy chief will be responsible for identifying the person responsible for complying with section C.2. (Supervisor's Responsibilities).

G. DUTIES OF INITIAL ON-SCENE SUPERVISOR

In any officer-involved shooting incident, the initial on-scene supervisor or district sergeant shall:

1. Respond immediately, take charge, and ensure the watch commander has been notified of the incident.

2. Stabilize the situation and establish protection of the crime scene. All personnel desiring to gain access to the scene shall be referred to the crime scene recorder.

3. Obtain a brief overview of the situation from any non-shooting officer(s). If there are only officers present who discharged their firearm during the incident, the supervisor shall obtain a Public Safety Statement from at least one shooting officer. The initial on-scene supervisor shall ensure that additional supervisors not request the same brief narrative from the involved officers but rather limit it to one central point of contact.

4. If necessary, administratively order any SPD officer to immediately provide limited public safety information necessary to secure the scene, locate witnesses/evidence, request additional resources and pursue outstanding suspect(s). If the shooting involves officers from an outside agency involved within city limits, the supervisor will have to coordinate obtaining the above information with a supervisor from that outside agency.

5. Ask a series of preliminary questions about the incident in the form of a Public Safety Statement via the **SPD 136 card**. While these questions are intended to cover the majority of situations, they may not fit the fact pattern in every case. These questions include the following:

a. What was your approximate location(s) when you discharged your firearm?

- b. What was the approximate number of rounds you fired and in what direction?
 - c. Do you know if any other officers fired any rounds?
 - d. Is it possible the suspect(s) fired rounds at you? If so, from what direction?
 - e. Are you aware of any victims/witnesses/injured people? If so, what is their location?
 - f. Are there any outstanding suspect(s)? If so, what is their description, direction and mode of travel? Are there weapons involved?
 - g. Are there any weapons/evidence that need to be secured? If so, what is their location?
6. Following the Public Safety Statement, administratively order each involved officer not to discuss the incident with other officers pending further direction from a supervisor and to turn off their body-worn cameras.
 7. Physically collect the body-worn cameras from all involved officers and place them into separate envelopes to start the chain of custody. This camera(s) will later be turned over to investigators for downloading of their contents.
 8. Separate involved officer(s), assign a Peer Support Officer to each one and coordinate with the watch commander to move the officer(s) to an off-site staging area.
 9. Remain on-scene to brief arriving investigators and be there to answer any questions as they may arise.
 10. After turning the scene over to the Homicide Sergeant, the supervisor shall prepare a supplemental report, memorializing the Public Safety Statement(s) and other actions taken at the scene for the General Offense (GO).
 11. Give consideration toward GO 570.03 (Post-Trauma Response) and offer the employee(s) peer support as outlined in GO 570.04 (Peer Support Program).
- H. OIS INVESTIGATION
1. Care should be taken to preserve the integrity of any physical evidence present on the involved officer(s) and the officer(s)' equipment and/or clothing (e.g. blood, fingerprints, etc.) until investigators or Crime Scene Investigators (CSI) can properly retrieve it.
 2. Evidence collection shall minimally consist of:
 - a. Retrieving and booking any expended cartridges, bullets, and shotgun casings or pellets, along with all live ammunition pertinent to the incident.
 - b. Diagramming of the crime scene, including positions of persons and objects and the trajectories of expended shots.
 - c. Producing adequate pictorial sketches and photographs, including the use of a video camera if necessary, of damaged property.
 - d. Obtaining a recording of all radio transmissions within ten (10) days or as soon as they are available.
 - e. Obtaining copies of the officer(s)' firearm training records.
 - f. Determining factors of probable cause, if present, that contributed to the officer(s)' decision in discharging a weapon.
 - g. Ensuring all items of evidence related to the shooting are collected and booked.
 - h. Noting the condition of city equipment that may be associated with the weapon discharge. Removing from service for later inspection all such equipment that

could remotely be attributed to or may have been damaged, For example:

(1) If a weapon discharged due to being caught on the officer's gun belt or clothing, book all such articles.

(2) If the discharge was the result of a vehicle door closing on an officer with the weapon drawn, remove the vehicle from service.

3. Obtain statements from all person's present.
4. Have the area canvassed for witnesses and obtain statements.
5. Involved officers shall not review any video at the scene without supervisor approval, except for exigent public safety reasons (e.g., providing suspect description, suspect's direction of travel, vehicle description, weapon type etc.).

I. WATCH LEVEL INVESTIGATION FOLLOWING AN OIS

1. The following shooting incidents shall be investigated at the watch level:
 - a. Shooting of an animal.
 - b. Accidental discharge without injury.
 - c. Attempted discharge (e.g., weapon malfunction).
2. The on-duty watch commander shall:
 - a. Initiate an administrative investigation involving the discharge of firearms, except accidental discharges at the range. The investigation shall be documented in a memorandum and sent through the chain of command to the appropriate office chief. The report shall then be forwarded to the Professional Standards Unit (PSU), where the report shall be kept on file.
 - b. Designate a sergeant as the principal investigating supervisor.
3. If, in the watch commander's opinion, a more thorough investigation is necessary, a homicide callout may be initiated.

J. HOMICIDE UNIT RESPONSIBILITES FOLLOWING AN OIS

1. The Homicide Unit shall investigate the following shooting incidents:
 - a. Intentional discharge at a person.
 - b. Discharge resulting in injury to a person.
2. After the scene has been stabilized and immediate threats of hostility neutralized, command of the scene shall be relinquished to the Homicide Unit supervisor.
3. Homicide detectives shall be aware that any shooting may have a traumatic effect upon involved and uninvolved officers. Detectives shall conduct their investigation in a professional manner that shall not add unnecessary trauma to the situation.
4. The Office of Investigations Captain or designee shall contact the Coroner's Office as soon as practical in an attempt to identify and notify the next of kin of any subject who dies in our custody or who is killed by police action.
5. The Office of Investigations Captain or designee shall identify an investigative sergeant to serve as an information liaison between the deceased subject's next of kin and the Department. Investigative updates shall be provided to the next of kin as needed or requested.
6. District Attorney's Office (DA) and Office of Public Safety Accountability (OPSA) Notification
 - a. The DA and OPSA or their designees shall be notified to respond to all officer-involved shootings that result in injury to another person.
 - b. The DA and OPSA shall be permitted access to the incident scene to the extent possible without contaminating evidence or otherwise disturbing the

scene. Their presence is to merely observe and familiarize themselves with the situation.

- c. The DA shall conduct an independent assessment of the circumstances and will issue written findings.

K. SURRENDER/INSPECTION OF WEAPONS FOLLOWING AN OIS

1. Officers shall be allowed to retain a handgun while at the scene. Firearms other than the involved officer(s)' handgun (e.g., shotguns, rifles, etc.) that have been discharged shall be secured by the watch commander after the situation has been stabilized. Officers may be required to surrender their handguns at the scene if a replacement weapon is immediately available. If this occurs, it shall be accomplished in a private area outside the view of the public or the media.
2. The officer(s)' weapon(s) shall be inspected by an investigator and documented as follows:
 - a. The magazine shall be removed.
 - b. The chamber shall be checked and cleared, and its condition noted.
 - c. All live rounds shall be counted, or the cylinder be opened, and the number and location of spent and live rounds described and diagrammed (if necessary).
 - d. The serial number shall be recorded.
 - e. The weapon shall then be reloaded and returned to the officer or booked at the discretion of the investigator.
3. On an accidental discharge, the weapon shall be booked and referred to the armorer for inspection.
4. The officer's supervisor shall ensure that a replacement weapon is issued in a timely manner. Replacement weapons shall minimally be kept available at all substations and in the Detective Division.
5. Any other weapon at the scene may be inspected by the investigating officers at their discretion.

L. TRANSPORTATION FROM THE SCENE

1. After the walk-through and as soon as is practical, the involved officer(s) shall be transported from the scene to a Department facility to await an interview by investigators. The officer(s) shall be kept secure from public confrontations (GO 570.04).
2. Peer Support members shall not remove the involved officer(s) from the scene without approval of the Incident Commander (IC).
3. An officer being transported to a police facility in a marked unit shall not be placed in the rear seat unless under arrest. Officers may be transported from the scene by their SPOA representative and/or their attorney when appropriate.

M. REPORTS

1. Every officer shall prepare a written report of his/her activity and observations as soon as reasonably practical unless an oral statement is taken from detectives.
 - a. Those officers who complete oral interviews may be required to prepare a written report at a later time, in which case a transcript of their interview shall be provided.
 - b. Officers may be directed to prepare reports at the Detective Division at the discretion of the investigating supervisor or higher authority.

2. Injured officers are exempt from preparing a report until physically capable.
3. Reports shall be submitted and approved prior to end of watch unless circumstances make the completion of a report unreasonable as determined by an appropriate supervisor.
4. Outside agency personnel may use their own report forms. Copies of the reports may serve as SPD supplements.
5. Officers shall not be advised of their Miranda rights unless:
 - a. Under arrest.
 - b. Information available to the investigator(s) causes them to believe the officer is criminally responsible.
 - c. The officer makes incriminating statements during an oral interview.
6. While an officer(s) is providing a voluntary oral interview for statement under Miranda, the following personnel may view the process:
 - a. Assigned detectives, supervisors, Internal Affairs Division (IAD) investigator, PSU representative, DA investigator, OPSA representative, and/or the officer's legal representative.
 - b. Except with the expressed authorization of the ranking detective or supervisor, no others shall be allowed to view the interview.
7. When an oral interview is conducted, it shall be audio and video recorded if possible. The officer(s) shall be informed that the interview is being recorded.
8. No more than two (2) detectives shall be in the interview room with an officer. Officers may have representation present during any interview. The representative shall not obstruct or otherwise interfere with the investigative process. However, the representative may invoke Miranda to protect the officer from self-incrimination.
9. Involved officer(s) and their representatives will have access to their In Car Camera (ICC) and Body Worn Camera (BWC) recordings and/or other reasonably available recordings of the incident that depicts the involved officer or the perspective of the involved officer at the time of the incident. However, if such a recording also contains significant content outside these parameters, the Chief of Police (COP), or designee, may redact or withhold the portions of the video containing the content. The officer and his/her representative shall be notified of any redactions or withholdings. Officers shall be encouraged to recall the circumstances and provide a chronological outline of the incident. The officer(s) shall have the opportunity to talk to an SPOA representative or attorney prior to giving an oral or written statement.
10. The interviewing detective shall be sensitive to the physical needs and emotional well-being of the officer. When appropriate, food and drink shall be provided. The detective shall:
 - a. Ensure that the officer is able to move about the office without confronting suspects, witnesses, or the media.
 - b. Ask the officer(s) if they wish to talk with the police chaplain and/or a Peer Support member (GO 570.04).
11. Officers who are eyewitnesses to a shooting shall:
 - a. Respond to the Detective Division to complete a written report or oral interview.

- b. Be directed to an available desk away from other officers or distractions.
 - c. Proceed with the preparation of a written report or make notes for the oral interview.
12. If applicable, the investigating supervisor shall complete or shall ensure the completion of:
- a. An After-Action Report (SPD 005) per GO 532.13 (After Action/Debriefing Reports).
 - b. City of Sacramento Liability Loss Report Form RM-3 (red border) per GO 240.03 (Civil Liability).
- N. SHOOTING BY SPD OFFICERS OUTSIDE CITY JURISDICTION
- 1. Whenever an officer by discharge of a firearm causes a death or injury outside the city jurisdiction, the officer shall notify the agency having jurisdiction and the SPD watch commander, who shall ensure IAD is notified and assigned to assist the agency conducting the investigation for purposes of coordination and keeping informed of the investigation.
 - 2. If the agency having jurisdiction does not have the resources available to conduct the investigation and requests the SPD conduct the investigation, the watch commander shall be notified. The watch commander shall assess whether our Department will conduct the investigation.
- O. SHOOTING BY OFFICERS OF ANOTHER LAW ENFORCEMENT AGENCY WITHIN CITY JURISDICTION
- If death or injury is the result of a police shooting by another law enforcement agency, the Homicide Unit shall be notified to handle the investigation. The other agency shall be notified immediately so they may monitor the investigation [GO 560.01 (Arrest and Investigation by Allied Agencies)].
- P. REFRESHER TRAINING
- Any officer involved in an accidental or intentional firearms discharge shall undergo firearms refresher training prior to returning to full duty. Refresher training:
- 1. Shall be in accordance with the module prepared by the Training Section.
 - 2. May include topics such as officer safety tactics, policy, and the law.
 - 3. Shall be conducted by an authorized range master who shall direct a memorandum to the Captain, Personnel Service Division (PSD), or designee, indicating that the officer has received firearm refresher training.
 - 4. Shall be documented and submitted to the PSD to be placed in the officer's personnel file and a copy forwarded to PSU to be placed in the Department's critical incident file.
- Q. RETURN TO DUTY
- Return to duty for each employee involved in a fatal or injury shooting shall only occur after:
- 1. Consideration has been given to GO 570.03 (Post Trauma Response).
 - 2. The COP, or designee, has notified the City Manager.
- R. USE OF FORCE OVERSITE PROCEDURES
- 1. Internal Affairs Division
 - a. The IAD commander shall direct IAD investigators or PSU representatives to respond as needed.
 - b. If an involved officer has elected to not provide criminal investigators with a

voluntary statement, the assigned IAD investigator shall conduct an administrative interview to determine all relevant information.

2. Professional Standards Unit

PSU shall:

- a. Have access to all reports and investigative materials regarding any officer shooting incident with the exception of IAD investigative files.
- b. Keep and maintain completed critical incident review reports and related material indefinitely.
- c. Contact the City of Sacramento Risk Manager by the next business day to discuss any potential civil liability issues.
- d. Schedule and facilitate an critical incident review by the investigating watch commander or Homicide Unit sergeant.
- e. Submit annual URSUS reporting to the Department of Justice.
- f. Collect statistics in Blue Team of the use of force incidents.
- g. Conduct annual review of this policy.
- h. Maintain the Early Intervention Program (EIP).
- i. Prepare an annual analysis report on the use of force incidents. The report should be submitted to the Chief of Police. The report should include:
 - (1) The identification of any trends in the use of force by members.
 - (2) Training needs recommendations.
 - (3) Equipment needs recommendations.
 - (4) Policy revision recommendations.
- j. Prepare a memorandum to the COP detailing the findings and recommendations from the critical incident review.
- k. Prepare a memorandum to the involved officer(s) advising them of any in policy shooting review disposition

S. OFFICER INVOLVED SHOOTING REVIEWS

1. All officer involved shootings shall be reviewed in a critical incident review.
2. The critical incident review shall be chaired by the Deputy Chief, Office of Investigations, and minimally consist of:
 - a. Captain(s) of the involved employee(s)
 - b. Lieutenant, Training Division
 - c. Watch Commander
 - d. Department Range Master
 - e. PSU
 - f. Risk Management
 - g. Office of Public Safety Accountability Director
 - h. SPOA President
3. The investigative unit will conduct a preliminary investigative review of the incident with the command staff within 30 days.
4. Sworn managers attending the critical incident review shall recommend to the COP whether the circumstances of the shootings were within department policy.
5. The investigating Watch Commander, Homicide Sergeant, or Range Master shall be prepared to fully explain the investigation during the critical incident review.
6. The Homicide Sergeant shall ensure that a copy of the District Attorney's review

letter is forwarded to PSU for proper filing and distribution to the involved employee(s).

G. TRAINING

1. All officers shall receive training, at least annually, on this agency's use of force policy and related legal updates.
2. In addition, training shall be provided on a regular and periodic basis and designed to
 - a. Provide techniques for the use of, and reinforces the importance of, de-escalation.
 - b. Simulate actual shooting situations and conditions.
 - c. Enhance officers' discretion and judgment in using less-lethal and deadly force in accordance with this policy.
3. All use of force training shall be documented.

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