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PRESS RELEASE

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CA Police Chiefs Say Proposed Use-of -Force Legislation Jeopardizes Public Safety

SACRAMENTO – Earlier this week, Assemblymember Shirley Weber (D-San Diego) and Assemblymember Kevin McCarty (D-Sacramento) announced they would be introducing legislation that would raise the standard for legal review, in hindsight, of an officer’s decision to use force. As police chiefs, we are both concerned about the repercussions of this change for public safety, and about the process whereby this legislation was introduced.

Without knowing the details of the legislation, which has yet to be introduced or shared with our association, we understand from media reports that the intent is to raise the use-of-force standard for engagement above what the courts have established as when an officer reasonably perceives a threat to life. A higher standard means officers would have to delay, second-guess their decision, wait to pursue, or otherwise employ a checklist during rapidly advancing and extraordinarily dangerous situations. This only complicates the already complex split-second decisions required by officers in a deadly force situation.

This proposal will put our communities at greater risk. For example, if a man with a knife is running toward a crowd, this could force an officer to delay taking action until they’ve issued multiple commands, witnessed the suspect attack a bystander, or wait for backup to arrive, all the while allowing the threat to persist.

To be clear, we are willing to be a part of a dialogue regarding use-of-force, but in this case, we were not asked. To date, we have not seen any language, fact sheet, outline, or any details about the policy change. At no point did the authors ask us to participate in a discussion around the issue, or assist in the drafting of legislation. Regardless, we are still willing to find collaborative approaches to building trust in our communities. However, a shift in a well-established legal standard is a dangerous approach.

Any loss of life is a tragedy. Officers are expected to protect life in every instance, and our policy and training is set to accomplish that goal. However, policy and training are different than a legal standard meant to judge, in hindsight, how an officer reacted in a split-second to a dangerous situation. In that case, we must recognize the inherent uncertainty of those moments, which is why we have a current legal standard that measures these reactions against what we can expect from any reasonable person, trained as a peace-officer, and under those circumstances. Anything above this puts our officers in almost an untenable position, which in turn places everyone in danger.

As an association, we are committed to working with legislative leaders and community groups to explore solutions that ensure the rights of every individual and protect the public.

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