



# SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



## 580.02 USE OF FORCE 9-18-19

### PURPOSE

The purpose of this order is to outline procedures for the use and application of force, as well as the procedures for after-force medical care and for the reporting, investigation and review 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. An officer shall only use the amount of force that the officer reasonably believes is necessary under the totality of the circumstances. An officer shall consider the principles of proportionality in looking at the totality of the circumstances by weighing the severity of the offense, the reasonably perceived level of resistance and the need for apprehension prior to the utilization of force. An officer shall use only the force that is reasonable to effect an arrest, prevent escape, or to overcome resistance. During these situations, an officer shall continually evaluate their tactics when determining the appropriate use of force response. If necessary, an officer shall render, if properly trained, or otherwise request medical aid as soon as reasonably possible.

An officer shall employ de-escalation and crisis intervention techniques when feasible and when doing so does not increase the risk of harm to officers or others. When making use of force decisions, an officer 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.

Officers use deadly force only when necessary in defense of human life or serious bodily injury. The decision by an officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force. The Sacramento Police Department shall evaluate the use of force used by its employees to ensure officers only use force that is lawful and consistent with this policy.

### PROCEDURE

#### A. DEFINITIONS

1. **IMMINENT THREAT** - An imminent 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 imminent 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.
2. **FEASIBLE** - "Feasible" means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.
3. **TOTALITY OF CIRCUMSTANCES** – All facts known to the officer at the time, including the conduct of the officer and the subject leading up to the use of force.
4. **PROPORTIONALITY** - When determining the appropriate level of force, an officer 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.



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5. 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. De-escalation techniques include, but are not limited to, gathering information about the incident, assessing risks, using crisis intervention techniques, communicating and coordinating a response, and utilizing available resources (such as personnel, equipment; usage of time, distance, and cover).
6. 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. Crisis intervention techniques include using distance, time, verbal tactics, or other tactics to de-escalate a situation.
7. LEVELS OF RESISTANCE DEFINITIONS
  - a. COMPLIANT - Subject offers no resistance.
  - b. PASSIVE NON-COMPLIANCE - Does not respond to verbal commands but also offers no physical form of resistance.
  - c. ACTIVE RESISTANCE - Physically evasive movements to defeat an officer's attempt at control including bracing, tensing, running away, verbally or physically signaling an intention to avoid or prevent being taken into or retained in custody.
  - d. ASSAULTIVE - Aggressive or combative; attempting to assault the officer or another person, verbally or physically displays an intention to assault the officer or another person.
  - e. LIFE-THREATENING - Any action likely to result in serious bodily injury or death of the officer or another person.
8. FORCE DEFINITIONS
  - a. 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. (See Section Z-1, GRAHAM V. CONNOR)
  - b. REPORTABLE USE OF FORCE - Any use of force (UOF) that causes injury as defined below; 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 control hold, 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 in section B.5.).
  - c. LESS LETHAL FORCE- Any force, agent, or device that is not reasonably likely to cause death. Less lethal force options include, but are not limited to, the use of the CED, baton, chemical agents, 40mm projectiles, bean bag shotgun rounds, carotid restraint control hold, personal body weapons, and control holds.
  - d. DEADLY FORCE - Any force that poses a substantial risk of causing death or serious bodily injury is considered deadly force. Deadly force may include, but is not limited to, the discharge of a firearm, an intentional strike to the head with an impact weapon or an impromptu impact weapon.
9. INJURY DEFINITIONS
  - a. 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.
  - b. SERIOUS BODILY INJURY - A serious impairment of physical condition, including but not limited to loss of consciousness, protracted loss or impairment of function of any bodily member or organ, a wound requiring extensive suturing, and serious disfigurement.

## B. GENERAL

1. All applications of force whether deadly or less lethal are governed by this policy.



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2. 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 effect the arrest or to prevent escape or to overcome resistance.”
3. An officer may use deadly force if, under the circumstances, the officer reasonably believes that the suspect poses an imminent threat of death or serious bodily injury, either to the officer or to others.
4. When using force, an officer should use techniques and equipment that are approved by the department.
5. Circumstances may arise in which an officer reasonably believes that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. An officer may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the officer may resort to using reasonable means of force. The use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.
6. When feasible 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
7. 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.
8. An officer shall not use deadly force against a person who presents only a danger to themselves and does not pose an imminent threat of death or serious bodily injury to another person or officer.
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.
10. Refer to GO 522.02 Emergency Care for Individuals Under Police Care or Control when rendering emergency medical treatment or summoning medical assistance.

## C. CONSIDERATIONS GOVERNING ALL REASONABLE USE OF FORCE

1. 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.
2. A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason 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 effect the arrest or to prevent escape or to overcome resistance.
3. The factors used to determine reasonableness shall be consistent with *Graham v. Connor* (1989) 490 U.S. 386. The decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.
4. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:
  - a. The severity of the crime
  - b. The level of threat or resistance presented by the subject
  - c. Whether the subject was posing an imminent threat to officers or a danger to the community
  - d. The potential for injury to citizens, officers or subjects
  - e. The risk or apparent attempt by the subject to escape



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- f. The conduct of the subject being confronted (as reasonably perceived by the officer at the time)
  - g. The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable
  - h. The availability of other resources
  - i. The training and experience of the officer
  - j. The proximity or access of weapons to the subject
  - k. Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and
  - l. The environmental factors and/or other exigent circumstances.
  - m. Not all of the above factors may be present or relevant in a particular situation, and there may be additional factors not listed.
5. Law enforcement officers are authorized to use deadly force level of force under the following circumstances:
- a. To protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,
  - b. To prevent a crime where the suspect's actions are reasonably believed to place person(s) in imminent jeopardy of death or serious bodily injury; or,
  - c. To prevent the escape of a fleeing suspect when the officer reasonably believes the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed.

## D. PROHIBITED USES OF FORCE

1. Officers shall not use force:
  - a. Against individuals who are not subject to arrest or detention, except to protect the officer, the public or another person.
  - b. Against individuals who are handcuffed or otherwise restrained, except where the individual is actively resisting, attempting escape, or poses an imminent threat to the officers, the public, or themselves.
  - c. Against individuals for the sole purpose of preventing the exercise of first amendment rights, when a legitimate law enforcement purpose does not exist.
  - d. To punish or to retaliate.
  - e. To stop a subject from swallowing a substance that is already in their mouth.

## E. FORCE OPTIONS

1. Officers have a variety of force options available to them. Officers do not need to follow a continuum of force, but shall select the use of force they deem appropriate for the circumstances, ensuring their use of force complies with the law, the provisions of this order and the any specific department orders or manuals governing the type of force they select to use. Officers shall continue to assess their use of force selection and either transition to a different use of force or discontinue a use of force based on their assessment, ensuring their use of force remains reasonable for the circumstances.
2. The following is a list of use of force options. This is not a complete list of options:
  - a. Carotid Restraint Control Hold
  - b. Chemical Agents
  - c. Conductive Energy Devices (CED)
  - d. Control Holds
  - e. Discharge of Firearms and Other Deadly Force
  - f. Impact projectiles
  - g. Impact weapons
  - h. Personal Body Weapons
  - i. Pointing of a Firearm at a person



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- j. Takedowns
- k. Use of Canine
- l. Verbal Commands/Instructions/Command Presence
3. The following is a list of department orders and manuals covering specific use of force topics:
  - a. Arrest of Passive Resisters Manual; RM 532.09
  - b. Baton Manual; RM 580.08
  - c. Carotid Restraint Control Hold Manual; RM 580.09
  - d. Chemical Agents Manual; RM 580.07
  - e. Crowd and Riot Control Manual; RM 532.11
  - f. Less Lethal Weapons General Order; GO 580.12
  - g. Search and Handcuff Manual; RM 523.02
  - h. Use of Canine General Order; GO 580.14
  - i. Use of a Conductive Energy Device (CED) General Order; GO 580.10

## F. USE OF A CONDUCTIVE ENERGY DEVICE (CED)

1. An officer may deploy and use the CED under the following circumstances:
  - a. To incapacitate a subject whose conduct rises at least to the level of active resistance and is an imminent threat to the officer or others. This includes threats or pre-indicators leading up to assaultive or resistive behavior.
  - b. To incapacitate a suicidal subject who can't be safely controlled through crisis intervention techniques or other force options.
2. Officers shall avoid using the CED for more than a total of three (3) five-second cycles (15 seconds), unless the totality of the circumstances are such that a reasonable officer would conclude that each subsequent application of the CED, analyzed separately, is warranted by the imminent threat to the officer or others.
3. CED deployment shall cease when the subject no longer represents an imminent threat to the officer or another person.
4. The use of the CED is considered a serious use of force. Each individual cycle of the CED must be reasonable under the circumstances.
5. The CED should not be used on handcuffed persons unless they are actively resisting or exhibiting active aggression and/or to prevent individuals from harming themselves or others.
6. The CED shall be used in accordance with SPD General Order 580.10

## G. POINTING A FIREARM

1. Nothing in this policy shall preclude an officer from drawing of a firearm when the officer reasonably believes it necessary for the safety of the officer or another.
2. Detentions involving the pointing of a firearm at a person shall be entered in accordance with SPD General Order 210.09 (RIPA).
3. The pointing of a firearm at a person shall be documented in the appropriate report or on the CAD call.

## H. DISCHARGE OF FIREARMS AND OTHER DEADLY FORCE

1. The use of a firearm or other deadly force is the most serious decision an officer may make. In determining whether deadly force is necessary, officers shall evaluate each situation considering the circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible to a reasonable officer.
2. An officer may discharge a firearm in the performance of their official duty
  - a. To protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury.
  - b. To prevent a crime where the suspect's actions are reasonably believed to place person(s) in imminent jeopardy of death or serious bodily injury.



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- c. To effect an arrest, prevent an escape, or recapture an escapee when the officer reasonably believes the suspect to be arrested poses an imminent threat to cause death or serious bodily injury if apprehension is delayed.
- d. To stop a dangerous animal that poses an imminent risk of death or serious bodily injury to a person.
- e. At a firing range, pursuant to all safety rules and regulations.
3. Firearms shall not be discharged as a warning.
4. If feasible, and if doing so would not increase the danger to the officer or others, the officer should give a verbal warning prior to using deadly force.
5. If feasible, an officer shall take reasonable care when discharging their firearm so as not to jeopardize the safety of another officer or another person.
6. The decision by a peace officer to use deadly force shall be evaluated from the perspective of an reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.
7. 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).
8. Officers shall comply with GO 522.02 (Emergency Care for Individuals Under Police Care or Control).

### I. MOVING VEHICLES

1. An officer shall make every reasonable effort to move out of the path of an approaching vehicle instead of discharging their firearms at the vehicle or its occupants.
2. An officer shall make every reasonable effort to not intentionally place themselves in a position where a vehicle could be perceived as a threat to the officer.
3. Officers shall not discharge a firearm at or from a moving vehicle unless one of the following circumstances exists:
  - a. Deadly force, or the imminent threat of deadly force, is being used against an officer or another person by means other than the moving vehicle.
  - b. The driver is using or is attempting to use the vehicle as a means to cause injury or death to the officer or another person.
  - c. When the driver of a vehicle continues to present an ongoing imminent threat of death or serious bodily injury to officers or another person and deadly force is feasible to preserve the lives of the officer or another person.
4. In reviewing incidents involving the discharging of a firearm from a moving vehicle or at a moving vehicle, the Department will consider the totality of the circumstances, including but not limited to the whether the officer or another person were in imminent danger of death or serious bodily injury and whether the officers present employed tactics consistent with the Department's use of force principles and approved training.

### J. CAROTID RESTRAINT CONTROL HOLD

1. The Carotid Restraint Control Hold offers officers a method for controlling individuals when other force options would be inappropriate, not feasible or ineffective under the circumstances. The purpose of the carotid restraint control hold is to subdue the individual to the point they can be safely controlled and taken into custody. The successful use of the Carotid Restraint Control Hold is meant to prevent the officer from escalating to deadly force.
2. The use of the Carotid Restraint Control Hold may be used when:
  - a. The officer has been trained on the proper use and application of the technique.



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- b. In compliance with the Carotid Restraint Control Hold Manual (RM#580.09).
- c. An individual is assaultive, and the officer reasonably believes that such a hold appears necessary to prevent serious bodily injury or death to an officer or other person.

## K. MANDATORY REPORTING PROCEDURE

### 1. Reporting Uses of Force

- a. Employees shall notify the field supervisor anytime they use a reportable use of force. A reportable use of force is any use of force where any of the following apply:
    - (1) The use of force involves:
      - (a) The discharge of a firearm
      - (b) A canine bite
      - (c) The use of an impact weapon
      - (d) The use of a chemical agent
      - (e) The use of the Carotid Restraint Control Hold
      - (f) The use of a CED
      - (g) Or any use of force as outlined in Appendix #1 with the corresponding reporting requirements in Appendix #2 (refer to Appendix #1 and #2 at end of policy).
    - (2) The use of force deviates from the techniques taught or the equipment provided by the Department (see in section B.5.).
    - (3) The use of force causes injury.
      - (a) For the purpose of determining if a use of force is reportable, an injury is defined as any visible bodily injury or complaint of bodily injury (non-visible injury). The injury must be reasonably related to the use of force applied. The temporary pain associated with the proper application of control holds and/or restraints is not an injury for purposes of determining if a use of force is reportable.
  - b. If an officer is in doubt as to whether a use of force is reportable, the officer shall notify their field supervisor, who will then be responsible for making the determination.
  - c. After notifying the field supervisor:
    - (1) The officer shall complete the applicable report(s) (crime, casualty, and/or incident). The report shall 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) An officer booking an arrested subject shall notify the appropriate jail medical staff employee of the injury and type of force used.
    - (3) The officer shall forward through the chain of command to the to the Professional Standards Unit (PSU) a completed City of Sacramento General Liability Loss Report Non-vehicular (RM Red Border Form).
  - d. When the use of force has resulted in an injury, an officer shall comply with the provisions in GO 522.02 Emergency Care for Individuals under Police Care or Control. If the individual is not arrested or will be released with a citation, an officer should offer to call for an ambulance or assist in arranging transportation to an authorized medical facility.
  - e. Whether or not a use of force is reportable under this policy, any use of force 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. Excessive Force
- a. An officer shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by a reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject.



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- b. Officers shall report potential excessive force to a superior officer and/or Internal Affairs when present and observing another officer using force that the officer believes to be beyond that which is necessary, as determined by a reasonable officer under the circumstances based upon the totality of information actually known to the officer.
3. Supervisors' Responsibilities
    - a. Upon notification of a reportable use of force, 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 a use of force by an officer should include, but is not limited to, an area canvass (for witnesses, evidence and surveillance video), witness statements (which should be obtained by a supervisor or officers not involved in the use of force), 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.
      - (2) Review the incident with the arresting officer and/or other officers.
      - (3) Review all recordings (both audio and video) of the event, including In-Car Camera, Body Worn Camera video, and any available surveillance video).
      - (4) Assess the appropriateness of the use of force and any charge(s) against the suspect.
      - (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).
    - b. Management Level Review
      - (1) The officer's field supervisor shall initiate a management level review by making an entry into the Department's use of force tracking software whenever the following reportable use of force events occur:
        - (a) Any reportable use of force that results in the suspect requiring a medical clearance (Fit for Incarceration report) prior to booking or, if the suspect is not booked into jail or juvenile hall, any injury that would likely require a Fit for Incarceration report.
        - (b) Any reportable use of force, involving the discharge of a firearm, a canine bite, or the use of an impact weapon, chemical agent, carotid restraint control hold, or CED.
        - (c) Any reportable use of force that deviates from the techniques taught or the equipment provided by the Department.
        - (d) Any use of force the supervisor or watch commander determines should be subject to a management level review.
      - (2) The field supervisor shall immediately notify the watch commander upon determining that a management level review is required.
      - (3) The field supervisor shall enter the following information into the tracking software:
        - (a) List of officers involved.
        - (b) The type of force that was used.
        - (c) The extent of injuries (if any) to the officer and the suspect.
        - (d) Whether or not the supervisor responded to the scene and if not, why.
        - (e) Any administrative actions taken by the supervisor or other personnel.
        - (f) The supervisor's opinion as to whether the use of force was consistent with department policy.
        - (g) All pertinent documents shall be attached to the entry.
      - (4) Tracking software entries should be completed within 30 days of the incident date.
      - (5) In cases where a firearm has been discharged or the use of force results in death, the tracking software entry shall be completed by IA/PSU and shall not be completed by the field supervisor.
      - (6) If the use of force was captured on non-departmental video, a copy of the video shall be forwarded to PSU.
      - (7) All uses of force shall be categorized using the level of force definitions as outlined by RIPA. See Appendix #1.



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- (8) The watch commander shall review with the field supervisor any uses of force that are subject to management level review. If, after the review, the watch commander determines that the use of force was inconsistent with 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.
- (9) Use of force deployed by supervisors
  - (a) 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 this section.
  - (b) In the event a manager uses force or gives an officer a direct order to deploy force that triggers the reporting requirements set forth in this order, the manager shall notify their direct superior and the superior shall be responsible for identifying the person responsible for complying with this section.

## L. OFFICER INVOLVED SHOOTING RESPONSE AND INVESTIGATION

### 1. Duties of the Initial On-Scene Supervisor

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

- a. Respond immediately, take charge, and ensure the watch commander has been notified of the incident.
- b. 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.
- c. Obtain a brief overview of the situation.
  - (1) The supervisor shall attempt to gain an overview of the situation by contacting non-shooting officer(s).
  - (2) If the supervisor is unable to gain an overview of the situation from non-shooting officers, the supervisor shall obtain a public safety statement from at least one shooting officer. The on-scene supervisor shall ensure shooting officers are only contacted once and that additional supervisors do not repeat the request for a public safety statement.
  - (3) Public safety statements are conducted using SPD Card 136. The supervisor will ask the series of preliminary questions contained on SPD Card 136. While these questions are intended to cover most situations, they may not fit every incident. Supervisors may deviate slightly from the questions to match the facts of the incident but should be careful to limit their questions to only obtaining information needed for a public safety statement. The SPD Card 136 questions are:
    - (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?
  - (4) If an officer declines to give a public safety statement the supervisor may 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.
- d. After obtaining a public safety statement, administratively order each involved officer not to discuss the incident with other officers until they receive further direction from a supervisor and to turn off their body-worn cameras.



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- e. 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.
  - f. Separate involved officer(s), assign a Peer Support Officer to each officer, and coordinate with the watch commander to move the officer(s) to an off-site staging area.
  - g. Remain on-scene to brief arriving investigators and be there to answer any questions as they may arise.
  - h. 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).
  - i. 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).
2. Officer Involved Shooting Investigation
- a. 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 Forensic Investigators (FI) can properly retrieve it.
  - b. Evidence collection shall minimally consist of:
    - (1) Retrieving and booking any expended cartridges, bullets, and shotgun casings or pellets, along with all live ammunition pertinent to the incident.
    - (2) Diagramming of the crime scene, including positions of persons and objects and the trajectories of expended shots.
    - (3) Producing adequate pictorial sketches and photographs, including the use of a video camera if necessary, of damaged property.
    - (4) Obtaining a recording of all radio transmissions within ten (10) days or as soon as they are available.
    - (5) Obtaining copies of the officer(s)' firearm training records.
    - (6) Determining factors of probable cause, if present, that contributed to the officer(s)' decision in discharging a weapon.
    - (7) Ensuring all items of evidence related to the shooting are collected and booked.
    - (8) 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:
      - (a) If a weapon discharged due to being caught on the officer's gun belt or clothing, book all such articles.
      - (b) If the discharge was the result of a vehicle door closing on an officer with the weapon drawn, remove the vehicle from service.
  - c. Obtain statements from all persons present.
  - d. Have the area canvassed for witnesses and obtain statements.
  - e. 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.).
3. Watch Level Investigation Following an Officer Involved Shooting
- a. The following shooting incidents shall be investigated at the watch level:
    - (1) Shooting of an animal.
    - (2) Accidental discharge without injury.
    - (3) Unsuccessful attempted discharge (e.g., weapon malfunction).
  - b. The on-duty watch commander shall:
    - (1) 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



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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.

(2) Designate a sergeant as the principal investigating supervisor.

c. If, in the watch commander's opinion, a more thorough investigation is necessary, a homicide callout may be initiated.

#### 4. Homicide Unit Responsibilities Following an Officer Involved Shooting

a. The Homicide Unit shall investigate the following shooting incidents:

(1) Intentional discharge at a person.

(2) Discharge resulting in injury to a person.

b. After the scene has been stabilized and imminent threats of hostility neutralized, command of the scene shall be relinquished to the Homicide Unit supervisor.

c. 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.

d. 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.

e. 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.

f. District Attorney's Office (DA) and Office of Public Safety Accountability (OPSA) Notification

(1) The DA and OPSA or their designees shall be notified to respond to all officer-involved shootings that result in injury to another person.

(2) 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.

(3) The DA shall conduct an independent assessment of the circumstances and will issue written findings.

#### 5. Surrender/Inspection of Weapons Following an Officer Involved Shooting

a. An officer 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. An officer 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.

b. The officer(s)' weapon(s) shall be inspected by an investigator who is familiar with the weapon system used, and documented as follows:

(1) The magazine shall be removed.

(2) The chamber shall be checked and cleared, and its condition noted.

(3) 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).

(4) The serial number shall be recorded.

(5) The weapon shall then be reloaded and returned to the officer or booked at the discretion of the investigator.

c. On an accidental discharge, the weapon shall be booked and referred to the armorer for inspection.

d. 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.

e. Any other weapon at the scene may be inspected by the investigating officers at their discretion.

#### 6. Transportation from the Scene



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- a. As soon as is practical, the involved officer(s) shall be transported from the scene to an offsite staging area, usually the nearest department facility. The officer(s) shall be kept secure from public confrontations (GO 570.04).
  - b. Peer Support members shall not remove the involved officer(s) from the scene without approval of the Incident Commander (IC).
  - c. An officer being transported to a police facility in a marked unit shall not be placed in the rear seat unless under arrest. An officer may be transported from the scene by their SPOA representative and/or their attorney when appropriate.
7. Reports
- a. Every officer shall prepare a written report of their activity and observations as soon as reasonably practical unless an oral statement is taken from detectives. Officers who complete oral interviews are not be required to prepare a written report.
  - b. An officer may be directed to prepare reports at the Detective Division at the discretion of the investigating supervisor or higher authority.
  - c. Injured officers are exempt from preparing a report until physically capable.
  - d. 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.
  - e. Outside agency personnel may use their own report forms. Copies of the reports may serve as SPD supplements.
  - f. An officer shall not be advised of their Miranda rights unless:
    - (1) Under arrest.
    - (2) Information available to the investigator(s) causes them to believe the officer is criminally responsible.
    - (3) The officer makes incriminating statements during an oral interview.
  - g. While an officer(s) is providing a voluntary oral interview for statement under Miranda, the following personnel may view the process:
    - (1) Assigned detectives, supervisors, Internal Affairs Division (IAD) investigator, PSU representative, DA investigator, OPISA representative, and/or the officer's legal representative.
    - (2) Except with the expressed authorization of the ranking detective or supervisor, no others shall be allowed to view the interview.
  - h. When an oral interview is conducted, it shall be audio recorded if possible. The officer(s) shall be informed that the interview is being recorded.
  - i. No more than two (2) detectives shall be in the interview room with an officer. An officer 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.
  - j. Involved officer(s) and their representatives will have access to their In-Car Camera and Body-Worn Camera 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, or designee, may redact or withhold the portions of the video containing the content. The officer and their representative shall be notified of any redactions or withholdings. An officer 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.
  - k. 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:
    - (1) Ensure that the officer is able to move about the office without confronting suspects, witnesses, or the media.



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- (2) Ask the officer(s) if they wish to talk with the police chaplain and/or a Peer Support member (GO 570.04).
- l. An officer who is an eyewitness to a shooting shall:
- (1) Respond to the Detective Division to complete a written report or oral interview.
  - (2) Be directed to an available desk away from other officers or distractions.
  - (3) Proceed with the preparation of a written report or make notes for the oral interview.
- m. If applicable, the investigating supervisor shall complete or shall ensure the completion of:
- (1) An After-Action Report (SPD 005) per GO 532.13 (After Action/Debriefing Reports).
  - (2) City of Sacramento Liability Loss Report Form RM-3 (red border) per GO 240.03 (Civil Liability).
8. Shooting by SPD Officers Outside City Jurisdiction
- a. 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.
  - b. 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.
9. Shooting by Officers of Another Law Enforcement Agency Within City Jurisdiction
- a. 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)].
10. 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:
- a. Shall be in accordance with the module prepared by the Training Section.
  - b. May include topics such as officer safety tactics, policy, and the law.
  - c. 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.
  - d. 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.
11. Return to Duty
- Return to duty for each employee involved in a fatal or injury shooting shall only occur after:
- a. Consideration has been given to GO 570.03 (Post Trauma Response).
  - b. The COP, or designee, has notified the City Manager.

## M. REVIEW 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 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 a preliminary review.



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- 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 involved officer(s) advising them of any in policy shooting review disposition.
3. Administrative Review
- a. Officer involved shootings, other uses of force resulting in death, in custody deaths and other significant events at the discretion of the Chief of Police shall be reviewed via the following two-step process:
    - (1) Preliminary Review
      - (a) This review shall take place within the first 30 days following the incident. Extensions beyond the 30-day deadline must be approved by the Chief of Police.
      - (b) The Preliminary Review is intended to be a high-level analysis of the incident evaluating our organizational performance. This review should be facilitated by the Area Captain.
      - (c) If the incident involved a use of force, the policy issues related to the specific application of force during the event shall not be addressed.
      - (d) Areas covered should include an overview of facts, initial response, training, equipment, policy considerations other than the specific application of force and internal and external communication.
      - (e) The Captain of the Office of the Chief shall prepare and submit a memo documenting the findings of the Preliminary Review to PSU.
    - (2) Final Policy Review
      - (a) An administrative review to determine if the force used during the incident complied with Department policy.
      - (b) Takes place after the District Attorney has rendered an opinion on the use of force.
      - (c) Shall be chaired by the Deputy Chief, Office of Investigations, and minimally consist of:
        - 1) Captain(s) of the involved employee(s)
        - 2) Lieutenant, Training Division
        - 3) Watch Commander
        - 4) Department Range Master
        - 5) PSU
        - 6) Risk Management
        - 7) Office of Public Safety Accountability Director
        - 8) SPOA President
      - (d) Sworn managers attending the Final Policy Review shall recommend to the COP whether the specific use of force was within department policy.
      - (e) The investigating Watch Commander or Homicide Sergeant shall be prepared to fully explain the investigation during the Final Policy Review.
      - (f) 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) The Captain of the Office of the Chief shall prepare and submit a memo documenting the findings of the Final Policy Review to PSU.



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### N. 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 an officer's discretion and judgment in using less lethal and deadly force in accordance with this policy.
3. All use of force training shall be documented.

### O. CASE LAW REFERENCES

1. GRAHAM V. CONNOR (1989) 490 U.S.386 is a 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 imminent 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."
2. TENNESSEE V. GARNER 471 U.S. 1 (1985),[2] is a civil case in which the Supreme Court of the United States held that, under the Fourth Amendment, when a law enforcement officer is pursuing a fleeing suspect, the officer may not use deadly force to prevent escape unless "the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others." It was found that use of deadly force to prevent escape is an unreasonable seizure under the Fourth Amendment, in the absence of probable cause that the fleeing suspect posed a physical danger.



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LEVEL 1	LEVEL 2	LEVEL 3
<ul style="list-style-type: none"><li>• UOF resulting in death</li><li>• UOF resulting in Serious Bodily Injury (SBI)</li><li>• Officer involved shooting resulting in injury or death</li><li>• Officer involved shooting-suspect missed</li><li>• Use of vehicle as weapon resulting in SBI</li><li>• In-custody death</li><li>• Use of non-issued equipment resulting in Serious Bodily Injury or death</li></ul>	<ul style="list-style-type: none"><li>• Officer involved shooting of an animal</li><li>• Canine bite</li><li>• Use of carotid restraint control hold</li><li>• Use of control holds resulting in SBI</li><li>• CED deployment-probe</li><li>• CS gas</li><li>• Use of baton</li><li>• Use of CED drive stun</li><li>• Use of OC spray</li><li>• Use of personal body weapons</li><li>• Use of 40 MM impound sponge (Blue Tip)</li><li>• Use of 40 MM direct impact OC (Orange Tip)</li><li>• Use of flexible baton rounds (bean bag)</li><li>• Use of pepper ball (live-x-round)</li></ul>	<ul style="list-style-type: none"><li>• Any UOF used to overcome a combative, physically aggressive, or fleeing subject who has delayed, obstructed, or fought with an officer</li><li>• Any use of force that results in a visible injury or complaint of pain by the subject to whom force was applied to. Example: visible scratch, abrasion, complaint of pain however not minor discomfort by application of certain control holds or handcuffs</li></ul>



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REPORTING REQUIREMENTS FOR LEVEL 1	REPORTING REQUIREMENTS FOR LEVEL 2	REPORTING REQUIREMENTS FOR LEVEL 3
<ul style="list-style-type: none"><li>• Sergeant notification</li><li>• Homicide call out</li><li>• CSI request</li><li>• IAD call out</li><li>• PSU call out</li><li>• PIO call out</li><li>• District Attorney response team</li><li>• OPSA</li><li>• Crime or casualty report</li><li>• Red border form</li><li>• Blue team entry</li></ul> <p>All call outs are based on the needs of the incident.</p>	<ul style="list-style-type: none"><li>• Sergeant notification</li><li>• Crime or casualty report</li><li>• CSI request</li><li>• Red border form</li><li>• Blue team entry</li><li>• Watch commander investigation (shooting of an animal or use of carotid restraint control hold)</li></ul>	<ul style="list-style-type: none"><li>• Sergeant notification</li><li>• Incident/crime report</li><li>• CSI request</li><li>• Red border if there is visible injury</li><li>• No Blue Team Entry</li></ul>