



City Council Report

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File ID: 2021-00318

April 13, 2021

Discussion Item 11

Title: Sacramento Community Police Review Commission 2020 Recommendations
[Oral Report]

Location: Citywide

Recommendation: Receive and provide direction.

Contact: LaTasha Watson, Director, (916) 808-7345, Office of Public Safety Accountability

Presenter: Mario Guerrero, Chair, Sacramento Community Police Review Commission

Attachments:

- 1-Description/Analysis
- 2-Internal Workgroup Recommendations to City Council
- 3-Mental Health Recommendations to City Council
- 4-Discipline and Accountability Recommendations to City Council
- 5-2018-19 Recommendation Considerations

Description/Analysis

Issue Detail: The Mayor and City Council established the Sacramento Community Police Review Commission (the “Commission”) in 2016 to make recommendations to the Mayor and Council regarding police policy, procedures, and best practices. (Sacramento City Code section 2.110.030.A) At least annually, the Commission is required to report and make its recommendations to Mayor and City Council. (Sacramento City Code section 2.110.030.C)

In forming its 2020 recommendations, the Commission established three ad hoc committees, on Discipline and Accountability, Mental Health, and Internal Workgroup. The Commission charged the Discipline and Accountability Committee with the duty of evaluating the Sacramento Police Department’s (“Department”) discipline and accountability efforts for employee misconduct. The Mental Health Committee was charged with identifying areas of improvements in the Department’s response in dealing with those who are suffering a mental health crisis.

The Commission charged the Internal Workgroup Committee with the duty of evaluating the Department’s hiring, retention, training, and other law and policy considerations.

Pursuant to Sacramento City Code section 2.110.030.C, the Commission submits the attached recommendations to Mayor and City Council for review and consideration.

Policy Considerations: The recommendations presented by this Commission may result in Sacramento Police Department policy changes, if adopted by the Mayor and City Council.

Economic Impacts: None.

Environmental Considerations: None.

California Environmental Quality Act (CEQA): This action is not a “project” subject to CEQA because it involves only organizational or administrative activities that will not result in direct or indirect physical changes in the environment (CEQA Guidelines §15378(b)(5)).

Sustainability: Not applicable.

Commission/Committee Action: The Sacramento Community Police Review Commission approved the original recommendations at its February 8, 2020 meeting.

Rationale for Recommendation: This report includes the Sacramento Community Police

Review Commission's 2018, 2019, and 2020 recommendations to Mayor and Council. These recommendations are provided to improve and enhance transparency, accountability, and the diversity of the Sacramento Police Department.

Financial Considerations: The recommendations presented by this Commission may result in Sacramento Police Department policy changes, if approved by the Mayor and City Council. The Sacramento Police Department would have to consider any possible financial impacts caused by implementation of these policy changes.

Local Business Enterprise (LBE): Not applicable.

Internal Ad Hoc Committee Recommendations

Commission's History:

In March 2004, the Sacramento City Council established the Community Racial Profiling Commission (CRPC) to investigate whether traffic stops data indicated that racially biased policing was occurring in Sacramento. The CRPC was created to be an advisory body to the Mayor and City Council and to provide the City with a greater opportunity to solicit and include community input.

On August 12, 2008 the CRPC, in collaboration with the Sacramento Police Department (SPD) and a third party consulting firm, issued their [final report](#) on Vehicle Stop Data Analysis Project and presented its findings to City Council on August 12, 2008. The report found that there was a disparity in the number of African-American motorists that were stopped by SPD versus the number of African-American motorists in traffic and that these stops occurred at a “sufficiently substantial” magnitude.

The report also concluded that Latino drivers were stopped at a slightly higher rate than their representation in the traffic population, but the difference was not statistically significant. Finally, the report concluded White and Asian drivers were stopped less than what would be expected based on their representation in traffic. As it pertained to search and seizure, the report concluded that African-Americans and Latinos were more often subject to being searched.

Based on the report, CRPC made six recommendations to the Sacramento Police Department that were implemented. The SPD reported on the implementation of the recommendations to the City Council on March 31, 2009.

After the 2008 study, the CRPC's community participation declined. The limited scope and authority given the CRPC was inadequate to address police transparency and accountability, which was the community's main priority. The City Council officially dissolved the CRPC in August 2015 and replaced it with the Sacramento Community Police Commission (Commission). The Commission was established to provide recommendations to the Mayor and City Council on bias-free policing and the implementation, evaluation, and sustainability of efforts intended to strengthen community-police relations.

Community members argued that the Commission did not have enough oversight capabilities and therefore could not really address the concerns voiced by the community. In response to this criticism, in September 2016, Mayor Kevin Johnson appointed three City Council members to a subcommittee on Public Safety. The Public Safety Subcommittee was tasked with providing policy recommendations that would increase transparency and accountability within the Police Department. The subcommittee spent eight weeks meetings with various community leaders, representatives from the City Manager's office, the Mayor's office, the Berkeley Police Review Commission, and the public.

On November 22, 2016 as part of a package of police reforms, the subcommittee recommended to the City Council that the Commission be replaced with the Sacramento Community Police Review Commission (SCPRC).

The SCPRC was created to provide a venue for community participation in reviewing police department policies, practices, and procedures (Sacramento City Code section 2.110.030.A.). The SCPRC is further tasked with monitoring and evaluating the City's policing initiatives and programs. The SCPRC is required to report and make its recommendations to Mayor and City Council annually. (Sacramento City Code section 2.110.020.C.)

The SCPRC consist of 11 members. Each councilmember appoints one member to the SCPRC, and the mayor has the authority to appoint three. The death of George Floyd, early this year, lead to nationwide demonstrations protesting the killing of African-Americans by police and systemic racism in the country. During this period of civil unrest, the SCPRC was highlighted in the press and by elected officials as a body that could lead to change. It is important to outline to the public the authority that the SCPRC has and the limitations that prevent it from meeting community expectations.

Sacramento Community Police Review Commission Process

- I. The City Attorney is the attorney for the City of Sacramento, as an entity. As such, the City Attorney and the City's relationship is protected by attorney-client privilege, which prevents the disclosure of confidential communications between the client and the attorney. For example, a legal analysis by the City Attorney to the City on whether the City is following state law does not have to be shared with third-party, such as the Commission.

For this reason, we recommend that the SCPRC have access to legal counsel independent of the City Attorney's office. Independent legal counsel would afford the Commission a legal opinion that might differ from the City Attorney. We believe that the City Charter allows for this action to occur. Section 72 of the City Charter outlines the duties of the City Attorney as follows:

- a. "The city council shall appoint a city attorney and shall prescribe the qualifications, duties and compensation of such officer. The city attorney shall serve as legal counsel to the city government and all officers, departments, boards, commissions and agencies thereof and shall have such other powers and duties as may be prescribed by state law and by ordinance or resolution of the city council. In situations where the city attorney determines there is a conflict in representation by that office, the city council may authorize the retention or other legal counsel to represent one of the conflicting parties. The city attorney shall appoint all other members of the city attorney's office."
- II. The commission needs additional staff support. SCPRC is currently staffed by the Office of Public Safety Accountability (OPSA), but OPSA has extremely limited staff and has its

own workload it must complete. At a minimum, OPSA should be authorized to hire another person to help fully staff the SCPRC.

- III. Sacramento Police Department liaison should meet with Chair, Vice Chair, OPSA staff to address requests and respond directly instead of having to use OPSA as an intermediary.
- IV. City Code states that “quorum required for the commission to conduct business is six members” (Sacramento City Code section 2.110.090). We recommend that the City Council amend the City Code to allow that in the event of any vacancy or vacancies, that quorum be the majority of members serving on the Commission.

Inspector General Position

In 2016 OPSA was restructured, given additional powers, and placed “under the direction of the city council, rather than the city manager, pursuant to the foregoing provisions serves the best interests of the city, by putting the office of public safety accountability in a direct relationship with the citizens’ elected representatives (Ord. 2016-0054).”

Some of the additional powers granted to OPSA are outlined in Section 2.22.030 of the Sacramento City Code, which among other things states, “as needed, request the city council, or any duly appointed committee of the council, to issue subpoenas as provided in section 34 of the charter. The city council may, by resolution, establish the procedures for the request, issuance, and service of those subpoenas.”

Earlier this summer the City Council approved the Mayor’s plan to create an Inspector General position at OPSA with full independence and authority to investigate officer-involved shootings and use-of-force incidents that result in serious bodily injury or death. It is through the OPSA authority that the new IG will be able to subpoena a witness.

- V. The IG position should be independent of OPSA supervision and should be granted subpoena power. This change would require a charter amendment. Sacramento City Charter Section 34 limits the subpoena power to the City Council or to any committee of the City Council Members.
- VI. IG’s investigation report to the SCPRC should include, if requested, access to information available to the public pursuant to SB 1421 (Chapter 988, Statutes of 2018). In 2018, the California State Legislature passed and Governor Brown signed SB 1421, which provides the public access, through the California Public Records Act, to police records related to : 1) incidents involving the discharge of a firearm or electronic control weapons by an officer; 2) incidents involving strikes of impact weapons or projectiles to the head or neck area; 3) incidents of deadly force or serious bodily injury by an officer; 4) incidents of sustained sexual assault by an officer; or 5) incidents relating to sustained findings of dishonesty by a peace officer.

- VII. The IG is tasked with providing recommendations on whether the police department's policies were violated and whether officers should be disciplined or terminated. The thought is for the IG to publicly present its findings to the City Council and the Sacramento Community Police Review Commission (SCPRC) before the City Manager makes a final determination on officer discipline or termination. To ensure transparency and accountability, the SCPRC should be tasked to take the Inspector General's findings before they are presented to the City Council and make its own recommendations on officer discipline or termination. The SCPRC recommendations should be presented to the City Council alongside the IG's recommendations.

City Council

The Commissioners serve on a voluntary basis and are tasked with providing recommendations to the mayor and city council, but there is no requirement that the City Council take any action.

- VIII. The city council should adopt a process or policy that requires the body to vote on the recommendations received by the SCPRC no later than three months from receipt.

Partnership with Sacramento Police Department (SDP)

The SCPRC role is to provide independent review of police programs and help elevate community voices. The SCPRC's effectiveness can be increased by building a collaboratively working relationship with SDP.

- IX. SCPRC should be given the authority to review and provide feedback to the SPD, the Mayor, and City Council, before the adoption of any new SPD general order's or updates to these dealing ~~with Body Worn Cameras, Foot Pursuit, Use of Force and Discipline~~ with the Commission's past and current annual priorities, including Body Worn Cameras, Foot Pursuit, Use of Force and Discipline.
- X. Require that the Police Chief, or his representative, to meet with the SCPRC at a minimum once a year and prior to the submission of the annual report to the City Council to provide feedback to SCPRC about its recommendations.
- XI. The SPD should have a police liaison present at all the SCPRC monthly meetings to respond to questions and information request.

Once recommendations are shared with City Council and SPD at the end of the year, SPD should report to the SCPRC on the status of the recommendations. SCPRC recognizes that some of the recommendations will require the City to amend its statutes or provide resources for SPD to comply, however, some recommendations might be accomplished through administrative changes. To that end, SPD should communicate to SCPRC on each recommendation pertaining to the police department if it was adopted, it will be adopted and a timeline, or the reason preventing the adoption.

Discipline/Accountability Ad Hoc Committee
RECOMMENDATIONS
Monday, November 23, 2020

A. EXTERNAL JURISDICTION: In recognition of barriers to police reform at the different levels of government, the commission recommends the Mayor and Council support legislative efforts to strengthen police accountability in the following areas:

1. Federal

i. **Support the removal of peace officer qualified immunity**

Basis for the above recommendation includes, but is not limited to, the following: Justice in Policing Act of 2020, (H.R. 7120; Rept. 116-434; 116th Congress (2019-2020); Introduced June 8, 2020, Passed in the House of Representatives, Printed June 19, 2020)

- 18 USC section 242, Title I, Police Accountability, proposed section 102 Qualified Immunity Reform (Qualified immunity has been interpreted by the courts to bar individuals from recovering damages when law enforcement officers have violated [citizens] constitutional rights. This bill would modify Section 1983 to enable individuals to recover damages when law enforcement officers violate their constitutional rights.)
- 18 U.S.C. section 242, Title II, Policing Transparency Through Data, Subtitle A, Establishment of a National Police Misconduct Registry, (Registry to compile data of 1) Misconduct complaints, 2) Discipline, 3) Termination, and 4) Certifications)
- Pursuant to Section 102 of H.R. 7120, 42. U.S.C. 1983 would be amended:
Section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) is amended by adding at the end of the following: “It shall not be a defense or immunity in any action brought under this section against a local law enforcement officer (as such term is defined in section 2 of the George Floyd Justice in Policing Act of 2020), or in any action under any source of law against a Federal investigative or law enforcement officer (as defined in section 2680 (h) of title 28, United States Code), that – (1) the defendant was acting in good faith, or that the defendant believed, reasonably or otherwise, that his or her conduct was lawful at the time when the conduct was committed; or .. (2) the rights, privileges, or immunities secured by the Constitution and laws were not clearly established at the time of their deprivation by the defendant, or that at such time, the state of the law was otherwise such that the defendant could not reasonably have been expected to know whether his or her conduct was lawful.”

2. State

i. **Sponsor legislative efforts to allow the state to decertify a peace officer for excessive use of force or other misconduct.**

Basis for the above recommendation includes, but is not limited to, the following

- CA Attorney General Press Release, June 15, 2020: Attorney General Becerra Calls for Broad Police Reforms and Proactive Efforts to Protect Lives, [including the decertification of peace officers for serious misconduct.]
- Sacramento Bee article: California Lawmakers Time to Consider Revoking Badges of Problem Officers, dated November 14, 2019
- Sacramento Bee article: Who are they, what they did, and why are some still working, dated November 10, 2019.
- Support State legislation that favors the “City’s 2018 State and Federal Legislation Platform dated April 24, 2018, where the City voted to “oppose legislation that shields law enforcement personnel from prosecutions.”

B. HIRING: The Commission understands that some of these recommendations are already in practice at SPD. Nonetheless, the Commission recommends that SPD explicitly incorporate these items into its General Orders. (SPD’s current policy on background investigations is G.O. 255.10, dated 6-14-2001)

1. Amend G.O. 255.10, subsection A.5.i. to include local criminal history record, statewide criminal history record, and out-of-state criminal history.
2. Amend G.O. 255.10 A.5 to add “o. Review applicant’s social media, including but not limited to twitter, Facebook, Instagram, Snapchat, LinkedIn, and any other social media websites or platforms, for any conduct that would cause discredit to SPD, the City, and/or harm the public’s image of law enforcement.”
3. Amend hiring policy to reflect that it is a “bona fide occupational qualification” for all applicants to be investigated and found clear for any conduct involving association with hate groups; violence or speech espousing hate towards any race, color, religion, national origin, creed, immigration or citizenship status, sex, sexual orientation, gender identification, or disability.
4. Identify and reject applicants for hire or lateral transfer if background investigation (or personnel file, including information made accessible pursuant to A.B. 1421) reveals **gross UOF** or a **pattern and practice of UOF**. SPD must seek and obtain this information *before* they hire.
5. Reject applicants for hire or lateral transfer who have **civil judgments OR criminal convictions for excessive UOF**.
6. Reject applicants for hire or lateral transfer if background investigation (or personnel file) reveals:
 - i. Deceit/dishonesty lying during an administrative or criminal investigation.
 1. Lying in police report (e.g., where there is a clear discrepancy between the body camera footage or a citizen’s cell phone video and what the officer alleged in the police report).

2. Lying by omission (e.g., the suspect fell and tripped, when in fact the officer pushed the suspect causing the latter to fall).
3. Officer's corroboration of a lead officer's (or other officer's) deceit by omission

Basis for above recommendations include, but is not limited to, the following:

- Rule 12.2(f)ⁱ: Dishonesty rationally related to employment.
- Rule 12.2(w): Any conduct rationally related to employment which impairs, disrupts, or causes discredit to the employee's employment or the public service.

- ii. Violence/Battery on Spouse/Co-habitant (Pen. Code, §§ 273.5, 242, 245.)

Basis for above recommendation include, but is not limited to, the following:

- Rule 12.2(m): conviction of a felony or misdemeanor that adversely affects employee's ability to perform duties of the position.

- iii. Sustained finding of racial animus, including but not limited to hate crimes.

Basis for above recommendation include, but is not limited to, the following:

- Rule 12.2(w): Any conduct rationally related to employment which impairs, disrupts, or causes discredit to the employee's employment or the public service.

7. Require peace officers to obtain 4-year college degree (e.g., Bachelor of Arts or Bachelor of Science) within 6 years after joining the police department.

Additionally, continue to offer financial support to officers obtaining a degree and look into offering additional financial support.

Basis for above recommendation include, but is not limited to, the following:

- Justice Policy Journal, Spring 2016, A National Examination of the Effect of Education, Training and Pre-Employment Screening on Law Enforcement Use of Force.
- Police Quarterly; The Effect of Higher Education on Police Behavior (Police Quarterly 2010 13:92 originally published online 3 January 2010. DOI: 10.1177/1098611109357325. The online version can be found at: <http://pqx.sagepub.com/content/13/1/92>.
- City University of New York (CUNY), CUNY Academic Works, Police Officers and College Education: The Association of Police Officer College Education and the Level of Force Used by a Police Officer in Gaining Compliance in Arrest Situations (John Vespucci, The Graduate Center, City University of New York).

- C. **DISCIPLINE:** The Commission understands that some of these recommendations are already in practice at SPD. Nonetheless, the Commission recommends that SPD explicitly incorporate these items into its General Orders.

1. Adopt a **zero-tolerance policy** for the offenses below (i.e., to protect the public and maintain the integrity of the department, a **sustained finding will result in termination** of employment).
 - i. Lying during an administrative or criminal investigation.
 - ii. Lying in police report (e.g., where there is a clear discrepancy between the body camera footage or a citizen's cell phone video and what the officer alleged in the police report).
 - iii. Lying by omission (e.g., the suspect fell and tripped, when in fact the officer pushed the suspect causing the latter to fall.)
 - iv. Colleague officer's corroboration of a lead officer's (or other officer's) deceit by omission.
 - v. Use of prohibited carotid restraint hold (or similar hold that cuts off blood or oxygen to a person's head).
 - Current SPD Policy on carotid restraint holds is set forth in General Order 580.02, as revised on 9-17-2020.
 - Section F, "Prohibited Uses of Force" at subsection 1.a, permits use of the carotid hold "if the officer reasonably believes there to be an imminent threat of serious bodily injury or death."
 - Section G, "Force Options," at subsection 5.a(4), permits use of control holds (NOTE: a carotid hold is a control hold).
 - Section H, "Use of Personal Body Weapons," permits peace officers to use arms, legs, etc., as an impact weapon to deliver a strike to a subject.

Basis for the recommendation includes, but is not limited to, the following:

- SPD's use of the carotid restraint appears to be **contrary to A.B. 1196**, approved by the Governor on September 30, 2020, **which prohibits carotid restraint without exception**. Penal Code section 7286.5, subdivision (a), specifically states that: "[a] law enforcement agency **shall not authorize the use of a carotid restraint or choke hold by any peace officer employed by that agency.**" (Gov. Code, § 7286.5, emphasis added.) The statute further provides:
 - Carotid restraint means a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person's neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person. (Pen. Code, § 7286.5, subd. (b)(1).)
 - Choke hold means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe. (Pen. Code, § 7286.5, subd. (b)(2).)
- Sacramento City Council Resolution 2020-00772 dated June 30, 2020.
- CA Attorney General Review of SPD Report and Recommendations, Phase II, 2020, page 31.

- Civil Service Board Rules 12.2 and 12.3.ⁱⁱ
- vi. Improper Use of city equipment (i.e., use of data terminal to access civilian addresses for personal reasons, or use of city equipment to communicate hate speech or discriminatory comments.)
Basis for the above recommendation includes, but is not limited to, the following:
- G.O. 410.09, “Use of Communication Equipment”
 - Rule 12.2(s) Unauthorized possession or use of City or public property
- vii. Refusal to take drug test as ordered by a superior with just cause.
Basis for the above recommendation includes, but is not limited to, the following:
- Rule 12.2(p): Willful disobedience of a lawful rule, order, or direction.
- viii. Sustained finding of racial animus, including hate crimes.
Basis for the above recommendation includes, but is not limited to, the following:
- Rule 12.2 (w): Any conduct rationally related to employment which impairs, disrupts, or causes discredit to the employee’s employment or the public service.
- ix. Criminal conviction.
Basis for the above recommendation includes, but is not limited to, the following:
- Rule 12.2 (m) conviction of a felony or misdemeanor that adversely affects employee’s ability to perform duties of the position
 - Rule 12.2 (w): Any conduct rationally related to employment which impairs, disrupts, or causes discredit to the employee’s employment or the public service.
2. Automatic suspension without pay for an officer who uses lethal force against an unarmed person, regardless of whether it results in death.
Basis for recommendation includes, but is not limited to, the following:
- Suggested by a Sacramento City Council member.
 - Rule 12.1, which provides the City Manager, or other official or Board in whom is vested disciplinary or removal power, the freedom on such matters. *This means that the City Manager has the authority to discipline employees who have been found to have committed a violation set forth in Rule 12.2 “causes for discipline.”* As such, the City Manager does not need union approval to administer disciplinary measures. Pursuant to Rule 12.1, administering discipline should not require consultation or approval from the union.
 - Rule 12.2(n) provides: Discourteous treatment of any member of the public where, at the time of the incident, such member of the public could reasonably believe that the employee was acting within the scope of City employment.

- Rule 12.2(w) Any conduct rationally related to employment which impairs, disrupts, or causes discredit to the employee's employment or the public service.
- Rule 12.3 (Letter of reprimand; Suspension; Withholding in-grade salary increase; In-grade salary reduction; Demotion; or Dismissal)
- A.B. 392, approved by the Governor on August 19, 2019 (2019-2020 Reg. Sess.) [prescribing when a peace officer is justified in using deadly force in California as either: (1) to defend against an *IMMINENT* threat of death or serious bodily injury to the officer or another person, or (2) to apprehend a fleeing person for a *FELONY* that *THREATENED* or resulted in *DEATH* or *SERIOUS BODILY INJURY* if the officer *reasonably believes* that the person will cause death or serious bodily injury to another *unless immediately* apprehended. (Pen. Code, § 835a, subd. (c), [emphasis added]) (Quoted from CA Attorney General's Phase 2, SPD investigation, at page 23, footnote 4.)
- A.B. 392, approved by Governor, August 19, 2019 (2019-2020 Reg. Sess.) clarifies that a threat of death or serious bodily injury is imminent when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the *present ability, opportunity, and apparent intent to immediately cause death or serious* bodily injury to the peace officer or another person." For example, harm "that, from appearances, must be instantly confronted and addressed." (Pen. Code, § 835, subd. (e)(2).) (Quoted from CA Attorney General's Phase 2, SPD investigation, at page 23, footnote 4.)
- Peace Officer Standard and Training, UOF Standards and Guidelines, Use of Firearms, at page 17, states: Officers, in carrying out their duties, shall, when feasible, apply de-escalation techniques before resorting to the use of force. Peace Officer Standard and Training, Learning Domain 20 sets forth application of Use of Force laws as set forth by this government entity, which was established in 1959 by the California Legislature for the purpose of setting minimum selection and training for California law enforcement. Cadets and officers are taught principles of law through studying "Learning Domains." Use of Force concepts are set forth in Learning Domain 20. As relevant here, it states:
 - "An officer may use deadly force when it is objectively reasonable under the totality of the circumstances. Deadly force may be used in self-defense or defense of others when the officer has a reasonable belief that the officer or another person is in imminent danger of death or serious bodily injury." (See "Considerations Regarding the Use of Deadly Force", Chapter 3, Use of Deadly Force.)
 - "A peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary ... to defend against an imminent threat of death or serious bodily injury to the officer or to another person." (citing Pen. Code

- 835a, subd. (c)(1)(A).) (See “Considerations Regarding the Use of Deadly Force”, Chapter 3, Use of Deadly Force.)
- “The decision to use deadly force in the apprehension of a fleeing person is guided by federal case law *and California State law* [emphasis added]: In 1985, the United States Supreme Court decided the case of *Tennessee v. Garner*, 471 U.S. 1, (1985), which established that a peace officer may use deadly force to prevent the escape of a fleeing suspect *only if 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*. The Court applied the following points regarding when it would be *objectively reasonable* for an officer to use deadly force against a *fleeing* subject in this particular set of circumstances (e.g., using a firearm to stop a fleeing suspect escaping on foot), 1) “if the subject threatens the officer with a *weapon* or there is probable cause to believe that [the suspect] has committed a crime involving the infliction of *serious physical injury [or death]* ...”; 2) “... probable cause to believe that the subject poses a *threat of death or serious physical harm*, either to the officers or others ...”; 3) “... probable cause to believe that the use of force is *reasonably necessary* ... “[to prevent escape], and 4) “... *some warning be given prior to the use of deadly force*, where feasible...” [emphasis added] (See “Considerations Regarding the Use of Deadly Force”, Chapter 3, Use of Deadly Force.)
 - “According to Penal Code 835a, *fear* alone does not justify the use of deadly force. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that from appearances, must be instantly confronted and addressed. The courts have held that *a simple statement of fear for [an officer’s] safety is NOT enough; there must be objective factors to justify [the officer’s concerns] and [the fear] must be objectively reasonable, and [the fear] must be based on the facts and circumstances known to the officer at the time.*” [emphasis added] (See “Considerations Regarding the Use of Deadly Force, Chapter 3, Use of Deadly Force.)
 - “Circumstances under which homicide by a public officer may not be justified (based on mitigating factors): 1) pursuing nonviolent felons, e.g., nonviolent offenses such as forgery or grand theft; 2) arresting or pursuing a felon who DOES NOT PRESENT A THREAT TO LIFE, (A violent felony is one which threatens death or serious bodily harm.), and 3) when arresting or pursuing a misdemeanor who DOES NOT POSE IMMINENT DANGER of death or serious bodily injury to people.” (See “Learning Domain 20, Chapter 3, Use of Deadly Force.)

3. Establish a general matrix for progressive discipline to inform peace officers of disciplinary consequences associated with sustained complaints; ensure fair and consistent administration of discipline; and set forth a benchmark for future disciplinary measures. Moreover, this recommendation seeks to provide transparency and awareness to all officers of the consequences of “causes of discipline” set forth in Rule 12.2 subsections (a) through (x), which may lead to a Notice of Disciplinary Action as provided for in Rule 12.4, and to establish a mandatory minimum baseline for multiple sustained complaints.
 - Including establishing mandatory minimum progressive discipline baseline for taking corrective action (i.e., suspension for “x” days, no discretion) for specific offenses:
 1. Failure to deescalate (Current SPD policy on de-escalation: G.O. 580.02)
 2. Intentionally turning off body camera (Current SPD policy on body camera: G.O. 525.07 dated 1-16-2019 (Section F))
 3. Use of city equipment, i.e., CLETs machine for unauthorized purposes (G.O. 410.09)
 4. Theft of property
 5. Discourteous to public
 6. Drunk/intoxicated while on duty
 7. Substance abuse (after department or court ordered treatment)
 8. Battery on spouse or co-habitant

Basis for the above recommendation includes, but is not limited to, the following:

- CA Attorney General Press Release, July 8, 2020, found at <https://www.oag.ca.gov/news/press-releases/attorney-general-becerra-issues-second-report-review-sacramento-police>.
- Attorney General Review of Sacramento Police Department 2020 Report, found at <https://oag.ca.gov/system/files/attachments/press-docs/SPD%20Report%20Phase%20II.pdf>.
- Rule 12.2 Causes of Discipline.
- Rule 12.3 Definition of Discipline (when any action below is taken against and employee for misconduct pursuant to Rule 12.2.).

D. INSPECTOR GENERAL

1. Inspector General’s investigation report to the Commission should include, if requested, access to information available to the public pursuant to SB 1421.
2. Inspector General (IG) position should be independent of OPSA supervision (shared reco w/ internal working group),
 - i. E.g., The IG should be a separate entity from OPSA that reports directly to the Mayor and City Council. In other words, the IG should not be under the supervision of the director of the OPSA. It should have complete autonomy to conduct its investigations and prepare its reports and recommendations. It should consult with the director of OPSA, if

necessary, but the factual determinations, if any, and the proposed recommendations should be the conclusions of the IG.

E. CHANGES TO EXISTING POLICY PROPOSAL(S):

1. In concurrence with the CA Attorney General's office's SPD 2020 investigation report, the Commission recommends that SPD should amend its UOF policy to include written language that carotid restrain holds are expressly prohibited and use of such hold will result in disciplinary action.
 - i. Suggested policy language: "No officer shall cut off a person's ability to breathe, either by way of a choke hold, a carotid artery choke hold, knee, or any other part of an officer's body that creates a grip around a person's neck that cuts off breathing; or use of any control hold technique by an officer to restrain a person where the officer's act restricts breathing, or has the possibility of restricting breathing, or the possibility of cutting of blood flow to the brain. This is a zero-tolerance policy and violation of shall result in termination."
2. Add language from Peace Officer Standards and Training (P.O.S.T), Learning Domain 20 to SPD's UOF policy. It emphasizes that of the Graham factors used to determine whether an officer's use of force is objectively reasonable, the most important factor is whether the individual poses an immediate threat to the officer or public.

F. MISC.

1. Establish policy that for all pedestrian or traffic stops or encounters, a business card with the name, badge number, and an 800 number to put forward a complaint, will be provided to the public/detainee/arrestee; and establish a website for a survey for feedback (satisfaction survey).
Basis of the above recommendation: Council member Allen Warren.
2. Include on SPD website command staff officers by name, sub-station (and assigned patrol district, if any) w/ short bio and picture.
Basis of the above recommendation in part is derived from: Council member Allen Warren.
3. Termination of SPD's contract with Lexipol. (The contract is \$150,000 annually.)
<http://theappeal.org/lexipol-police-policy-company/>).
4. Commission should have access to legal counsel independent of the City Attorney's office (shared recommendation with internal working group).
5. In addition to collecting vehicle traffic stop data and sharing said data on its website, SPD should contract with a third party to determine the cause of racial disparities evidenced by most recent data and should work with experts and community advocates to ensure that vehicle stops are not influenced by racial bias. Additionally, SPD should continue to analyze vehicle stop data at least every 3 years.
Basis of recommendation for F(5) includes, but is not limited to, the following: CA Attorney General's Phase II investigation of SPD (2020).

G. RELEVANT SPD GENERAL ORDERS

G.O. 210.03 Domestic Violence Related Convictions and Restraining Orders

G.O. 210.04 Professional Conduct

G.O. 210.05 Biased Based Policing

G.O. 210.08 Vehicle Stop Data Procedures

G.O. 220.05 Disciplinary actions

G.O. 255.10 Background Investigations

G.O. 320.03 Computer Data and Security Systems

G.O. 410.09 Use of Communication Equipment

G.O. 525.07 Body Worn Cameras

G.O. 580.02 Use of Force

ⁱ All references to “Rule 12.1, Rule 12.2. or Rule 12.3 are from the Regulations of the Civil Service Board adopted 1-18-1996, Revised effective 6-2012.

ⁱⁱ The Regulations of the Civil Service Board adopted 1-18-1996, Revised effective 6-2012, Rule 12 “Disciplinary Actions, Appeals, And Hearing Procedures”, sets forth the power of the City Manager, or other official or Board in whom is vested disciplinary or removal power the freedom on such matters

Civil Service Board Rule 12.2 “Causes for Disciplinary Action” are set forth below:

- (a) Fraud in securing employment;
- (b) Incompetence. As used herein, the term “incompetence” shall mean that the employee lacks adequate ability, knowledge or fitness to perform the duties which are within the scope of the employee’s employment. “Fitness” is. Physical or mental inability to perform the duties of a classification and shall be applied in a manner consistent with local, state and federal statutes, regulations and case law with respect to employment of the physically handicapped. An employee who is physically or mentally incapable of performing the duties of the classification shall be considered to have been released rather than to have been disciplined. Such released employee shall have the same due process rights as a disciplined employee, and shall be considered to have left in good standing;
- (c) Inefficiency in performance of work which results in performance lower than that which is typically expected of a similar employee in a similar position;
- (d) Inexcusable neglect of duty;
- (e) Insubordination;
- (f) Dishonesty rationally related to employment;

-
- (g) Unless authorized to do so, consuming, possessing an open container or being under the influence of an alcoholic beverage, while on duty;
 - (h) Unless legally authorized to do so, using, consuming, injecting, possessing, being under the influence of, selling or offering for sale, while on duty, any controlled substance as the latter term is defined in the California Health and Safety Code;
 - (i) Addiction to the use of any “controlled substance,” as that term is defined in the California Health and Safety Code;
 - (j) Inexcusable absence without leave;
 - (k) Failure to return from an authorized leave of absence as specified in Rule 10.7;
 - (l) Use of sick leave in a manner not authorized by the Board, or, where provided for in Rule 16.10;
 - (m) Conviction of a felony or conviction of a misdemeanor which is of such a nature as to adversely affect the employee’s ability to perform the duties and responsibilities of his/her position. A plea of guilty or conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. Notwithstanding any further proceedings in the case or any appeal or appellate decision, a conviction shall be deemed to be complete upon the date the court imposes judgment and sentence;
 - (n) Discourteous treatment of any member of the public where, at the time of the incident, such member of the public could reasonably believe that the employee was acting within the scope of City employment;
 - (o) Discourteous treatment of any other City employee in a situation where an employment relationship exists at the time of the incident;
 - (p) Willful disobedience of a lawful rule, order or direction;
 - (q) Negligence which causes damage to City or public property;
 - (r) Intentional misconduct which causes damage to City or public property;
 - (s) Unauthorized possession or use of City or public property;
 - (t) Violation of the written City policy regarding garnishment. The initiation of bankruptcy proceedings shall not constitute cause for disciplinary action;
 - (u) Violation of any of the provisions of the City Charter of the City relating to conduct of City employees;
 - (v) Failure to pay a service fee, or a contribution required in lieu of a service fee, pursuant to a collective bargaining agreement between the City and a recognized employee organization, where such an agreement contains an agency shop provision, and the disciplinary action in question is provided for in such agreement, and is permitted by applicable law, statutory or otherwise;
 - (w) Any conduct rationally related to employment which impairs, disrupts or causes discredit to the employee’s employment or the public service;
 - (x) Solicitation of a waiver from an eligible on an employment list, pursuant to Rule 6.5.

Civil Service Board Rule 12.3, Definition of “Disciplinary Action”, states: The term as used in Rule 12 shall mean and include:

- a. Letter of reprimand (Rule 12.3 (a))
- b. Suspension (Rule 12.3. (b))
- c. Withholding in-grade salary increase (Rule 12.3 (c))
- d. In-grade salary reduction (Rule 12.3 (d))
- e. Demotion (Rule 12.3 (e))

	#8can't Wait	Campaign Zero
Use of Force	Ban chokeholds and strangleholds	Ban chokeholds and strangleholds
	Ban Shooting at moving vehicles	Ban Shooting at moving vehicles

	Duty to Intervene	Duty to Intervene
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	Require all force to be reported	Require all force to be reported
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	Exhaust all alternatives before shooting	Exhaust all alternatives before shooting
	Exhaust all alternatives before shooting	Exhaust all alternatives before shooting

	Establish Use of Force Continuum	Establish Use of Force Continuum
	Establish Use of Force Continuum	Establish Use of Force Continuum

	Establish Use of Force Continuum	Establish Use of Force Continuum
	Require de-escalation	Require de-escalation
	Require de-escalation	Require de-escalation
	Require warning before shooting	Require warning before shooting
	Require warning before shooting	Require warning before shooting

		<p>DUTY TO PROVIDE MEDICAL ASSISTANCE</p> <p>1. Whenever there is an obvious injury, complaint of injury, or medical attention is requested by any individual, members shall immediately render aid consistent with his/her training and experience and notify the Communications Unit. Members shall request that a medic respond to the scene or transport the individual directly to the nearest hospital emergency room.</p> <p>2. If an individual has been subjected to impact by a less-lethal impact projectile, he/she will be provided with medical treatment. If the individual refuses medical treatment or leaves the location, members must document the actions taken to identify and render aid to the individual in the Use of Force review.</p> <p>3. If an individual has been subjected to the use of a CEW, the individual shall be provided with medical treatment.</p> <p>4. Additional care and caution should be exercised when encountering individuals who are pregnant, suffering from pre-existing injuries, elderly, children, frail, have a low body mass, are experiencing a medical or mental health crisis, or are otherwise apparently vulnerable or in distress.</p>
	n/a	n/a
	n/a	n/a

Foot Pursuit	Establish Use of Force Continuum	Establish Use of Force Continuum
Body Worn Camera - foot pursuit		
Ethnic Studies	n/a	n/a
Diversity and POC retention	n/a	Increase the number of police officers who reflect the communities they serve
Process	n/a	n/a

	n/a	Commissions adopt policy not just advise
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Key	Will do
	Will not do
	Not their jurisdiction
	Need more info

SPD Policy
<p>UOF GO 580.02 updated 06082020</p> <p>SPD removed choke hold as a peace officer Tactic in recent UOF policy update.</p>
<p>I. MOVING VEHICLES</p> <ol style="list-style-type: none"> 1. A 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. A 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: <ol style="list-style-type: none"> a. Deadly force, or the imminent threat of deadly force, is being used against a peace 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 peace 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 necessary 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 (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 an reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject.
- 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 an reasonable officer under the circumstances based upon the totality of information actually known to the officer.

A DEFINITIONS

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, 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.).

G. POINTING A FIREARM

The pointing of a firearm at a person shall be documented in the appropriate report or on the CAD call.

J. 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 a CED

(f) 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

A (1) DEFINITIONS

Imminent Threat Definition: 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.

No definition although necessary is mentioned throughout the UOF policy

B (3) Under General

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.

A (8) DEFINITIONS

Reasonable Force Definition:

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)

<p>D (1) (a) Prohibited use of force</p> <p>Against individuals who are not subject to arrest or detention, except to protect the officer, the public or another person.</p>
<p>B (2) Retreat language:</p> <p>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.”</p>
<p>B (6) De-escalation related language under General Section:</p> <p>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</p> <p>A (5) De-escalation definition</p> <p>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).</p>
<p>B (9) General</p> <p>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.</p>
<p>H. DISCHARGE OF FIREARMS AND OTHER DEADLY FORCE</p> <p>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.</p>

Medical Care - missing its own section in UOF Policy 522.02 EMERGENCY CARE FOR INDIVIDUALS UNDER POLICE CARE OR CONTROL
Drug testing section does not exist
Guardian Mentality

Created a foot pursuit policy on 7/26/18 (GO 580.13 Foot Pursuits)
GO 580.13 Foot Pursuits "The officer initiating a foot pursuit should, as soon as practical, activate their Body Worn Camera..."
n/a
n/a or unknown
SPD Adoption of new General Orders - SPD adopts w/o SCPRC review

City Council Review of Commission recommendations - SCPRC reviews policy and programs and advises mayor and council.



SCPRC Recommendations	SPD Responses
None	n/a
None	n/a

None	n/a
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<p>Specify in policy the three different levels of UOF.</p> <p>Seizures shall be treated as use of force and reported under a level.</p> <p>UOF reporting discretion should be removed – all UOF should be reported.</p> <p>Require quarterly public posting on statistics related to use of force including, at a minimum:</p> <ul style="list-style-type: none"> • Type of force • Types and degree of injury to suspect and officer • Date and time • Location of incident • Officer's unit • District station where the use of force occurred • Number of officers using force in the incident • Officer's activity when force was used • Subject's activity requiring the officer to use force • Officer's demographics (age, gender, race/ethnicity, rank, number of years with SPD, number of years as a police officer) • Suspect demographics (race/ethnicity, age, gender, gender identity, primary language, and other factors such as mental illness, cognitive impairment, developmental disability, drug and alcohol use/addiction, and homelessness) 	<p>Will not adopt the reco re: seizure; will not do independent reporting but feels that this data will be available via RIPA</p>
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Imminent Threat Recommended Definition: An imminent threat is considered to exist if a suspect has demonstrated actions that would lead one to reasonably believe that the suspect poses a threat if not apprehended without delay. An imminent threat is not merely a fear of future threat, no matter how great the fear, but is one that, from the appearances, must be instantly confronted and addressed. A person is an imminent threat if the peace officer reasonably believes that the person has the present intent, means, opportunity and ability to complete the threat.	Will make this change
NECESSARY – Force is “necessary” when there is no reasonably effective alternative.	Will make this change

<p>Language recommended:</p> <p>A peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance. A peace officer is justified in using deadly force upon another person only <u>as a last resort and when reasonable alternatives have been exhausted or are not feasible</u> and the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons:</p> <p>To defend against an imminent threat of death or serious bodily injury to the peace officer or to another person.</p> <p>To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the peace officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.</p> <p>A peace officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person.</p>	<p>Disagrees will not make this change</p>
<p>Reasonable Force Definition:</p> <p>OBJECTIVELY REASONABLE FORCE - An objective standard of force viewed from the perspective of an objectively reasonable peace 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) The number one factor in determining objective reasonableness is whether an imminent threat to the safety of the officer or another exists.</p>	<p>SPD believes this to be inconsistent with Graham - will not make this change</p>

Prohibited use of force recommended Against individuals who are not subject to arrest or detention, except to protect the peace officer, the public or another person from an imminent threat .	Will do
A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts because of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose their right to self-defense by the use of objectively reasonable force to effect the arrest or to prevent escape or to overcome resistance. "Retreat" does not mean tactical repositioning or other de-escalation tactics."	Will do
de-escalation language recommended: A peace officer shall attempt to control an incident through sound tactics, including the use of time, distance, communications, tactical repositioning, and available resources, in an effort to reduce or avoid the need to use force whenever it is safe, feasible, and reasonable to do so. De-escalation Definition under Definitions De-escalation" means taking action or communicating verbally or nonverbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction of the force necessary. De-escalation tactics include, but are not limited to, warnings, verbal persuasion, and tactical repositioning.	will make this change
A peace officer shall give warning unless officer has objectively reasonable grounds to believe person is aware of that fact that the officer is a peace officer.	will make this change
A peace officer shall give warning unless officer has objectively reasonable grounds to believe person is aware of that fact that the officer is a peace officer.	same as above (note two separate policy sections)

<p>E.MEDICAL CARE</p> <p>1.Peace officers shall render medical aid to the subject as soon possible.</p> <p>2.Use of Force Medical Care</p> <p>a.It is the supervisor's responsibilities to inquire if UOF resulted in injury and if so, to render aid and ensure that emergency medical care is provided as soon as possible.</p> <p>(1)It is an on-scene supervisor's duty to ensure medical aid care is provided if UOF resulted in injury as soon as possible.</p> <p>(2)The supervisor, in their report, should include their opinion as to whether the UOF and provision of emergency care were consistent with department policy.</p> <p>b.If UOF resulted in injury, the Blue Team entry should include a summary of the emergency care provided.</p>	<p>added in the UOF policy</p>
<p>PO drug testing after UOF:</p> <p>The involved officer(s) shall submit to chemical testing for use of drugs or alcohol by use of hand held preliminary blood alcohol device at the scene and later transported to a medical facility for blood test or to police station for breath test via breath machine. Testing at medical facility or police department shall be conducted within 2 hours to preserve evidence, if any.</p>	<p>Will not do - bargaining issue</p>
<p>Use of "peace officer" instead of "police officer" or "officer" through UOF policy and other policies</p>	<p>adopted in the UOF policy</p>

Recommend adding "The gravity of the suspected activity" as an item to consider before initiating, continue, or terminating a foot pursuit	SPD will look into this - agree with concept
"The officer initiating a foot pursuit should always, unless physically unable, activate their Body Worn Camera..."	will look at this - needs to account for safety
Phase in a requirement of an ethnic studies course as part of the college course requirement for new recruits. For officers that transfer from another police department, require them to take a course at a community college within their first 2 years. The requirement for officers that transfer to SPD will be contingent upon negotiations with labor.	funding issue - take to Council
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.	USD and Sac State are doing this, not SacPD (note: this is different than Comission request)
SCPRC should review and give feedback to SPD, Mayor and Council, before adoption, any new updates on SPD GO's	unwilling to do this - take to Council

City adopting a policy/process where they agree to review at a public meeting and consider SCPRC	not directed to SPD
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Mental Health Ad Hoc Recommendations

On July 1, 2020 the Mayor proposed and the City Council approved a measure to create an alternative response model for 911 calls that are not related to Fire or Emergency Medical Service (EMS) response and do not require a sworn police officers. The new direction the city has taken could include the creation of a new city division with required staffing and/or the ability to contract out specific referrals to qualified community-based organizations. The goal is to have a city program that can provide the most appropriate response to a person experiencing a mental health crisis.

The City Council also approved the reallocation of \$5 million dollars for the work of this new program to begin immediately with the goal of effectively transferring these types of non-medical, fire, or law enforcement calls for emergency service to alternative first responders over the next two years. At the end of the first year, the reduction in calls to sworn police officers and Fire Fighter/EMS will be assessed to determine what cost savings can be applied to support this other emergency services model.

On July 14th, the City Manager appointed Bridgette Dean, Interim Director, of the Office of Community Response to create a national model that can shift how Sacramento responds to people in experiencing a mental health crisis.

The creation of this new office can take up to 24 months and while well intentioned, there are too many unanswered questions for the Sacramento Community Police Review Commission to fully evaluate the office and its programs at this time. However, given our understanding of existing challenges facing SPD, below are recommendations that the new program should consider.

Data and transparency

Chief Hahn's 2019 report shows a 13% increase in mental health related calls, with a total of over 12,000 calls for service to the Sacramento Police Department (SPD) being classified as mental health related. However, much is not disclosed about these calls, and, about the SPD's involvement in mental health crises overall. For example, no data is provided about the resolution of these calls so we do not know how many result in the person being assessed or admitted by a hospital or mental health facility versus the number that end in arrest or jail admission, nor do we know how many of these resulted in officers using force of any kind. More importantly, we know nothing about the demographics of the individuals involved in these incidents so we cannot evaluate the role that racial bias plays in the outcomes of these calls.

Earlier this year, the California Department of Justice released their Report and Recommendations, Phase II - Review of Sacramento Police Department. The report highlighted that "SPD's data collection and recording is inconsistent—and particularly, that data collected about interactions with persons with mental health or other disabilities and/or persons experiencing homelessness may not always be complete."

As the city looks at shifting resources from SPD to the Office of Community Response to appropriately address the needs of a person experiencing a mental health crisis it is imperative that accurate data is collected to ensure that crisis intervention resources are allocated efficiently and effectively. SPD has begun sharing the data it has with the new Interim Director of the Office of Community Response. This data is and will inform how the new program will be structured.

- SCPRC has been interested in this information for many months and to reduce duplication of work we ask that SPD provide a copy of the data provided to the Office of Community Response on a quarterly basis.
- In addition, the SPD should work with the mental health ad hoc to provide any available information that is responsive to the ad hoc's questions from July 2020 and provide periodic updates. The information that was requested is as follows:

1. How does SPD track which calls are related to mental health? (ie is there a code attached to these calls?)

2. Over the past 12 months, how many calls for service were mental health related? What percentage of total calls for service does this represent?

a. Please provide a breakdown of the demographics of the suspects involved in these incidents including race, age, gender, and primary language.

3. Over the past 12 months, how many proactive stops or incidents (ie incidents that did not result from a call for service) were mental health related? What percentage of total incidents does this represent?

a. Please provide a breakdown of the demographics of the suspects involved in these incidents including race, age, gender, and primary language.

4. Within all of the mental health related interactions over the past 12 months, how many resulted in a 5150 and/or hospital admission?

a. Please provide a breakdown of the demographics of the suspects involved in these incidents including race, age, gender, and primary language.

5. Within all of the mental health related interactions over the past 12 months, how many resulted in a jail admission?

a. Please provide a breakdown of the demographics of the suspects involved in these incidents including race, age, gender, and primary language.

6. Within all of the mental health related interactions over the past 36 months, how many resulted in any use of force? Or these, how many were less lethal and how many were lethal uses of forces?

a. Please provide a breakdown that includes type of force utilized, suspect demographics (race, age, gender, primary language), officer demographics (race, gender, number of years on the force)

7. Within all of the mental health interactions over the past 36 months, please provide a break-down of the top 10 crimes recorded in conjunction with these incidents.

8. How many calls for service did the mobile crisis response team respond to over the past 12 months?

a. Please provide a breakdown of the suspect demographics for these calls including race, age, gender, and primary language.

b. Please provide a breakdown of the resolution of these calls.

Shifting to community-based mental health urgent response

Even without department specific data, it is clear that law enforcement responses to mental health crises are inappropriate, and often escalate the situation and result in inappropriate uses of force, in some cases even leading to the killing of a member of our community who needed medical attention. Nationwide, people experiencing the signs and symptoms of a mental health crisis are 16 times as likely to be killed by law enforcement as their peers. Black men experiencing mental health crises are more likely to be killed by law enforcement than any other demographic. It is abundantly clear that dispatching law enforcement to respond to mental health crises only endangers our community, particularly Black and Brown residents.

We question whether training or changes within SPD can adequately address this crisis. Despite Sacramento Police Department investing in crisis intervention training for every officer and developing a mobile crisis response unit, the California Attorney General found that altered mental health was a factor in over 60% of the use of force cases they reviewed, and, most alarmingly, that over half of use of force cases reviewed displayed *"issues with the tactical choices that SPD officers made... most commonly failure to use or fully utilize de-escalation"*.

At our August 2020 meeting, the Commission heard a presentation from MH First, a community-based mental health crisis response program that currently operates through an entirely volunteer model. MH First clearly articulated their racial justice focused approach, which appears to provide a robust alternative to law enforcement and has had anecdotal success. While no outcome data was yet available at this time, approximately a dozen community members testified to their personal support for the initiative.

The Office of Community Response will take up to two years to be fully operational. In the meantime, there are community driven solutions that were developed to address the current crisis and are available today. Given the need in our city, partnering with trusted community organizations is key pillar to the success of the new office.

- We recommend that Sacramento reallocate at least \$5M annually from the SPD budget to fund community-based mental health response programs, such as MH First to work in partnership with the Office of Community Response. It is projected that this level of investment would allow for capacity to be built to provide 24/7 citywide crisis response. In order to further the goal of equity, the process for contracting for these services should be transparent and should ensure that community-based entities without a history of city contracting are eligible and are supported throughout the process.

- In order to meet the critical need for mental health services, including for those contacted by the community-based mental health response programs, we additionally recommend that \$20M be allocated annually from the SPD budget to establish a grant program for local, community-based organizations to provide mental health prevention, early intervention, and treatment. The grant program should focus on resourcing community agencies who serve the communities most impacted by police violence.
- In order to integrate these services with our current 911 system in the near-term, we recommend the hiring of trained mental health professionals to screen calls at dispatch and appropriately divert requests for service to the community-based mental health response team. In addition, the existing SPD mobile crisis response program should be modified to effectively partner with the community-based response system.
- We request that the Office of Community Response provide quarterly updates to SCPRC on its on-going work to coordinate community efforts to create systemic collaboration with its program.

Accountability and limiting use of force

While we recommend that Sacramento urgently move away from law enforcement response to mental health crises, it is likely that SPD officers will continue to encounter situations in which mental health is a factor. Therefore, and in light of the Attorney General's findings, we continue to recommend changes to the use of force policy and increased accountability for the use of force against persons experiencing mental health crises.

- First and foremost, SPD must adopt the "last resort" standard for use of potentially deadly force. Requiring officers to utilize deadly force only when no reasonably effective alternative exists will save the lives of those experiencing mental health crises, especially people of color.
- We also recommend that officers be trained and required to request the community-based mental health response team immediately upon assessment that mental health may be a factor in the incident. Officers should be required to maintain time and distance until the response team arrives, absent an immediate threat of death or serious bodily injury.
- The Sacramento Police Department should establish a Serious Incident Review Board (SIRB), including not only department staff but also mental health professionals, community members, OPSA, and at least one member of the Police Review Commission. According to SPD, they launched a "Use of Force Review Board" last month; however, this entity contains only department staff and it is unclear the scope. In contrast, we recommend a more comprehensive and transparent review board, based on the successful model employed by the Seattle Police Department. The SIRB would review all reportable Level 1 and Level 2 uses of force, as well as 10% of Level 3 uses of force and *all uses of force against a person demonstrating signs and symptoms of mental illness*, regardless of the force reporting level. The SIRB would analyze the case from the call for service to the conclusion of the incident including analysis of the policy, training, and tactics that may have contributed to the incident. The SIRB would make available their written analysis of the incident to the Police Review Commission and the public.

A Holistic Approach:

The high rates of physical and mental health conditions among law enforcement officers reflect the need for medical and behavioral support and treatment. Studies show that people under stress find it harder than people not experiencing stress to connect with others and regulate their own emotions. Despite the prevalence of mental health issues amongst law enforcement, there is a stigma around getting help. Additionally, many law enforcement officers believe that talking about their struggles will result in stigma from other officers, career setbacks, and the shame of having their weapons removed.

While it is important to ensure that members of the public experiencing mental health crisis are treated with dignity and compassion, we need to recognize the impact that the mental health of the first responders have on realizing this goal.

Fostering a culture of emotional wellness within the Sacramento Police Department and advancing the understanding that high levels of stress are an inextricable part of the profession, we recommend that recurring mental health checks not tied to incident-driven be instituted.

Mental Health Response - Statement of Expectations

The Mental Health Response Ad Hoc Committee was originally created to evaluate the Sacramento Police Department's policies for interaction with individuals experiencing a mental health crisis. In July, Mayor Steinberg proposed, and the City Council approved an action requiring the city manager to develop a 911 alternative response model within the Office of Community Response. This new unit could be tasked with responding to nonviolent mental health crises without having to involve a sworn police officer. The city's shift in policy provides an opportunity for the Commission, through this committee, to provide feedback on this new model. Beyond simply reviewing and providing recommendations to reform existing policies, the committee can and should be deeply involved in broader reform initiatives and evaluate existing data and best practices that can inform best practices.

The committee's research efforts should incorporate an analysis of comparable jurisdictions and contrast Sacramento current framework with alternative crisis response policies.

Membership: Richard Falcon (Chair), Mariana Sabeniano, Kiran Savage-Sangwan, Graciela Castillo-Krings, and Dr. Michael Marion

Policies for Review

GO 522.01 – Handling Mentally Ill Persons

Review of Mobile Crisis Response Team

Active participation in policies related to community based crisis response

Other Misc.