

CHAPTER 1
USE OF FORCE
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CHAPTER 1

USE OF FORCE

1. INTRODUCTION. For this chapter, all uniformed members of the CHP will be referred to as officer(s). The purpose of this chapter is to provide departmental employees with a use of force policy that is concise, easily understood, and consistent with prevailing law. The Department recognizes the use of force is a serious responsibility that shall be exercised judiciously with respect for human rights and dignity, and for the sanctity of every human life. This policy recognizes the use of force by law enforcement requires constant evaluation. Even at its lowest level, the use of force is a serious responsibility.

- a. Each officer is expected to utilize the following principles to make decisions to use force in a professional, fair, unbiased, and objectively reasonable manner, based on the facts and totality of the circumstances perceived by the officer at the time of the event.
- b. This policy shall govern and direct the application of the Department's use of force policies, procedures, and regulations. This chapter shall supersede any other departmental publication in regard to the use of force.

2. DEFINITIONS.

- a. Objective Reasonableness. The legal standards used to determine the lawfulness of a use of force is the Fourth Amendment to the U.S. Constitution, Section 835a of the California Penal Code (PC), and *Graham v. Connor*, 490 U.S. 386 (1989).
- b. Section 835a(a)(2) PC states, in essence, that peace officers use deadly force only, when necessary, in defense of human life. In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case, and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer. Graham states, in essence, that any use of force must be objectively reasonable under the totality of the circumstances. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation. Therefore, the test of reasonableness is not capable of a precise definition or mechanical application. The force must be objectively reasonable under the

circumstances known to the officer at the time force was used. Therefore, the Department examines all uses of force from an objective standard rather than a subjective standard.

c. The Graham Factors. The Graham decision specified three primary factors (the Graham factors) to assist in determining reasonableness. While not all inclusive, these factors assist in evaluating the reasonableness of a use of force incident when considering “the totality of the circumstances.” These factors are:

- (1) Severity of the crime at issue.
- (2) Whether the subject poses an immediate threat to the safety of the officer(s) or others.
- (3) Whether the subject is actively resisting arrest or attempting to evade arrest by flight.

d. Totality of the Circumstances. Pursuant to Section 835a(e)(3) PC, the totality of the circumstances means all facts known to the peace officer at the time, including the conduct of the officer and subject leading up to the use of force.

e. Feasible. Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

f. Imminent. Section 835a(e)(2) PC states: “A threat of death or serious bodily injury is ‘imminent’ when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.”

g. Immediate. Present, at once, without delay, not deferred by any interval of time.

h. De-Escalation. De-escalation is the process of using strategies and techniques intended to decrease the intensity of the situation.

i. Nondeadly Force. Nondeadly force is any force likely to have minimal risk of causing injury to the subject.

j. Intermediate Force. Intermediate force is any force likely to have significant risk of causing injury to the subject.

k. Deadly Force. Deadly force means any use of force that creates a substantial risk of causing death or serious bodily injury, but is not limited to, the discharge of a firearm.

l. Positional Asphyxia. As defined per Section 7286.5 of the California Government Code, "positional asphyxia" means situating a person in a manner that compresses their airway and reduces the ability to sustain adequate breathing. This includes, without limitation, the use of any physical restraint that causes a person's respiratory airway to be compressed or impairs the person's breathing or respiratory capacity, including any action in which pressure or body weight is unreasonably applied against a restrained person's neck, torso, or back, or positioning a restrained person without reasonable monitoring for signs of asphyxia.

m. Subject Resistance Type. While not all inclusive, these subject resistance types provide a fundamental guide for categorizing commonly observed subject resistance:

(1) Cooperative. Subject offers no resistance.

(2) Passive Non-Compliance. Does not respond to verbal commands but also offers no physical form of resistance.

(3) Active Resistance. Physically evasive movements to defeat an officer's attempt at control, including bracing, tensing, running away, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.

(4) Active Resistance with Threat of Harm. Verbal or physical indicators with the intent to harm the officers or others.

(5) Assaultive. Aggressive or combative, attempting or threatening to assault the officer or another person, or spitting at officer/other.

(6) Life-Threatening. Any action likely to result in serious injury or possibly the death of the officer or another person.

3. FORCE OPTIONS. Selecting the appropriate force option is the decision of the officer. It is not necessary to move progressively from one option to the next while escalating or de-escalating the degree of force utilized. While it is an objective of every law enforcement encounter to minimize injury to everyone involved, officers need not wait for injury to occur to themselves or the public before taking action to prevent it. Any officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to affect the arrest, prevent escape, or to overcome resistance. An officer may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

- a. Control Holds. Force utilized to take physical control of a subject by the use of techniques designed to prevent or restrict movement or resistance.
- b. Personal Weapons. Force in which the officer utilizes parts of their body (e.g., hands, elbows, knees, and feet).
- c. Aerosol Subject Restraint. Intermediate force in which the officer utilizes aerosol subject restraint.
- d. Impact Weapons. Force in which the officer utilizes an impact weapon to strike a subject (e.g., baton). An impact weapon may also be a nondeadly force when used as a control mechanism, which is likely to have minimal risk of causing injury to a subject (e.g., baton).
- e. Electronic Control Device. Intermediate force in which the officer utilizes an electronic control device.
- f. Kinetic Energy Weapons. Intermediate force in which the officer utilizes a kinetic energy weapon to discharge kinetic energy projectiles (e.g., 12-gauge shotgun with kinetic energy projectiles, 37mm and 40mm launchers).

(1) Kinetic Energy Weapon Use During Civil Disturbances. Except as otherwise provided in Section 13652(b) PC, kinetic energy projectiles and chemical agents shall not be used to disperse any assembly, protest, or demonstration. Kinetic energy projectiles and chemical agents shall only be deployed by a peace officer that is a Special Response Team certified grenadier, and that has received training on their proper use by the Commission on Peace Officer Standards and Training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including any peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control, and only in accordance with all of the following requirements:

(a) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.

(b) Repeated audible announcements are made announcing the intent to use kinetic energy projectiles, chemical agents and/or the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate. Grenadiers should loudly and clearly verbalize the type of specialty projectile being deployed to all persons on scene (e.g., "Foam Baton," "Bean Bag," "Gas") prior to firing or deploying chemical agents.

(c) Persons shall be given an objectively reasonable opportunity to disperse and leave the scene.

(d) An objectively reasonable effort has been made to identify persons engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of persons.

(e) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.

(f) Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.

(g) An objectively reasonable effort has been made to extract individuals in distress.

(h) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.

(i) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.

(j) Kinetic energy projectiles or chemical agents shall not be used solely due to any of the following:

- 1 A violation of an imposed curfew.
- 2 A verbal threat.
- 3 Noncompliance with a law enforcement directive.

(k) Prior to each deployment of kinetic energy projectiles or chemical agents, the grenadier shall be able to articulate the resistance of the person or crowd, the crime being committed, and the specific threat to themselves, law enforcement officer(s), or the public.

4. POLICY.

a. Use of Force—General. It is the policy of the Department that officers may use force which is objectively reasonable to defend themselves or others, affect an arrest or detention, prevent escape, or overcome resistance. An officer may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance. An officer who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested. An officer shall not be deemed an aggressor or lose the right to self-defense by the use of objectively reasonable force to affect the arrest, prevent escape, or overcome resistance. Officers need not wait for injury to occur to themselves or the public before taking action to prevent it. It is recognized that circumstances may arise in which officers reasonably believe it is impractical or ineffective to use any of the standard tools, weapons, or methods provided by the Department. Officers may find it more effective or practical to improvise their response to tense, uncertain, and rapidly evolving conditions by using any tool, method, or weapon of opportunity. While policy cannot realistically predict every possible situation, the decision regarding which force option to select should be guided by the following key principles:

- (1) Sound professional judgment and critical decision making.
- (2) Use of force that is objectively reasonable based on the totality of the circumstances perceived by the officer at the time, as provided by law, and in conformance with departmental policy.

b. De-Escalation.

- (1) Officer Demeanor. An officer's demeanor, while not considered a use of force option, is usually sufficient to control most situations. Demeanor is the method by which officers conduct themselves, and includes bearing, appearance, physical condition, and overall command presence.
- (2) At times, policing requires an officer exercise control of a violent or resisting subject to make an arrest or to protect the officer, other officers, or members of the community from risk of harm. While not every potential violent confrontation can be de-escalated, officers do have the ability to impact the direction and the outcome of many situations they handle, based on sound decision-making and the tactics they employ.

(a) When safe and feasible under the totality of circumstances, officers are required to utilize de-escalation techniques, crisis intervention tactics, and other alternatives to force. Officers should assess the risks and consider actions that may slow a situation's momentum or prevent the need to utilize a higher level of force. This would include utilizing effective

communication tools (e.g., advisements, warnings, verbal persuasion, and other tactics) and/or employing additional resources (e.g., additional officers or mental health specialists).

(3) The prospect of a favorable outcome is often enhanced when supervisors become involved in the management of an overall response to potential violent encounters by coordinating resources and officers' tactical actions.

(4) Ultimately, the decision by an officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force (Section 835a PC).

c. Nondeadly Force. An officer is justified in using nondeadly force to gain compliance or control of a subject when it is objectively reasonable under the totality of the circumstances. Nondeadly force includes, but is not limited to, control holds and personal weapons. (Departmentally approved handcuffing techniques on a compliant subject does not constitute a use of force.)

d. Intermediate Force. An officer is justified in using intermediate force when the subject presents an immediate threat of harm to the officer(s) or others and the use of such force is objectively reasonable under the totality of the circumstances. Intermediate force includes, but is not limited to, electronic control device, impact weapons, aerosol subject restraint, and kinetic energy projectiles.

(1) Flight.

(a) While it is relevant, flight alone is not the only factor to be taken into consideration. In addition to flight, officers shall consider:

1 The severity of the crime.

2 Whether the subject poses an immediate threat to officers or others.

3 The officer-to-subject factors and environmental factors (e.g., lighting, footing, weather).

e. Deadly Force. An officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary to defend against an imminent threat of death or serious bodily injury to the officer or to another person. In determining whether deadly force reasonably appears to be necessary, officers shall evaluate

each situation in light of the particular circumstances of each case. If reasonably safe and feasible to do so, officers shall use other available resources and techniques.

(1) Self-Defense and/or Defense of Others.

(a) To defend against an imminent threat of death or serious bodily injury to the officer or to another person.

(b) In self-defense while an assault with a deadly weapon (ADW) with a vehicle **is actually being committed**. Officers shall not stand and/or step directly in front of or directly behind a vehicle in an attempt to impede its movement (prevent escape), intentionally creating circumstances where use of deadly force appears to be necessary. The primary tactical consideration should be for officers to move out of the path of a vehicle whenever such movement is reasonably possible. **Once an officer no longer perceives a threat, deadly force is no longer justified.**

(2) Apprehension.

(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.

(b) Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

(c) Following an ADW with a vehicle, where an officer reasonably believes serious bodily injury or death has occurred, an officer may utilize deadly force when necessary to apprehend a person, if the officer reasonably believes the person will cause serious bodily injury or death to another unless immediately apprehended.

(d) Deadly force for apprehension of a person shall be used only when all other reasonable means of apprehension have been exhausted and, if under the totality of the circumstances perceived by the officer, the use of a firearm is not likely to endanger innocent persons.

(3) An officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another.

(4) Warning shots shall not be fired except under the same conditions which authorize the use of deadly force against a human being and only if the firing of such shots is not likely to endanger innocent persons.

5. USE OF FIREARMS.

a. Restriction. Officers shall not discharge a firearm in the course of employment except as permitted in this chapter or for training purposes.

b. Drawing or Pointing a Firearm at a Person. An officer may draw or point a firearm at a person when objectively reasonable based on the totality of the circumstances.

c. Finger Placement. Officers should not place their finger on the trigger of any firearm during a tactical situation except under the following circumstances:

(1) When actually firing the firearm.

(2) When the firearm is pointed at an identified target and the use of deadly force is justified.

d. Discharge of Firearm. An officer may discharge their firearm when objectively reasonable based on the totality of the circumstances. Officers should consider their surroundings and potential risks to bystanders before discharging a firearm.

(1) Shooting at a Vehicle. Firearms, when discharged at a vehicle, moving or stationary, shall be done in accordance with this chapter.

(a) The discharge of a firearm at a wrong-way, high-speed, or reckless driver or vehicle solely on the assumption that other persons may be injured or killed unless the driving act is terminated is not authorized.

(2) Shooting from a Vehicle. Firearms, when discharged from a departmental vehicle, moving or stationary, shall be done in accordance with this chapter.

(3) Shooting from an Aircraft. Firearms shall not be discharged from a departmental aircraft except in accordance with this chapter and only when the aircraft is not in flight.

6. USE OF FORCE MEDICAL CARE REQUIREMENTS.

a. Following a use of force incident which an officer reasonably believes has resulted in injury, and once officer safety is no longer a concern, they shall provide

medical care within their scope of practice and/or arrange for further medical care by emergency medical services personnel or a medical care facility.

b. If required, subjects may be transported to a medical care facility in a patrol vehicle or ambulance for medical care or clearance.

c. Officers shall arrange for a medical examination whenever a subject requests or appears to be in need of medical attention regardless of outward symptoms of illness or injury.

7. NOTIFICATION AND REPORTING PROCEDURES.

a. Officer Responsibility. Officers shall notify their supervisor as soon as practical after a use of force incident.

(1) All incidents involving the use of force shall be thoroughly documented in accordance with General Order (GO) 100.39, CHP 202, Driving Under the Influence Arrest – Investigation Report, and CHP 216, Arrest – Investigation Report, and Annex A of this chapter. Documentation shall include the following:

(a) The totality of circumstances surrounding the use of force.

(b) Method(s) of force used.

(c) De-escalation strategies and techniques.

1 Any use or attempted use of de-escalation strategies and techniques.

2 If de-escalation strategies and techniques were not used, an explanation of why it was not feasible to do so shall be documented in the arrest report.

(d) What, if any, medical assistance was rendered.

(e) When a subject requests or is provided medical attention, the arrest reports shall include, if applicable, the following additional information:

1 Nature of illness or injury.

2 Name of attending doctor and their recommendations.

3 A copy of the subject's discharge paperwork from the medical facility.

4 A notation the detention facility was advised of the subject's alleged or apparent injury.

5 Whether jail personnel were requested to arrange for medical care.

6 When pertinent, include time elements, symptoms, requests for aid by the subject(s), and details of the transportation and treatment.

(f) All medical care provided by CHP employees shall be documented in the officer's report and in accordance with Highway Patrol Manual (HPM) 70.2, Emergency Medical Services Manual.

(2) Officers who are involved in a use of force incident, but are not the arresting officer, shall complete a supplemental report to the arresting officer's report.

b. Reporting Policy—Discharge of Firearms.

(1) In the event of a reportable firearm discharge, the discharge shall be reported to a supervisor as soon as the situation is stabilized.

(2) The following discharge of firearms incidents shall be reported:

(a) The intentional discharge of any firearm by an officer while on duty.

(b) The intentional discharge of any firearm by an officer while off duty in the direction of, or causing injury to, any person, or toward the property of another person without their specific permission.

(c) Accidental discharge of **any** firearm while on duty.

(d) Off-duty accidental discharges of any firearm that may be carried concealed under the authority of California peace officer status.

(e) Warning shots fired by an officer while off duty in an attempt to apprehend a person for any crime.

(f) The intentional or accidental discharge of a firearm by a nonuniformed employee while on duty.

c. Exceptions to the Above Reporting Procedures.

(1) Training, qualification, or shooting competition (other than accidental).

(2) Lawful hunting activities which do not result in injury to any person or cause damage to another person's property.

(3) Shooting of animals in accordance with policy outlined in Chapter 2, Discharge of Firearms at Animals, of this manual.

(4) The discharge of any firearm, including accidental, while performing duties directly related to service in the U.S. Armed Forces.

d. Supervisor Responsibility. Supervisors shall ensure the following:

(1) An investigation is conducted and documented.

(2) The incident is accurately and thoroughly documented in accordance with HPM 100.86, Risk Management Manual, and Annex B of this chapter.

8. INVOLVEMENT IN OR WITNESSING EXCESSIVE FORCE.

a. Officer Responsibility/Duty to Intercede. An officer shall take immediate action and intercede when present and observing another officer using force beyond which is reasonable, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility other officers may have additional information regarding the threat posed by a subject. Interceding includes, but is not limited to, the following:

(1) Verbally/physically stopping the excessive use of force.

(2) Recording the excessive use of force if equipped with a body-worn camera or, if feasible, on the wireless mobile video audio recording system or mobile video audio recording system.

(3) Documenting both verbal and physical efforts to intercede.

(4) Documenting efforts to de-escalate the offending officer's excessive use of force.

(5) Confronting the offending officer about the excessive force during the use of force incident.

(6) Reporting the officer's name, Unit, location, time, and situation to dispatch for the on-duty supervisor in order to establish a duty to intercede.

(7) The officer's actions shall be reasonable and prudent based upon the circumstances.

(8) Following the incident, the officer shall immediately notify a CHP supervisor and submit a report thoroughly documenting the events in accordance with GO 100.39, CHP 202, Driving Under the Influence Arrest – Investigation Report, and CHP 216, Arrest – Investigation Report.

b. Nonuniformed Employees. Nonuniformed employees who are percipient eyewitnesses to an incident as it is happening and believe it involves excessive force or a violation of the Department use of force policy shall notify a CHP supervisor. Nonuniformed employees are not required by oath of office or law to physically intercede.

c. Supervisor and Manager Responsibility. Supervisors and managers are responsible for ensuring:

(1) A supervisor or manager shall respond to the scene of an incident of excessive use of force as soon as practical when notified.

(2) Accurate reporting shall be thoroughly documented in accordance with HPM 100.86.

(3) An investigation is conducted and documented.

(4) These guidelines are followed whether such incidents involve the CHP, an allied agency, or both.

(5) Investigation of incidents involving allied agencies shall be coordinated at the appropriate Division level.

(6) Departmental employees who report a suspected use of excessive force shall be free from any retaliation. Retaliation, in any form, will constitute a violation of departmental policy and law, and may result in adverse action.

9. QUARTERLY AND ANNUAL REVIEW REQUIREMENTS.

a. All uniformed employees are required to review this chapter quarterly.

b. All uniformed employees at the rank of captain and below are required to complete the Quarterly Review and Training assessment of the following chapters of this manual on a quarterly basis:

(1) Chapter 1, Use of Force.

(2) Chapter 2, Discharge of Firearms at Animals.

(3) Chapter 26, Aerosol Subject Restraint.

(4) Chapter 28, 12-Gauge Shotgun with Kinetic Energy Projectiles.

(5) Chapter 29, Electronic Control Device.

c. The Academy, Tactical Training Program, shall review this chapter on an annual basis to ensure the Department's policies and procedures reflect current statutory and case law.

ANNEX A

USE OF FORCE REPORT WRITING GUIDE

1. GUIDE TO DOCUMENT RESPONSE TO RESISTANCE. This guide is intended to assist officers in completing a use of force report. The report should be organized into three separate acts: Pre-Event, Event, and Post-Event. These headings are only to provide the structure for a well-documented and chronological report, and are not to be utilized in the report.

a. Pre-Contact.

(1) Date and Time of the Incident.

- (a) Nature of call.
- (b) Call for service/flag down/on-view.
- (c) Document key elements of the case and be descriptive.

(2) For a call-out incident, document the following:

- (a) Time the officer was notified of the incident.
- (b) Time the officer arrived at the incident.
- (c) Description of the initial call of the incident.
- (d) Officer's location at the time of the incident.
- (e) Document any updates of the original incident while in response.

(3) Officer Uniform.

- (a) Document the officer's uniform and whether it was clearly marked.

1 Was the officer wearing a rain jacket or anything which could cause confusion?

(4) Officer Patrol Vehicle.

- (a) Document which patrol vehicle was utilized during the incident.
- (b) Document whether the patrol vehicle was marked or unmarked.

ANNEX A

USE OF FORCE REPORT WRITING GUIDE (*continued*)

(5) Location of Incident and Scene Description.

(a) Document any environmental factors.

- 1 Lighting (e.g., streetlights, headlights, ambient moonlight).
- 2 Weather (e.g., raining, snowing, foggy).
- 3 Terrain (e.g., wet, ice, loose gravel, uneven).
- 4 Location (e.g., known gang area, busy freeway, isolated area).
- 5 Additional threats (e.g., family members, angry public, dogs).

b. Contact—Pre-Use of Force.

(1) Document any key elements and be descriptive regarding the initial contact with the suspect(s).

- (a) Number of officers vs. number of suspects.
- (b) Age, size, gender, and strength of the suspect(s).
- (c) Demeanor of suspect(s).

(2) Document whether there is an immediate threat to the officer(s).

(a) Avoid using the following vague or general terms that lack clear articulation.

- 1 Assaultive.
- 2 Noncompliant.
- 3 Resistant.
- 4 Officer safety.
- 5 Suspicious activity.
- 6 Furtive movements.

ANNEX A

USE OF FORCE REPORT WRITING GUIDE *(continued)*

(b) Clearly articulate the actions and/or the behavior the suspect displayed before force was applied.

1 Specific verbal threats or statements toward the officer(s) or victim(s).

2 Ignoring commands from the officer(s).

3 Folding their arms or resisting being handcuffed.

4 Blading off, clenching their fists, or taking a fighting stance.

5 Walking away or pulling away from the officer(s).

6 Attempting to evade, flee, and/or hide.

7 Suspect(s) is known to have a violent history.

8 Suspect(s) has an unusual appearance for the area or clothing for the weather (e.g., little to no clothing in the winter or a heavy coat on in the summer).

(3) Document whether there is a possible mental illness or if there is possible drug use.

(4) Document whether there were any de-escalation strategies and techniques considered or attempted to decrease the intensity of the situation.

(a) Considerations/attempts to utilize time and distance to decrease the intensity of the situation.

(b) Considerations/attempts to calm the suspect.

(c) Considerations/attempts to utilize the following:

1 Bilingual officer.

2 Drug recognition expert.

ANNEX A

USE OF FORCE REPORT WRITING GUIDE (*continued*)

- 3 State or local health official.
 - 4 Any other resources known to the officer at the time of the situation to assist in de-escalating the intensity.
- (5) Document the results of the de-escalation strategies and techniques attempted.
 - (6) Document whether there were any weapons in close proximity to the suspect(s).
 - (7) Document whether the suspect has any special knowledge or skills (e.g., mixed martial arts, military).
 - (8) Document any prior contacts with the suspect(s) that were known at the time of the incident.
- c. Use of Force Application.
- (1) Document the reason for force application.
 - (a) Officer in defense of self.
 - (b) Officer in defense of others.
 - (c) Affect an arrest.
 - (d) Prevent escape.
 - (e) Overcome resistance.
 - (2) Document the force application and how it was used.
 - (3) Describe what force options were used in detail.
 - (4) Describe how the force option was used and the intent of the officer (e.g., to de-escalate).

ANNEX A

USE OF FORCE REPORT WRITING GUIDE (*continued*)

- d. Effect of the Use of Force Application.
 - (1) Document the effect of the force application.
 - (a) Did the suspect(s) comply and how did the suspect comply?
 - (b) Did the force option have no effect or even escalate the incident?
 - (c) Was another use of force option utilized on the suspect(s)?
 - 1 Document the reason(s) another force option was utilized.
- e. Post-Use of Force Application.
 - (1) Securement of the Scene and Suspect(s).
 - (a) Document how the suspect(s) was handcuffed.
 - (b) Document how many officers it took to handcuff the suspect(s).
 - (2) Document how the surrounding area was secured.
 - (3) Injury.
 - (a) Document injuries to the officer(s).
 - (b) Document injuries to the suspect(s).
 - (c) Document injuries to others.
 - (4) Medical Aid.
 - (a) Document how medical aid was rendered to the suspect(s) and/or the officer(s) once the scene was safe and secured.
 - (b) Ensure a CHP 330, Emergency Medical Report, is completed for each suspect.
 - (5) Notifications.
 - (a) Dispatch notification of the use of force and if there are injuries.

ANNEX A

USE OF FORCE REPORT WRITING GUIDE (*continued*)

- (b) Supervisor notification use of force was applied.
- (c) Medical personnel notification if needed at the scene.
- (6) Evidence.
 - (a) Obtain photographs of the officers and how they are clearly marked in their uniform.
 - (b) Obtain photographs of injuries to the victim(s), suspect(s) and officer(s) at the scene.
 - (c) Obtain photographs of the officer's injuries a few days after the incident.
 - (d) Obtain written statements from any victims and/or witnesses.
 - (e) Obtain copies of recording devices from all officers and patrol vehicles.
- (7) All officers involved will need to write their own supplemental report.
 - (a) All officers need to individually document their own use of force, if applicable.
 - (b) Document, in detail, what the officer observed and/or heard at the scene.
 - 1 Stick to the facts—do not make assumptions for other officers involved in the incident. Allow them to write their own report.
- f. Charges. Do not forget to add the most applicable charges to the suspect(s) in the report.
 - (1) Section 148(a)(1) PC—Resisting, delaying, or obstructing a peace officer (misdemeanor).
 - (2) Section 69 PC—Resisting, delaying, or obstructing a peace officer by means of threat of violence (felony).

ANNEX B

SUPERVISOR USE OF FORCE REVIEW

When feasible, respond to the scene and assume incident command, in accordance with HPM 50.1, Emergency Incident Management Planning and Operations Manual, and Highway Patrol Guide 50.3, Emergency Incident Guide.

DOCUMENTATION.

- Photographs of the officer's attire worn during the use of force event.
- Photographs of injuries to the suspect(s) at the scene.
- Photographs of the officer's injuries immediately after the use of force event and several days or weeks later.
- Statements from any victims and/or witnesses.
- Copies of recording devices from all officers and patrol vehicles.

USE OF FORCE REPORT REVIEW.

- All officers involved in a use of force incident shall write their own report and/or supplemental if feasible.
- All applicable information is documented, as outlined in the Use of Force Report Writing Guide located in Annex A of this manual.
- The Use of Force Report Writing Guide should be utilized to determine the totality of the circumstances, and the reasonableness of the force used.

ADDITIONAL DOCUMENTATION.

Additional documentation shall be completed in accordance with HPM 100.86, Chapter 3, Reports of Incidents – Use of Force.

Supervisors and commanders shall, when available, review associated documentation and video footage of the use of force event prior to approval of these documents.