

**CITY OF FONTANA  
POLICE DEPARTMENT  
Administrative Services Division**

**MEMORANDUM**

**TO:** All Sworn Personnel, via Chain of Command  
**FROM:** Sabrina Vega, Training Specialist  
**DATE:** January 8, 2020  
**SUBJECT:** Roll Call Training – AB 392 and Peace Officer Use of Force Standards

Attached is a copy of the Use of Force Standards as listed on the POST website. AB 392, effective January 1, 2020, amends the language listed in several statutes.

Additional training will be provided during annual training in April 2020.

# AB 392 and Peace Officer Use of Force Standards

## Background

On August 19, 2019, Governor Newsom signed AB 392 which both redefines the circumstances under which a homicide by a peace officer is deemed justifiable and affirmatively prescribes the circumstances under which a peace officer is authorized to use deadly force to effect an arrest, to prevent escape, or to overcome resistance.

## Affected Statutes

AB 392, effective January 1, 2020, amends the language of the following statutes and includes:

### **Penal Code 196 PC**

The circumstances of justifiable homicide change from when "overcoming actual resistance to the execution of some legal process or in the discharge of any other legal duty" to "the homicide results from a peace officer's use of force that is in compliance with PC 835a."

### **Penal Code 835a PC**

PC 835a(a) added to reflect legislative intent including:

Use of force authority conferred on peace officers is a serious responsibility.

Deadly force should be used only when necessary.

Use of force decisions are to be evaluated carefully and from a "reasonable officer" perspective.

Individuals with disabilities may be affected in their ability to understand or comply with peace officer commands.

PC 835a(b) amends reasonable force standard to "objectively reasonable force"

PC 835a(c)(1) amends deadly force standards to include "totality of the circumstances" when:

defending against imminent threat of death or serious bodily injury

apprehending fleeing persons for felony

involving threatened or actual death or serious bodily injury

immediate apprehension is reasonably believed to be needed

requires, when reasonable, that officers identify themselves and warn of intent to use force

PC 835a(c)(2) includes prohibition on using deadly force against persons who pose a danger only to themselves.

PC 835a(d) amends self-defense language to include objectively reasonable force.

PC 835a(e) added definitions for deadly force, imminent, and totality of the circumstances.

### Contact Us

For further information, please contact your Regional Consultant

### Additional Resources

#### AB 392

"AB 392: California's New Use of Force Standard" Video

Available on Learning Portal (recommended for CA POST agency personnel to receive notation on POST Profile)

Available on POST Website (identical video to that on the Learning Portal)

AB 392 Use of Force Update course, 2-hours, Course #33888

Expanded Course Outline (pdf)

"Use of Force: Totality of the Circumstances" Training Video (2017)

Current Statutes:

PC 196

PC 835a