

RECOMMENDATION SUBMISSION AND RESPONSE FORM

2019 UOF #3

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 does not specify whether it considers the consistency of an officer's conduct with applicable policy or training within the totality of circumstances.

Amend GO 580.02(A)(3): Change the definition of "totality of circumstances" to increase accountability and transparency using the following language:

3. TOTALITY OF CIRCUMSTANCES – All facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of force and whether the officer's conduct was consistent with applicable training and policy.

SCPRC RECOMMENDATION RATIONALE

Understanding whether an officer was following SPD policy is important to ensuring accountability and transparency for members of the public. To that end, it's equally important for an officer to ensure their conduct is consistent with the training and policies they received.

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, "totality of circumstances" is defined as:

All facts known to, or perceived by, the peace officer at the time, including the conduct of the officer and the subject leading up to the UOF.

As of October 2023, a revision of the department's use of force policy retains the verbatim Penal Code § 835a(e)(3) and defines "totality of circumstances" as:

"Totality of the circumstances" means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force.

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

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

Finally, GO 580.01 (Use of Force Review Board – [link](#)) outlines the process by which all reportable uses of force are administratively reviewed with the following policy statement:

The Sacramento Police Department shall objectively evaluate officer or authorized non-sworn uniformed department personnel use of force incidents to ensure that force is used lawfully, appropriately and is consistent with training and policy.

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

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APPENDIX

N/A