



## **PLACER COUNTY GRAND JURY**

# **Sheriff's Office**

## **Policies, Procedures and Training**

### **Related to Use of Force and Complaint Process**

**June 23, 2016**

# **Sheriff's Office Policies, Procedures and Training**

## **Related to Use of Force and Complaint Process**

### **Summary**

The Grand Jury undertook an investigation consisting of a review of the policy and procedures of the Placer County Sheriff's Office and training pertinent to the use of reasonable and acceptable force by law enforcement officers. The Grand Jury also investigated the Placer County Sheriff's Office procedures for receiving, investigating and resolving all complaints, including use of force.

The Grand Jury reviewed:

- The Placer County Sheriff's Office use of force policy
- The Placer County Sheriff's Office training and procedures regarding use of force
- The Placer County Sheriff's Office complaint submittal and investigation process

The Grand Jury found that the Placer County Sheriff's Office has a written policy regarding the complaint process and a written policy regarding use of force. The deputies receive training related to these policies. The Placer County Sheriff's Office has a process in place for responding to complaints.

### **Background**

In light of recent national attention related to law enforcement's alleged use of excessive force, the Placer County Grand Jury undertook an investigation of the Placer County Sheriff's Office policy, training, and procedures regarding use of force.

The Grand Jury also reviewed the Placer County Sheriff's Office complaint submittal and investigation process.

### **Investigation Methods**

The investigation was performed through:

- Interviews with various levels of Placer County Sheriff's Office personnel
- Review of Placer County Sheriff's Office written policies and procedures
- Review of information regarding Placer County Sheriff's Office training
- Review of data relating to complaints against Placer County Sheriff's Office

## Glossary

The following definitions are from **The Placer County Sheriff's Office Administrative Investigation Manual**:

- **Internal Affairs Finding “Non Sustained /Unfounded”**: The investigation conclusively proved that the act, or acts, complained of did not occur, or the member(s) named in the complaint were not involved in the alleged misconduct.
- **Internal Affairs Finding “Non Sustained /Exonerated”**: The act(s) which provided the basis for the complaint occurred; however, the investigation revealed that such act(s) were justified, lawful, and proper.
- **Internal Affairs Finding “Not Sustained/Inconclusive”**: The investigation failed to clearly prove or disprove, by a preponderance of the evidence, the allegation(s) made in the complaint.
- **Internal Affairs Finding “Sustained”**: The investigation disclosed sufficient evidence to prove the allegation(s) made in the complaint.
- **Internal Affairs Finding “Frivolous”**: The complaint is totally and completely without merit or for the sole purpose of harassing an opposing party.

## Facts

- Force, as defined by Placer County Sheriff's Office, is the use of verbal commands, physical power, strength, a weapon or other device. Force is used to overcome, control, or restrain, a person or to otherwise overcome resistance. Improper force occurs when the type or degree of force employed was either excessive or unreasonable.
- It is Placer County Sheriff's Office policy that officers shall use only that amount of force reasonable and necessary to bring an incident under control.
  - The perspective of an officer, on the scene at the time of the incident, is the most important component in determining whether the use of force was proper and reasonable.

- It is the policy of this organization that officers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident under control.<sup>1</sup> While various levels of force exist, only that level of reasonable force to successfully accomplish the law enforcement purpose shall be used.
  - Levels of resistance include:
    - Non-compliance
    - Active resistance
    - Assaultive
    - Life-threatening
  - Levels of force include:
    - Verbal commands
    - Control holds and physical techniques
    - Use of devices to secure compliance and control of situation
    - Use of personal body weapons in self-defense to gain advantage
    - Utilizing firearms or any other available weapon, including K-9 officers, or other action in defense of self or others
    - Lethal force
- All use of force, above verbal, requires a written report detailing the circumstances.<sup>1</sup>
  - Reports are reviewed by the Undersheriff
  - Reports are retained for six years.
  - The retention of reports assists in the tracking of incidents of use of force.
  - The retention of reports also aids in detecting any propensity toward excessive use of force by individual officers and the overall department.
- Interviewees stated that officers are obligated to report alleged improper use of force by other law enforcement personnel. Failure to do so can result in disciplinary action.
- The use of improper force by any member of the Placer County Sheriff's Office against any person is not tolerated.<sup>1</sup>
- Sheriff's deputies receive training in use of force while enrolled in Police Officer Standard Training.

---

<sup>1</sup> Placer County Sheriff's Office General Orders - Oper 1 – Use of Force 1 - Title: Use Of Force - Effective: 1/1/2015

- Officers participate in ongoing training at daily roll-call which includes:
  - Reviews and discussions of policies and procedures
  - Effective use of equipment
  - Training videos
  - Media reported/recorded incidents
  - New case law and legislation
- In addition to training for all law enforcement, as required by the California Commission on Peace Officer Standards and Training (Police Officer Standard Training), the Placer County Sheriff's Office has an Advanced Officer Training Cycle the first four months of each year. Advanced Training takes place for 10 hours every two weeks.
  - Advanced Training includes topics such as:
    - Report writing
    - K-9's
    - Instruction on the proper use of different weapons
      - Teargas or sprays
      - Batons
      - Tasers
      - Firearms
- Officers are certified yearly on weapons.
- The Placer County Sheriff's Office does not have a separate Internal Affairs Division that would investigate complaints. All supervisory officers are trained in Internal Affairs Investigations.
- The Internal Affairs Investigation training received by Placer County Sheriff's office is certified by the California Commission on Peace Officers Standards & Training. This training is provided by various external organizations.
  - The instructing organizations include California Peace Officers Association, the Peace Officers' Research Association of California, California State University Long Beach, Riverside County Sheriff's Office, Alameda County Sheriff's Office, and Fresno City College among others.
- The Sheriff's Office policy on handling of complaints complies with the California Penal Code.
- The Placer County Sheriff's Office requires that a citizen complaint be filed on a complaint form that is available for pick up at the Sheriff's Office, available online or mailed upon request.
- However, complaints alleging use of force are investigated, whether the source is anonymous, a private citizen, or internal.

- A letter verifying receipt of complaint is sent to complainant.
- The Placer County Sheriff's Office policy is to keep the complaint review process isolated from the direct chain of command of the personnel involved in the complaint. The complaint submittal and review process includes the following steps:
  1. Complaint is forwarded to the Undersheriff for review
  2. Undersheriff assigns complaint to a Sergeant
  3. Sergeant gathers facts and forwards to a Lieutenant for review
  4. Lieutenant determines if there is a violation of policy
  5. Lieutenant sends findings to a Captain
  6. Per the Placer County Sheriff's Office's policy, the Captain makes one of the following determinations:
    - Non Sustained /Unfounded
    - Non Sustained /Exonerated
    - Not Sustained/Inconclusive
    - Sustained
    - Frivolous
  7. Sheriff's Office maintains an internal tracking system of complaint resolutions with the above classifications.
- If a violation is sustained a discipline may be imposed.
  - If the discipline is a demotion, discharge, or a suspension of over three days:
    - A Personnel Review Committee consisting of County Counsel, Risk Management, Personnel and County Executive Officer is convened to review elements of the violation.<sup>2</sup>
    - A hearing must be offered to the employee during a discipline process.<sup>3</sup>
    - An officer being investigated is protected under the Police Officers Bill of Rights.
    - The Placer County Code applies when discipline is being imposed.
- Pursuant to Penal Code Section 832.7(e)(1), at the conclusion of the investigation, a letter is sent to the complainant indicating the determination. The letter excludes details of the investigation. There is no appeal as this is the final step in the complaint review process.
- To facilitate more effective communication and more positive interaction with the public, Placer County Sheriff's Office deputies are encouraged to volunteer and engage in community outreach activities.

---

<sup>2</sup> Placer County Code Section 3.08.1200

<sup>3</sup> See *Skelly v. State Personnel Board* (15 Cal. 3d 194) – Not applicable to the rank of Lieutenant or above.

## Findings

The Grand Jury found that:

- F1. The Placer County Sheriff's Office has a written policy outlining the use of force. Force and levels of force are well defined and communicated to officers. The ramifications of unnecessary use and abuse of force are also communicated to officers.
- F2. Placer County Sheriff's Officers are trained as to when and how force may be employed and are required to adhere to written departmental policy and procedures.
- F3. The use of improper force by any member of the Placer County Sheriff's Office against any person is not tolerated.
- F4. The Placer County Sheriff's Office has a structured and well defined procedure for receiving, investigating and resolving complaints.
- F5. Placer County Sheriff's Office is proactive in maintaining a positive relationship with the community.

## Conclusion

The Grand Jury concludes that Placer County Sheriff's Office's internal policy, training, and procedures regarding use of force, and complaint submittal and investigation process, demonstrates a positive level of dedication and professionalism.

The Grand Jury concludes that the Placer County Sheriff's Office has a procedure for receiving and processing complaints that meets or exceeds state requirements.

The Grand Jury concludes that the Placer County Sheriff's Office has developed and implemented an appropriate policy pertinent to the use of force.

This Grand Jury concludes that the Placer County Sheriff's Office is well aware of the need for, and places a high priority on, trust between citizens and law enforcement personnel.

## Recommendations

The Grand Jury has no recommendations.

**Request for Responses:**

	<u>Recommendations Requiring Response</u>	<u>Response Due Date</u>
No Response Required	-	-

**Copies sent to:**

**Mr. Edward Bonner**

Placer County Sheriff-Coroner-Marshall  
2920 Richardson Drive  
Auburn, CA 95603

**Mr. David Boesch**

Placer County CEO  
175 Fulweiler Avenue  
Auburn, CA 95603

**Placer County Board of Supervisors**

175 Fulweiler Avenue  
Auburn, CA 95603