

**Meeting Date:** 9/10/2018

**Report Type:** Discussion



**Sacramento  
Community Police  
Review Commission  
Report**

915 I Street, 1<sup>st</sup> Floor  
[www.CityofSacramento.org](http://www.CityofSacramento.org)

**Title:** Presentation from Sacramento Police Department on Commission Ad Hoc Recommendations

**Location:** Citywide

**Recommendation:** Receive and File

**Contact:** Ken Bernard, Deputy Chief, (916) 808-0800, Sacramento Police Department

**Presenter:** Ken Bernard, Deputy Chief, (916) 808-0800, Sacramento Police Department

**Department:** Sacramento Police Department

**Attachments:**

1. Accountability Ad Hoc Recommendations
2. Diversity Ad Hoc Recommendations
3. Accountability Ad Hoc Review by SPD

## **Description/Analysis**

**Issue Detail:** Presentation from Sacramento Police Department on the Commission's Accountability and Diversity Ad Hoc Committee Recommendations.

Presentation was requested by Motion at the August 2018 SCPRC meeting. Commission approved their ad hocs' recommendations; but, also subsequently requested SPD review of their recommendations prior to submitting their recommendations to Mayor and Council. SPD recommendations may or may not be used to modify the commission's recommendations approved at the August 2018 SCPRC meeting.

A separate agenda item, Item 4, was added to the September 2018 agenda to allow commission members to discuss the SPD review and inputs and pass a motion to modify their recommendations prior to forwarding to Mayor and Council.

**Policy Considerations:** None.

**Economic Impacts:** None.

**Environmental Considerations:** None.

**Sustainability:** None.

**Commission/Committee Action:** None

**Rationale for Recommendation:** Meetings are generally held each 2d Monday of the month.

**Financial Considerations:** None

**Local Business Enterprise (LBE):** Not applicable.

## **Accountability Ad Hoc Recommendations**

### **Use of Force and Pursuit**

- Release specific statistics on use of force incidents that includes race/ethnicity/language of officers and subjects, type of crime or incident, type of weapon, resolution. Update IT so that data can auto-populate and be made available in a timely manner.
- Utilize a higher policy standard, such as “immediate threat” or last resort, instead of imminent threat for allowable use of force or otherwise reform the policy to raise the standard for allowable use of force.
- Review the policy on acceptable use of foot pursuit and ensure that the policy requires officers to consider their environment when deciding to engage in a pursuit and includes immediacy and scale of threat, pursuit conditions (visibility, etc), containment, de-escalation. Ensure that the policy clarifies that foot pursuit should not be initiated only because an individual is running, but should be considered based on information about criminal offenses or treats to public safety. In addition, discourage the discharge of a firearm at a fleeing suspect in most situations.

### **Body Worn Cameras**

- Create a policy for use of BWCs, that specifies that unless a subject or witness requests (or, in the case of a minor, a parent), on camera, for the camera to be turned off, it shall remain on at all times (audio and video). Prohibit intentional obstruction of the camera view or sound. Consult with victims’ rights and sexual assault prevention organizations to develop this policy.
- Utilize a third party to audit camera footage randomly, not only review footage of critical incidents. The review should be for best practice not only legality.

### **Investigations and Discipline**

- Conduct an analysis of the process and resources necessary to provide investigatory authority to the SCPRC in order to provide an independent investigation for each use of force incident.

# SCPC Ad Hoc on Sacramento Police Diversity Hiring

Ad Hoc Members: Renee Carter, Johnny Coleman, Mario Guerrero, & Mariana Sabeniano

In an effort to build community trust, have a police department that looks like the community they serve, address historic systemic racial issues between the police and people of color, particularly African-Americans and institutionalized racism, and bridge the gap between the police and minority groups, the diversity ad hoc would like the following recommendations to be presented to the Sacramento Mayor and City Council for possible policy changes. These recommendations fall into several different areas – planning, recruitment and hiring, retention, training, and misc. Some may look to change current policy and practices, while others may be the creation of new policies and practices.

## Recommendations

### ***Planning***

- Develop a long-term comprehensive sustainable diversity plan—with measurable goals and outcomes that addresses gender issues and institutionalized racism. In regard to the latter, the plan should specifically address historic systemic racial issues between the police and people of color, particularly African-Americans. The plan should also address ethnic groups and communities whose distrust of law enforcement impacts diversification. The planning should include:
  - A Diversity Mission Statement with key principles and core values.

### ***Recruitment***

- Require ethnic studies course(s) as part of the college course requirement.
- Review SPD's current recruitment programs and practices to determine if there could be improvement (hiring materials, visibility at community events, work with community based organizations to identify viable applicants, increase diversity of recruiting personnel, expansion of the cadet programs).
- Review recruitment/outreach efforts to analyze “what is working” and eliminate or tweak areas that indicate low return or lack of measurability.
- When applications are submitted to Sacramento HR for police officer, lateral transfer, or non-sworn police officer positions, if the applicant is rejected either initially or during the examination selection process, HR should provide SPD data regarding where the applicant said s/he first engaged with SPD and demographic data for ALL applicants.
- Recruitment process should be reviewed for cultural and gender bias, including but not limited to the application and background investigation process.
- Incentivize SPD management (those exempt from the union) to live in the City of Sacramento.
- Incentivize interest in SPD (e.g. scholarships and requirement for service)

### ***Hiring***

- Officers conducting the background checks must be diverse and culturally aware.
- Any panels used in the hiring practice must be diverse in ethnic background, gender, and include civilians.
- Give priority to local applicants.
- A layer of review should be added to ensure that when applicants are denied, it is based on a fair assessment, taking into consideration cultural norms.

### ***Retention***

- To retain diverse officers, there needs to be a true opportunity for promotion. This includes mentorship for officers of color and women, while in the academy, during probation, and in preparation for promotional opportunities by officers of color and women.
- To retain diverse officers, there needs to be an opportunity for officers to provide feedback to their supervisors, without fear of repercussion and or retaliation.
- Provide better incentive pay to bilingual officers and reduce the burdens involved in the certification process.
- In circumstances where there is a need to reduce the workforce (i.e. layoffs), look at ways to make those reductions other than just seniority.
- Provide incentives to officers that live in Sacramento (pay increase, special loan programs, take home patrol vehicle).

### ***Training***

- Require additional annual current bias- free training to all officers.
- Training officers must be diverse.

### ***Misc.***

- Include “Diversity Hiring” and retention as part of the Chief’s job description and annual performance review.
- Require the City Auditor to review the diversity of SPD applicants and determine where and why they aren’t successful in the process. Respond to these items through the planning process.
- Conduct annual surveys of police personnel that include questions about diversity and inclusion, and highlight the experience of police of color, women, and issues faced during the application and selection examination process, including retention concerns. Address issues raised through the planning process.
- Create public relations and recruitment videos that acknowledge historical racism including but not limited to police actions and policy; and the desire to change the culture of the police force.

# Accountability Ad Hoc

September 10, 2018

## Use of Force and Pursuit

**Release specific statistics on use of force incidents that includes race/ethnicity/language of officers and subjects, type of crime or incident, type of weapon, resolution. Update IT so that data can auto-populate and be made available in a timely manner.**

- We release specific statistics on use of force incidents. We currently collect the following information:
  - The number and type of Use of Force
  - The number of incidents by call type
  - Citizen data by race
  - Officer Demographics to include race, gender, and years of experience
- With the implementation of AB 953, additional data will be collected and electronically made available to the public. Vehicle stop data under the current system is available on the open data portal through the City of Sacramento.
  - This new data collection will track “Limited Language Proficiency”

**Utilize a higher policy standard, such as “immediate threat” or last resort, instead of imminent threat for allowable use of force or otherwise reform the policy to raise the standard for allowable use of force.**

- The concept of “reasonable” versus “necessary” is currently being addressed by the California State Legislature (AB 931).
- AB 931 has been delayed until the fall legislative session.
- The SPD Use of Force Policy (580.02) requires the following:
  - Officers shall use only that amount of force necessary under the circumstances;
  - Officers are expected to use de-escalation techniques ...in an effort to reduce or eliminate the use of force;
  - Officers shall continuously reassess the perceived threat to select the reasonable use of force response; and
  - 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.

- The SPD Discharge of Firearms Policy (580.03) includes language regarding:
  - The sanctity of life;
  - Compliance with existing law and constitutional freedoms;
  - Requirement to assess all options before resorting to a higher level of force;
  - The terms “necessary”, “immediate”, and “reasonable” are also addressed in the current policy.

**Review the policy on acceptable use of foot pursuit and ensure that the policy requires officers to consider their environment when deciding to engage in a pursuit and includes immediacy and scale of threat, pursuit conditions (visibility, etc), containment, de-escalation. Ensure that the policy clarifies that foot pursuit should not be initiated only because an individual is running, but should be considered based on information about criminal offenses or treats to public safety. In addition, discourage the discharge of a firearm at a fleeing suspect in most situations.**

- The new Foot Pursuit Policy includes language including:
  - Officer and public safety are the overriding consideration in whether to initiate, continue or terminate a foot pursuit.
  - Continual assessment and evaluation of the need for apprehension.
- The policy also specifically addresses that flight alone does not give authority to detain or arrest a fleeing subject.
- De-escalation at the point of arrest is outlined in the Use of Force Policy, which requires de-escalation tactics be implemented.
- Discharge of a firearm is regulated by G.O. 580.03.

### **Body Worn Cameras**

**Create a policy for use of BWCs, that specifies that unless a subject or witness requests (or, in the case of a minor, a parent), on camera, for the camera to be turned off, it shall remain on at all times (audio and video). Prohibit intentional obstruction of the camera view or sound. Consult with victims’ rights and sexual assault prevention organizations to develop this policy.**

- The Body Worn Camera Policy requires that officers activate their BWC during any enforcement or criminal investigative activity, including evidence collection.
- Employees cannot deactivate their camera until the activity has concluded.
- Exceptions:
  - Officers shall not normally record in a hospital or medical setting due to patient privacy rights
  - Video recording of strip searches (audio recording is required)
  - Recording of confidential informants or undercover employees.

- Employees shall not tamper with or modify any part of the BWC system. This would include obstructing video or sound.

**Utilize a third party to audit camera footage randomly, not only review footage of critical incidents. The review should be for best practice not only legality.**

- Periodic Review is conducted by PSIT on a monthly basis.
- Supervisors then review the audit on a monthly basis to ensure compliance with policy and procedures.
- Bi-annually, supervisors must randomly choose two BWC videos for each employee that they supervise, of at least 10 minutes in length, with an associated report. They must compare the videos with ICC video, and the associated report, to ensure compliance with SPD policies and procedures.
- Finally, they must document an entry in “Blue Team” for each video that is reviewed.
- Blue Team reports can be reviewed by OPSA.

### **Investigations and Discipline**

**Conduct an analysis of the process and resources necessary to provide investigatory authority to the SCPRC in order to provide an independent investigation for each use of force incident.**

This item is outside of the scope of the Police Department.