

RECOMMENDATION SUBMISSION AND RESPONSE FORM

2019 UOF #9

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SPD UOF policy is outdated, uses vague or overly broad terms, and does not align with AB 392.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(H): Change the section concerning discharge of firearms and other deadly force using the following language:

H. DISCHARGE OF FIREARMS AND OTHER DEADLY FORCE

1. The use of a firearm or other deadly force is the most serious decision an peace officer may make. In determining whether deadly force is necessary, officers shall evaluate each situation considering the circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.
2. A peace officer may discharge a firearm in the performance of their official duty only when there is no reasonably effective alternative.
 - a. To protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury.
 - ~~b. To prevent a crime where the suspect's actions are reasonably believed to place person(s) in imminent jeopardy of death or serious bodily injury.~~

SCPRC RECOMMENDATION RATIONALE

This change seeks to align the GO more closely with the state law requirements (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.

"Discharge of Firearms and Other Deadly Force" is covered within GO 580.02(F), "Considerations Governing Use of Deadly Force" and adheres, verbatim to Penal Code § 835a(c)(1), regarding prior policy language and currently states:

- (A) To defend against an imminent threat of death or serious bodily injury to the officer or to another person.*
- (B) To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.*

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
- 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

APPENDIX

N/A