

CHAPTER 3
REPORTS OF INCIDENTS—USE OF FORCE
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CHAPTER 3
REPORTS OF INCIDENTS—USE OF FORCE

1. REPORTING INCIDENTS INVOLVING USE OF FORCE.

a. Purpose. The purpose of the CHP 275, Risk Management Use of Force Report, is to gather statistical data in order to conduct trend analyses, as well as to report specified Use of Force (UOF) incidents in accordance with state and federal reporting requirements pursuant to Section 12525.2 of the California Government Code. The CHP 275 shall be completed in addition to any UOF documentation required in Highway Patrol Manual (HPM) 70.6, Officer Safety Manual, and General Order (GO) 100.39, CHP 202, Driving Under the Influence Arrest-Investigation Report, and CHP 216, Arrest – Investigation Report. The CHP 275 is subject to the California Public Records Act in compliance with departmental guidelines.

b. Reporting Use of Force Incidents. A CHP 275 shall be completed when any force is used by a peace officer to overcome physical resistance from a subject or when an officer is assaulted by a subject which meets the criteria detailed in paragraph 1.b.(3) of this chapter. Instructions on completing the CHP 275 may be accessed from a hyperlink located near the top of the CHP 275.

(1) General. One CHP 275 is to be completed for an entire custodial event resulting in use of force regardless of different locations, the number of departmental personnel, allied agency personnel, subjects, and witnesses during that incident. Appropriate roles shall be designated on the form.

(a) The date and time of the incident shall be the date and time in which the first use of force occurred by either an officer or a subject.

(b) In the event a sworn member of the Department exercises peace officer powers and uses force while off-duty, a CHP 275 shall be completed.

(c) In the event a departmental K-9 was deployed, the person preparing the CHP 275 should contact the division's K-9 supervisor to ensure that the K-9 deployment is properly documented.

(2) Exceptions to Reporting. The following are incidents where the completion of a CHP 275 is not required:

(a) When a departmentally approved handcuffing technique is used on a cooperative and compliant subject.

(b) When a subject sustains an accidental injury or exhibits an unrelated illness during the course of the enforcement contact.

(c) When the subject is scratched with a handcuff while placing a compliant subject into custody.

(d) When an impact or a projectile weapon is used as a tool to gain access to an uncooperative subject (e.g., break a vehicle's window with a Rapid Containment Baton [RCB] or 12-gauge shotgun with kinetic energy munition).

(e) The display or threatened use of an available UOF option.

(3) Assaults on Officers. In order to comply with the requirements set forth in Section 12525.2 of the Government Code, Commands shall report the following instances utilizing a CHP 275 (even if there was no use of force utilized in response to the assault):

(a) When a subject assaults an officer employed by the Department and the assault results in serious or fatal injuries to the officer.

(b) When a subject discharges a firearm at an officer employed by the Department, whether the officer was struck or not.

c. Reporting Use of Force Incidents for Crowd Control. The Department is mandated to post on the Department's internet Website a summary of all incidents in which a kinetic energy projectile or chemical agent was deployed for the purpose of crowd control. In order to comply with the requirements set forth in Section 13652.1(a) of the Penal Code, the CHP 275C, Risk Management Use of Force for Crowd Control Report, has been created. This form is embedded within the CHP 275 and can only be generated after information from an associated CHP 275 is entered. Detailed instructions on completing the CHP 275/CHP 275C may be accessed from a hyperlink located near the top of the CHP 275.

(1) General. For each incident reported, the summary shall be limited to information known to the Department at the time of the report and shall include the following:

(a) A description of the assembly, protest, demonstration, or incident, including the approximate crowd size and the number of officers involved.

(b) The type of kinetic energy projectile or chemical agent deployed.

(c) The number of rounds or quantity of chemical agent dispersed, as applicable.

(d) The number of documented injuries as a result of the kinetic energy projectile or chemical agent deployment.

(e) The justification for using the kinetic energy projectile or chemical agent, including any de-escalation tactics or protocols and other measures that were taken at the time of the event to de-escalate tensions and avoid the necessity of using the kinetic energy projectiles or chemical agents.

(2) The CHP 275C shall only be completed when a kinetic energy projectile or chemical agent is used for crowd control purposes to disperse an assembly, protest, or demonstration as described in Section 13652(b) of the Penal Code.

(3) In the event a kinetic energy projectile or chemical agent is used for purposes other than crowd control, the incident would be documented on a CHP 275 and no CHP 275C would be completed.

d. Timeline for Completing the CHP 275/CHP 275C. As soon as practical after a UOF incident, a supervisor or acting sergeant with direct knowledge of the incident shall complete a CHP 275/CHP 275C. This does not include an Officer In Charge (OIC).

(1) A completed CHP 275/CHP 275C shall be routed by the Command to the appropriate Division within seven calendar days of the date of the incident. Division shall review the CHP 275/CHP 275C and route the report to Employees Health and Wellness Section (EHWS), Risk Management Unit (RMU), within seven calendar days from the date of receipt by the Command.

(2) In those instances when the CHP 275/CHP 275C cannot be completed in the aforementioned time frame due to extenuating circumstances, Commands and/or Divisions shall notify RMU of the delay via e-mail to RiskManagementUnit@chp.ca.gov. The completed CHP 275/CHP 275C shall then be routed to RMU as soon as possible.

e. Reviewing and Approving. All employees in the chain of review shall document their review of the report utilizing the "Routing Log" contained within the CHP 275/CHP 275C. Detailed instructions on reviewing and approving the CHP 275/CHP 275C may be accessed from a hyperlink located near the top of the CHP 275.

(1) In the event that a departmental K-9 was deployed, the division's risk management coordinator shall ensure that the division's K-9 supervisor reviewed the CHP 275 prior to the document being approved and routed to RMU.

f. Routing. A CHP 275/CHP 275C shall only be routed through the Risk Management Reports folder system. This will allow for improved efficiency and

accountability in the routing and review process of the form(s). Detailed instructions on routing the CHP 275/CHP 275C may be accessed from a hyperlink located near the top of the CHP 275.