

1 [Supporting California State Assembly Bill No. 392 (Weber and McCarty) - California Act to
2 Save Lives: Incorporating Police Best Practices]

3 **Resolution supporting California State Assembly Bill No. 392, introduced by Assembly**
4 **Members Shirley Weber and Kevin McCarty, co-authored by Assembly Members Chris**
5 **Holden and Mark Stone, and California State Senators Steven Bradford and Holly**
6 **Mitchell, California Act to Save Lives: incorporating policing best practices that**
7 **authorizes police officers to use deadly force only when it is necessary to prevent**
8 **imminent and serious bodily injury or death and to require de-escalation methods**
9 **whenever possible.**

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11 WHEREAS, Under current California law, police officers are authorized to use deadly
12 force regardless of whether or not it is necessary to prevent death or serious bodily injury; and

13 WHEREAS, Current California law authorizes police officers to use deadly force
14 regardless of whether or not there are viable nonlethal alternatives; and

15 WHEREAS, The California law that determines when a homicide by an officer is
16 “justified” was written in 1872, fails to include current best practices, and authorizes deadly
17 force in a manner that violates the U.S. constitution; and

18 WHEREAS, California State Assembly Bill No. 392 (California Act to Save Lives)
19 introduced by Assembly Members Shirley Weber and Kevin McCarty would bring California
20 law up to date and in line with policing best practices to avoid unnecessary death and ensure
21 community safety; and

22 WHEREAS, Law enforcement is tasked with keeping the public safe—protecting and
23 preserving human life should be a central guiding principle of this role; and

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1 WHEREAS, Current law results in officers killing civilians far more often than is
2 necessary, leaving many families and communities devastated and causing them to distrust
3 those who have taken an oath to protect them; and

4 WHEREAS, The California Act to Save Lives provides a clear definition for when
5 deadly use of force can be used by police officers; and

6 WHEREAS, Incorporating policing best practices, The California Act to Save Lives
7 authorizes police officers to use deadly force only when it is necessary to prevent imminent
8 and serious bodily injury or death – that is, if, given the totality of the circumstances, there was
9 no reasonable alternative to using deadly force, including warnings, verbal persuasion, or
10 other nonlethal methods of resolution or de-escalation; and

11 WHEREAS, According to the California Department of Justice, in 2017 California police
12 killed 172 people, half of whom were unarmed; and

13 WHEREAS, Of the unarmed people California police killed in 2017, three out of four
14 were people of color; and

15 WHEREAS, In 2017, Black people in California were 3.2 times more likely to be killed
16 by police than white people; and

17 WHEREAS, An analysis by the Washington Post and census data found that
18 California police kill people at a rate 37% higher than the national average per capita; and

19 WHEREAS, Nationwide, almost half of people killed by police have a disability or
20 mental illness; and

21 WHEREAS, In a report conducted after the shooting death of Stephon Clark, the
22 California Department of Justice recommended that the Sacramento Police Department
23 update its use of force guidelines to clearly define when force is and is not authorized; and
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1 WHEREAS, The California Act to Save Lives would update police use of force
2 protocols by establishing adequate and constitutional standards to ensure officers avoid the
3 use of deadly force at every possible opportunity; and

4 WHEREAS, This bill takes into account officer safety and specifies that officers can
5 always invoke the self-defense law that applies to the public; and

6 WHEREAS, The California Act to Save Lives reflects policies that policing experts
7 recognize as effective at better preserving life while also allowing officers the latitude needed
8 to ensure public safety; and

9 WHEREAS, Under President Obama, the U.S. Department of Justice helped many
10 cities adopt similar policies, including San Francisco and Seattle; and

11 WHEREAS, Several police agencies and law enforcement organizations outside of
12 California have recommended or already adopted stricter use-of-force standards similar to
13 those proposed under this bill; and

14 WHEREAS, Seattle's federal monitor determined that the policy change resulted in a
15 marked reduction in serious uses of force without compromising the safety of officers; and

16 WHEREAS, Reforming California law is common sense; officers at agencies with
17 stricter use of force policies kill fewer people and law enforcement in those agencies are also
18 less likely to be killed or seriously injured themselves; and

19 WHEREAS, Senate Bill 230, introduced by CA Senator Caballero mandates training
20 standards and requires the Commission on Peace Officer Standards and Training to
21 implement a course or courses of instruction for the regular and periodic training of law
22 enforcement officers in the use of force. The bill would require the commission to develop
23 uniform, minimum guidelines for adoption and promulgation by California law enforcement
24 agencies for the use of force, as specified in Assembly Bill 392; and
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1 WHEREAS, San Francisco’s crisis intervention and de-escalation training has resulted
2 in a significant reduction in the use of force incidents citywide and is being recognized as the
3 statewide model; and

4 WHEREAS, the provisions of SB 230 would only become operative contingent on the
5 enactment of Assembly Bill 392 of the 2019–20 Regular Session; and

6 WHEREAS, Assembly Bill 392, introduced by Assembly Member Shirley
7 Weber updates the deadly use-of-force standard from "reasonable" to "necessary" and would
8 redefine the circumstances under which a homicide by a peace officer is deemed justifiable to
9 include when the killing is in self-defense or the defense of another, consistent with the
10 existing legal standard for self-defense, or when the killing is necessary to prevent the escape
11 of a fleeing felon whose immediate apprehension is necessary to prevent death or serious
12 injury; and

13 WHEREAS, SB 230 sets forth training requirements which complement the update to
14 the use-of-force standard in AB 392, the two bills complement one another and represent a
15 comprehensive solution to police use of deadly force in California; now, therefore, be it

16 RESOLVED, That the City and County of San Francisco Board of Supervisors urges
17 the California Legislature and Governor Newsom to support and pass California State
18 Assembly Bill No. 392; and, be it

19 FURTHER RESOLVED, That the City and County of San Francisco Board of
20 Supervisors directs the Clerk of the Board to transmit this resolution to the California State
21 Legislature and Governor Gavin Newsom.



City and County of San Francisco

Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 190256

Date Passed: May 07, 2019

Resolution supporting California State Assembly Bill No. 392, introduced by Assembly Members Shirley Weber and Kevin McCarty, co-authored by Assembly Members Chris Holden and Mark Stone, and California State Senators Steven Bradford and Holly Mitchell, California Act to Save Lives: incorporating policing best practices that authorizes police officers to use deadly force only when it is necessary to prevent imminent and serious bodily injury or death and to require de-escalation methods whenever possible.

April 25, 2019 Public Safety and Neighborhood Services Committee - RECOMMENDED

May 07, 2019 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

May 07, 2019 Board of Supervisors - ADOPTED AS AMENDED

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Walton and Yee

Noes: 1 - Stefani

File No. 190256

I hereby certify that the foregoing Resolution was ADOPTED AS AMENDED on 5/7/2019 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Unsigned

London N. Breed
Mayor

5/17/2019

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.



Angela Calvillo
Clerk of the Board

5/17/2019

Date