

Memorandum

TO: ALL DEPARTMENT PERSONNEL

FROM: Anthony Mata
Chief of Police

SUBJECT: SEE BELOW

DATE: November 10, 2021

APPROVED

Memo# 2021-036

SUBJECT: BIAS-BASED POLICING USE OF FORCE AND CONSIDERATIONS BEFORE DISCHARGING A FIREARM

BACKGROUND

On September 12, 2019, Governor Newsom signed Senate Bill (SB) 230 into law. SB 230 requires the Department to maintain policies that provide guidelines on the use of force. The Duty Manual has been revised to comport with SB 230.

ANALYSIS

The Duty Manual has been revised to reflect changes described below. Additions are shown in *italics and underlined*.

C 1306 BIAS-BASED POLICING:

Revised 11-10-21

Bias-Based Policing occurs when an officer engages in conduct based on a person's race, color, religion (religious creed), age, marital status, national origin, ancestry, sex, sexual orientation, actual or perceived gender identity, medical condition, or disability.

Bias-Based Policing can occur not only at the initiation of a contact but any time during the course of an encounter between an officer and a member of the public. *Officers shall carry out their duties, including the use of force, in a fair and unbiased manner.*

Officers will not engage in biased and/or discriminatory-based policing as this undermines the relationship between the police and the public and is contradictory to the Department's mission and values.

L 2602.1 DEADLY FORCE:

Revised 11-10-21

NECESSITY: Officers will use deadly force only when necessary in defense of human life. In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer. Before discharging a firearm, officers shall consider their surroundings and potential risks to bystanders to the extent reasonable under the circumstances.

WHEN DEADLY FORCE IS JUSTIFIED: An officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons:

- To defend against an imminent threat of death or serious bodily injury to the officer or to another person.
- 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.

WARNINGS: When feasible, officers shall, prior to the use of deadly 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.

DEFINITIONS: For purposes of this section, the following definitions shall apply:

- “Deadly force” means any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm.
- A threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.
- “Totality of the circumstances” means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force.

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L 2636 USE OF FIREARMS:

Revised xx-xx-21

Firearms may be discharged in the performance of a police duty only when it is objectively reasonable to do so under the following circumstances. *Before discharging a firearm, officers shall consider their surroundings and potential risks to bystanders to the extent reasonable under the circumstances.*

ORDER

Effective immediately, all Department personnel shall adhere to the above Duty Manual sections.



Anthony Mata
Chief of Police

AM:SD:MB