



**POLICE ADVISORY AND ACCOUNTABILITY COMMITTEE
WEDNESDAY, August 21, 2024, AT 6:00 PM**

In-Person:

**San Rafael City Council Chambers
1400 Fifth Ave, San Rafael, California**

Virtual:

Watch Online: <https://tinyurl.com/PAACZOOM>

Listen by Phone: (669) 444-9171

Meeting ID: 898-5264-7245#

AGENDA

How to participate in the meeting:

- You are welcome to provide comments in-person at the meeting. Each speaker will have 2-minutes to provide public comment.
- Submit your comments by email to PAAC@cityofsanrafael.org by 4:00 p.m. the day of the meeting.

CALL TO ORDER – 6:00PM

MINUTES

1. Approve regular meeting minutes from the meeting of July 17, 2024.

OPEN TIME FOR PUBLIC EXPRESSION

The public is welcome to address the Police Advisory and Accountability Committee at this time on matters not on the agenda that are within its

jurisdiction. Comments may be no longer than 2 minutes and should be respectful to the community.

OTHER AGENDA ITEMS

If necessary to ensure the completion of the following items, the Chairperson may establish time limits for the presentations by individual speakers.

2. Other Agenda Items:
 - a. Provide feedback on the San Rafael Police Department's Domestic Violence Presentation

Recommendation: Accept the informational report.

- b. Use of Force Presented by Sergeant Rob Cleland.

Recommendation: Accept the informational report.

STAFF LIAISON REPORT

3. Other brief program updates or reports on any meetings, conferences, and/or seminars attended by staff.

COMMITTEE REPORTS

4. Other brief reports on any meetings, conferences, and/or seminars attended by the Committee members.

ADJOURNMENT

Any records relating to an agenda item, received by a majority or more of the Board less than 72 hours before the meeting, shall be available for inspection online and in the city hall large conference room, third floor, 1400 5th Avenue, San Rafael, California placed with other agenda-related materials on the table in front of the location prior to the meeting. Sign Language interpreters may be requested by calling (415) 485-3066 (voice), emailing city.clerk@cityofsanrafael.org or using the California Telecommunications Relay Service by dialing "711", at least 72 hours in advance of the meeting. Copies of documents are available in accessible formats upon request



SAN RAFAEL
THE CITY WITH A MISSION

**POLICE ADVISORY AND ACCOUNTABILITY COMMITTEE (PAAC)
WEDNESDAY, JULY 17, AT 6:00 PM**

In-Person:
San Rafael Public Safety Center
1375 Fifth Ave, San Rafael, California

Virtual:
Watch Online:
<https://www.youtube.com/watch?v=uBIUmh6ln4M>

Listen by Phone: (669) 444-9171
Meeting ID: 898-5264-7245#

MINUTES

CALL TO ORDER

Chair Kamena called the meeting to order at 6:01 PM and requested a roll call. Member Mydung Nguyen arrived late. Member Karla Valdez voted in her absence until her arrival. Member Daniel Alm was absent and Alternate Member Salamah Locks served as a regular member.

ROLL CALL

Present: Member Marilyn Alvarez
Member Fatai Tokolahi
Member Daryoush Davidi
Member Darlin Ruiz
Member Paula Kamena
Member Mydung Nguyen (arrived at 6:24 PM)
Alternate Member Salamah Locks
Alternate Member Karla Valdez

Absent: Member Daniel Alm

Also Present: Angela Robinson Piñon, Assistant City Manager
Scott Eberle, Lieutenant, San Rafael Police Department

Lieutenant Scott Eberle informed the community that the in-person meeting would also be recorded and streamed live to YouTube and through Zoom. He noted the two-minute timer for public comment and closed captioning on Zoom.

1. MINUTES

Member Locks commented the minutes did not accurately reflect the work plan for the next four months to include the priorities and dates of discussion topics which was done previously.

Member Locks moved to approve the May 22, 2024, minutes with her comments noted. Member Tokolahi seconded the motion.

AYES: MEMBERS: Alvarez, Davidi, Locks, Ruiz, Tokolahi, Valdez & Kamena

NOES: MEMBERS: None

ABSENT: MEMBERS: Nguyen & Alm

The motion carried 7-0-0.

OPEN TIME FOR PUBLIC EXPRESSION

Stephen Bingham congratulated and thanked the Committee for their work. He referred to an email comment submitted by Heidi and asked the Committee to read it thoroughly.

Name withheld addressed the Committee regarding the culture of police and the Latino community.

2. OTHER AGENDA ITEMS

a. **Provide feedback on the San Rafael Police Department's Mental Health and Alternative Response**

Lieutenant Scott Eberle presented the staff report.

Staff responded to the Committee's questions.

Chair Kamena invited public comment, however, there was no public comment.

The Committee provided comments and recommendations.

Member Tokolahi recommended more funding for the program, the addition of another team for the City, adding another van, and 24-hour services.

b. Domestic Violence in San Rafael.

Detective Lorena Vega gave a presentation.

Luz Alvarado, Program Director, Legal Systems Advocacy at the Center for Domestic Peace gave a presentation on the organization and resources they provide.

Staff responded to the Committee's questions.

Chair Kamena invited public comment.

Speakers: Name withheld, Stephen Bingham

The Committee provided comments.

c. 2023 Community Survey Data

Management Analyst Walter Gonzalez presented the staff report.

Staff responded to the Committee's questions.

Chair Kamena invited public comment

Speakers: Name withheld, Stephen Bingham

The Committee provided comments.

STAFF LIAISON REPORT

3. Staff Liaison Report:

Lieutenant Eberle announced complaint data would be presented to the Committee quarterly.

COMMISSIONER REPORTS

4. Committee Member Reports:

- Chair Kamena commented she advised a community member to contact the San Rafael Police Department (SRPD) regarding a police matter and received positive feedback about the department's response and customer service.

- Member Davidi attended the Marin County Fair and visited the SRPD booth.
- Member Nguyen commented on community outreach related to the Police Advisory & Accountability Committee.
- Member Ruiz attended the Marin County Fair and learned more about license plate reader cameras. She announced the Boy Scout program recently lost their leader who retired after 25 years and is looking for new leadership.
- Member Locks attended the California Commission on Aging's 50th-year celebration in Sacramento on June 26th.
- Member Valdez participated in a Police Officer oral board panel on June 12th. Attended the Canal Community Fair on July 13th and would be attending a community meeting on July 25th at Pickleweed Park.

ADJOURNMENT

Chair Kamena adjourned the meeting at 8:09 PM.

SCOTT EBERLE, Staff Liaison

APPROVED THIS ____ DAY OF _____, 2024



**August 21, 2024
Item 2a**

TITLE: San Rafael Police Department Domestic Violence Presentation

RECOMMENDATION: Provide feedback.

BACKGROUND:

At the July 17, 2024, meeting of the Police Advisory and Accountability Committee, the Committee heard presentations from San Rafael Police Department (SRPD) staff and Luz Alvarado, Program Director, Legal Systems Advocacy at the Center for Domestic Peace.

City staff outlined SRPD's current domestic violence statistics, law enforcement response to domestic violence, the role of domestic violence centers, and training for law enforcement. Ms. Alvarado introduced the Center for Domestic Peace and outlined the resources the organization provides to the community.

During the meeting, Alternate Member Locks requested copies of both presentations be provided to the Committee. They are included with this report as well as San Rafael Police Department Policy, Domestic Violence (§310). We are seeking your feedback on the Response to Domestic Violence Presentations. In addition, staff can respond to any questions related to the July 17, 2024, PAAC meeting presentation on Domestic Violence.

DISCUSSION:

SRPD is dedicated to delivering compassionate, victim-centered services that hold offenders accountable while connecting victims to further assistance. Recognizing the complexity of this issue, we collaborate with various victim services to provide comprehensive care. The Center for Domestic Peace is the primary service center in Marin County that focuses on supporting victims with assistance, prevention, and education to end domestic violence.

FISCAL IMPACT:

There is no fiscal impact associated with this report.

Submitted by:
Scott Eberle
Lieutenant, San Rafael Police Department

ATTACHMENTS:

1. July 17, 2024-[Item 2B](#) San Rafael Police Department Domestic Violence Response
2. San Rafael Police Department Policy, [Domestic Violence \(§310\)](#)
3. July 17, 2024-SRPD [Domestic Violence Presentation](#)
4. [Marin County Police Response To Domestic Violence](#)
5. July 17, 2024- [Center for Domestic Peace Presentation](#)



**July 17, 2024
Item 2b**

TITLE: Domestic Violence Response in San Rafael

RECOMMENDATION: Accept the report.

BACKGROUND:

Domestic violence is a serious issue affecting individuals and families across the globe. Effective management of domestic violence cases requires a coordinated response from law enforcement agencies and support organizations such as centers for domestic violence.

The community of San Rafael, unfortunately, is not immune from the problem of domestic violence. In 2023, the San Rafael Police Department (SRPD) took 212 Domestic Violence Related cases. Sixty-Seven of them included a dangerous weapon, and nine of them involved strangulation. This represents approximately 2.5% of the total cases SRPD took during that time frame.

SRPD is dedicated to delivering compassionate, victim-centered services that hold offenders accountable while connecting victims to further assistance. Recognizing the complexity of this issue, we collaborate with various victim services. The [Center for Domestic Peace](#) is the primary service center in Marin County that focuses on supporting victims with assistance, prevention, and education to end domestic violence. They work closely with the SRPD to provide comprehensive care.

DISCUSSION:

Law Enforcement Response to Domestic Violence

Initial Response

When law enforcement officers respond to a domestic violence call, their primary objectives are to ensure the safety of the victim, prevent further harm, and gather evidence. The steps typically include:

1. Assessment of the Situation: Upon arrival, officers assess the situation to determine the immediate danger. If necessary, this includes separating the involved parties to prevent further violence.
2. Ensuring Safety: Officers prioritize the safety of the victim and any children present. They may provide medical assistance or arrange for emergency shelter if needed.
3. Evidence Collection: Officers gather evidence, which may include photographing injuries, documenting the scene, and collecting witness statements.
4. Arrest and Legal Action: Depending on the severity of the incident and the evidence collected, officers may arrest the perpetrator. They also provide the victim with information

on obtaining restraining orders and other legal protections.

Follow-Up

Following the initial response, law enforcement agencies may engage in follow-up actions, including:

1. **Reporting and Documentation:** Detailed reports are filed to document the incident, which is crucial for any subsequent legal proceedings.
2. **Referrals:** Officers refer victims to the [Center for Domestic Peace](#), other support services, and victim advocacy programs for ongoing assistance.

Role of Domestic Violence Centers

Domestic violence centers play a crucial role in providing immediate and long-term support to victims. Their services include:

1. **Emergency Shelter:** Safe and confidential housing is provided for victims and their children, offering a secure environment away from the abuser.
2. **Crisis Counseling:** Professional counselors offer emotional support, help victims process their experiences, and develop safety plans.
3. **Medical and Legal Assistance:** Centers often provide or coordinate medical care and legal advocacy to help victims navigate the complexities of the legal system.

Beyond immediate crisis intervention, domestic violence centers offer long-term support to help victims rebuild their lives. Some services offered are counseling and therapy, support groups, housing and employment assistance, and education and skill building.

Training for Law Enforcement

Domestic violence centers, along with the Commission on Peace Officer Standards and Training (POST) approved and in-house training, play a crucial role in educating and training law enforcement personnel to enhance their response to these incidents. Some of the training includes attending to our shift-change briefings, along with multi-day advance training.

The trainings are conducted to educate officers on the dynamics of domestic violence, victim behavior, and effective intervention strategies. Practical exercises and simulations are often used in training to help officers practice their responses to various domestic violence scenarios, enhancing their decision-making skills in real-life situations.

Effective handling of domestic violence cases requires a collaborative approach between law enforcement and domestic violence centers. Law enforcement agencies are responsible for immediate intervention, ensuring safety and legal action, while domestic violence centers provide crucial ongoing support and services to victims. Additionally, through comprehensive training programs, domestic violence centers, like the [Center for Domestic Peace](#), enhance the ability of law enforcement officers to respond to these incidents sensitively and effectively. Together, these efforts contribute to the safety, healing, and empowerment of domestic violence victims.

FISCAL IMPACT:

There is no fiscal impact associated with accepting this report.

Submitted by:

Scott Eberle

Lieutenant

ATTACHMENTS:

None.

Domestic Violence

310.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

310.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

310.2 POLICY

The San Rafael Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

310.3 OFFICER SAFETY

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

310.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence cases:

- (a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

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Domestic Violence

- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigations Section in the event that the injuries later become visible.
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 - 1. Whether the suspect lives on the premises with the victim.
 - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 3. The potential financial or child custody consequences of arrest.
 - 4. The physical or emotional state of either party.
 - 5. Use of drugs or alcohol by either party.
 - 6. Denial that the abuse occurred where evidence indicates otherwise.
 - 7. A request by the victim not to arrest the suspect.
 - 8. Location of the incident (public/private).
 - 9. Speculation that the complainant may not follow through with the prosecution.
 - 10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
 - 11. The social status, community status, or professional position of the victim or suspect.

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310.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

310.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

- (a) Advise the parties of any options, including but not limited to:
 1. Voluntary separation of the parties.
 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
- (b) Document the resolution in a report.

310.5 VICTIM ASSISTANCE

Because victims may be traumatized or confused, officers should be aware that a victim's behavior and actions may be affected:

- (a) Victims should be provided with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.
- (b) Victims should also be alerted to any available victim advocates, shelters, and community resources.
- (c) When an involved person requests law enforcement assistance while removing essential items of personal property, officers should stand by for a reasonable amount of time.
- (d) If the victim has sustained injury or complaints of pain, officers should seek medical assistance as soon as practicable.
- (e) Officers should ask the victim whether the victim has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for the victim's safety or if the officer determines that a need exists.
- (f) Officers should make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (g) If appropriate, officers should seek or assist the victim in obtaining an emergency order if appropriate.

An officer shall advise an individual protected by a Canadian domestic violence protection order of available local victim services (Family Code § 6452).

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310.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

310.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe, or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court or foreign order shall be enforced, regardless of whether the order has been properly registered with this state (Family Code § 6403).

Canadian domestic violence protection orders shall also be enforced in the same manner as if issued in this state (Family Code § 6452).

310.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
 1. If a determination is made that a valid foreign order cannot be enforced because the subject has not been notified or served the order, the officer shall inform the subject of the order, make a reasonable effort to serve the order upon the subject, and allow the subject a reasonable opportunity to comply with the order before enforcing the order. Verbal notice of the terms of the order is sufficient notice (Family Code § 6403).
- (b) Check available records or databases that may show the status or conditions of the order.
 1. Registration or filing of an order in California is not required for the enforcement of a valid foreign order (Family Code § 6403).
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

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Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

310.9 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

- (a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.
 - 1. Officers are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the officer makes the arrest as soon as probable cause arises (Penal Code § 836).
- (b) An officer responding to a domestic violence call who cannot make an arrest will advise the victim of the victim's right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Officers shall not dissuade victims from making a lawful private person's arrest. Officers should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests (Penal Code § 836(b)).
- (c) Officers shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):
 - 1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)
 - 2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée, person of a previous dating or engagement relationship, mother/father of the offender's child)
 - 3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
 - 4. Penal Code § 646.9 (stalking)
 - 5. Other serious or violent felonies specified in Penal Code § 1270.1
- (d) In responding to domestic violence incidents, including mutual protective order violations, officers should generally be reluctant to make dual arrests. Officers shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, an officer shall consider:
 - 1. The intent of the law to protect victims of domestic violence from continuing abuse.
 - 2. The threats creating fear of physical injury.

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3. The history of domestic violence between the persons involved.
 4. Whether either person acted in self-defense.
- (e) An arrest shall be made when there is probable cause to believe that a violation of a domestic violence court order has been committed (Penal Code § 13701; Penal Code § 836), regardless of whether the offense was committed in the officer's presence. After arrest, the officer shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code § 836).

310.10 REPORTS AND RECORDS

- (a) A written report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents as required by Penal Code § 13730.
- (b) Reporting officers should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.
- (c) Officers who seize any firearm, ammunition, or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt that includes the name and residential mailing address of the owner or person who possessed the weapon and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 18255; Penal Code § 33800; Family Code § 6389(c)).

310.11 RECORD-KEEPING AND DATA COLLECTION

This department shall maintain records of court orders related to domestic violence and the service status of each (Penal Code § 13710), as well as records on the number of domestic violence related calls reported to the Department, including whether weapons were used in the incident or whether the incident involved strangulation or suffocation (Penal Code § 13730). This information is to be reported to the Attorney General monthly. It shall be the responsibility of the Records Supervisor to maintain and report this information as required.

310.12 SERVICE OF COURT ORDERS

- (a) An officer who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located and shall provide the person protected or the person's parent/guardian with a copy of the order. The officer shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).
- (b) A temporary restraining order, emergency protective order, or an order issued after a hearing shall, at the request of the petitioner, be served on the restrained person

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by an officer who is present at the scene of a reported domestic violence incident or when the officer receives a request from the petitioner to provide service of the order (Family Code § 6383; Penal Code § 13710).

- (c) Any officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)).
- (d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).
 1. An officer should ensure that the Records Section is notified of any firearm obtained for entry into the Automated Firearms System (Family Code § 6383) (see the Records Section Policy for additional guidance).
- (e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the officer shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The officer shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide the person with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

310.13 PUBLIC ACCESS TO POLICY

A copy of this domestic violence policy will be provided to members of the public upon request (Penal Code § 13701).

310.14 DECLARATION IN SUPPORT OF BAIL INCREASE

Any officer who makes a warrantless arrest for a felony or misdemeanor violation of a domestic violence restraining order shall evaluate the totality of the circumstances to determine whether reasonable cause exists to seek an increased bail amount. If there is reasonable cause to believe that the scheduled bail amount is insufficient to assure the arrestee's appearance or to protect the victim or family member of a victim, the officer shall prepare a declaration in support of increased bail (Penal Code § 1269c).

310.15 DOMESTIC VIOLENCE DEATH REVIEW TEAM

This department should cooperate with any interagency domestic violence death review team investigation. Written and oral information relating to a domestic violence death that would otherwise be subject to release restrictions may be disclosed to the domestic violence death review team upon written request and approval of a supervisor (Penal Code § 11163.3).

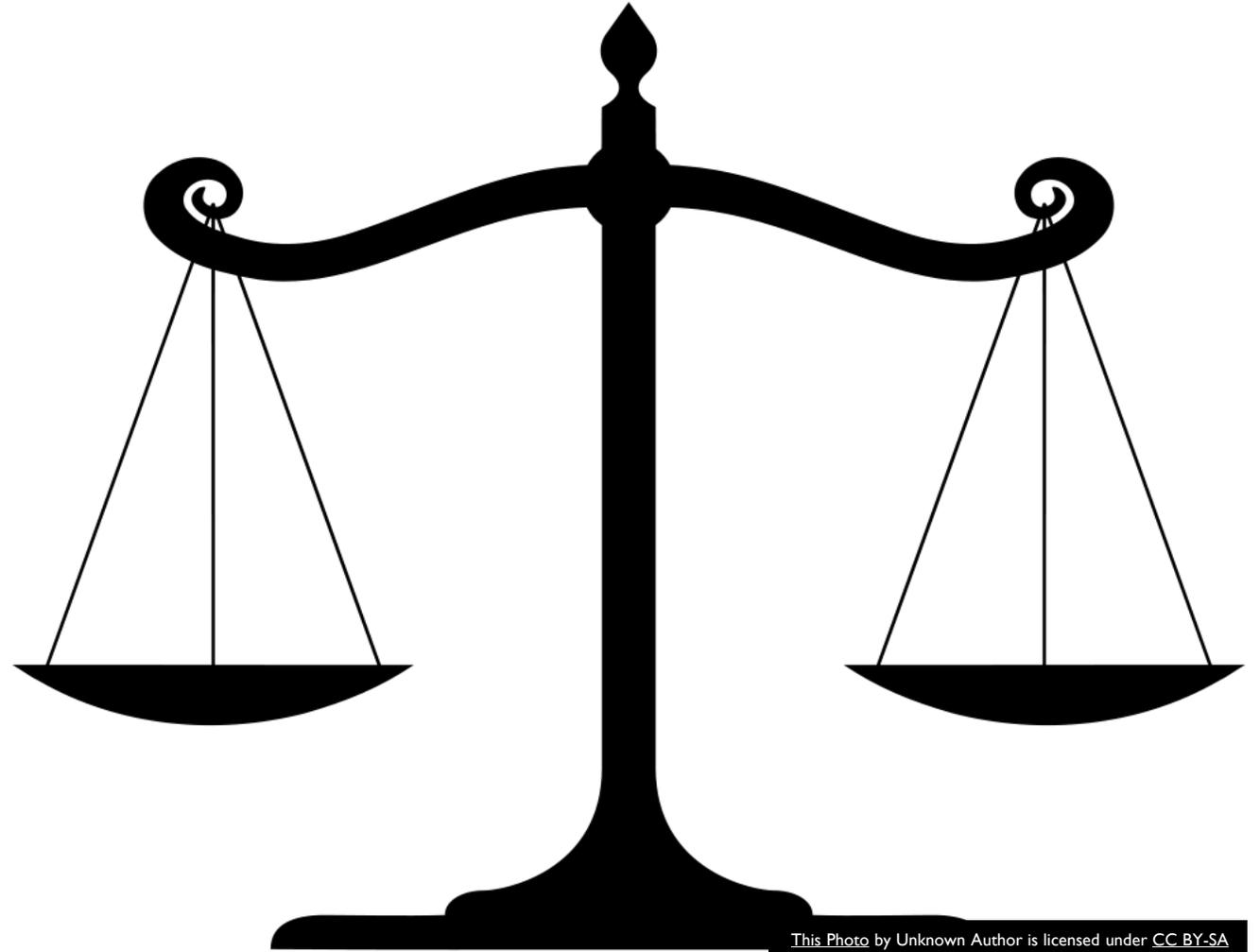
DOMESTIC VIOLENCE

Detective Vega

SAN RAFAEL POLICE DEPARTMENT POLICY

- The San Rafael Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

LAWS
PERTAINING TO
DOMESTIC
VIOLENCE



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PENAL CODE 273.5

- CORPORAL INJURY ON SPOUSE, COHABITANT, FIANCE/FIANCEE, PERSON OF A PREVIOUS DATING OR ENGAGEMENT RELATIONSHIP, MOTHER/FATHER OF THE OFFENDER'S CHILD



PENAL CODE 243 (E)(1)

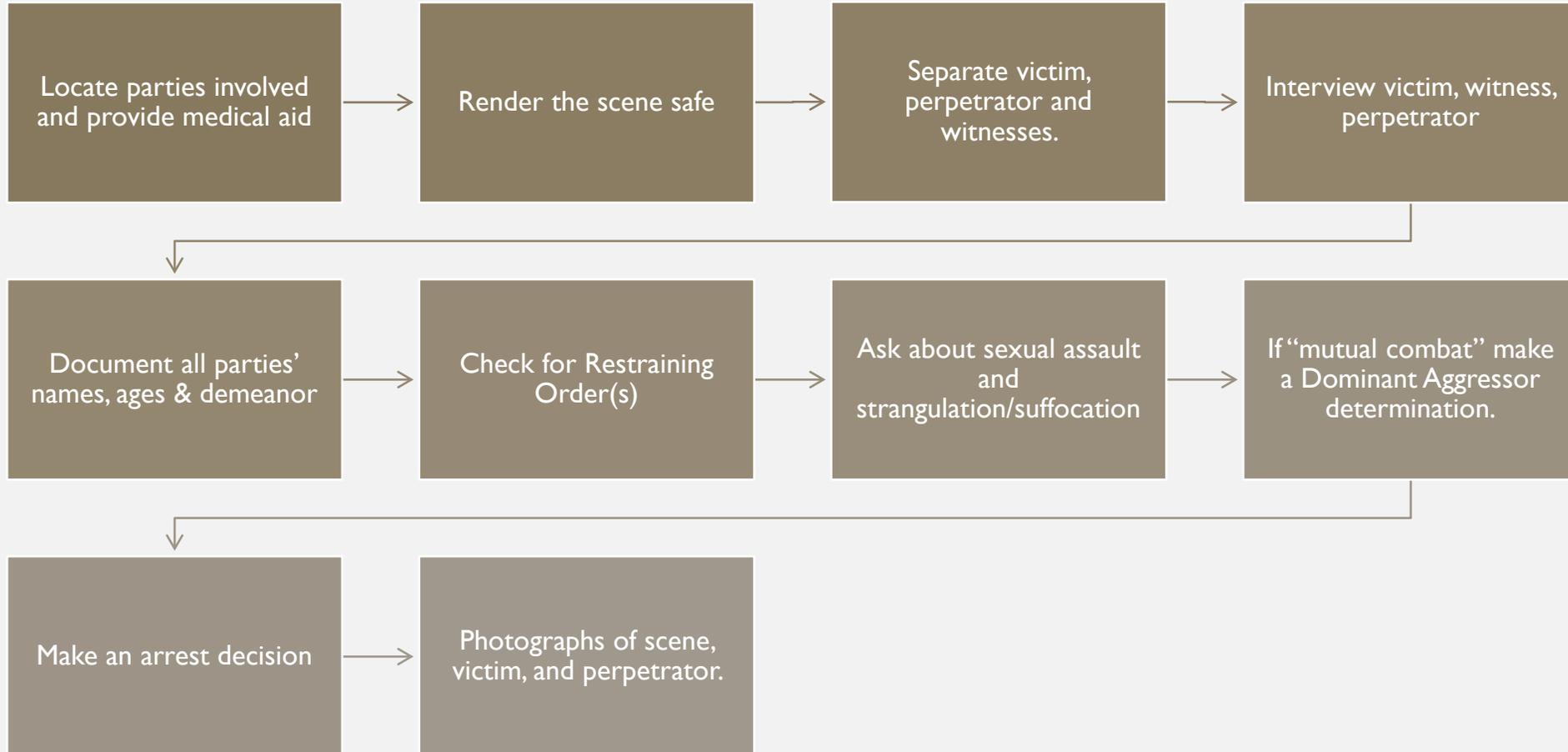
- BATTERY AGAINST SPOUSE,
COHABITANT



PENAL CODE 273.6

- violation of protective order if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party

INVESTIGATIVE STEPS



FOLLOWING STEPS

- Offer an Emergency Protective Order
 - Emergency restraining order that is granted by a magistrate. Expires 7 days or 5 business days, whichever comes first.
- Offer Resources
 - Victim advocacy center-Center for Domestic Peace

FURTHER FOLLOW UP

- If injuries on the victim are significant, the case will likely be forwarded to the Investigations Unit.
- A detective will follow up with the victim.

SAN RAFAEL STATISTICS

- The following statistics show how many Domestic Violence related cases San Rafael PD handled in 2023.

2023
STATISTICS

- Total Domestic Violence related cases.....212
- Total cases where a dangerous weapon was used.....67
- Total cases involving strangulation or suffocation.....9

LAW ENFORCEMENT TRAINING

- Law enforcement is a dynamic field and laws are constantly changing. Therefore, officers are routinely training on domestic violence related topics.
- Mandated topic during the police academy and during field training.
- Officers are required to receive a minimum of 2 hours of domestic violence legal update every two years. This is normally lead by a representative of the DA's office.
- Officers train regularly through shift briefings.
- Officer work collaboratively with Center for Domestic Peace to ensure the most favorable outcome for the victim.

Marin County Police Response To Domestic Violence

Thank you from a victim...
"Their quick and timely help made me feel safer.
Because they made the effort to understand my situation we managed to get out."

Handling & Investigation of Incident:

Step One

1. Locate victim/provide medical aid to injured party(ies).
2. Record victim/ & witness first statements (best to audio-record on BWC). Confirm statements are true/accurate/unaltered and from the dates/times indicated.
3. Separate victim, perpetrator & witnesses.
4. Use Language Line services for parties who do not speak English (*Do not use family members or advocates to translate*).
5. Confiscate weapons or firearms.
6. Document all parties' names, ages & demeanor.
7. Check for existence of restraining order(s).
8. Ask about possible sexual assault.
9. If apparent "mutual combat" make Self-Defense & Dominant Aggressor Determination.
10. Collect and book crime scene photos, witnesses, corroborating evidence, surveillance videos etc.

Strangulation:

1. Inform the victim strangulation may cause internal injuries and encourage the victim to seek medical attention per 13701 PC
2. Consider a Domestic Violence Forensic Medical Exam

Enforcement of Restraining Orders:

1. Officers SHALL arrest for misdemeanor restraining order violations occurring in their presence OR if there is probable cause that a protective order has been violated, & the perpetrator SHALL NOT be released on a promise to appear citation.
2. Proof of service may be validated by existence of order.
3. Generally, the most recent order is the valid order.
4. IF/when more than one restraining order, the stay away order must be enforced.

Establish Self Defense (PC 693):

Step Two

1. Imminent danger of battery? (Perception of harm)
2. Force necessary to defend against danger?
3. Reasonable force to defend against the injury?
4. If no self-defense, then consider dominant aggressor

Determine Dominant Aggressor (PC 836):

1. Is there a history of abuse? Is one person usually the aggressor?
2. Who creates fear by making credible threats of physical injury?
3. Existence of Protective Orders?
4. Location & nature of injuries (offensive vs. defensive).
5. Did one party escalate the level of violence?
6. Demeanor / size/relative strength of the parties?
7. Is one party specially trained in martial arts?
8. Who is afraid? Who has more serious injuries?
9. Which person deprives the other of basic rights, liberties, or controls the quality of the other's life (where they go, what they do, who they are allowed to interact with, etc.)?
10. What were the credible threats that controlled the quality of life?
11. What were the coercive tactics?

Defensive Injury Indicators: Wounds

on victim's palm(s) of hand(s)/bumps on the victim's head (especially the back)/bite marks on perpetrator's chest, biceps, forearms/scratches on perpetrator's face, chest, neck bruising behind victim's ears.

If Perpetrator is in Custody:

Step Three

1. Record spontaneous statements.
2. Prevent communications between perpetrator & victim/witnesses/children.
3. Advise perpetrator of rights & obtain waiver.
4. Request that the jail block the perpetrator's ability to contact the victim by telephone.
5. Request that the jail notify victim if the perpetrator is going to be released.
6. Obtain a bail enhancement if necessary & appropriate. Consider victim safety issues.

Ask Risk Assessment Questions (every victim)

Step Four

1. Do you think the perpetrator will seriously injure you or your children?
Why do you think so or think not?
2. Do you think the perpetrator might try & kill you?
3. Has the perpetrator threatened you or your children?
4. Does the perpetrator own or have access to guns?
5. Has the perpetrator ever threatened or used a weapon against you?
6. Has the perpetrator forced you to perform sexual acts under the threat of violence?
Or when you didn't want to?
7. How frequently & seriously does perpetrator intimidate, threaten, or assault you?
8. Is the frequency of the violence changing?
9. Describe the most frightening event/worst incidence of violence involving him or her.
10. Victim/witness intimidation: Have you been pressured or threatened by family members, attorneys or others to drop the charges or else? Who? What threats?
11. Does the perpetrator control where you go, who you talk to, or how you spend your money?
12. If the victim indicates a history of violence, ask for photos of injuries, any witnesses to those events.

Obtain EPOs:

Step Five

- 1 Advise victim regarding an EPO in EVERY case, even if the perpetrator is arrested & in non-criminal situations where the victim is fearful. "You are in danger & other people in similar situations have been killed or seriously injured. You can get an emergency protection order right now, which is good for 5 days. To get one later you will have to go to court, whereas this one I can get for you right now."
2. The EPO can provide you with temporary custody of your children AND pets.
3. Contact the on-duty magistrate:
 - a. Identify yourself & state your purpose.
 - b. Record who you contacted & when.
 - c. Be prepared to answer questions such as past history or whether restraining orders have been previously applied for or issued.

GVRO: EPO – 002 GVEPO

1. Assess, 2. Request GVEPO - contact on-duty magistrate, 3. Serve, 4. File the order with the courts, 5. Enter GVEPO in CLETS.

Note: EPOs are granted based on the nature of the relationship between the parties and therefore can be granted on aggravated trespass, vandalism, peaceful contact CPD etc.as long as the parties fit the relationship requirements

Step Six

Make Hotline Connection

1. **Ask:** "I am concerned for your safety. May I have your permission to call Center for Domestic Peace & get a counselor who can talk to you right now? Their counselors are trained experts on safety planning & can help you anytime, day or night. It is completely free & we have found that on average those who work with them are safer. May I get them on the phone now?" Remind them that the conversation will be confidential.
2. **Connect:** Call a Center for Domestic Peace English Hotline **(415) 924-6616**; Tell the counselor your name & that you are, "working with someone who would like to talk to a domestic violence counselor for safety reasons." Give them the phone & privacy if possible.
3. **Ask Again & Follow Up:** If the victim says no, then ask: "I would like you to reconsider; I am very worried that people in situations like yours do get killed or seriously injured. Will you please let me call & get a counselor on the line for you?" If the victim says no again, then ask: "Here is their number, so you can call anytime. Will it be all right if I check-in with you in a day or so to see if you were able to contact Center for Domestic Peace?"

Call the Domestic Violence

Step Seven

Response Team Line (DVRT)

1. With victim agreement to disclose confidential info below, call confidential DVRT line, **415-526-2538** & leave the following information:
 2. Case number & officer's name.
 3. Victim's Information (DOB, height/weight, hair/eyes, language)
 4. Gather Contact Information: Victim (h); (w); (c); Family, Friend, or Other Safe phone numbers
 5. Children: (present or not); Ages, Names.
 6. CFS: report made? (Yes or no).
 7. Perpetrator information: name, arrested/booked (yes or no).
 8. EPO (yes or no) & date of expiration

Complete & Document the Crime Report

Step Eight

- | | |
|---|---|
| <ol style="list-style-type: none">1. Victim's daytime #, & contact information where they will be for 72-hrs & friend/family "Safe #'s." Do not include victim's name if they wish to remain confidential, per PC 293(PC 273.5.422.646.9)2. Cover all elements of all crimes3. Defensive injuries4. Risk Factors5. If victim connected to hotline6. Use of DVRT Line7. EPO Decision8. Probation/Parole Status9. Firearm or deadly weapon present10. Document & book all physical evidence obtained | <ol style="list-style-type: none">11. Self-defense factors & determination or not. Provide details.12. Dominant aggressor factors & determination. Provide details.13. Restraining order violations, even if perpetrator is no longer present (be aware of intimidation issues).14. Injuries: include description, photographs, & medical reports15. Provide victim with DV Resource Card, Per PC13701(c)(9)(H)(i)16. Statements of victim, perpetrator & all witnesses including kids.17. If a child resides in home (present or not) document in report & send a copy to CFS within 24hrs.18. Document whether alcohol, illegal drugs or prescription drugs were involved.19. If perpetrator not at scene was a warrant requested?20. If pets were threatened/harmed, or evidence of animal abuse? |
|---|---|

Conduct Follow-Up Investigation

Step Nine

1. Always take follow-up photographs of the injuries.
2. Ask the victim to report any subsequent contacts, threats or problems

Marin County Police Response To Domestic Violence

Thank you from a victim...

"Their quick and timely help made me feel safer.

Because they made the effort to understand my situation we managed to get out."

Handling & Investigation of Incident:

Step One

1. Locate victim/provide medical aid to injured party(ies).
2. Record victim/ & witness first statements (best to audio-record on BWC). Confirm statements are true/accurate/unaltered and from the dates/times indicated.
3. Separate victim, perpetrator & witnesses.
4. Use Language Line services for parties who do not speak English (*Do not use family members or advocates to translate*).
5. Confiscate weapons or firearms.
6. Document all parties' names, ages & demeanor.
7. Check for existence of restraining order(s).
8. Ask about possible sexual assault.
9. If apparent "mutual combat" make Self-Defense & Dominant Aggressor Determination.
10. Collect and book crime scene photos, witnesses, corroborating evidence, surveillance videos etc.

Strangulation:

1. Inform the victim strangulation may cause internal injuries and encourage the victim to seek medical attention per 13701 PC
2. Consider a Domestic Violence Forensic Medical Exam

Enforcement of Restraining Orders:

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8. EPO (yes or no) & date of expiration

Step Eight

Complete & Document the Crime Report

1. Victim's daytime #, & contact information where they will be for 72-hrs & friend/family "Safe #'s." Do not include victim's name if they wish to remain confidential, per PC 293(PC 273.5.422.646.9)
2. Cover all elements of all crimes
3. Defensive injuries
4. Risk Factors
5. If victim connected to hotline
6. Use of DVRT Line
7. EPO Decision
8. Probation/Parole Status
9. Firearm or deadly weapon present
10. Document & book all physical evidence obtained
11. Self-defense factors & determination or not. Provide details.
12. Dominant aggressor factors & determination. Provide details.
13. Restraining order violations, even if perpetrator is no longer present (be aware of intimidation issues).
14. Injuries: include description, photographs, & medical reports.
15. Provide victim with DV Resource Card, Per PC13701(c)(9)(H)(i)
16. Statements of victim, perpetrator & all witnesses including kids.
17. If a child resides in home (present or not) document in report & send a copy to CFS within 24hrs.
18. Document whether alcohol, illegal drugs or prescription drugs were involved.
19. If perpetrator not at scene was a warrant requested?
20. If pets were threatened/harmed, or evidence of animal abuse?

Conduct Follow-Up Investigation

Step Nine

1. Always take follow-up photographs of the injuries.
2. Ask the victim to report any subsequent contacts, threats or problems immediately – even if through 3rd party.
3. Conduct neighborhood/other follow-up interviews and obtain contact information.
4. Re-contact the victim & advise of expiration of the EPO & how to get a TRO.
5. Ask if victim has talked to anyone about the incident before or after initial report to police and obtain contact information.
6. Ask victim who it was that they contacted within ½ hour to 1 hour of calling the police and obtain contact information. Updated May 1/updated 2024.



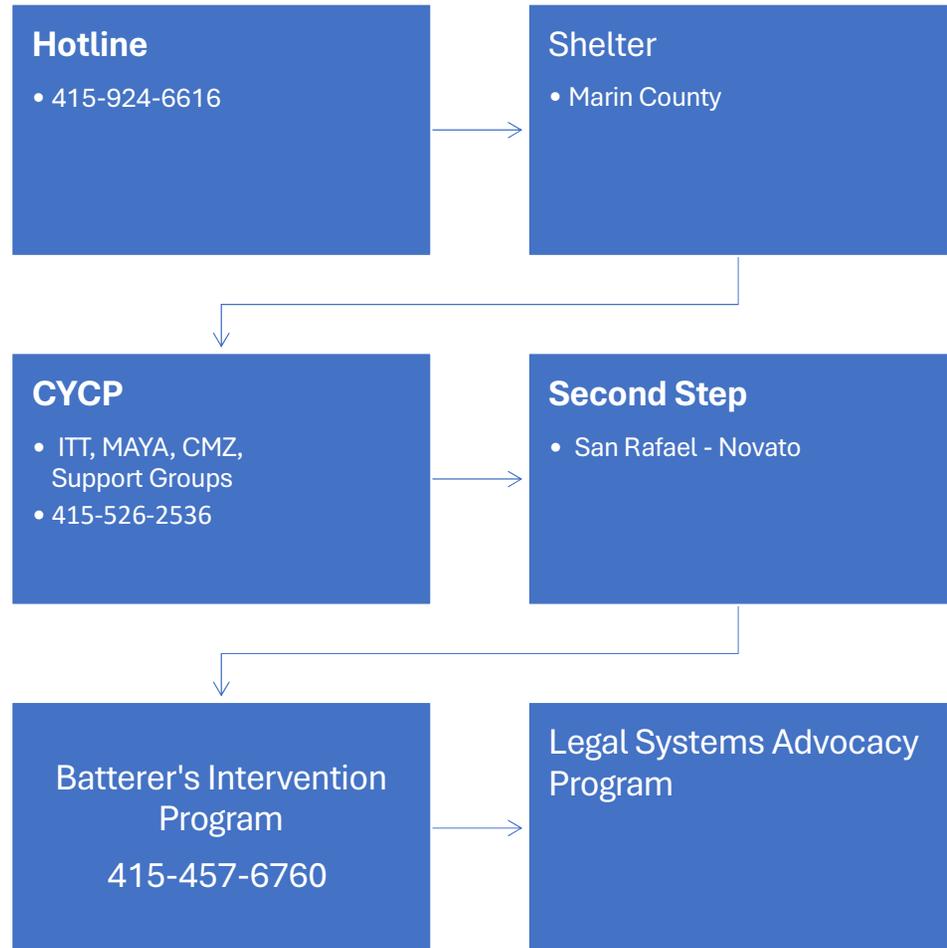
CENTER FOR DOMESTIC
PEACE®

Working Together to End Domestic Violence

Luz Alvarado



Services



Legal Systems Advocacy

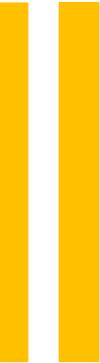
LE

Prosecutor

Family Law

Childrens and
Family
Services

Immigration

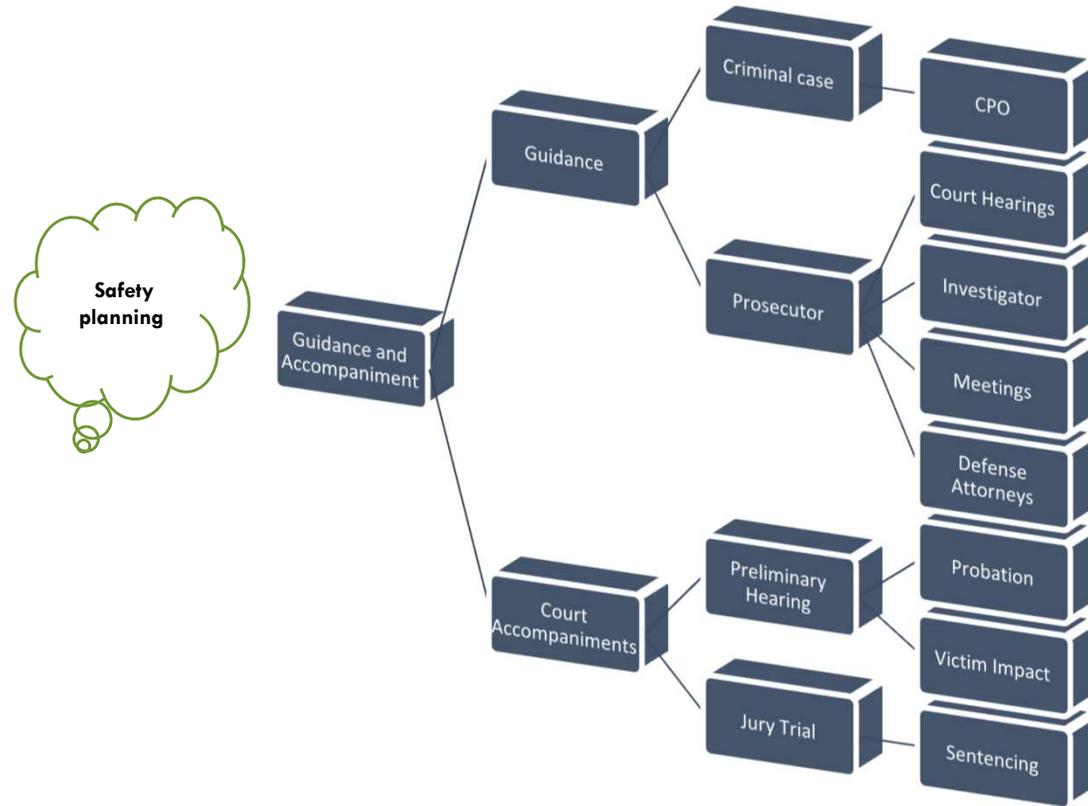


Law Enforcement

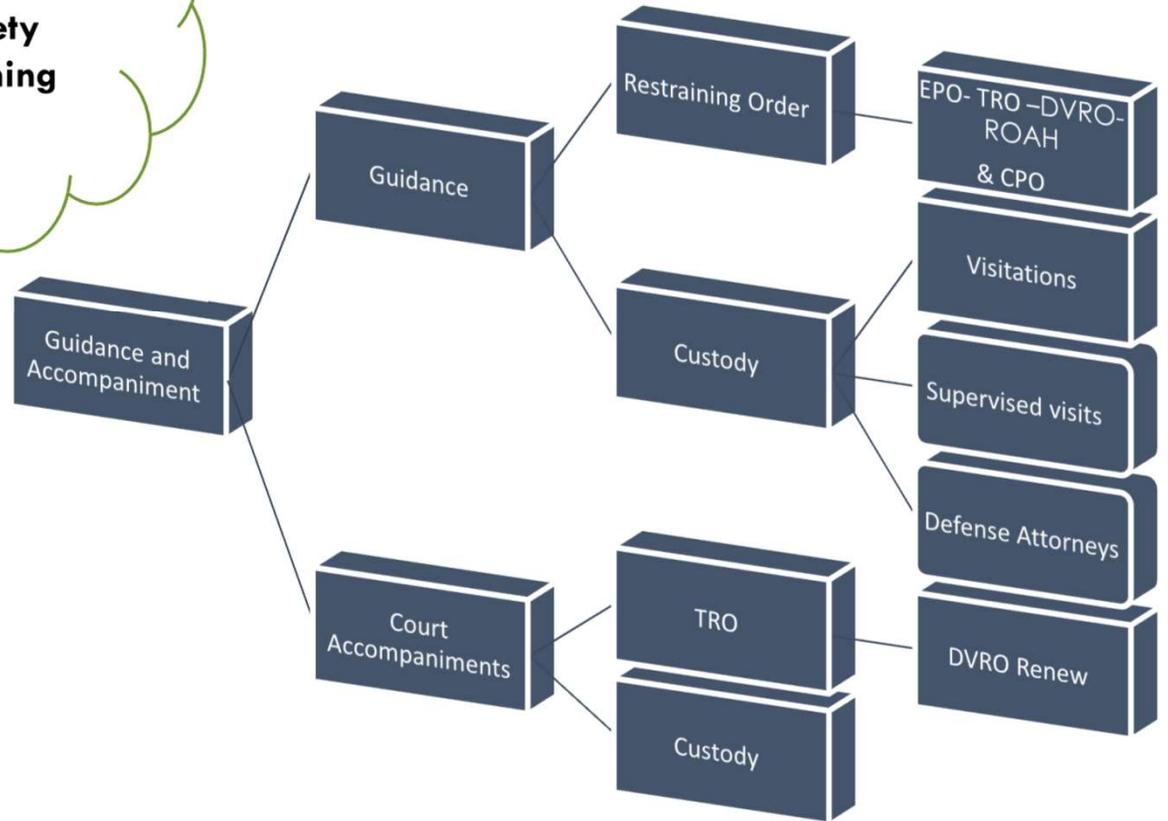
1. DV reports
2. Follow up on investigations
3. Reports for violations of RO's
4. DVRT
5. Domestic Violence Restraining Orders are in the CLETS system
6. Service for /TRO's and DVRO's

1. Systems Advocacy
 2. Marin Law Enforcement Pocket Card
 3. Trainings
 4. LE DV Liaison
- 

Prosecutor



Family Law



Children and Family Services

- Connection
- Follow up on case
- Virtual/phone Consultation
- Children and Families Team Meetings (CFT)
- Juvenile Dependency
- Systems Advocacy



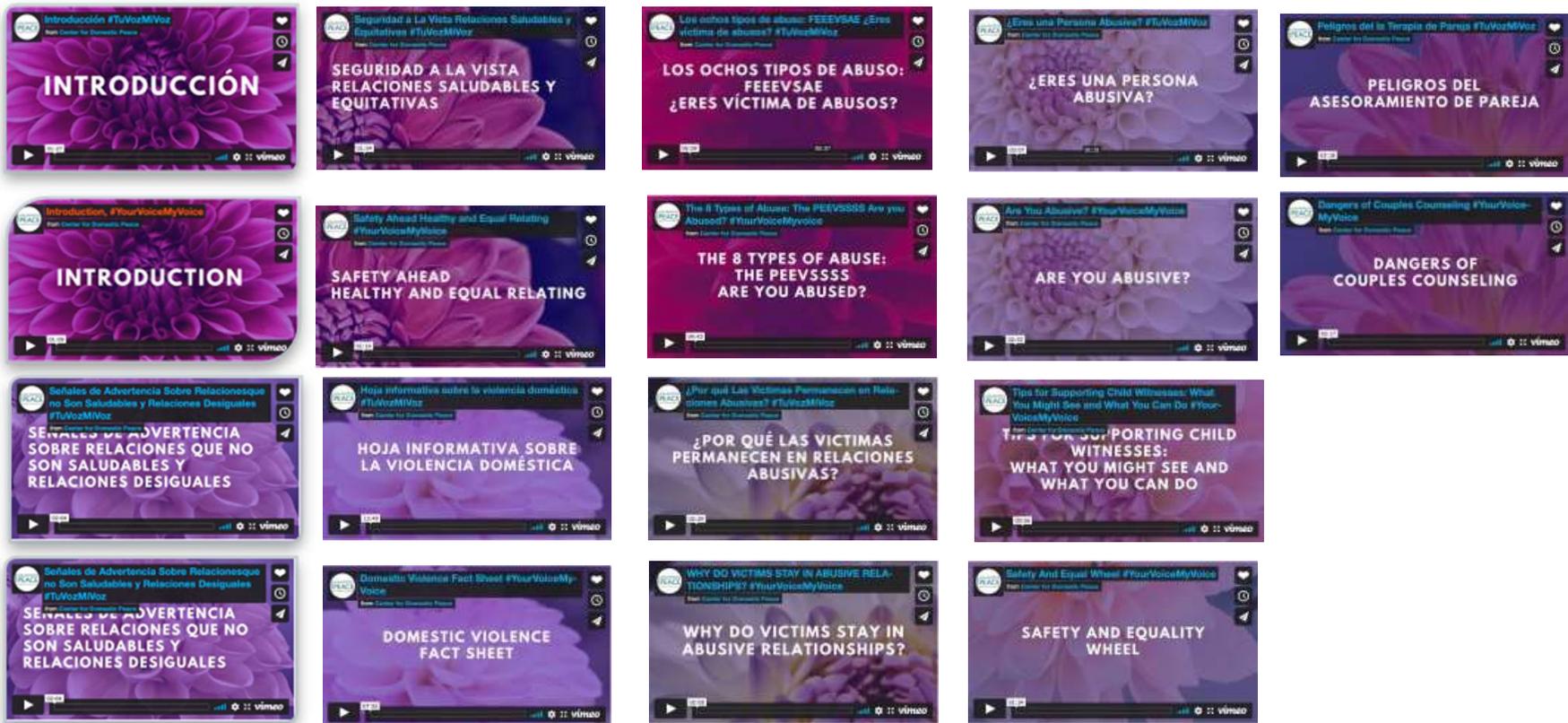
Immigration Violence Against Women Act of 1994

U Visa

VAWA

T Visa

Tu Voz, Mi Voz – Your Voice, My Voice



Thank you! Gracias

- **Luz Alvarado**
- Legal Systems Advocacy Program
Director
- lalvarado@c4dp.org
- 415.526.2549



**August 21, 2024
Item 2b**

TITLE: Use of Force

RECOMMENDATION: Accept the informational report.

BACKGROUND:

The San Rafael Police Department prioritizes the reverence for human life as its fundamental principle when using force. Officers are encouraged to manage incidents through time, distance, communication, and available resources to de-escalate situations whenever it is safe, feasible, and reasonable to do so. However, officers do not have to retreat or desist from lawful enforcement actions.

The purpose of this report is to provide the Police Advisory and Accountability Committee a summary of the policies and procedures that inform use of force in law enforcement and to provide data regarding the San Rafael Police Department's use of force in 2023.

The [use of force](#) by law enforcement is a critical concern for both the public and the police. It is understood that some individuals may not comply with the law or submit to control unless compelled by force, necessitating officers to use force in certain situations. Officers may only use the force that is objectively reasonable to effectively gain control of an incident, while protecting the safety of the officer and others. The San Rafael Police Department acknowledges that law enforcement officers must remain ever mindful that they are both guardians and servants of the public.

In support of this commitment, in June 2020, Mayor Phillips signed President Barack Obama's "Mayor's Pledge" to review San Rafael's use of force policing policies. Additionally, Mayor Phillips assembled a community task force to help City leaders in reviewing and determining whether the City should make any changes to the Police Department's Use of Force Policy, particularly in light of Campaign Zero's #8cantwait policy recommendations. The task force members worked collaboratively alongside City leaders and provided input resulting in the Chief of Police recommending many proposed changes to the use of force policy, including the banning of the carotid and choke hold and enhancing the language regarding use of de-escalation techniques.

On June 19, 2020, the San Rafael Police Department published ["We Will Never Wait- A Commitment to our Community"](#), which outlines the mission of the department with respect to use of force. In part, it states,

The men and women of the San Rafael Police Department are committed to providing professional, fair, compassionate, and dedicated law enforcement with integrity and respect. We place the highest value on human life and that value supports our training in areas such as de-escalation, use of force options, and Crisis Intervention Training. We strive to hire officers who are empathetic, compassionate, have a strong duty to serve, and who want to make a positive

difference in their community. No officer wants to use force in the course of his or her duties.

More recently, in 2022 and 2023, the City of San Rafael held community meetings on the topic of “Policing in San Rafael” following a 2022 police incident that occurred in the Canal neighborhood. At these meetings, Police Chief Dave Spiller, Mayor Kate Colin, and City leadership listened directly to the community’s concerns and committed to developing what would become the Police Advisory and Accountability Committee (PAAC). For more information regarding these meetings, please visit <https://www.cityofsanrafael.org/policinginsanrafael/>.

Information from “We Will Never Wait” was used to substantially revise the San Rafael Police Department’s [Use of Force Policy](#) (§ 300). On August 17, 2020, the San Rafael City Council received a [report](#) from the Police Chief and directed them to implement the proposed revisions to the Use of Force Policy. This staff report is provided as Attachment 2. The Use of Force Policy was last updated by the Department on February 1, 2024, and is provided in this report as Attachment 1.

DISCUSSION:

Federal and state laws strictly govern how a police officer can use force to effect an arrest, ensuring that such actions are both lawful and proportional to the situation. This section briefly summarizes these laws.

1. Federal Law

The Fourth Amendment to the United States Constitution protects citizens against unreasonable searches and seizures, including the use of excessive force by law enforcement officers.

Key Supreme Court rulings, such as *Graham v. Connor*, 490 U.S. 386 (1989) and *Tennessee v. Garner*, 471 U.S. 1 (1985), establish the legal standards for evaluating the reasonableness of use of force incidents.

In the 1985 case *Tennessee v. Garner*, the U.S. Supreme Court established a two-prong test¹ that guides police officers' use of deadly force to stop a fleeing suspect:

Probable cause: The officer must have probable cause to believe that the suspect is dangerous.

Necessity: The use of deadly force must be necessary to prevent the suspect's escape.

In the 1989 case *Graham v. Connor*², the U.S. Supreme Court outlined a list of factors to determine if an officer’s use of force is objectively reasonable – these are often referred to as “Graham Factors.” The Graham factors are the severity of the crime at issue; whether the suspect posed an immediate threat; and whether the suspect was actively resisting or trying to evade arrest by flight. The “severity of the crime” generally refers to the reason for seizing someone in the first place. The case requires officers to carefully articulate facts and events that made their

¹ Source: <https://www.ojp.gov/ncjrs/virtual-library/abstracts/use-deadly-force-prevent-escape#:~:text=First%2C%20an%20officer%20must%20have,brief%20discussions%20of%20Krueger%20v.>

² Source: <https://www.fletc.gov/use-force-part-ii#:~:text=The%20Graham%20factors%20are%20the,to%20evade%20arrest%20by%20flight.&text=The%20%E2%80%9Cseverity%20of%20the%20crime,someone%20in%20the%20first%20place.>

use of force objectively reasonable, rather than justifying their actions based on a hunch or good faith.

2. State Law

[California Penal Code §835a](#) provides the legal parameters for the use of force by peace officers, emphasizing the need for de-escalation and proportionality in response to threats.

[Assembly Bill 392](#) (2019) and Senate Bill 230 (2019) further refine the state's use of force standards, requiring that force be used only when necessary and that officers receive adequate training on de-escalation techniques.

The San Rafael Police Department's [Use of Force Policy](#) is comprehensive, emphasizing the sanctity of human life and the importance of de-escalation. Key components of the policy include:

- Duty or failure to intercede, reporting excessive force and carrying out their duties in a fair and unbiased manner. The Shift Supervisor shall review each use of force (UOF) by any personnel within his/her command to ensure compliance with this policy. If the UOF is determined to be out of policy, it shall be sent to the Lieutenant.
- In addition to the Supervisory review, after every use of force incident a Use of Force Review form is completed and sent to the employee's supervisor and manager. This process is outlined in § 300.11. The form is not only used as a secondary method to review the UOF but also to ensure the UOF met the stated objectives of this policy.
- Prohibited uses of force are outlined in § 300.4.5- §300.4.8 of the SRPD [Use of Force Policy](#) and include:
 - Restrictions on the use of the carotid control hold
 - Restrictions on the use of a choke hold
 - Additional Restrictions - Officers are not authorized to use any restraint or transportation method which might unreasonably impair an individual's breathing or respiratory capacity for a period beyond the point when the individual has been adequately and safely controlled. Once the individual is safely secured, officers should promptly check and continuously monitor the individual's condition for signs of medical distress ([Government Code § 7286.5](#)).
- Reporting to California Department of Justice.
 - Pursuant to [Assembly Bill \(AB\) 71](#), any use of force resulting in serious or great bodily injury is reportable to the California Department of Justice (DOJ). The DOJ publishes an annual report titled URSUS which is the [Use of Force Incident Reporting](#). The URSUS report presents a summary overview of use of force and discharge of firearm incidents as defined in [Government Code § 12525.2](#). Due to the narrow definition of this statute, the data contained in this report only represent incidents where use of force resulted in serious bodily injury or death, or the discharge of a firearm.
- The policy further outlines reporting use of force to a supervisor in §300.6 which states, *Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law.*

department policy, procedure, or law.

- Alternative tactics - de-escalation
 - Active Listening
 - Using a calm voice
 - Relaxed Body Language
 - Containment
 - Gathering additional resources
 - Coordination of resources
 - Use of time/slow down
 - Use of distance
 - Use of Cover
- Medical considerations - Once it is reasonably safe to do so, properly trained officers should promptly provide or procure medical assistance for any person injured or claiming to have been injured in a use of force incident (Government Code § 7286(b)).
- Supervisor responsibility - Among the responsibilities of a supervisor, they shall respond to all uses of force, they should obtain the facts from the involved officers, ensure injured parties are examined and treated and when possible, obtain a recorded interview with the subject. A full list of responsibilities is found in policy § 300.8.
- Training, which include legal updates, de-escalation tactics, including alternatives to force, and training courses required by and consistent with the Commission on Peace Officer Standards and Training (POST) guidelines set forth in [Penal Code §13519.10](#).

Trends and Analysis

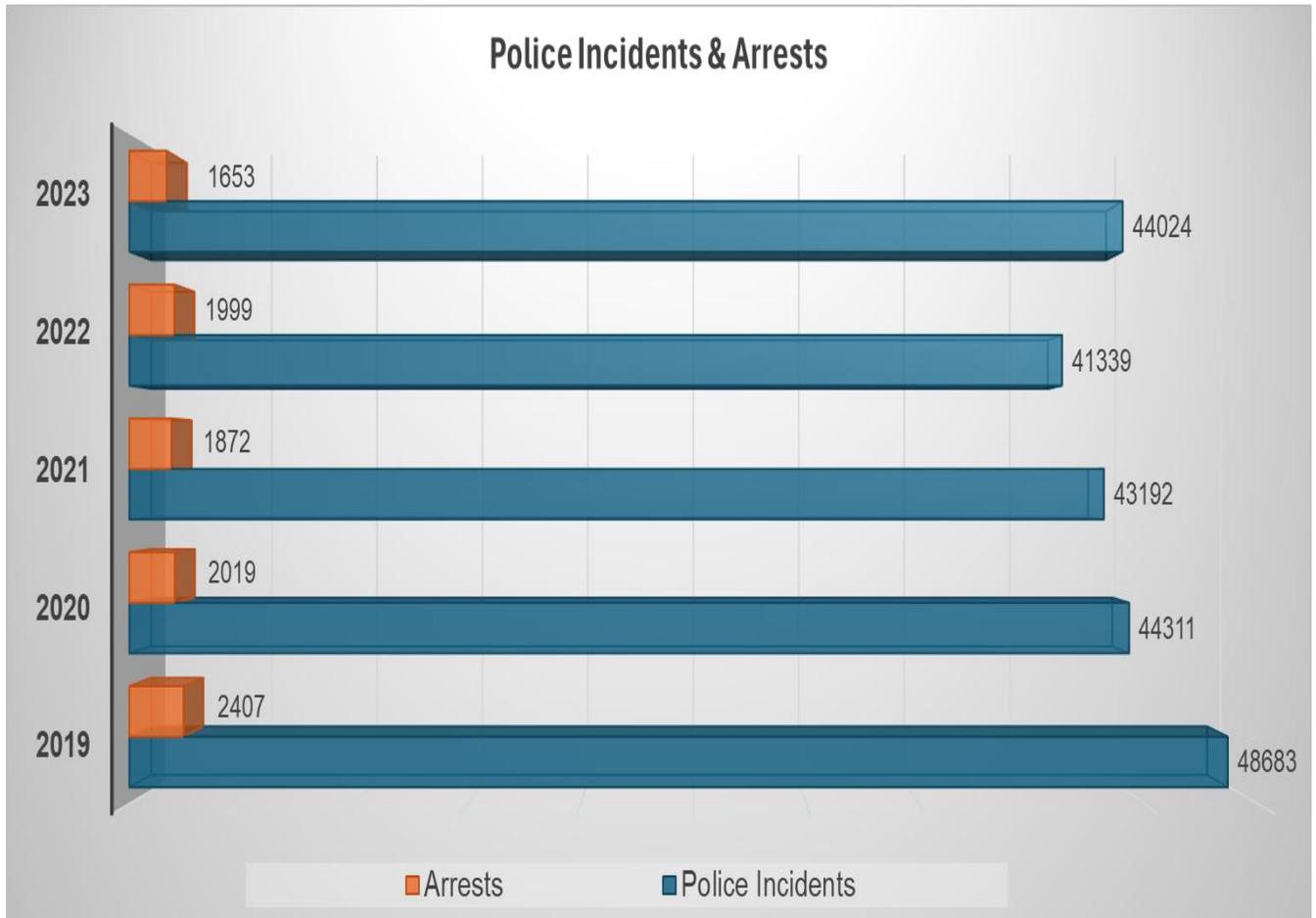
In 2023, the San Rafael Police Department handled 44,465³ police incidents, resulting in 1,653 arrests. There were 53 UOF incidents in 2023. Overall, this reflects UOF was needed during 0.12% of all police incidents and necessary in 3.75% of all arrests in 2023. It is worth noting calls for service did increase seven percent (7%) in 2023 vs. 2022; however, the number of calls resulting in arrest fell 23%, and calls for service that resulted in the use of force fell 6%. The number of use of force incidents remained the same in 2022 and 2023. In addition, none of the UOF incidents in 2023 resulted in serious bodily injury or death; therefore, the no use of force incidents were reported to the DOJ. As stated in the 2023 UOF Statistics (Attachment 3), the most frequently used force option was a control takedown.

Last year, the Specialized Assistance for Everyone (SAFE) team successfully diverted over 2,600 calls for service. Although it is impossible to quantify how many of these incidents might have escalated to a situation requiring the use of force by police officers, it is noteworthy that every one of these calls resulted in a positive outcome without any need for forceful intervention. The proactive approach taken by the SAFE team underscores the value of providing tailored assistance in situations where de-escalation and supportive measures can lead to safer and more constructive resolutions for all parties involved. The SAFE team was discussed at the July 17, 2024, PAAC meeting. The staff report may be accessed [here](#).

Over the past five years, the San Rafael Police Department has dealt with an average of 43,309 police incidents each year and made an average of 1,990 arrests. Use of force incidents have averaged 0.15% of all police incidents and 3.6% of all arrests over the same period. Both police incidents and total arrests have shown a consistent decrease over this period. Please see the chart on the next page and Attachment 4 for further details. Moreover, the percentage of use of force incidents compared to total police incidents has decreased over the past five years.

³ All figures are subject to revision and further analysis.

factors including mental health, criminal pathology, level of intoxication, and other issues play a part in a person's decision to commit a crime and to resist the intervention of law enforcement. However, each member of the San Rafael Police Department is expected to use only the amount of force that is reasonably necessary given the facts and the totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement response (Penal Code §835a).



FISCAL IMPACT:

There is no fiscal impact associated with accepting this report.

Submitted by:
Scott Eberle
Lieutenant

ATTACHMENTS:

1. San Rafael Police Department [Use of Force Policy](#)
2. San Rafael Police Department Use of Force Policy-Proposed Revisions [City Council Staff Report August 17, 2020](#)

3. San Rafael Police Department 2023 [Use of Force Statistics](#)
4. San Rafael Police Department [Five Year Comparison](#)

Use of Force

300.1 USE OF FORCE PREFACE

The use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, officers are sometimes called upon to use force in the course of their duties. The San Rafael Police Department also recognizes that members of law enforcement must be ever mindful that they are not only the guardians but also the servants of the public.

The San Rafael Police Department's guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communication, and available resources in an effort to de-escalate the situation, whenever it is safe, feasible, and reasonable to do so, however, officers shall have no obligation or duty to retreat or desist from lawful enforcement action.

As set forth and in further detail below, department personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of the circumstances, that such force is necessary in defense of human life or against serious bodily injury. Officers who use unreasonable force degrade the confidence of the community we serve, expose fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability. Conversely, officers who fail to use force when warranted may endanger themselves, the community, and fellow officers.

Officers shall carry out their duties, including use of force, in a manner that is fair and unbiased. Discriminatory conduct based on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability is prohibited.

300.2 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Government Code § 7286).

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

Retaliation prohibitions for reporting suspected violations are addressed in the Anti-Retaliation Policy.

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300.2.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to the discharge of a firearm (Penal Code § 835a).

Feasible - 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 (Government Code § 7286(a)).

Force - The application of physical techniques or tactics that a reasonable officer would believe is likely to cause more than momentary discomfort, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

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 or perceived by the officer at the time. The determination of reasonableness will be in accordance with this policy.

Serious bodily injury - A serious impairment of physical condition, including but not limited to the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement (Penal Code § 243(f)(4)).

Totality of the 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 (Penal Code § 835a).

300.3 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

300.3.1 DUTY TO INTERCEDE

Any officer present and observing another law enforcement officer or an employee using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, shall, when in a position to do so, intercede (as defined by Government Code § 7286) to prevent the use of unreasonable force.

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When observing force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject (Government Code § 7286(b)).

300.3.2 FAILURE TO INTERCEDE

An officer who has received the required training on the duty to intercede and then fails to act to intercede when required by law, may be disciplined in the same manner as the officer who used force beyond that which is necessary (Government Code § 7286(b)).

300.3.3 DUTY TO REPORT EXCESSIVE FORCE

Any officer who observes a law enforcement officer or an employee use force that potentially exceeds what the officer reasonably believes to be necessary shall immediately report these observations to a supervisor (Government Code § 7286(b)).

As used in this subsection, "immediately" means as soon as it is safe and feasible to do so.

300.3.4 FAIR AND UNBIASED USE OF FORCE

Officers are expected to carry out their duties, including the use of force, in a manner that is fair and unbiased (Government Code § 7286(b)). See the Bias-Based Policing Policy for additional guidance.

300.4 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a).

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)).

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the approved or authorized tools, weapons, or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

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While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.4.1 USE OF FORCE TO EFFECT AN ARREST

Any peace officer may use objectively reasonable force to effect an 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/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (Penal Code § 835a).

300.4.2 ALTERNATIVE TACTICS - DE-ESCALATION

De-escalation is a fundamental principle of how we conduct police work. Taking no action, passively monitoring a situation, or bringing in partners such as a mobile crisis unit may be the most reasonable response to a situation, particularly those involving mental health crises. This policy manual refers to the importance of de-escalation in multiple sections. See, in particular, the Crisis Intervention Incidents Policy.

As time and circumstances reasonably permit, and when community and officer safety would not be compromised, officers should consider actions that may increase officer safety and may decrease the need for using force such as:

- (a) Summoning additional resources that are able to respond in a reasonably timely manner.
- (b) Formulating a plan with responding officers before entering an unstable situation that does not reasonably appear to require immediate intervention.
- (c) Employing other tactics that do not unreasonably increase officer jeopardy.

In addition, when reasonable, officers should evaluate the totality of circumstances presented at the time in each situation and, when feasible, consider and utilize reasonably available alternative tactics and techniques that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code § 7286(b)). Such alternatives may include but are not limited to:

- (a) Attempts to de-escalate a situation.
- (b) If reasonably available, the use of crisis intervention techniques by properly trained personnel.

300.4.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit (Government Code § 7286(b)). These factors include but are not limited to:

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- (a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time (Penal Code § 835a).
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The conduct of the involved officer leading up to the use of force (Penal Code § 835a).
- (e) The effects of suspected drugs or alcohol.
- (f) The individual's apparent mental state or capacity (Penal Code § 835a).
- (g) The individual's apparent ability to understand and comply with officer commands (Penal Code § 835a).
- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
- (k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.
- (l) Training and experience of the officer.
- (m) Potential for injury to officers, suspects, bystanders, and others.
- (n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (o) The risk and reasonably foreseeable consequences of escape.
- (p) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (r) Prior contacts with the subject or awareness of any propensity for violence.
- (s) Any other exigent circumstances.

300.4.4 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer.

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- (c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.4.5 RESTRICTIONS ON THE USE OF CAROTID CONTROL HOLD

Officers of this department are not authorized to use a carotid restraint hold. A 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 (Government Code § 7286.5).

300.4.6 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the San Rafael Police Department for this specific purpose.

300.4.7 RESTRICTIONS ON THE USE OF A CHOKE HOLD

Officers of this department are not authorized to use a choke hold. A choke hold means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe (Government Code § 7286.5).

300.4.8 ADDITIONAL RESTRICTIONS

Terms such as "positional asphyxia," "restraint asphyxia," and "excited delirium" continue to remain the subject of debate among experts and medical professionals, are not universally recognized medical conditions, and frequently involve other collateral or controlling factors such as narcotics or alcohol influence or pre-existing medical conditions. While it is impractical to restrict an officer's use of reasonable control methods when attempting to restrain a combative individual, officers are not authorized to use any restraint or transportation method which might unreasonably impair an individual's breathing or respiratory capacity for a period beyond the point when the individual has been adequately and safely controlled. Once the individual is safely secured, officers should promptly check and continuously monitor the individual's condition for signs of medical distress (Government Code § 7286.5).

300.5 DEADLY FORCE APPLICATIONS

Where feasible, the officer shall, prior to the use of deadly force, make reasonable efforts to 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 (Penal Code § 835a).

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If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers shall evaluate and use other reasonably available resources and techniques when determining whether to use deadly force. To the extent that it is reasonably practical, officers should consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)).

The use of deadly force is only justified when the officer reasonably believes it is necessary in the following circumstances (Penal Code § 835a):

- (a) An officer may use deadly force to protect themselves or others from what the officer reasonably believes is an imminent threat of death or serious bodily injury to the officer or another person.
- (b) An officer may use deadly force to apprehend a fleeing person for any 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.

Officers 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 officer or to another person (Penal Code § 835a).

Additionally, an officer should not use deadly force against a person whose actions are a threat solely to property.

An "imminent" threat of death or serious bodily injury exists 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 officer or another person. An officer's subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).

300.5.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and involve considerations and risks in addition to the justification for the use of deadly force. When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others (Government Code § 7286(b)).

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5.2 DISPLAYING OF FIREARMS

Given that individuals might perceive the display of a firearm as a potential application of force, officers should carefully evaluate each tactical situation and use sound discretion when drawing a firearm in public by considering the following guidelines (Government Code § 7286(b)):

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- (a) If the officer does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms should generally be kept in the low-ready or other position not directed toward an individual.
- (b) If the officer reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such threat until the officer no longer perceives such threat.

Once it is reasonably safe to do so, officers should carefully secure all firearms.

300.6 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.6.1 NOTIFICATION TO SUPERVISORS

Any use of force by an officer shall be reported immediately to a supervisor, including but not limited to the following circumstances (Penal Code § 832.13):

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a conducted energy device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

As used in this subsection, "immediately" means as soon as it is safe and feasible to do so.

300.6.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

Statistical data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is to be reported to the California Department of Justice as required by Government Code § 12525.2. See the Records Section Policy.

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300.6.3 REPORT RESTRICTIONS

Officers shall not use the term "excited delirium" to describe an individual in an incident report. Officers may describe the characteristics of an individual's conduct, but shall not generally describe the individual's demeanor, conduct, or physical and mental condition at issue as "excited delirium" (Health and Safety Code § 24402).

300.7 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, properly trained officers should promptly provide or procure medical assistance for any person injured or claiming to have been injured in a use of force incident (Government Code § 7286(b)).

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff, or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain, or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

See the Medical Aid and Response Policy for additional guidelines.

300.8 SUPERVISOR RESPONSIBILITY

A supervisor shall respond to any reported use of force, when the supervisor is reasonably available. The responding supervisor is expected to (Government Code § 7286(b)):

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

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- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the subject may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.8.1 SHIFT SUPERVISOR RESPONSIBILITY

The Shift Supervisor shall review each use of force by any personnel within his/her command to ensure compliance with this policy.

300.9 TRAINING

Officers, investigators, and supervisors will receive annual training on this policy and demonstrate their knowledge and understanding (Government Code § 7286(b)).

300.9.1 TRAINING REQUIREMENTS

Required annual training shall include:

- (a) Legal updates.
- (b) De-escalation tactics, including alternatives to force.
- (c) The duty to intercede.
- (d) The duty to request and/or render medical aid.

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- (e) Warning shots (see the Firearms Policy).
- (f) All other subjects covered in this policy (e.g., use of deadly force, chokeholds and carotid holds, discharge of a firearm at or from a moving vehicle, verbal warnings).
- (g) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

See the Training Policy for restrictions relating to officers who are the subject of a sustained use of force complaint.

300.9.2 STATE-SPECIFIC TRAINING REQUIREMENTS

Required state-specific training shall include guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities (Government Code § 7286(b)).

300.10 USE OF FORCE COMPLAINTS

The receipt, processing, and investigation of civilian complaints involving use of force incidents should be handled in accordance with the Personnel Complaints Policy (Government Code § 7286(b)).

300.11 ADMINISTRATIVE REVIEW

The supervisor shall attach a completed "Use of Force Analysis Form" to a copy of the associated incident report and route through the chain of command for staff review and recommendations. If the incident involved the use of a Conducted Energy Weapon (CEW), then the supervisor shall complete and attach an "CEW Use Form", along with the Electro Muscular Disruption Technology (EMDT) data download.

The report is based on the initial information available at the time the incident is reviewed. Once the form has been reviewed by the Chief of Police it shall be forwarded to his/her designee for statistical information gathering and early intervention purposes. The completed and signed "Use of Force Analysis Form" will be retained, but the attached copy of the associated report will then be destroyed. The review of control holds or other pain compliance techniques does not require review above the rank of Lieutenant unless there are associated injuries.

The purpose of this review is to meet the stated objectives of this policy and is not intended to determine whether each application of force was within policy. This review is independent of any notification and review required under "Supervisor Responsibility" or any subsequent internal administrative investigations.

The administrative review shall be used to provide direction to command staff regarding general policy issues, identify any potential training concerns and maintain statistical information related to Use of Force incidents. The statistical information shall be maintained in a spreadsheet format and minimally include the following categories:

Date, Case Number, Type of Force Used, Overall Effectiveness, and Injuries Sustained (Officer and Subject). Any application of force other than a simple control hold or pain compliance

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technique is required to be documented on the Use of Force Analysis Form. The pointing of a firearm at a person shall be reported as an application of force.

The statistical information spreadsheets shall be stored in the following file location: "W:\Staff Share\Use of Force Reports"

Yearly, the Department will post Use of Force statistics on the Department's website and other platforms for review.

300.12 USE OF FORCE ANALYSIS

At least annually, the Operations Bureau Commander or designee should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

300.13 POLICY REVIEW

The Chief of Police or the authorized designee should regularly review and update this policy to reflect developing practices and procedures (Government Code § 7286(b)).

300.14 POLICY AVAILABILITY

The Chief of Police or the authorized designee should ensure this policy is accessible to the public (Government Code § 7286(c)).

300.15 PUBLIC RECORDS REQUESTS

Requests for public records involving an officer's personnel records shall be processed in accordance with Penal Code § 832.7 and the Personnel Records and Records Maintenance and Release policies (Government Code § 7286(b)).

WE WILL NEVER WAIT

A COMMITMENT TO OUR COMMUNITY



SAN RAFAEL POLICE DEPARTMENT



PUBLISHED: JUNE 19, 2020

MESSAGE FROM THE CHIEF OF POLICE

Police professionals across our nation are being asked to address issues of use of force, racial injustice, and to look at practices and procedures in a new light. As the leader of the San Rafael Police Department I want to assure our community that our department is committed to being part of the solution and working with City leaders and our community to find better ways for us to serve. We in law enforcement must continue to improve and hold ourselves to a higher standard.

The men and women of the San Rafael Police Department are committed to providing professional, fair, compassionate, and dedicated law enforcement with integrity and respect. We place the highest value on human life and that value supports our training in areas such as de-escalation, use of force options, and Crisis Intervention Training. We strive to hire officers who are empathetic, compassionate, have a strong duty to serve, and who want to make a positive difference in their community. No officer wants to use force in the course of his or her duties.

I am proud of the work that each of our officers and professional staff perform each day for our community. I believe we conduct ourselves with the community's best interests in mind and give our best effort every day. Our community is watching as City leaders and our Police Department respond to the challenges facing us. People are waiting for actions, not words. I stand ready, along with my fellow officers, to work with our community to listen and make changes that guarantee the safety and security of human and civil rights for all people in San Rafael.

Diana Bishop
Chief of Police





REQUIRE DE-ESCALATION

The San Rafael Police Department has been a leader in California regarding de-escalation and force options training. We have incorporated de-escalation as part of our defensive tactics, firearms and less than lethal weapons curriculum for decades. Since 2003, the San Rafael Police Department committed to provide Crisis Intervention Training (CIT) to our officers. Our patrol officers attend a 32-hour course on Crisis Intervention to educate them on interacting with people suffering from mental illness. We employ a licensed therapist as a Mental Health Outreach Liaison to assist officers in interacting with and finding resources for those with mental illness and those experiencing homelessness in our community.

VERBAL WARNINGS

San Rafael Police Officers continually train, that where feasible, the officer shall, prior to the use of force, make reasonable efforts to 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.

When safe and reasonable, San Rafael officers are trained to use other available resources and techniques when determining whether to use deadly force.



EVALUATE ALL REASONABLE ALTERNATIVES

The San Rafael Police Department trains all our officers in de-escalation techniques.

San Rafael Police Officers are trained that when it is safe and reasonable to do so under the totality of the circumstances, officers should evaluate the use of other reasonably available resources and techniques.



USE OF FORCE CONTINUUM

Police officers are required to make split second decisions in rapidly changing situations and environments. Our officers are trained and required to be objectively reasonable and choose the appropriate level of force based on the totality of the circumstances.

This is consistent with our use of force policy, is in line with Penal Code Section 835a, and Use of Force Reform Bill AB392.

Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests. The Department recognizes and respects the value of all human life and dignity without prejudice to anyone.

“The San Rafael Police Department is a well-trained and professional department. We take pride in practicing the tools obtained in de-escalation, racial profiling, and bias based policing trainings. On a consistent basis we have open discussions with all personnel about events that have occurred locally as well as across the United States. We evaluate each situation and take the opportunity to learn and improve. It is with these steps that we all become better at what is a very dynamic profession. This is one way we hold ourselves to a higher standard.”

Diana Bishop
Chief of Police



DUTY TO INTERVENE

Any San Rafael Police Officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

BAN CHOKEHOLDS & STRANGLEHOLDS

The San Rafael Police Department does not train our members on the use and application of strangleholds, chokeholds, or the carotid control hold; therefore, it is prohibited by our officers to apply these holds.

BAN SHOOTING AT MOVING VEHICLES

Our policy limits and restricts our police officers shooting at moving vehicles. Shots fired at or from a moving vehicle are rarely effective.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others. Officers are trained that they should not shoot at any part of a vehicle in an attempt to disable the vehicle.

REQUIRE COMPREHENSIVE REPORTING

San Rafael Police Officers who are involved in any use of force are required to promptly notify their supervisor and document the incident in a detailed report. The supervisor then fills out an independent Use of Force report that is sent to the police department's command staff. All body worn camera footage is reviewed by supervisors to determine if the officer is out of policy or more training is warranted. The report is forwarded to the Chief of Police for final review.

All uses of force are tracked by type of force used and the officer(s) using the force. This tracking allows command staff to identify any training needs and acts as an early warning system.

OVERSIGHT AND ACCOUNTABILITY

The Chief of Police reports directly to the City Manager who reports to the City Council. Significant matters of employee discipline and misconduct are coordinated with the City's Human Resources Department and the City Attorney's Office. Both entities are completely independent of the Police Department and nonpolitical and nonpartisan.

San Rafael Mayor Phillips has assembled a committee that includes community representatives, local elected officials, and city staff to meet to discuss the eight points regarding police use of force brought forward by Campaign Zero. The work of this group will be shared with the broader community through public meetings such as our City Council meetings. The group's first meeting is scheduled for June 24, 2020.



2019

In 2019, there were **66** reports taken requiring the use of force.

49,105 Calls for Service

2,189 Calls for Service Resulting in an arrest

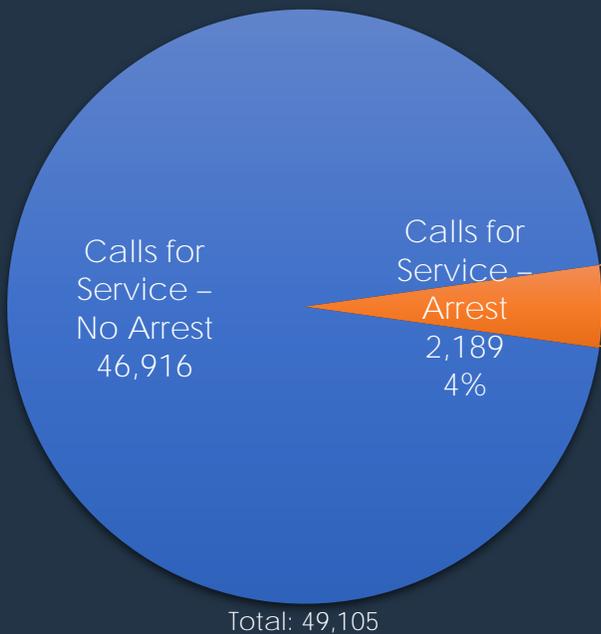
2,443 Arrests (254 reports with more than 1 arrest)

66 Use of Force Reports*

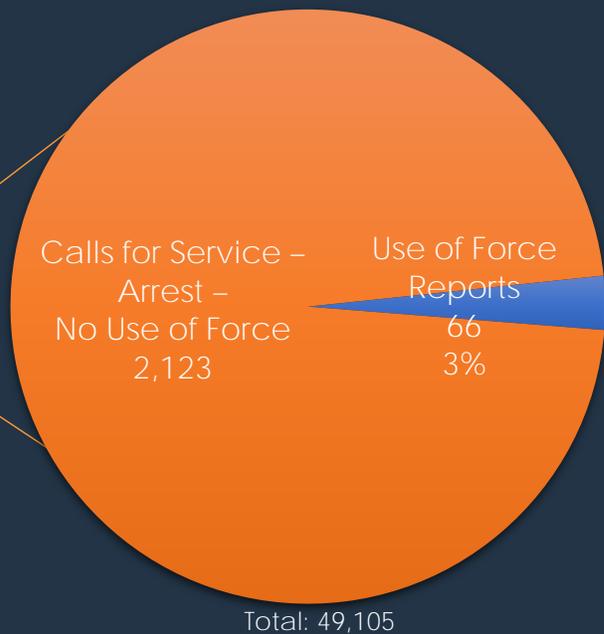
4% of calls for service resulted in an arrest

3% of arrest reports required use of force

Calls for Service Resulting in an Arrest



Calls for Service Resulting in an Arrest Requiring Use of Force



0.13% of calls for service resulted in the use of force

* None of the uses of force involved an officer discharging a firearm, and none resulted in great bodily injury or death.

BODY-WORN CAMERAS

In 2014, the San Rafael Police Department became the first department in Marin County to utilize body worn cameras agency wide. Every uniformed officer in the department, to include the Chief of Police, wears a body worn camera while on duty and engaging with the community.

The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

Our body worn camera program policy states, "The portable recorder is expected to be activated prior to, or upon arrival to any call for service, including self-initiated activity."



POLICE OFFICER TRAINING

The San Rafael Police Department has been a leader in California regarding de-escalation and force options training. We have incorporated de-escalation as part of our defensive tactics, firearms and less than lethal weapons curriculum for decades. We utilize scenario and reality-based training and testing to ensure our officers understand the concepts of de-escalation.

The San Rafael Police Department committed to provide Crisis Intervention Training (CIT) to officers beginning in 2003. Officers attend a 32-hour course on Crisis Intervention to educate them on interacting with people suffering from mental illness.

The San Rafael Police Department has conducted regular training in Racial Profiling and Bias Based Policing since 2003. Two San Rafael Police supervisors are certified Bias Based Policing Instructors. They received their certification from the Museum of Tolerance – Simon Wiesenthal Center. The original training block was specific to Racial Profiling. It was expanded to recognize that all people have personal biases, but officers must remain fair and impartial in their actions and decisions.

Every recruit who attends a California Police Academy receives training in Bias Based Policing. Our officers attend an instructor facilitated refresher course every other year.

The San Rafael Police Department is scheduled to conduct our update training in December of 2020.

TRANSPERANCY AND POLICIES

A copy of our complete policy manual can be found on the San Rafael Police Department website at www.SRPD.org under the transparency tab.

We have included a direct link to the entire policy manual:
www.srpd.org/downloads/SB978/San_Rafael_PD_Policy_Manual.pdf

CONNECT WITH US

www.srpd.org

SAN RAFAEL POLICE DEPARTMENT
1400 Fifth Avenue
San Rafael, CA 94901

415 . 485 . 3000



USE OF FORCE

01/01/2023 – 12/31/2023

44,465
calls for service

+7% increase from 2022: 41,638

1,653
arrests

-17% decrease from 2022: 1,998

53*
use of force incidents

no change from 2022: 53

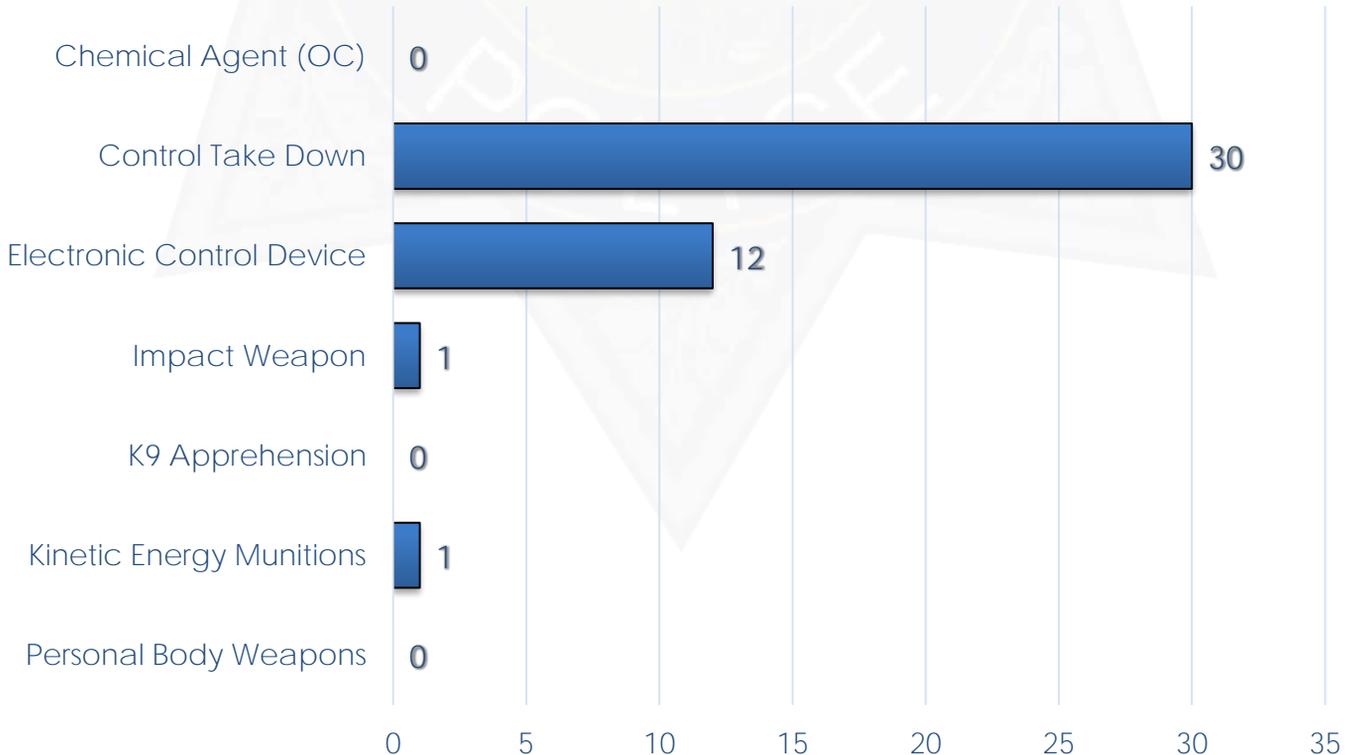
3.72% of calls for
service resulted in
an arrest

-23% decrease from 2022: 4.8%

0.12% of calls for
service resulted in
the use of force

-6% decrease from 2022: 0.13%

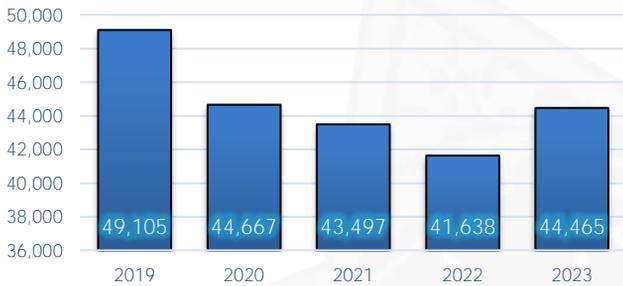
TYPES OF FORCE USED



USE OF FORCE

FIVE YEAR COMPARISON (2019 – 2023)

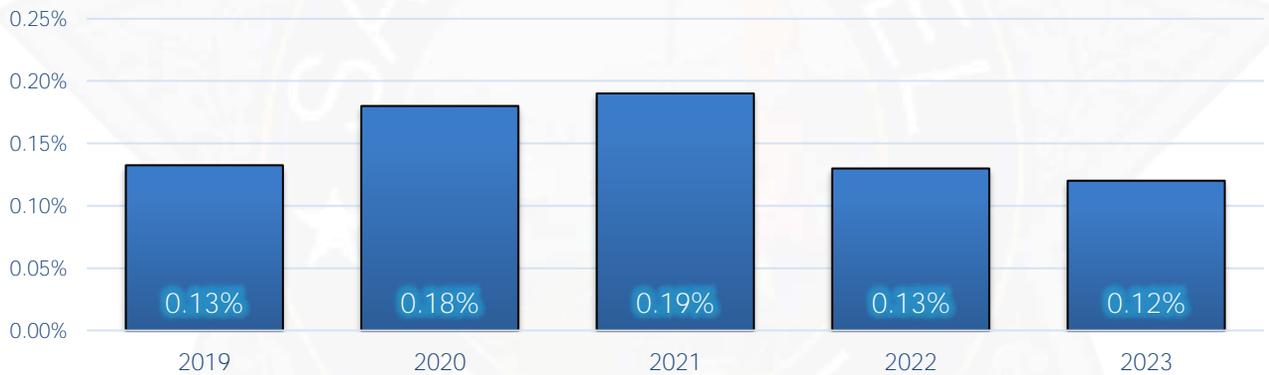
YEARLY CALLS FOR SERVICE COUNT



YEARLY ARREST COUNT



% OF CALLS FOR SERVICE RESULTING IN USE OF FORCE



| Use of Force Types | 2019 | 2020 | 2021 | 2022 | 2023 |
|---------------------------|-----------|-----------|-----------|-----------|-----------|
| Chemical Agent (OC) | 0 | 1 | 0 | 1 | 0 |
| Control Take Down | 51 | 69 | 60 | 42 | 30 |
| Electronic Control Device | 5 | 3 | 7 | 10 | 12 |
| Impact Weapon | 2 | 0 | 1 | 3 | 1 |
| K9 Apprehension | 0 | 1 | 1 | 2 | 0 |
| Kinetic Energy Munitions | 1 | 1 | 2 | 3 | 1 |
| Personal Body Weapons | 7 | 14 | 11 | 11 | 0 |
| TOTAL | 66 | 89 | 82 | 72 | 44 |

USE OF FORCE

FIVE YEAR COMPARISON (2018 – 2022)

YEARLY CALLS FOR SERVICE COUNT



YEARLY ARREST COUNT



% OF CALLS FOR SERVICE RESULTING IN USE OF FORCE



| Use of Force Types | 2018 | 2019 | 2020 | 2021 | 2022 |
|---------------------------|-----------|-----------|-----------|-----------|-----------|
| Chemical Agent (OC) | 0 | 0 | 1 | 0 | 1 |
| Control Take Down | 31 | 51 | 69 | 60 | 42 |
| Electronic Control Device | 5 | 5 | 3 | 7 | 10 |
| Impact Weapon | 0 | 2 | 0 | 1 | 3 |
| K9 Apprehension | 1 | 0 | 1 | 1 | 2 |
| Kinetic Energy Munitions | 1 | 1 | 1 | 2 | 3 |
| Personal Body Weapons | 2 | 7 | 14 | 11 | 11 |
| TOTAL | 40 | 66 | 89 | 82 | 72 |