

RESOLUTION NUMBER R- 312464

DATE OF FINAL PASSAGE MAY 31 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO SUPPORTING CALIFORNIA STATE ASSEMBLY
BILL 392: CALIFORNIA ACT TO SAVE LIVES.

WHEREAS, on March 11, 2019, City Council approved the 2019 State and Federal
Legislative Platform (Platform) for the City of San Diego (City); and

WHEREAS, the Platform defines the City's policy guidelines and provides a means to
protect and advance the City's interests on priority issues, legislative and regulatory matters on
the federal and state level, and, to a degree, on legislative and regulatory matters at the regional
and local levels; and

WHEREAS, the Platform includes priorities in support of public safety on both a state
and federal level (Platform Focus 5); and

WHEREAS, the Platform supports state legislation that will strengthen community and
law enforcement relationships and fund programs designed to enhance transparency and foster
positive interactions with law enforcement, helping to raise the trust and confidence of the
communities they serve while addressing crime effectively; and

WHEREAS, according to the California Department of Justice, in 2017, the last full year
for which statistics are available, use of force by California police officers lead to the deaths of
172 people, half of whom did not have a gun (<https://openjustice.doj.ca.gov/2017/use-of-force>);
and

WHEREAS, of the unarmed people that lost their lives due to use of force by California
police officers, three out of four were people of color (<https://openjustice.doj.ca.gov/2017/use-of-force>); and

WHEREAS, under the current California Penal Code section 196, police officers can use deadly force regardless of whether it is necessary to prevent death or serious bodily injury; and

WHEREAS, California's law governing when a homicide by an officer is "justified" fails to include policing best practices recommended by law enforcement organizations, including the United States Department of Justice under President Obama and, most recently, by the California Department of Justice, as being effective in preserving life while also allowing police officers the latitude they need to ensure public safety. and

WHEREAS, California State Assembly Bill 392 (California Act to Save Lives) authored by Assembly Members Shirley Weber and Kevin McCarty redefines the circumstances under which a homicide by a police officer is deemed justifiable to include when it is done in self-defense or in defense of another, consistent with the existing legal standard for self-defense, or when it is necessary to prevent the escape of a fleeing felon whose immediate apprehension is necessary to prevent death or serious injury; and

WHEREAS, AB 392 would bar the use of the self-defense justification if the police officer acted in a criminally negligent manner that caused the death, including if the police officer's criminally negligent actions created the necessity for the use of deadly force; and

WHEREAS, AB 392 would ensure California law is consistent with policing best practices to avoid unnecessary police shootings and ensure community safety by providing a clear definition for when officers are permitted to use deadly force; NOW, THEREFORE,

BE IT RESOLVED, that the City of San Diego urges the California Legislature to pass and Governor Newsom to sign into law the California State Assembly Bill 392.

BE IT FURTHER RESOLVED, that the City Clerk shall send a copy of the approved Resolution to the following: Governor Gavin Newsom, Office of the Governor of the State of California and the California State Legislature.

APPROVED: MARA W. ELLIOTT, City Attorney

By Catherine Morrison
Catherine C. Morrison
Deputy City Attorney

CCM:jvg
April 26, 2019
05/09/19 COR. COPY
05/15/19 REV. COPY
Or.Dept:City Council
Doc. No.: 2003793_3

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 14 2019.

ELIZABETH S. MALAND
City Clerk

By Hy Buel
Deputy City Clerk

Approved: _____
(date)

KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

(Note: This resolution was returned unsigned by the Mayor's Office to the Office of the City Clerk on May 31, 2019. Pursuant to the San Diego Charter Section 295(a)(2), the Mayor has 10 business days from the date the resolution was transmitted to sign or veto the resolution, said deadline being close of business on May 31, 2019. Therefore the date of expiration of that time shall be deemed the date of its final passage.)

Passed by the Council of The City of San Diego on MAY 14 2019, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 31 2019.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Hy Bready*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- <u>312464</u>