

RECOMMENDATION SUBMISSION AND RESPONSE FORM

2019 UOF #10

DISCUSSED BY SCPRC		APPROVED AND IMPLEMENTED	X	PENDING FURTHER REVIEW	
RECEIVED BY SPD	12/31/2019	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	
RETURNED TO SCPRC	10/09/2023	PARTIAL IMPLEMENTATION		DENIED	

SCPRC RECOMMENDATION

GO 580.02 Use of Force

SPD UOF policy is outdated, uses vague or overly broad terms, and does not align with AB 392.

Amend GO 580.02(B)(2): Provide clarification what it means to "retreat" using the following language:

2. Force shall be used in compliance with Penal Code Section 835a, which states "Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his their efforts because of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his their right to self-defense by the use of objectively reasonable force to effect the arrest or to prevent escape or to overcome resistance....." "retreat" does not mean tactical repositioning or other de-escalation tactics."

SCPRC RECOMMENDATION RATIONALE

This change seeks to align the GO more closely with the state law requirements (AB 392).

SPD RESPONSE

In 2021, SPD's use of force policy was updated to reflect AB392 and contains a verbatim citation of Penal Code § 835a.

The term "retreat" is codified in PC 835a(d) and incorporated into SPD's existing policy:

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 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 deescalation tactics.

As of October 2023, a revision of the department's use of force policy retains the verbatim citation of Penal Code § 835a.

Lastly, the ongoing revision of the department's use of force policy contains the following:

- Compliance with Government Code § 7286 ([link](#))

OTHER CITY DEPARTMENTS

City Council Meeting on 06/30/2020, City Council Policy, Police Use of Force

- http://sacramento.granicus.com/AgendaViewer.php?view_id=22&clip_id=4652
- https://sacramento.granicus.com/MetaViewer.php?view_id=22&clip_id=4652&meta_id=588408

City Council Meeting on 05/04/2021, Mayor Darrell Steinberg memorandum, Deadly Use of Force Recommendation

- http://sacramento.granicus.com/AgendaViewer.php?view_id=22&clip_id=4935
- https://sacramento.granicus.com/MetaViewer.php?view_id=22&clip_id=4935&meta_id=627523

APPENDIX

N/A