

RECOMMENDATION SUBMISSION AND RESPONSE FORM

2019 UOF #15

DISCUSSED BY SCPRC	
RECEIVED BY SPD	12/31/2019
RETURNED TO SCPRC	10/09/2023

APPROVED AND IMPLEMENTED	X	PENDING FURTHER REVIEW	
APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	
PARTIAL IMPLEMENTATION		DENIED	

SCPRC RECOMMENDATION

GO 580.02 Use of Force

Updating reasonableness standard.

Amend GO 580.02(O)(1): Remove the following language from the case law reference in Graham v. Connor (1989) [490 U.S. 386] to align the updated "reasonableness" standard under AB 392:

1. GRAHAM V. CONNOR (1989) 490 U.S.386 is a legal standard which defines "the 'reasonableness' of a particular use of force must be judged from the perspective of an objectively reasonable peace officer on scene, rather than with 20/20 vision of hindsight... the question is whether the officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting them."

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.

GO 580.02(S)(3) is currently written:

3. GRAHAM V. CONNOR 490 U.S. 386 (1989) sets the legal standard for reasonable force. The court's decision "requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an imminent threat to the safety of the officer or others, and whether he is actively resisting arrest or attempting to evade arrest by flight." In addition, "the 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on scene, rather than with 20/20 vision of hindsight... the question is whether the officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting them.

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

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 06/1/2021, City Council Policy, Police Use of Force

- [2:30PM City Council \(Special Meeting\) \(granicus.com\)](#)
- [Microsoft Word - 04022013 Agenda \(granicus.com\)](#)

APPENDIX

N/A