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 the use of force and whether the officer’s conduct was consistent with applicable training and policy.

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


APPENDIX

N/A