

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2019 UOF #8

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SPD UOF policy is outdated, uses vague or overly broad terms, and does not align with AB 392.

Amend GO 580.02(A)(8)(a): Add language to the definition of "objectively reasonable force" to align with AB 392 using the following language:

a. OBJECTIVELY REASONABLE FORCE - An objective standard of force viewed from the perspective of an objectively reasonable peace officer, without the benefit of 20/20 hindsight, and based on the totality of the circumstances known to, or perceived by, the officer at the time. (See Section Z-1, GRAHAM V. CONNOR) Any force used must be objectively reasonable under the totality of the circumstances. The number one factor in determining objective reasonableness is whether an imminent threat to the safety of the officer or another exists.

## SCPRC RECOMMENDATION RATIONALE

This change follows the intent of 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. As such, the definition of "objectively reasonable force" was removed.

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 06/30/2020, City Council Policy, Police Use of Force

- [http://sacramento.granicus.com/AgendaViewer.php?view\\_id=22&clip\\_id=4652](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](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](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](https://sacramento.granicus.com/MetaViewer.php?view_id=22&clip_id=4935&meta_id=627523)

## APPENDIX

N/A