



EMERYVILLE POLICE DEPARTMENT

PROFESSIONAL SERVICES DIVISION

20-07 Training Order

To: All Sworn Officers

From: Officer Michelle Shepherd

Date: 5/27/20

Re: Use of Force Updates SB 230

This bulletin serves as a notice of the future changes in training and policy mandates, imposed by SB 230 related to an officer's use of force, **effective January 1, 2021**. Law enforcement should also be aware that in April 2020, the California Judicial Council issued Jury Instructions for Use of Force under these legislative changes.

AB 392 amended California law by redefining the circumstances under which homicide by a peace officer is deemed justifiable and by affirming the circumstances under which a peace officer is authorized to use deadly force to effect an arrest, prevent escape, or overcome resistance. EPD issued Training Order 19-11 which reviewed Assembly Bill 392 (see below for reference).

SB 230 requires law enforcement agencies to implement certain training and policy mandates regarding use of force by January 1, 2021. This order is to prepare officers of the changes that will be set in place. Also note SB 230 requires POST to establish uniform, minimum guidelines for these new use of force policies, and to develop and provide training for law enforcement officers based on the new use of force requirements.

OVERVIEW OF SB 230 – Effective January 1, 2021

1. SB 230 Requires Each Agency to Adopt and/or Maintain a Standard Use of Force Policy That Includes Required Elements and is Accessible to the Public SB 230, which was passed shortly after AB 392, requires law enforcement agencies to adopt a use of force policy containing 20 specified elements by January 1, 2021.

The 20 specified elements are:

a. A requirement that officers utilize de-escalation techniques, crisis intervention tactics, and other alternatives to force when feasible.

- b. A requirement that an officer may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.
- c. A requirement that officers report potential excessive force to a superior officer when present and observing another officer using force that the officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer.
- d. Clear and specific guidelines regarding situations in which officers may or may not draw a firearm or point a firearm at a person.
- e. A requirement that officers consider their surroundings and potential risks to bystanders, to the extent reasonable under the circumstances, before discharging a firearm.
- f. Procedures for disclosing public records in accordance with [Penal Code] Section 832.7.
- g. Procedures for the filing, investigation, and reporting of citizen complaints regarding use of force incidents.
- h. A requirement that an officer intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, considering the possibility that other officers may have additional information regarding the threat posed by a subject.
- i. Comprehensive and specific guidelines regarding approved methods and devices available for the application of force.
- j. An explicitly stated requirement that officers carry out duties, including use of force, in a manner that is fair and unbiased.
- k. Comprehensive and specific guidelines for the application of deadly force.
- l. Comprehensive and detailed requirements for prompt internal reporting and notification regarding a use of force incident, including reporting use of force incidents to the Department of Justice in compliance with [Government Code] Section 12525.2.
- m. The role of supervisors in the review of use of force applications.
- n. A requirement that officers promptly provide, if properly trained, or otherwise promptly procure medical assistance for persons injured in a use of force incident, when reasonable and safe to do so.

- o. Training standards and requirements relating to demonstrated knowledge and understanding of the law enforcement agency's use of force policy by officers, investigators, and supervisors.
- p. Training and guidelines regarding vulnerable populations, including, but not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.
- q. Comprehensive and specific guidelines under which the discharge of a firearm at or from a moving vehicle may or may not be permitted.
- r. Factors for evaluating and reviewing all use of force incidents.
- s. Minimum training and course titles required to meet the objectives in the use of force policy.
- t. A requirement for the regular review and updating of the policy to reflect developing practices and procedures.

Sergeants, please have your teams review this order and document it on a TF- 86.

