**From:** [redacted]@ci.pomona.ca.us
**To:** [redacted]@ci.pomona.ca.us
**Sent:** 8/26/2019 7:07:15 AM
**Subject:** AB 392 - Use of Deadly Force
**Importance:** High

Greetings,

Please read the below information on **AB 392 – Use of Deadly Force.**

**SUPERVISORS:** Please review this information with your personnel and log the training within your monthly report.

***View as Webpage***

# President's Message

Dear PORAC Member,

After hearing numerous inaccurate reports from media outlets throughout the state and the nation following the passage of AB 392, as well as many inquiries from PORAC members, I wanted to set the record straight regarding the facts about AB 392.

After years of discussions and negotiations to ensure the law enforcement community's voice has been heard, on Monday, August 19, AB 392 was signed into law. AB 392 provides an update to California's legal standard for when force can be used, bringing it in line with the Supreme Court standard already employed by most law enforcement agencies and departments.

Our law enforcement coalition members, legal advisors and legislative advocates worked tirelessly to protect California Law Enforcement Officers. I want all of our members to be aware that the ACLU and Dr. Shirley Weber were not successful in changing the standard to evaluate the use of deadly force from "***reasonably objective***" to "***necessary***". Our legislative team, along with the leadership of the law enforcement coalition, were successful in making numerous amendments to AB 392 to prevent the adoption of any language that would criminalize officers for the split-second life-or-death decisions officers face on a daily basis. The previous version of AB 392 that attempted to change the definition to "*necessary*"
is not in the final version of the bill.

## ***AB 392 Legal Analysis***

*The amended version of the bill states that an officer can use deadly force: "only when the officer* ***reasonably*** *believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons – (c)(1)":*
*• "To defend against an imminent threat of death or serious bodily injury to the officer or to another person." (c)(1)(A)*

*• "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" (c)(1)(B)*
The language above is consistent with current case law. It will now be codified in California law. AB 392 will ***not*** significantly impact the way law enforcement performs their daily jobs as the bill still retains the "***reasonableness***" standard set forth in the Supreme Court's 1989 ***Graham v. Connor*** ruling.

Please, before you listen to legislative analysis from another officer, deputy or the media, in the future please contact your local association leadership

for a more in-depth and accurate insight.

**Brian R. Marvel**
**PORAC President**

## *Click Here* to read a full analysis on AB 392

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***Scott Hess***
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