



COUNTY OF SAN DIEGO

2019 APR 19 PM 12: 58

CLERK OF THE BOARD
OF SUPERVISORS

COUNTY OF SAN DIEGO

BOARD OF SUPERVISORS

1600 PACIFIC HIGHWAY, ROOM 335, SAN DIEGO, CALIFORNIA 92101-2470

AGENDA ITEM

DATE: April 30, 2019

03

TO: Board of Supervisors

SUBJECT

PROTECTING LAW ENFORCEMENT AND THE PUBLIC DURING USE OF FORCE INCIDENTS (DISTRICTS: ALL)

OVERVIEW

Current California law for use of force by law enforcement is based on parameters set in state code in 1872, which is outdated and does not reflect the decisions of the U.S. and California Supreme Courts on use of force matters. Over the past several years there has been a debate in Sacramento regarding law enforcement use of force policies. Senate Bill 230, authored by Senator Anna Caballero, sets a clear and enforceable standard for authorizing use of force.

In 2017, it was reported that there were 172 law enforcement related deaths in California. In 2018, the incidents in which officers had to use deadly force dropped to 114, a 34% reduction in one year. However, even one death is too many. Therefore, law enforcement throughout the state has been working with non-profits, businesses, neighborhood groups, individuals and public safety organizations to develop an evidence-based approach to use of force policies.

Under SB 230, law enforcement agencies will be required to adhere to the use of force standard developed by the U.S. Supreme Court. Every department will be mandated to adopt comprehensive policies in all 13 categories viewed as best practices for preventing use of force, including de-escalation, an officer's duty to intercede and reporting requirements.

SB 230 is supported by the California Police Chiefs Association, Peace Officers Research Association of California, California Narcotic Officers Association, and the Deputy Sheriff's Association of San Diego.

Conversely, Assembly Bill 392 would criminalize law enforcement actions in life-threatening situations by creating an unclear, arbitrary, subjective use of force. AB 392 is lacking in collaboration, creates a disastrous disincentive for law enforcement officers to engage, and does not improve training standards nor does it incorporate best practices.

**SUBJECT: PROTECTING LAW ENFORCEMENT AND THE PUBLIC DURING
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Today's action will put the County of San Diego on record in support for Senate Bill 230 and in opposition to Assembly Bill 392.

**RECOMMENDATION(S)
CHAIRWOMAN JACOB AND SUPERVISOR DESMOND**

1. Direct the Chief Administrative Officer to draft a letter expressing this Board of Supervisors' support for State Senate Bill 230 to San Diego County's legislative representatives in Sacramento.
2. Direct the Chief Administrative Officer to add to the County's Legislative Program support for legislation which establishes guidelines that law enforcement agencies may adopt on the use of force, utilization of de-escalation techniques and training for peace officers related to use of force.
3. Direct the Chief Administrative Officer to draft a letter expressing this Board of Supervisors' opposition for State Assembly Bill 392 to San Diego County's legislative representatives in Sacramento.
4. Direct the Chief Administrative Officer to add to the County's Legislative Program opposition to legislation which seeks to establish unreasonable limitations for when a peace officer is justified to use force during an arrest, to prevent escape or to overcome resistance of an individual.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

Current California law for use of force by law enforcement is based on parameters set in state code in 1872, which is outdated and does not reflect the decisions of the U.S. and California Supreme Courts on use of force matters. Over the past several years there has been a debate in Sacramento regarding law enforcement use of force policies. Senate Bill 230, authored by Senator Anna Caballero, sets a clear and enforceable standard for authorizing use of force.

In 2017, it was reported that there were 172 law enforcement related deaths in California. In 2018, the incidents in which officers had to use deadly force dropped to 114, a 34% reduction in one year. However, even one death is too many. Therefore, law enforcement throughout the

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state has been working with non-profits, businesses, neighborhood groups, and individuals and public safety organizations to develop an evidence-based approach to use of force policies.

Under SB 230, law enforcement agencies will be required to adhere to the use of force standard developed by the U.S. Supreme Court. Every department will be mandated to adopt comprehensive policies in all 13 categories viewed as best practices for preventing use of force, including de-escalation, an officer's duty to intercede and reporting requirements.

This legislation will set first-in-the-nation requirements for departments to adopt use of force policies and participate in trainings that include comprehensive and clear guidance related to: de-escalation tactics, reasonable alternatives to deadly force, proportionality, rendering medical aid, an officer's duty to intercede and prevent excessive use of force, interactions with vulnerable populations, and reporting requirements. Furthermore, this bill will raise the standard for authorizing use of force circumstances where "the suspect poses an imminent threat of death or serious physical injury to the officer or others when a fleeing suspect has committed a forcible and atrocious felony" – a clear and object standard.

Senate Bill 230 focuses on adopting and expanding upon nationally-recognized best practices for minimizing the use of force by creating rigorous policing standards, policies, practices, training and reporting requirements.


Assembly Bill 392 would criminalize law enforcement actions in life-threatening situations by creating an unclear, arbitrary, subjective use of force. AB 392 would create a new, stricter legal standard for use of force that is not an established legal standard that has been defined by the United States Supreme Court. That means this law will likely have inconsistent interpretation and will result in many cases being challenged and appealed on a regular basis. Furthermore, AB 392 is lacking in collaboration, creates a disastrous disincentive for law enforcement officers to engage, and does not improve training standards nor does it incorporate best practices.

Today's action will put the County of San Diego on record in support for Senate Bill 230 and in opposition to Assembly Bill 392.

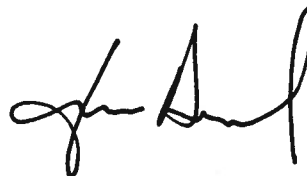
LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

The requested action supports the Living Safely Initiative in the County's 2019-2024 Strategic Plan by supporting legislation that creates a clear and enforceable standard for authorizing use of force by law enforcement.

Respectfully submitted,



DIANNE JACOB
Chairwoman



JIM DESMOND
Supervisor, 5th District

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ATTACHMENT(S)
N/A

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AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: Yes No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED
 Yes No

PREVIOUS RELEVANT BOARD ACTIONS:
N/A

BOARD POLICIES APPLICABLE:
N/A

BOARD POLICY STATEMENTS:
N/A

MANDATORY COMPLIANCE:
N/A

**ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION
NUMBER(S):**
Click here to enter text.

ORIGINATING DEPARTMENT: Board of Supervisors, District 2 and District 5

OTHER CONCURRENCE(S):

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