



SENATOR ANNA CABALLERO
TWELFTH SENATE DISTRICT

SENATE BILL 230: Use of Force Standards and Training

PURPOSE

SB 230 is a comprehensive measure to reduce the need for public safety officers to use deadly force as they perform their duties. SB 230 will ensure California leads the nation in regards to use of force department policy requirements, ensures robust officer training, reaffirms a commitment to protecting the sanctity of life, and sets a clear legal standard for the use of force.

BACKGROUND

The loss of life is always tragic, and an officer's use of deadly force should always be a last option.

Unfortunately, our society has many dangerous threats, and just as our peace officers cannot anticipate what they will encounter on any given day, our legal standards governing their engagement must account for the split-second and dangerous scenarios we see confronting law enforcement too often. At the same time, peace officers are expected to guard our communities with the utmost sanctity for every life.

In setting our current legal standard governing an officers' use of force, the U.S. Supreme Court aptly stated there must be an "allowance for the fact that police officers are required to make split-second judgments in circumstance that are tense, uncertain, and rapidly-evolving about the amount of force that is necessary in a particular situation." (*Graham v. Connor*). However, the US Supreme Court has also set clear boundaries for when deadly force is unwarranted, stating that "the use of deadly force to prevent the escape of all felony suspects, whatever the circumstances, is constitutionally unreasonable. It is not better that all felony suspects die than that they escape. Where the suspect poses no

immediate threat to the officer and no threat to others, the harm resulting from failing to apprehend him does not justify the use of deadly force to do so." (*Tennessee v. Garner*). These two seminal cases, and 30 years of developing case law, currently informs the legal standards for adjudicating officers' use of force.

CURRENT LAW

Since 1872, California's use of force statute (Penal Code 196) set the parameters for using force against a fleeing felon. This statute is currently outdated and does not reflect the decisions of the U.S. and California Supreme Courts. Moreover, California has not enacted statutes mandating standardized use of force training, or minimum requirements for an agency's internal use of force guidelines, such as the duties of an officer and their supervisors in reporting, reviewing, and investigating use of force cases, vulnerable populations, medical assistance de-escalation techniques, and crisis intervention teams. This measure addresses all of these issues.

SUMMARY

SB 230 does the following:

1. Revises California's outdated legal statute governing an officer's use of deadly force.
2. Requires the over 500 law enforcement agencies in California to maintain policies that set guidelines on use of force to include provisions in their use-of-force policy that provide comprehensive and clear guidelines on utilizing de-escalation techniques, proportionality, crisis

intervention and alternatives to deadly force with approved methods and devices available to assist. SB 230 requires all 500+ police agencies in the state to comply with these requirements. Statistics regarding use-of-force policies for 91 of the largest police departments in the United States show the significance of these changes below:

- a. Only 30 of the 91 largest police departments in the nation require an officer to intervene to stop another officer from using excessive force. –
 - b. Only 34 of the 91 largest police departments in the nation require officer to de-escalate situations, when possible, before using force. –
 - c. Only 15 of the 91 largest police departments in the nation specify detailed reporting requirements.
3. Requires retraining of all officers through Peace Officer Standards and Training, or POST, with periodic updates.
 4. Includes in policies, guidelines for rendering medical aid when safe and reasonable.
 5. Includes in policies, an officer's duty to intercede when observing excessive use of force, as well as prompt internal reporting and investigation, and the factors a supervisor must use in evaluating and reviewing all use of force incidents.
 6. Includes guidelines and training on how to handle vulnerable populations, such as children, the elderly, pregnant, and the physical and developmentally disabled.

Los Angeles County Professional Peace Officers

CONTACT

Adriana Zerio | Legislative Director
adriana.zerio@sen.ca.gov | 916.651.4012

SUPPORT

California Police Chiefs Association (co-sponsor)
Peace Officers Research Association of California (co-sponsor)
Los Angeles Police Protective League (co-sponsor)
Association for Los Angeles Deputy Sheriffs (co-sponsor)
Riverside Sheriff's Association (co-sponsor)
California Narcotic Officers Association