

RECOMMENDATION SUBMISSION AND RESPONSE FORM

2019 UOF #2

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SPD's definition of "imminent threat" is outdated and does not align with AB 392.

Amend GO 580.02(A)(1): Change definition of "imminent threat" to align with AB 392 using the following language:

1. IMMEDIATE THREAT - An imminent threat is considered to exist if a suspect has demonstrated actions that would lead one to reasonably believe that the suspect will continue to pose a threat if not apprehended without delay. An imminent threat is not merely a fear of future threat, no matter how great the fear, but is one that, from the appearances, must be instantly confronted and addressed. A person is an imminent threat if the peace officer reasonably believes that the person has the present intent, means, opportunity and ability to complete the threat regardless of whether the threatened action has been initiated.

SCPRC RECOMMENDATION RATIONALE

The definition of imminent threat in the General Order should align with the changes in law made by 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.

Further, SPD's use of force policy defines "imminent threat of death or serious bodily injury" directly from Penal Code § 835a(e)(2) as:

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.

As of October 2023, a revision of the department's use of force policy retains the verbatim Penal Code § 835a(e)(2) definition of "imminent threat of death or serious bodily injury."

Additionally, 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

N/A