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