

Purpose:

Senate Bill 230, authored by Senator Anna Caballero (D-Salinas), is a comprehensive measure focused on building upon existing efforts to improve outcomes during law enforcement officers' involvement in serious use of force incidents. Over the last decade, law enforcement agencies have expanded their use of crisis intervention and de-escalation training and policies with the goal of reducing deadly force incidents. SB 230 combines smart approaches being utilized by a myriad of law enforcement agencies and will ensure California leads the nation in regard 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 serious 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 too often confronting law enforcement. At the same time, peace officers are expected to guard our communities with the utmost sanctity for the perseverance of 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*). Through those two seminal cases, and the following 30 years of developing case law, we currently derive our nationwide legal standards for adjudicating officers' use of force.

Current Law:

In California, our use of force statute, (Penal Code 196) set the parameters for using force against a fleeing felon in 1872. As such, PC196 is currently outdated and does not reflect the decisions of the U.S. and California Supreme Courts. Although our courts do not apply PC 196 as current written, our statute should conform with current case law. Moreover, California has not enacted any statutes mandating standardized use of force training, or minimum requirements for agencies internal use of force guidelines. SB 230 addresses each of these issues.

Summary:

SB 230 does the following:

1. Heightens California's requirements for employing deadly force when confronting a fleeing felon to meet and exceed the standards set by the U.S. Supreme Court in *Graham v. Connor* and *Tennessee v. Garner*.

2. Requires the over 500 law enforcement agencies in California to include provisions in their use-of-force policy that provide comprehensive and clear guidelines on the utilizing de-escalation tactics, proportionality, alternatives to deadly force, rendering medical aid, an officer's duty to intercede when observing excessive use of force, interacting with vulnerable populations, reporting requirements and more. 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. Standardizes California law enforcement's use of force training to ensure each course covers critical topics, including but not limited to de-escalation, rendering medical aid, and the legal standards for use of force