

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2019 UOF #16

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

## SCPRC RECOMMENDATION

GO 580.02 Use of Force

SPD lacks a clear or comprehensive reporting policy that is transparent for members of the public.

Adopt a New General Order: Create a stand-alone policy establishing SPD reporting policy that is referenced in other SPD policies/orders. The policy should provide additional reporting requirements, including:

- (1) Specifying the three different levels of UOF
- (2) Treating seizures as use of force and reported under a UOF level.
- (3) Removing UOF reporting discretion to require all UOF incidents be reported.
- (4) When use of force is used leading to a death or serious bodily injury, require a mandatory drug test of police officer within 24 hours of the incident.

## SCPRC RECOMMENDATION RATIONALE

Additional reporting will increase transparency and accountability.

## SPD RESPONSE

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

1. The latest revision includes an appendix outlining three levels of UOF and respective reporting requirements.
2. A seizure can occur without any use of force or with such minimal force that it would not rise to the level of a reportable use of force. Therefore, a seizure meeting this definition would not be considered a use of force.
3. Based on the force definitions of reportable UOF (below), there exists no discretion for choosing to report a UOF – GO 580.02(A)(10):  
*REPORTABLE UOF - Any UOF that causes injury as defined below; any UOF whether or not it results in injury, involving the discharge of a firearm, a canine bite, or use of an impact weapon, chemical agent, or CED; and any UOF, whether or not it results in injury, that deviates from the techniques taught and the equipment provided by the department (section G.4. & G.5.).*
4. At this time, drug testing of officers after a use of force cannot be implemented as this topic is a contractual issue subject to labor agreements.

Additionally, there exists mandatory reporting of uses of force that require reporting to a supervisor and documentation used during an administrative review (GO 580.01 – Use of Force Review Board – [link](#)).

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 06/01/2021, City Council Policy, Police Use of Force

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

APPENDIX

N/A