

**Sacramento Police Department training for updates to
General Order 580.02 (Use of Force)
9-18-21**

Statement of Purpose: To provide members of the Sacramento Police Department with the updates contained in General Order 580.02 (GO 580.02), Use of Force policy.

Learning Outcome:

Members completing this training will understand the updates to GO 580.02.

- I. Registration
 - a. Sign in (QR code and/or hard copy roster)
- II. Introduction
 - a. Explain purpose of in-person training for GO 580.02
- III. Course overview
 - a. Senate Bill (SB) 230, related to Assembly Bill (AB) 392, addressing GO 580.02 and mandated criteria
 - i. AB 392 Effective January 1, 2020
 - ii. SB 230 Effective January 1, 2021
 - b. GO 580.02 including new verbiage
 - c. Penal Code (PC) 196 and 835a
- IV. View Peace Officer Standards and Training (POST) video, AB 392: California Use of Force Standard, "What you need to know."
- V. Penal Code Section 196 states:
Homicide is justifiable when committed by peace officers and those acting by their command in their aid and assistance, under either of the following circumstances:
 - (a) In obedience to any judgment of a competent court.
 - (b) When the homicide results from a peace officer's use of force that is in compliance with Section 835a.
- VI. Penal Code Section 835a states:
 - (a) *The Legislature finds and declares all of the following:*
 - (1) *That the authority to use physical force, conferred on peace officers by this section, is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. The Legislature further finds and declares that every person has a right to be free from excessive use of force by officers acting under color of law.*
 - (2) *As set forth below, it is the intent of the Legislature that peace officers use deadly force only when necessary in defense of human life. In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case, and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.*
 - (3) *That the decision by a peace officer to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious*

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9-18-21

consequences of the use of force by peace officers, in order to ensure that officers use force consistent with law and agency policies.

- (4) That the decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.*

- (5) That individuals with physical, mental health, developmental, or intellectual disabilities are significantly more likely to experience greater levels of physical force during police interactions, as their disability may affect their ability to understand or comply with commands from peace officers. It is estimated that individuals with disabilities are involved in between one-third and one-half of all fatal encounters with law enforcement.*

- (b) Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance.*

- (c) (1) Notwithstanding subdivision (b), a peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons:*
 - (A) To defend against an imminent threat of death or serious bodily injury to the officer or to another person.*

 - (B) 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. Where feasible, a peace 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.*

- (2) A peace officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person.*

- (d) A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person*

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9-18-21

being arrested. A peace officer shall not be deemed an aggressor or lose the right to self-defense by the use of objectively reasonable force in compliance with subdivisions (b) and (c) to effect the arrest or to prevent escape or to overcome resistance. For the purposes of this subdivision, "retreat" does not mean tactical repositioning or other de-escalation tactics.

(e) For purposes of this section, the following definitions shall apply:

- (1) "Deadly force" means 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.*
- (2) A threat of death or serious bodily injury is "imminent" when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.*
- (3) "Totality of the circumstances" means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force.*

VII. GO 580.02 policy update

- a. Restructuring of GO 580.02 format with an emphasis of PC 835a placed throughout the policy
 - i. Segmented throughout old version
 - ii. Now condensed
- b. Comparison – new policy dated 9/18/2021 versus previous version dated 5/20/2021
- c. Updated/new key terms
 - i. Imminent vs. Immediate
 - (1) Imminent threat of death or serious bodily injury and imminent harm
 - ii. Objectively reasonable
 - iii. Last resort: City-adopted term
 - (1) Related to deadly force

VIII. GO 580.02: Section E.5.a. General considerations governing use of force

- a. The decision by a peace officer to use force shall be evaluated from the perspective of a reasonable peace officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight. The totality of the circumstances shall account for occasions when peace officers may be forced to make quick judgments about using force.

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- i. Circumstances of consideration may include, but are not limited to:
- (1) The immediacy and severity of the perceived threat.
 - (2) The conduct of the subject.
 - (3) Officer versus subject factors such as age, size, relative strength, skill level, injuries sustained, level of exhaustion and number of peace officers available versus subjects.
 - (4) The conduct of the involved peace officer.
 - (5) The effects of drugs or alcohol.
 - (6) The subject's apparent mental state or capacity.
 - (7) The subject's apparent ability to understand and comply with officer commands.
 - (8) The proximity or access of weapons to the subject.
 - (9) The level of threat or resistance presented by the subject.
 - (10) The availability of other reasonable and feasible options and their possible effectiveness.
 - (11) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
 - (12) The seriousness of the subject's offense or reason for contact with the subject.
 - (13) The training and experience of the peace officer.
 - (14) The potential for injury to peace officers, subjects or another person.
 - (15) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the peace officer.
 - (16) The risk and reasonably foreseeable consequences of escape or apparent attempt by the subject.
 - (17) Prior contacts with the subject or awareness of any propensity for violence.
 - (18) Environmental factors and/or other exigent circumstances.
 - (19) The availability of other resources.

Not all of the above factors may be present or relevant in a particular situation, and there may be additional factors not listed.

IX. Review/Q & A