

Use of Force

300.1 PURPOSE AND SCOPE

State **MODIFIED**

All sworn members of the Department of State Hospitals are referred to as officer(s) for the purpose of this policy. This document provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of objectively reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Government Code § 7286).

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques policy.

This policy supersedes any prior statewide or local policy, procedure, or instructional documents.

300.1.1 DEFINITIONS

Federal **MODIFIED**

Calculated interventions – Instances where time and circumstances permit a planned response to a pending or current conflict scenario, prior to implementation of a response.

Carotid Restraint – a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person's neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person. Officers of this Department are not authorized to use a carotid restrain hold.

Chokehold – any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe. Officers of this Department are not authorized to use a chokehold.

Crisis Intervention Tactics – Skills taught in crisis intervention training that provide law enforcement officers with the cognition, information, resources, and skills that allow effective problem-solving and promote positive outcomes when responding to incidents involving mental health consumers.

Deadly force - Any use of force that creates a substantial risk of causing death or serious bodily injury. Deadly force includes, but is not limited to, the discharge of a firearm.

De-escalation – Acting or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. This may include the use of techniques as command presence, advisements, warnings, calm dialog designed to lower tensions, show empathy, demonstrate patience and tactical repositioning that may include increasing personal space between the officer and the subject.

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Exigent Circumstances – Circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a subject, or some other consequence improperly frustrating legitimate law enforcement efforts.

Excessive Force - Use of more force than is objectively reasonable to accomplish a lawful purpose.

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 (Govt. Code § 7286(a)).

Force - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

Immediate – As soon as safe and feasible to do so, without unnecessary delay.

Imminent – A threat of death or serious bodily injury is "imminent" when, based on the totality of the circumstances, a reasonable officer in the same or similar situation would believe that a person has the 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.

Intercede – Includes, but is not limited to, physically stopping the excessive use of force, recording the excessive force, if equipped with a body-worn camera, and documenting efforts to intervene, efforts to deescalate the offending officer's excessive use of force, and confronting the offending officer about the excessive force during the use of force and, if the officer continues, reporting to dispatch or the watch commander on duty and stating the offending officer's name, unit, location, time, and situation, in order to establish a duty for that officer to intervene.

Law Enforcement – any police department, sheriff's department, district attorney, county probation department, transit agency police department, school district police department, the police department of any campus of the University of California, the California State University, or community college, the Department of the California Highway Patrol, the Department of Fish and Wildlife, and the Department of Justice.

Less-Lethal Force – Any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.

Objective Reasonableness – The legal standard used to determine the lawfulness of a use of force is the Fourth Amendment to the United States Constitution and *Graham v. Connor*, 490 U.S. 386 (1989). *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

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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.

The Supreme Court stated in *Graham v. Connor* the decision to use force "requires careful attention to the facts and circumstances of each particular case, including (1) the severity of the crime at issue, (2) whether the suspect poses an immediate threat to the safety of the officer or others, and (3) whether [the person] is actively resisting arrest or attempting to evade arrest by flight." These are often referred to as the Graham Factors.

Objective Reasonableness Factors – Pursuant to *Graham v. Connor* the Office of Protective Services examines the reasonableness of any particular force used from the prospective of a reasonable officer with similar training and experience, in the same situation. These factors may include, but not limited to:

- Feasibility of de-escalation tactics, crisis intervention, or other alternatives to force.
- The seriousness of the crime or suspected offense.
- The level of threat or resistance presented by the subject(s).
- Whether the subject posed an immediate threat to officers or was a danger to others.
- The risk or apparent attempt by the subject to escape.
- The conduct of the subject being confronted, as reasonably perceived by the officer at the time.
- The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable.
- The availability of other resources.
- The training and experience of the officer.
- The proximity or access of weapons to the subject.
- Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion, and number of officers versus subject(s).
- Environmental factors and or other exigent circumstances.
- Whether the subject is a member of a vulnerable population.

Pain Compliance Techniques - The use of painful manual stimulus to control a resistive person. The use of pain compliance techniques should not result in bodily harm beyond temporary transient pain or redness.

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Positional Asphyxia – 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. Resistance – Willful criminal conduct that resists, delays, or obstructs an officer's official duties, such as, fleeing from a lawful detention or engaging in a physical confrontation with the officer.

Restraint Asphyxia – Techniques used to control and restrain a subject that may interfere with that person's ability to breath.

Retaliation – Demotion, failure to promote to a higher position when warranted by merit, denial of access to training and professional development opportunities, denial of access to resources necessary for an officer to properly perform their duties, or intimidation, harassment, or the threat of injury while on duty or off duty.

Serious Bodily Injury -Injury that involves substantial risk of death, protracted and obvious disfigurement, or extended loss or impairment of the function of a body part or organ. Pursuant to California Penal Code Section 243(f)(4) serious bodily injury includes, but is not limited to:

- loss of consciousness;
- concussion;
- bone fracture;
- protracted loss of impairment of function of any bodily member organ;
- a wound requiring extensive suturing; and,
- serious disfigurement.

Totality of Circumstances- All facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of force (Pen.Code § 835a).

Unnecessary Force – The use of force when none is required or appropriate.

Vulnerable Populations – Vulnerable populations include, but are not limited to children; elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.

300.2 POLICY

Best Practice **MODIFIED**

The guiding principle an officer should consider before using force on any person is that human life must be valued and preserved. The use of force, even at its lowest level, is a serious responsibility that must be exercised judiciously with respect for human rights and dignity, and for the sanctity of human life. Therefore, officers shall use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the officer and others. Officers should

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attempt to control an incident by using time, distance, communication, and available resources in an effort to de-escalate the situation, whenever it is safe, feasible, and reasonable to do so.

The decision to use force requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight and other objective reasonableness factors described within *Graham v. Connor*. Additionally, 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 question is whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them.

Officers need not wait for injury to occur to themselves or others 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 the use of any tool, method, or weapon of opportunity when the situation necessitates. This policy shall be reviewed by all officers, at least annually. Any questions or concerns should be addressed to the officer's immediate supervisor for clarification. It is each officer's responsibility to understand and comply with this policy. Failure to comply by this policy may result in criminal or administrative action.

300.2.1 FAIR AND UNBIASED USE OF FORCE

Agency Content

Officers shall carry out their duties, including the use of force, in a manner that is fair and unbiased.

300.2.2 DUTY TO INTERCEDE

Federal MODIFIED

An officer has the duty to intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, considering the possibility that other officers may have additional information regarding the threat posed by a subject (Government Code § 7286(b)).

Officers shall be trained in and must recognize and act upon, the affirmative duty to intervene to prevent or stop, as appropriate, an officer from engaging in excessive force or any other use of force that violates the Constitution, any law or statute, or Office of Protective Services policies on the reasonable use of force.

This section does not relieve an officer(s) of their duty to also intercede when a crime involving physical abuse or assault is committed by clinical/level-of-care staff or other non-peace officers.

300.2.3 FAILURE TO INTERCEDE

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An officer that has received all required training on the requirement to intercede and fails to act shall be disciplined up to and including in the same manner as the officer that committed the excessive force. (Government Code § 7286(b)).

300.2.4 DUTY TO REPORT EXCESSIVE FORCE

State MODIFIED

An officer shall immediately report potential excessive force to a superior officer when present and observing another officer, using force that the officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer. (Government Code § 7286(b)).

300.3 USE OF FORCE

Federal MODIFIED

The authority to use physical force is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. Every person has a right to be free from excessive use of force by officers acting under color of law.

The decision by an officer to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by peace officers, in order to ensure that officers use force consistent with law and department policy.

The decision 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 that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgements about using force.

300.3.1 ALTERNATIVE TACTICS - DE-ESCALATION

State MODIFIED

It is the policy of the Office of Protective Services that, whenever feasible, officers shall use techniques and tools consistent with their training to reduce the intensity of any encounter with a subject and enable an officer to have additional options to mitigate the need to use higher levels of force that are situationally appropriate, while maintaining control of the situation.

1. Officers shall be trained in de-escalation tactics and techniques designed to gain voluntary compliance from a subject before using force, and such tactics and techniques should be employed if objectively feasible and they would not increase the danger to the officer or others.
2. An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with his/her training whenever possible and appropriate before resorting to force and to reduce the need for force. This may include utilizing de-escalation techniques, crisis intervention tactics, and effective communications; for example, advisements, warnings, verbal persuasion, and other tactics. Deploying additional officers or mental health specialists may also be prudent and effective in de-escalating a situation.

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3. Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of the subject, or commission of a crime, an officer shall allow an individual reasonable time and opportunity to submit to verbal commands before force is used.
4. An officer's demeanor, while not considered a use of force option, may be sufficient to control the situation. Demeanor is the method by which officers conduct themselves, and includes bearing, appearance, physical condition, and overall command presence.
5. The prospect of a favorable outcome is often enhanced when a supervisor becomes involved in the management of an overall response to potential violent encounters by coordinating resources and officers' tactical actions. Therefore, a supervisor should respond to all use of force incidents when possible.
6. Ultimately, the decision by an officer to use force shall be evaluated from the perspective of a reasonable officer in the same or similar 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 judgements about using force.

300.3.2 USE OF FORCE TO EFFECT AN ARREST

State MODIFIED

Any peace officer who has reasonable cause to believe that the person being arrested has committed a public offense may use objectively reasonable force to effect an arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (Pen. Code § 835a).

300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

Federal MODIFIED

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit (Govt. Code § 7286(b)). These factors include but are not limited to:

- (a) The apparent immediacy and severity of the threat to officers or others (Pen. Code § 835a).
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time (Pen. Code § 835a).
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The conduct of the involved officer leading up to the use of force (Pen. Code § 835a).
- (e) The effects of suspected drugs or alcohol.

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- (f) The individual's apparent mental state or capacity (Pen. Code § 835a).
- (g) The individual's apparent ability to understand and comply with officer commands (Pen. Code § 835a).
- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Pen. Code § 835a).
- (k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.
- (l) Training and experience of the officer.
- (m) Potential for injury to officers, suspects, bystanders, and others.
- (n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (o) The risk and reasonably foreseeable consequences of escape.
- (p) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (r) Prior contacts with the subject or awareness of any propensity for violence.
- (s) Any other exigent circumstances.

300.3.4 PAIN COMPLIANCE TECHNIQUES

Agency Content

Pain compliance techniques may be effective in controlling a passively or actively resisting individual. Officers may only apply those pain compliance techniques for which the officer has received Department approved training and only when the officer reasonably believes that the use of such a technique appears reasonable to further a legitimate law enforcement purpose.

Officers utilizing any pain compliance technique should consider the following:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer.
- (c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved. Officers may continue the use of control holds when reasonable to do so. Pain compliance shall not be used as punishment.

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Officers shall not use pain compliance techniques on passive resisters who remain docile. When alternative means of apprehension could be used on a passively resisting arrestee, which are less injurious and intrusive than the infliction of pain, the use of "pain compliance" constitutes an unreasonable seizure under the Fourth Amendment.

300.3.5 RESTRICTIONS ON THE USE OF CAROTID CONTROL HOLD

State **MODIFIED**

Officers of this department are not authorized to use a carotid restraint hold.

300.3.6 RESTRICTIONS ON THE USE OF A CHOKE HOLD

State **MODIFIED**

Officers of this department are not authorized to use a choke hold.

300.3.7 ADDITIONAL RESTRICTIONS

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While it is impractical to restrict an officer's use of reasonable control methods when attempting to restrain a combative individual, officers are not authorized to use any restraint or transportation method which might unreasonably impair an individual's breathing or respiratory capacity for a period beyond the point when the individual has been adequately and safely controlled. Once controlled, the individual should be placed into a recovery position (e.g., supine or seated) and monitored for signs of medical distress.

300.3.8 USE OF FORCE TO SEIZE EVIDENCE

Best Practice **MODIFIED**

In general, officers may use objectively reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the DSH for this specific purpose.

300.3.9 USE OF LESS-LETHAL FORCE

Agency Content

When de-escalation techniques are not effective or appropriate, an officer may consider the use of less-lethal force to control a non-compliant or actively resistant individual.

Less-lethal force is authorized under any the following conditions:

- (a) To protect the officer or others from immediate physical harm.
- (b) To restrain or subdue an individual who is actively resisting or evading arrest.
- (c) To bring an unlawful situation safely and effectively under control.

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300.4 DEADLY FORCE APPLICATIONS

Federal

Where feasible, the officer shall, prior to the use of deadly 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 (Penal Code § 835a).

If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers shall evaluate and use other reasonably available resources and techniques when determining whether to use deadly force. To the extent that it is reasonably practical, officers should consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)).

The use of deadly force is only justified when the officer reasonably believes it is necessary in the following circumstances (Penal Code § 835a):

- (a) An officer may use deadly force to protect themselves or others from what the officer reasonably believes is an imminent threat of death or serious bodily injury to the officer or another person.
- (b) An officer may use deadly force 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.

Officers 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 officer or to another person (Penal Code § 835a).

Additionally, an officer shall not use deadly force against a person whose actions are a threat solely to property unless the person poses an imminent danger of death or serious physical injury to the officer or others in close proximity.

An "imminent" threat of death or serious bodily injury exists 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 officer or another person. An officer's subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).

300.4.1 SHOOTING AT MOVING VEHICLES

State MODIFIED

Shots fired at or from a moving vehicle are rarely effective and may involve additional considerations and risks. When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

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Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.4.2 DISPLAYING OF FIREARMS

State MODIFIED

Given that individuals might perceive the display of a firearm as a potential application of force, officers should carefully evaluate each tactical situation and use sound discretion when drawing a firearm in public by considering the following guidelines (Govt. Code § 7286(b)):

- (a) If the officer does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms should generally be kept in the low-ready or other position not directed toward an individual.
- (b) If the officer reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such imminent threat until the officer no longer perceives such threat.

Once it is reasonably safe to do so, officers should carefully secure all firearms.

300.5 REPORTING THE USE OF FORCE

Best Practice MODIFIED

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why they believed the use of force was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the department may require the completion of additional report forms, as specified in department policy, procedure, or law.

[Use of Force Report Writing Procedure](#)

300.5.1 NOTIFICATION TO SUPERVISORS

Best Practice MODIFIED

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the patient may have experienced more than momentary discomfort.
- (c) The patient subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a restraint device other than handcuffs, shackles or belly chains.
- (f) The patient subjected to the force was rendered unconscious.
- (g) An patient was struck or kicked.

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- (h) An patient alleges any of the above has occurred.
- (i) Any time a firearms is drawn or used, other than a training environment.

300.5.2 REPORTING USE OF FORCE TO CALIFORNIA DEPARTMENT OF JUSTICE

Agency Content

The Records Manager or authorized designee shall ensure that data required by the Department of Justice (DOJ) regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is collected and forwarded to the Department of Justice as required by Govt. Code Section 12525.2.

300.6 MEDICAL CONSIDERATION

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Once it is reasonably safe to do so, officers should promptly provide, if properly trained, or otherwise promptly procure medical assistance for any person injured or claiming to have been injured in a use of force incident.

A medical assessment shall be obtained for any patient subjected to a level of force that could reasonably be deemed by the officer to cause injury or distress or when an excessive force complaint is made at the time of incident. A medical assessment should be obtained for any non-patient subjected to police use of force if the subject is visibly injured or complains of pain. Any person exhibiting signs of physical distress following a police use of force should be continuously monitored until the individual can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the person's injuries, medical assistance may include examination by fire/EMT personnel, paramedics, hospital medical staff, or medical staff at a jail. If a non-patient subjected to police use of force refuses medical attention, such refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If possible, an audio recording of the refusal should be made.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain, or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

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300.7 RESPONSIBILITIES

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It is the responsibility of all officers to understand and comply with this Use of Force Policy, related procedures, ongoing training, and applicable law. Questions concerning this policy should be directed to the officer's immediate supervisor.

Officers shall report any use of force used in the performance of their duties in accordance with Office of Protective Services report writing policy and procedures.

300.7.1 SUPERVISORY RESPONSIBILITIES

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A supervisor should respond to any reported use of force, if reasonably available. The responding supervisor or designee is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are offered examination and/or treatment by medical personnel. Any refusals shall be documented.
- (c) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (d) Identify any witnesses not already included in related reports.
- (e) Review and approve all related reports.
- (f) Determine if there is any indication that the subject may pursue civil litigation.
- (g) If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels, as described in the Use of Force reporting guidelines.
- (h) Evaluate the circumstances surrounding the incident and initiate an investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.2 LIEUTENANT RESPONSIBILITIES

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A lieutenant shall review and approve each use of force by any officer within their command to ensure compliance with this policy.

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300.7.3 CHIEF OF POLICE RESPONSIBILITIES

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It is the responsibility of each Hospital Chief of Police to:

- (a) ensure all officers receive appropriate training at least annually and understand the Use of Force policy and procedures, including both the application of force and subsequent reporting timeframes and documentation requirements;
- (b) ensure all use of force is properly reviewed in a timely manner by an uninvolved supervisor; and
- (c) record all training, corrective action, and related discipline in accordance with policy.

300.8 USE OF FORCE COMPLAINTS

State MODIFIED

The receipt, processing, and investigation of citizens' complaints regarding use of force incidents should be handled in accordance with the Personnel Complaint Policy.

300.9 TRAINING

State MODIFIED

All officers shall receive regular and periodic training on use of force standards and requirements relating to demonstrated knowledge and understanding of OPS use of force policy by officers, investigators, and supervisors.

The guidelines and course of instruction shall stress that the use of force by law enforcement personnel is of important concern to the community and law enforcement and that law enforcement should safeguard life, dignity, and liberty of all persons, without prejudice to anyone.

In addition, training shall be provided on a regular and periodical basis and designed to:

- (a) provide techniques for the use of and reinforce the importance of de-escalation, crisis intervention tactics, and other alternatives to force when feasible;
- (b) simulate actual use of force situations common in the state hospital environment;
- (c) enhance officer discretion and judgment in using less lethal and deadly force in accordance with this policy;
- (d) provide guidelines regarding vulnerable populations, including but not limited to, children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities; and
- (e) meet the requirements of training courses required by and consistent with Penal Code Section 13519.10

All use of force training shall be documented in the officer's official training records by the appropriate training officer as soon as practicable following the training. The officer's supervisor shall ensure the officer's training records are accurate and up to date.

An officer who receives a substantiated use of force complaint is prohibited from training other officers for a period of at least three years from the date the complaint was substantiated.

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300.10 USE OF FORCE ANALYSIS

Best Practice MODIFIED

At least annually, the Operations Watch Commander shall prepare an analysis report on use of force incidents. The report shall be submitted to the CLE. The report shall not contain the names of officers, suspects or case numbers, and shall include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

300.11 POLICY REVIEW

State MODIFIED

The Chief of Law Enforcement or authorized designee should regularly review, at least annually, and update this policy to reflect developing best practices and state law.

The Chief of Law Enforcement shall be consulted prior to any changes being made to this policy. Any policy and/or procedural changes require written approval from the Chief of Law Enforcement.

300.12 POLICY AVAILABILITY

State MODIFIED

The Chief of Law Enforcement or the authorized designee shall ensure this policy is accessible to the public by posting the policy on the Department of State Hospital website.

300.13 PUBLIC RECORDS REQUESTS

State MODIFIED

Requests for public records involving an officer's personnel records shall be processed in accordance with Penal Code § 832.7 and the Personnel Records and Records Maintenance and Release policies.

300.14 RETALIATION

Agency Content

Retaliation against an officer who reports a suspected violation of a law or regulation by another officer to a supervisor or other person at a law enforcement agency who has the authority to investigate the violation is strictly prohibited. Retaliation is considered serious misconduct and shall be reported immediately.

Attachments

Use of Force Report Writing Procedure.pdf

Addendum A

Use of Force Report Writing Guide

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 3 separate acts: Pre-Event, Event, and Post-Event. These headings are not to be utilized in the report but provide the structure for a well-documented and chronological report.

1. PRE-EVENT:

a. Date and Time of the Incident.

- (1) Nature of call.
- (2) Call for service/flag down/on-view.
- (3) Document key elements of the case and be descriptive.
Example: Patient made entrance into Key Control Vestibule
Example: Patient began to hit another patient
Example: Patient had weapon
- (4) Time the officer was notified of the incident.
- (5) Time the officer arrived at the incident.
- (6) Description of the initial call of the incident.
- (7) Officer's location at the time of the incident.
- (8) Document any updates of the original incident while in response.

b. Officer Uniform

- (1) Document the officer's uniform and whether it was clearly marked. (Was the officer wearing a rain jacket or anything which could cause confusion?)

c. Patrol Vehicle (if applicable)

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

d. Location of Incident and Scene Description.

- (1) Document any environmental factors.
 - (a) Lighting (unit lighting, streetlights, headlights, ambient moonlight, etc.).
 - (b) Weather (raining, snowing, foggy, etc.).
 - (c) Terrain (wet, ice, loose gravel, uneven, etc.).
 - (d) Location (dayroom, busy hallway, roadway, isolated area, etc.).

(e) Additional threats (nearby patients, staff members, proximity of weapons)

2. EVENT:

(PRE-USE OF FORCE)

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

- (1) Number of officers versus number of subject(s).
- (2) Age, size, gender, and strength of the subject(s).
- (3) Demeanor of subject(s).

b. Document whether there is an immediate threat to the officer(s) and/or others.

(1) Avoid using words that lack clear articulation.

- (a) Assaultive.
- (b) Noncompliant.
- (c) Resistant.
- (d) Officer safety.
- (e) Suspicious activity.
- (f) Furtive movements.

c. Document the actions and/or the behavior the subject portrayed before force was applied.

- (1) Specific verbal threats or statements the subject used to the officer(s) or victim(s).
- (2) Clenching of the fists.
- (3) Blading off and taking a fighting stance.
- (4) Ignoring commands from the officer(s).
- (5) Subject(s) walking away or pulling away from the officer(s).
- (6) Subject folding the arms.
- (7) Subject(s) is known to have a violent history.
- (8) Subject(s) has an unusual appearance for the area (little to no clothing in the winter or a heavy coat on in the summer).

d. Document if there is a possible mental illness or drug influence if known.

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

- (1) Considerations/attempts to utilize time and distance to decrease the intensity of the situation.
- (2) Considerations/attempts to calm the subject.
- (3) Considerations/attempts to gain voluntary compliance.

- (4) Considerations/attempts to provide viable options.
- (5) Considerations/attempts to utilize staff members or any other resources which were known to the officer at the time to assist in de-escalating the intensity of the situation.
- f. Document the results of the de-escalation strategies and techniques attempted.
- g. Document whether there are any potential weapons near the subject(s).
- h. Document whether the subject has any special knowledge or skills if known (Mixed martial arts, military, etc.).
- i. Document any prior contacts with the subject(s) that were known at the time of the incident.

(USE OF FORCE)

NOTE: Physical interaction meant to separate, guide, and/or control that does not cause injury. These very brief and inconsequential encounters require notification to a supervisor, documentation in police reports, Watch Commander Log, Blue Team Entries, and the approved police reports are to be emailed to OLES. These incidents do not require OLES Templates or Use of Force Packets. Any incident of this kind that results in criminal charges, will require a full Use of Force Investigation.

- a. Document the reason for the application of force.
 - (1) Officer in defense of self.
 - (2) Officer in defense of others.
 - (3) Affect an arrest.
 - (4) Prevent escape.
 - (5) Overcome resistance.
- b. Document the specific force application and how it was used.
- c. Describe what force options were used in detail.
 - (1) Chemical Agents
 - (a) How long was OC sprayed
 - (b) How many times was OC sprayed
 - (c) Where was OC aimed / hit
 - (d) Type of OC canister utilized
 - (2) Baton
 - (a) How many strikes used
 - (b) How many strikes landed
 - (c) Reassess threat between each strike

(d) Where did you aim each strike

(e) Where did each strike land

d. Describe how the force option was used and the intent of the officer (i.e., to de-escalate).

e. Document why/how a lesser degree of force was not a viable option under the circumstance.

(EFFECT OF THE USE OF FORCE APPLICATION)

a. Document the effect of the force application.

(1) Did the subject(s) comply and how did they comply?

(2) Did the force option have no effect or even escalate the incident?

(3) Was another use of force option utilized on the subject(s)? and why?

3. POST-EVENT:

a. Securement of the Scene and Subject(s).

(1) Document how the subject(s) was handcuffed.

(a) Document how many officers it took to handcuff the subject(s).

(2) Document how the surrounding area was secured.

b. Injury.

(1) Document injuries to the officer(s).

(2) Document injuries to the subject(s).

(3) Document injuries to others.

c. Medical Aid.

(1) Document how medical aid was rendered to the subject(s) and/or the officer(s) once the scene was safe and secured.

(a) Decontamination of subject if OC Spray was used.

(b) Conduct Vital Checks.

(c) Conduct basic or advanced medical assessment by qualified personnel.

(2) The officer(s) shall render aid until relieved by more qualified personnel.

(3) If applicable, place the subject on their side.

(4) If applicable, have the subject(s) medically cleared.

(5) Include a medical report if applicable.

d. Notifications.

- (1) Communications Center notification of the use of force and if there are injuries.
- (2) Supervisor notification use of force was applied.
- (3) Medical personnel notification if needed at the scene.

e. Evidence.

- (1) Obtain photographs of the officer's uniforms if damage is apparent, etc.
- (2) Obtain photographs of injuries to the subject(s) and officer(s) at the scene.
- (3) Obtain photographs of the injuries a few days after the incident.
- (4) Obtain written statements from any victims and/or witnesses as directed by a supervisor.
- (5) Obtain copies of recording devices from all officers.

NOTE: Officers using force on a patient will not interview that patient regarding the incident or any part of the incident. Officers who use force on a patient should not interview witnesses to the use of force unless extraordinary circumstances exist that would significantly impede the investigation. Having other uninvolved officers conduct these interviews protects the officers and the department.

f. Reports.

- (1) Document, in detail, what you observed at the scene. Stick to the facts and do not make assumptions for other officers involved in the incident. Allow them to write their own report.
- (2) The primary responding officer will pull and write the initial report including all the applicable information above.
- (3) All officers involved need to write their own supplemental report.
- (4) All officers will individually document their own use of force, if applicable.
- (5) Responding supervisors should also write a supplemental report about their role in the incident.

NOTE: Patients/Subjects should not be interviewed when in Seclusion/Restraints or when under the influence of any recently provided medication.

g. Charges.

(1). Include the most applicable charges to the suspect(s) in the report.

(a) Penal Code 148(a)(1)–Resisting, delaying or obstructing a peace officer (misdemeanor).

(b) Penal Code 69–Resisting, delaying or obstructing a peace officer by means of threat of violence (felony).

Addendum B

Use of Force Report Writing Timelines

Once an officer is involved in a Use of Force, the following timelines must be adhered to:

- Immediately and safe to do so: OPS Personnel shall notify their supervisor of any use of force.
- Immediately: Sergeant will notify OLES of use of force incidents.
 - Priority 1 (2 Hours)
 - Priority 2 (24 Hours)
- By end of Shift: Officer must complete the preliminary Use of Force report.
- By end of shift: Supervising Sergeant must review initial report.
- Within 5 Days: Supervising Sergeant must review and approve all completed reports and complete a Blue Teams Entry if applicable.
- Within 5 Days: Chief of Police will request medical records relating to the Use of Force incident from the appropriate hospital authority.
- Within 10 days: Use of Force assigned Sergeant must review and approve all relative reports.
- Within 15 Days: Lieutenant must review and approve all relative reports.
- Within 20 Days: Chief of Police must review and approve all relative reports.
- Within 20 Days: Facility Executive Review Committee (if applicable) will review the incident and all relative reports.
- Within 25 Days: Executive Director must review and approve the Use of Force Packet.
- Within 30 Days: Chief of Police must submit the Use of Force Packet to OLES for review.
- Within 30 Days: Chief of Police must submit the Use of Force Packet to OPS Sacramento for review.

Addendum C

Responsibilities

NOTE: All supervisors should be aware of the peace officer bill of rights covered in government code sections 3300-3313 as well as within OPS Policy 1008 – Personnel Complaints.

SUPERVISORY RESPONSIBILITIES

A supervisor should respond to any reported use of force, if reasonably available. The responding supervisor or designee is expected to:

- a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- b) Ensure that any injured parties are offered examination and/or treatment. Any refusals shall be documented.
- c) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- d) Identify any witnesses not already included in related reports.
- e) Write a supplemental report if responding to incident and applicable.
- f) Initiate a Blue Teams Entry for all Use of Force incidents.
- g) Review and reject or approve all related reports.
- h) Determine if there is any indication that the subject may pursue civil litigation.
- i) If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- j) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

LIEUTENANT RESPONSIBILITIES

It is the responsibility of each Hospital Police Lieutenant to:

- a) Ensure all Use of Force incidents are properly reviewed and in a timely manner by an uninvolved supervisor and follow our policy.
- b) Review and reject or approve all related use of force reports.

CHIEF OF POLICE RESPONSIBILITIES

It is the responsibility of each Hospital Chief of Police to:

- a) Ensure all Use of Force incidents are properly reviewed and in a timely manner by an uninvolved supervisor.
- b) Request relative medical records from the appropriate authority and include them in the Use of Force Packet.
- c) Submit Use of Force Packet to Executive Director and Facility Executive Review Committee (if applicable).
- d) Ensure any rejected packets are re-submitted and a notification of such is made to OLES.
- e) Ensure all OPS employees receive appropriate training at least annually and understand the Use of Force policy and procedures, including both the application of force and subsequent reporting timeframes and documentation requirements.
- f) Ensure all training, corrective action, and related discipline are recorded in accordance with policy.

EXECUTIVE DIRECTOR RESPONSIBILITIES

Following the hospital police department review, the UOF packet will be sent to the Executive Director (ED) or designee for review. If criteria are met for a Facility Executive Review Committee (ERC), the ED shall convene a meeting. The completed packet will be forwarded to the Office of Law Enforcement Support for review.

FACILITY EXECUTIVE REVIEW COMMITTEE AND REPORT

All the following types of incidents shall be reported to and reviewed by a Facility Executive Review Committee consisting of a cross-section of disciplines.

- a) All use of force incidents which result in serious bodily injury.
- b) All interventions involving the use of OC spray, police baton, unnecessary force, deadly force, or allegations of excessive force.
- c) Shall not include any staff involved in the use of force to be reviewed. The Facility Executive Committee will review the full Use of Force packet prepared by the Chief of Police, Lieutenant, and Sergeant. This review will include all relevant police reports, audio or video recordings and patient records. The review committee will document this review on the facility Executive Review Use of Force and Further Action Recommendation Form. This form is to be signed by the facility Executive Director.
- d) The Executive Director or designee shall ensure written findings are forwarded to the Chief of Law Enforcement (CLE) no later than 30 working days from the date of occurrence.

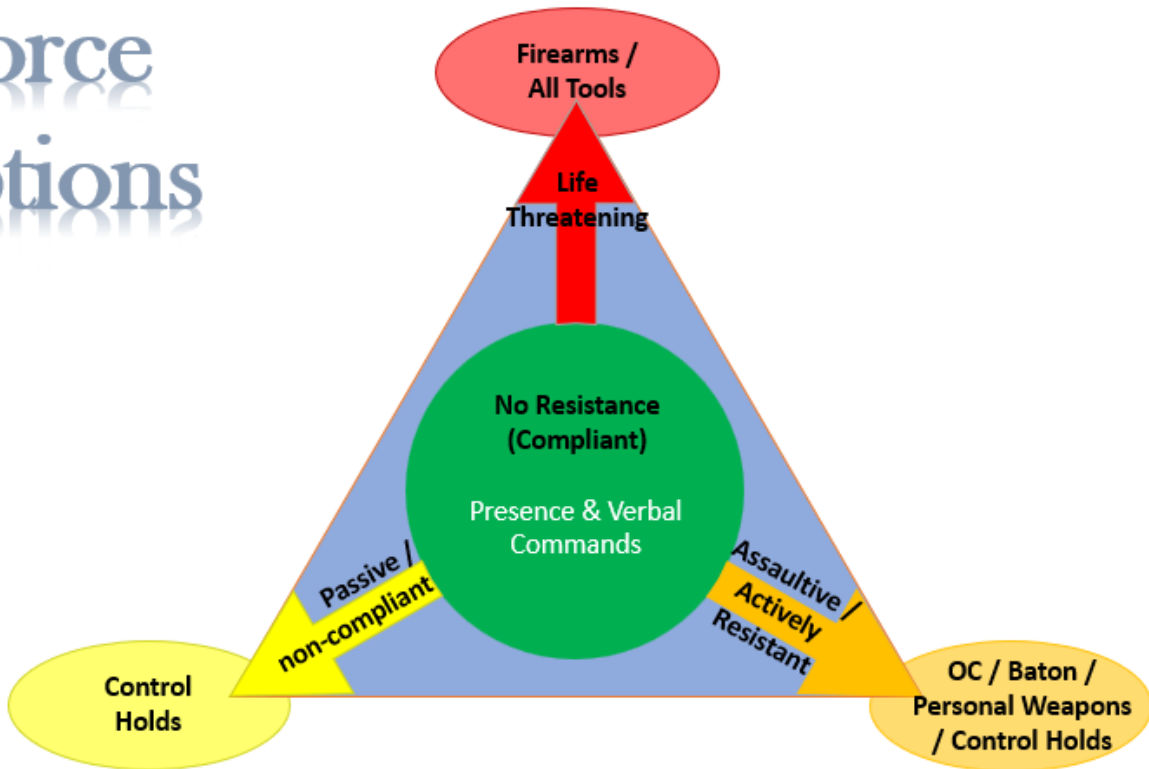
CHIEF OF LAW ENFORCEMENT SACRAMENTO REVIEW

- a) The CLE will conduct an independent review of all Facility Executive Committee Reviews to examine DSH policy compliance, ensure that a thorough investigation and management review occurred, and follow up on issues that may impact DSH.
- b) To facilitate this review, all Use of Force packets and pertinent documentation including incident reports, interdisciplinary notes, written statements by employees, relevant policy/procedure, and Facility Executive Review Committee findings will be forwarded to the Chief of Law Enforcement (CLE) within 30 working days of the date of occurrence. This may be delayed if Office of Law Enforcement Support (OLES) is reviewing the incident.

Addendum D

Use of Force Continuum

Force
Options



Addendum E

Use of Force Report Writing Forms

Department of State Hospitals Use of Force Incident Review

LOCATION:	CASE #:				
SUBJECT:	DATE OF INCIDENT:				
<input type="checkbox"/> Patient <input type="checkbox"/> Non-patient					
Blue Team Entry Date:	OLES Notification: <input type="checkbox"/> Y <input type="checkbox"/> N				
APPLICATION OF FORCE					
<p>1. Reason for application of force:</p> <p><input type="checkbox"/> Subdue an Attacker <input type="checkbox"/> Effect an Arrest <input type="checkbox"/> Overcome Resistance <input type="checkbox"/> Prevent Escape</p> <p><input type="checkbox"/> Gain Compliance with Lawful Order. List in Comment Section <input type="checkbox"/> Other:</p>					
<p>2. Force options used:</p> <p><input type="checkbox"/> Verbal Commands <input type="checkbox"/> Physical Force/Control Holds <input type="checkbox"/> Chemical Agents</p> <p><input type="checkbox"/> Baton <input type="checkbox"/> Other:</p>					
<p>3. Condition for application of Force:</p> <p><input type="checkbox"/> Calculated – Complete OPS UOF 003 <input type="checkbox"/> Emergent – Continue below</p>					
REPORTS					
COMPLETE QUESTIONS BELOW IF EMERGENT Any questions answered NO (excluding #13) requires an explanation in "Additional comments"			YES	NO	N/A
1. Were all reports complete and accurate?					
2. Did all officers who were involved or witnessed the use of force write a report?					
3. Did the officer identify themselves as a peace officer prior to using force?					
4. Was the subject informed force would be used prior to using force?					
5. Was the subject provided an opportunity to comply?					
6. Was the subject assessed for injuries by the officer after force was used?					
7. If OC was used did the officer decontaminate the subject?					
8. Did the officer notify a supervisor after force was used?					
9. Was a nurse notified for medical assessment of the subject after force was used?					
10. The officers use of force was within approved training?					
11. The officers use of force was within policy?					
12. Did you receive all supporting documentation, including SIR's, IDN's, and Nursing reports?					
13. At the time of this review, were there any allegations of excessive force? If YES, complete form #005. <input type="checkbox"/> Verbal <input type="checkbox"/> Written					
14. Was the review stopped at any time due to an investigation by the OLES or any other outside investigating agency? If so, explain in the Comments section.					

Department of State Hospitals Use of Force Incident Review

1. Describe the circumstances which led to the use of force (DO NOT CUT AND PASTE)?

2. Describe any de-escalation techniques used?

3. Describe any injuries resulting from of the use of force:

4. Additional comments:

PRINT NAME	SIGN	DATE

Department of State Hospitals Use of Force Incident Review

LIEUTENANT REVIEW

- I have reviewed all applicable video, reports, other documents, and the actions of the employees involved. I find that they have acted consistent with training and in accordance with Department Use of Force Policy.
- I have reviewed all applicable videos, reports, other documents, and the actions of the employees involved. I DO NOT find that they have acted consistent with training and in accordance with Department Use of Force Policy.
- Based on the information received, I concur with the Supervisor's Review.

Reviewing Lieutenant Name

Reviewing Lieutenant Signature

Date

CHIEF OF POLICE REVIEW

- I have reviewed all applicable video, reports, documentation, and the actions of the employees involved. I find that they have acted consistent with training and in accordance with DSH Use of Force policy.
- I have reviewed all applicable video, reports, documentation, and the actions of the employees involved. I DO NOT find that they have acted consistent with training and in accordance with DSH Use of Force policy.
- Based on the information received, I concur with the Supervisor's and Lieutenant's Review.

The following actions (policy, procedures, revision, modifications, etc.) shall be taken:

- UOF packet sent to CLE for recordkeeping
- UOF packet sent to Office of Law Enforcement Support Date: _____

Chief of Police Name

Chief of Police Signature

Date

EXECUTIVE DIRECTOR REVIEW

- I have reviewed all the documentation provided and have reviewed all the actions of all employees involved.
- I concur the actions of all employees involved were consistent with training and in accordance with Department Use of Force policy.
- I DO NOT concur the actions of all employees involved were consistent with training and in accordance with Department Use of Force policy.

I recommend the following actions:

- Facility Use of Force Review Committee Administrative Investigation Criminal Investigation

Executive Director Name

Executive Director Signature

Date

FACILITY EXECUTIVE REVIEW USE OF FORCE REVIEW & FURTHER ACTION RECOMMENDATION

INCIDENT SITE/LOCATION	OPS CASE#
DESCRIPTION OF THE INCIDENT	INCIDENT DATE

The following review will be completed as a result of the Facility Review Committee reviewing all uses of force and every allegation of excessive or unnecessary force.

CHECK ALL THAT APPLY				
1.	Identify the conduct requiring the application of force (Battery on a patient, Riot, Battery on Staff w/ Weapon, etc.)? Conduct:			
2.	Identify necessary and reasonable purpose for the application of force. <input type="checkbox"/> Subdue an attacker <input type="checkbox"/> Effect custody <input type="checkbox"/> Overcome resistance <input type="checkbox"/> Gain compliance with a lawful order. Write the lawful order: _____			
3.	Identify the force option(s) utilized: <input type="checkbox"/> Physical strength and holds <input type="checkbox"/> Hand-held batons <input type="checkbox"/> OC (Mark 4) <input type="checkbox"/> OC (Mark 9) <input type="checkbox"/> Chemical agents: <i>Type / Projector / # Deployed and Length of Applications:</i> _____ <input type="checkbox"/> Less-lethal weapons: <i>Model / Round / # Deployed:</i> _____ <input type="checkbox"/> Firearms: <i>Model / Caliber / # rounds fired:</i> _____ <input type="checkbox"/> Non-Conventional Force: <i>Specify item and how used:</i> _____			
4.	Identify the circumstances in which force was applied? <input type="checkbox"/> Calculated - Go to #5 <input type="checkbox"/> Emergent - Go to #6			
COMPLETE ITEMS BELOW IF CALCULATED USE OF FORCE		YES	NO	N/A
5.	Calculated Use of Force. If 5 is marked "N/A" then 5(a-j) can be left blank. Any questions answered NO requires an explanation in the "Comments Sections"			
a.	Was a supervisor present at the incident site?			
b.	Was an appropriate cool down period afforded before force was used and the start time and duration documented? If so, indicate start time and approximate duration of cool down period. Start Time: _____ End Time: _____			
	(1) Were all other aspects of the cool down period handled appropriately? (i.e. Clinical Intervention, all disciplines in agreement with ending, other intervention options taken or needed, etc.) If no, explain in Comments section.			
c.	Was the tactical plan finalized based on a collaborative effort and approved by the on-scene supervisor? (If it was necessary to have the plan authorized at a higher level, explain level of approval in Comments section.)			
d.	Did the review of the patient's Health Record for medical conditions indicate an increased risk for a potential adverse outcome resulting from the use of force? If so, indicate in the Comments section what determination was made regarding force options used.			
e.	Were chemical agents deployed appropriately including appropriate distance, number deployed, duration of exposure? If no, explain in Comments section.			
f.	If chemical agents were used, were appropriate decontamination efforts made? If no, explain in Comments section.			
g.	Was appropriate medical attention provided to patient(s) by licensed level of care staff? If no, explain in Comments section.			

FACILITY EXECUTIVE REVIEW USE OF FORCE REVIEW & FURTHER ACTION RECOMMENDATION

h. Did the subject have a weapon?			
COMPLETE ITEMS BELOW	YES	NO	N/A
i. Were staff equipped with the appropriate amount of extraction equipment based on the type of housing the extraction took place?			
j. Did you review the video recording of the calculated use of force?			
6. If chemical agents used, were decontamination procedures adhered to?			
7. If staff's use of force resulted in death or SBI, was timely notification made to the OLES? If no, please explain in the Comments section.			
8. If one of the following conditions exists, a video recorded interview with the affected patient(s) is required within 48 hours. Check the applicable condition(s). SBI as a result of staff's use of force. Allegation of unnecessary or excessive force.			
a. Was a video interview conducted? If an interview was not conducted within the 48 hours, explain in the Comments section. If 8 is marked "N/A" then 8(a-h) can be marked N/A.			
b. How was the allegation made? <input type="radio"/> Verbal <input type="radio"/> Written			
c. If the patient declined to participate in the video interview, was the refusal video recorded?			
d. Did you review the video recording of patient interview or refusal to interview?			
e. Were introductions for Camera Operator and Supervisor recorded?			
f. Was the Supervisor performing the video interview not involved in the incident?			
g. Were the patient's injuries video recorded close enough and accurately enough to view and assess?			
h. Did the video recorded injuries match the injuries documented on the OPS Incident Report?			
(1) If (h) is no, was a subsequent video recorded speaking to the discovery of previously undocumented injuries?			
9. Were all applicable reports received from all identified staff (including medical staff) involved in this incident prior to the end of their shift? If no, explain in Comments section.			
a. Were all staff reports reviewed for quality, accuracy, and content, including, if applicable, the Report of Findings patient Interview (OPS UOF 008)?			
b. Did staff's reports accurately and thoroughly describe the force used and the patient's actions that required the use of force? If no, explain in Comments section.			
c. If there were requested clarifications (OPS Incident Reports) based on staff's documented use of force, were the clarifications submitted in a timely fashion?			
10. Were injuries caused from the use of force consistent with the force documented in staff reports? If no, explain in Comments section.			
11. Was the review stopped at any time due to an investigation by the OLES or any other outside investigating agency? If so, explain in the Comments section.			
<input type="checkbox"/> N/A Comments for Review And Follow Up: Use the space below to explain any responses above that fail to meet departmental requirements.			

FACILITY EXECUTIVE REVIEW USE OF FORCE REVIEW & FURTHER ACTION RECOMMENDATION

FORCE USED	YES	NO	N/A
1. Was the force reasonable and necessary given the circumstances? If no, explain in Comments section.			
2. When circumstances indicated force was no longer needed, was force discontinued? If no, explain in Comments section.			
3. Was the application of force within policy? If no, explain in Comments section.			
<input type="checkbox"/> N/A Comments for Force Used: <i>If the responses to any questions above is, "NO" explain below</i>			

ACTIONS TAKEN	YES	NO	N/A
1. Based on the information/documentation received, staff's actions prior to the use of force were in compliance with the Use of Force policy, procedure, and training. If no, explain in Comments section.			
2. Based on the information/documentation received, staff's actions during the use of force were in compliance with the Use of Force policy, procedure, and training. If no, explain in Comments section.			
3. Based on the information/documentation received, staff's actions following the use of force were in compliance with the Use of Force policy, procedure, and training. If no, explain in Comments section.			
4. Were there appropriate reviews of the incident package by Supervisor, Lieutenant and Chief of Police?			
5. Use of Force packet sent to Office of Law Enforcement Support by Chief of Police or Designee Name of person sending _____ Initials _____	Date		
<input type="checkbox"/> N/A Comments for Actions Taken: <i>Use the space below to explain why staff's actions were not in compliance with the Use of Force policy, procedure and training.</i>			

FURTHER ACTION RECOMMENDATIONS
<input type="checkbox"/> N/A <i>Use the space below to explain any recommended improvements within the Use of Force policy, procedure and training.</i>

FACILITY EXECUTIVE REVIEW USE OF FORCE REVIEW & FURTHER ACTION RECOMMENDATION

ADDITIONAL INQUIRY	YES	NO	N/A
1. Sent to Chief of Police for additional information. Note date sent to Chief of Police. Date Sent: _____ Date Returned: _____			
2. Further Investigation Ordered. Note date Investigation ordered and date returned. Date Ordered: _ _____ Date Returned: _____			
<input type="checkbox"/> Local OPS Investigation <input type="checkbox"/> Sac-OPS Investigation <input type="checkbox"/> OLES <input type="checkbox"/> External Agency			
a. Investigative Results:			
<input type="checkbox"/> Exonerated <input type="checkbox"/> Sustained <input type="checkbox"/> Unfounded <input type="checkbox"/> Not Substantiated			
<input type="checkbox"/> N/A Comments for Additional Inquiry: Use the space below to explain any additional inquiries made as a result of this Use of Force incident.			

SUBSEQUENT ACTION	YES	NO	N/A
SUBSEQUENT ACTION: Use the items below to indicate what type, if any, subsequent action was taken			
1. Progressive Discipline taken by Unit Staff. Describe actions taken in Comments section below.			
2. Recommended Adverse Action. Describe actions taken in Comments section below.			
3. Facility Recommended Subsequent Action. Describe actions taken in Comments section below: <input type="checkbox"/> Procedure Revision <input type="checkbox"/> Progressive Discipline			
<input type="checkbox"/> N/A Comments for Subsequent Action: Use the space below to explain any subsequent action taken as a result of this Use of Force incident.			

DATE OF INITIAL REVIEW	DATE OF INTERIM REVIEW	DATE OF FINAL EXECUTIVE REVIEW
PREPARER'S NAME (PRINTED NAME AND SIGNATURE)	TITLE	DATE
FACILITY EXECUTIVE DIRECTOR (PRINTED NAME AND SIGNATURE)	DATE	

Use of Force Calculated Incident Checklist

COMPLETE QUESTIONS BELOW IF CALCULATED Any questions answered NO requires an explanation in "Additional comments"	YES	NO	N/A
1. Was approval for force options obtained?			
2. Was the Unit/Area supervisor consulted?			
3. Was the Operations/On-Call Lieutenant notified?			
4. Was Health Services consulted?			
5. Was the complete incident video recorded?			
6. Was each officer clearly identified in the video?			
7. Was the video camera focused on the suspect?			
8. Do the reports accurately reflect the video recording?			
9. Were attempts to gain compliance recorded in the video?			
10. Were photos taken of any injuries?			
11. If an area extraction, was each team member current in area extraction training?			
12. Was appropriate extraction/protective equipment?			
13. Was the use of force objectively reasonable?			
14. If a chemical agent was used was the suspect decontaminated?			
15. Was the officer/s current in the chemical agent used?			
16. Was the suspect medically assessed?			

Additional Comments:

PRINT NAME	SIGN	DATE

CHIEF OF LAW ENFORCEMENT REVIEW

INCIDENT SITE/LOCATION	OPS CASE#
DESCRIPTION OF THE INCIDENT	INCIDENT DATE

The following review will be completed as a result of the Facility Review Committee reviewing all uses of force as defined in OPS Policy and every allegation of excessive or unnecessary force.

COMPLETE THE ITEMS BELOW	YES	NO	N/A
1. Identify the necessary and reasonable purpose for the application of force. <i>Purpose for Use of Force:</i>			
2. What steps were taken to avoid or minimize the need for the force used? <i>Steps Taken:</i>			
3. Did the subject receive any injuries as a result of officer's use of force? a. If the Use of Force resulted in SBI, death or allegation of excessive/unnecessary force, describe the injuries due to the use of force. <i>Description of Injuries:</i>			
4. Were all clarifications related to officer's use of force completed accurately and in a timely manner?			
5. If there was an allegation of unnecessary or excessive force or any other investigation undertaken, was an adequate fact-finding completed? If no, and not already identified by a previous level of the review process, explain in the Comment's section.			
6. Were appropriate and proper actions taken by your subordinates to address deficiencies in the incident package? If no, and not already identified by a previous level of the review process, explain in the Comment's section.			
7. Based on the information/documentation received, were officer's actions prior to the use of force in compliance with the Use of Force policy, procedure, and training? If no, and not identified by a previous level of the review process, explain in the Comment's section.			
8. Based on the information/documentation received, were officer's actions during the use of force in compliance with the Use of Force policy, procedure, and training? If no, and not identified by a previous level of the review process, explain in the Comment's section.			
9. Based on the information/documentation received, were officer's actions following the use of force in compliance with the Use of Force policy, procedure, and training? If no, and not identified by a previous level of the review process, explain in the Comment's section.			
10. Does it appear that any follow-up action is necessary to correct policy, procedure, or training violations within the guidelines of the Use of Force policy not identified in the earlier reviews? If yes, describe the actions taken by you to correct the apparent policy, procedure, or training violations. <i>Actions Taken:</i>			
11. <i>Comments:</i>			

PREPARER'S NAME (PRINTED NAME AND SIGNATURE)	TITLE	DATE PREPARED
CHIEF OF LAW ENFORCEMENT'S NAME (PRINTED NAME AND SIGNATURE)	DATE REVIEWED	

PATIENT INTERVIEW FOR SBI OR EXCESSIVE FORCE ALLEGATION WORKSHEET

Supervisor shall conduct a video recorded interview with the patient when either of the following conditions exists:

- 1) The patient has sustained Serious Bodily Injury that could have been caused by an officer use of force.
- 2) The patient has made an allegation of unnecessary or excessive use of force.

The interview shall be conducted no later than 48 hours from discovery of the injury or allegation. In accordance with Portable Audio Recording Policy.

INTERVIEW FORMAT FOR SBI:

The interview and video recording shall be conducted by a Supervisor who did not use or observe the force used and was not involved in the incident. The location of the interview shall be conducted in a location free of outside influence, noise and distractions.

During the interview, the Supervisor shall ensure all injury(s) are captured on the video recording. The view should be close enough to accurately account for the injuries noted on the OPS Incident or Crime Report. If there are injuries in view that are not noted on the OPS Incident or Crime Report, have the Patient evaluated by medical staff.

At the onset of the recording, the Supervisor will:

COMPLETE THE ITEMS BELOW
1. Introduce themselves and the camera operator. Interviewer: ___ Camera Operator: ___
2. Give the date and time the interview commenced: Date: ___ Time: ___
3. Indicate to the patient the reason for the video recorded interview: Reason: _____
4. Ask patient to give their full name and Facility ID number: Name: ___ Facility ID#: ___
5. If patient refuses the interview, was the refusal of the interview recorded? If not recorded, please explain.

The following questions will then be asked:

COMPLETE THE ITEMS BELOW
1. On this date: You were involved in an incident which occurred at the following location:
2. This incident has been assigned OPS Case number:
3. According to the documentation provided, you sustained an injury that lead to this interview. Please describe the injury:
4. In your own words, explain what happened and how you received your injuries. You need to be as <i>specific</i> as possible:
5. Can you identify staff witnesses?
6. Can you identify patient witnesses?
Incident Details – Patient Statement

PATIENT INTERVIEW FOR SBI OR EXCESSIVE FORCE ALLEGATION WORKSHEET

SUPERVISOR'S NAME (PRINTED NAME AND SIGNATURE)	TITLE	DATE

REPORT OF FINDINGS – SBI or EXCESSIVE FORCE

INCIDENT SITE/LOCATION		OPS Case #
DESCRIPTION OF THE INCIDENT		INCIDENT DATE
NAME TITLE OF INTERVIEWER	NAME TITLE OF CAMERA OPERATOR	
PATIENT NAME FACILITY ID#	DATE OF INTERVIEW	NAME TITLE OF TRANSLATOR (IF UTILIZED)

The Report of Findings shall be conducted by supervisors (Sergeants or Lieutenants) who did not use, or observe the force used, in the incident.

PATIENT INTERVIEW			YES	NO	N/A
1.	Did the patient refuse to participate in the interview? If so, please provide the name and title of staff who asked the patient to participate. Name: _____ Title: _____		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	What is the reason for the interview? <input type="checkbox"/> Serious Bodily Injury <input type="checkbox"/> Allegation of Misconduct				
a.	Describe the allegation or injury: Description: _____				
3.	Summarize the statements made by the patient during the interview: Summary: _____				

PATIENT WITNESSES INTERVIEWED				YES	NO	N/A
1.	Did the patient being interviewed request patient witnesses. If yes, fill in the information below: Patient Name: _____ ID#: _____ Unit: _____ Date Interviewed: _____ Patient Name: _____ ID#: _____ Unit: _____ Date Interviewed: _____ Patient Name: _____ ID#: _____ Unit: _____ Date Interviewed: _____ Patient Name: _____ ID#: _____ Unit: _____ Date Interviewed: _____					
2.	Did any patients refuse to participate in the interview? If so, please provide the name and title of staff who asked the patient to participate: Staff Name: _____ Title: _____ Patient Name: _____ Staff Name: _____ Title: _____ Patient Name: _____ Staff Name: _____ Title: _____ Patient Name: _____ Staff Name: _____ Title: _____ Patient Name: _____		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.	Summarize the statements made by the witnesses during the interview: Summary: _____					

REPORT OF FINDINGS – SBI or EXCESSIVE FORCE

REVIEW OF EVIDENCE AND CONCLUSION -SERIOUS BODILY INJURY				YES	NO	N/A
1. Was the injury consistent with the reported force? If no, explain in the Conclusion below.						
2. Check the following items that were reviewed and considered:						
<input type="checkbox"/> Incident Video Recording <input type="checkbox"/> Staff Reports <input type="checkbox"/> Photograph(s)						
<input type="checkbox"/> Use of Force Videotape <input type="checkbox"/> OPS Incident Report <input type="checkbox"/> SIR/IM						
<input type="checkbox"/> Medical Reports <input type="checkbox"/> Other (Describe Below) <input type="checkbox"/> OLES						
3. Summarize the source of injury, other items reviewed and considered and any other circumstances regarding the allegation. Conclusion:						

ALLEGATIONS OF MISCONDUCT				YES	NO	N/A
1. Check the following to indicate what items are attached with this review as it relates to the allegation:						
<input type="checkbox"/> Incident Video Recording <input type="checkbox"/> Staff Reports <input type="checkbox"/> Photograph(s)						
<input type="checkbox"/> Use of Force Videotape <input type="checkbox"/> OPS Incident Report <input type="checkbox"/> SIR						
<input type="checkbox"/> Medical Reports <input type="checkbox"/> Other (Describe Below)						
2. Provide any other information not previously documented in this review regarding the allegation. Comments:						

RECOMMENDATIONS	
1. Check the following to indicate the Supervisor’s recommended actions:	
<input type="checkbox"/> No Further Action Recommended	<input type="checkbox"/> Further Action Recommended
Comments:	
SUPERVISOR’S NAME	DATE
(PRINTED NAME AND SIGNATURE)	

RECOMMENDATIONS	
1. Check the following to indicate the Lieutenant’s recommended actions:	
<input type="checkbox"/> No Further Action Recommended	<input type="checkbox"/> Further Action Recommended
Comments:	
LIEUTENANT’S NAME	DATE
(PRINTED NAME AND SIGNATURE)	

REPORT OF FINDINGS – SBI or EXCESSIVE FORCE

2. Check the following to indicate the Chief of Police recommended actions: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input type="checkbox"/> No Further Action Recommended <input type="checkbox"/> Further Action Recommended </div> <p><i>Comments:</i></p>	
CHIEF OF POLICE (PRINTED NAME AND SIGNATURE)	DATE

3. Check the following to indicate the Executive Director’s recommended actions: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input type="checkbox"/> No Further Action Recommended <input type="checkbox"/> Further Action Recommended </div> <p><i>Comments:</i></p>	
EXECUTIVE DIRECTOR (PRINTED NAME AND SIGNATURE)	DATE

Chief of Law Enforcement SBI or Excessive Force Allegation Review

INCIDENT SITE/LOCATION	OPS Case #
DESCRIPTION OF THE INCIDENT	INCIDENT DATE

COMPLETE THE ITEMS BELOW					
1. Person making allegation:	Name:	ID Number:			
2. Allegation was made via: <i>(Check all that apply)</i>					
<input type="checkbox"/> OPS Incident Report	<input type="checkbox"/> Use of Force Interview	<input type="checkbox"/> OPS Complaint Form			
<input type="checkbox"/> Video Recording	<input type="checkbox"/> Written Statement	<input type="checkbox"/> Other (Describe in Comments)			
COMPLETE THE ITEMS BELOW			Yes	No	N/A
3. Were witnesses named?					
4. Were all witnesses interviewed?					
If not, please provide an explanation					
5. What documents were reviewed by the Fact Finding Official?: <i>(Check all that apply)</i>					
<input type="checkbox"/> Use of Force Video Recording	<input type="checkbox"/> Incident Video Recording	<input type="checkbox"/> OPS Incident Report			
<input type="checkbox"/> Photographs	<input type="checkbox"/> Staff Reports	<input type="checkbox"/> OPS Complaint Form			
<input type="checkbox"/> Other (Describe in Comments)	<input type="checkbox"/> SIR/IM	<input type="checkbox"/> Medical Reports			
6. What other information was considered if different from above? (Describe in Comments)					
COMPLETE THE ITEMS BELOW			Yes	No	N/A
7. Was the Report of Findings completed thoroughly?					
a. If "no," provide date it was sent back for completion: Date:					
b. What was requested due date? Date:					
8. Has the case been referred for further investigation?					
9. Does the OPS-Sac concur with the Fact Finder's conclusions?					
a. If "no," what action was taken?: <i>(Check all that apply)</i>					
<input type="checkbox"/> Training	<input type="checkbox"/> Policy Revision/Review	<input type="checkbox"/> Other (Describe in Comments)			
<input type="checkbox"/> Investigation	<input type="checkbox"/> Progressive Discipline				
Comments:					

Preparer's Name (Printed Name and Signature)	Title	Date Prepared

Chief of Law Enforcement (Printed Name and Signature)	Date Reviewed