


<p>CALIFORNIA JUSTICE INFORMATION SERVICES DIVISION Joe Dominic, Director</p> <p>California Department of Justice DIVISION OF LAW ENFORCEMENT Larry J. Wallace, Director</p>		<h1>INFORMATION BULLETIN</h1>
<p><i>Subject:</i> Use of Force Incident Reporting</p>	<p><i>No.</i> DLE-2015-05</p> <p><i>Date:</i> 12-28-2015</p>	<p><i>Contact for information:</i> DOJUOFReporting@doj.ca.gov</p>

TO: ALL CHIEFS OF POLICE, SHERIFFS, STATE LAW ENFORCEMENT AGENCIES, PROBATION DEPARTMENTS AND RECORD SUPERVISORS

Effective January 1, 2016, Chapter 462, Statutes of 2015 (Assembly Bill 71) adds Government Code section 12525.2 pertaining to the collection and reporting of use of force incidents.

The Department of Justice (DOJ) has consulted with law enforcement agencies and stakeholders in the development of use of force incident data elements to be reported pursuant to the law. On January 1, 2016, all law enforcement agencies (LEA) will be required to begin collecting use of force incident data elements outlined on the attached template. LEAs must submit data to the DOJ annually, during DOJ's statistical close out period for the previous year, which will publish the data in *Crime in California*.


The DOJ will be working over the first half of 2016 to develop, refine and test a web-based data collection system, which will allow LEAs to enter and submit use of force data to the DOJ. Once user tested and accepted, local LEAs will have the ability to report the 2016 data electronically into the system. The system will allow for the ability to track incidents locally, as well as providing for review and quality control of the data before submitting it to DOJ.

The use of force template and instructions will be available on the DOJ's California Law Enforcement Web (CLEW) and all questions regarding the use of force data reporting requirements or the web-based data collection system should be sent via e-mail to DOJUOFReporting@doj.ca.gov.

Sincerely,



JOE DOMINIC, Director
California Justice Information Services Division



LARRY J. WALLACE, Director
Division of Law Enforcement

For KAMALA D. HARRIS
Attorney General

Attachment



INSTRUCTIONS FOR REPORTING USE OF FORCE INCIDENTS

Pursuant to Government Code section 12525.2, effective January 1, 2016, all California law enforcement agencies are required to begin collecting use of force incident data (described below). Law enforcement agencies will be required to provide the Department of Justice a report of all instances of the following data elements concerning use of force incidents annually, during DOJ's statistical close out period for the previous year, LEAs must submit data to the DOJ, which will publish the data within Crime in California.

1. Use of Force Incident Definition

An agency must submit a use of force report of all instances when a peace officer employed by that agency is involved in any of the following:

- (1) An incident that involves the shooting of a civilian by a peace officer.
- (2) An incident that involves the shooting of a peace officer by a civilian.
- (3) An incident in which the use of force by a peace officer against a civilian results in serious bodily injury or death.
- (4) An incident in which use of force by a civilian against a peace officer results in serious bodily injury or death.

2. Reporting timeline

As noted above, starting in 2017, during DOJ's statistical close out period for the previous year, LEAs must annually submit the use of force data to the DOJ, which will publish the data within Crime in California. All use of force incidents subject to this new law must be reported **within the same calendar year that each incident occurred**, even if there has not yet been a final adjudication of the incident by the law enforcement agency or an investigating or prosecuting agency, such as a district attorney's office. For example, if an incident occurs in October 2016, it must be reported during the 2016 close out period at the beginning of 2017, regardless of whether an agency is in the process of conducting an investigation of the incident, or the incident is the subject of a civil or criminal investigation or proceeding.

3. Shooting definition

This includes any discharge of a firearm during an interaction between a civilian and an officer, regardless of whether any person was injured. A firearm is defined as a weapon which fires a shot by the force of an explosion, e.g., all handguns, rifles, shotguns, and other such devices commonly referred to as firearms. Notable exceptions to this category are electronic control devices, stun guns, BB, pellet, air, gas-powered guns, or weapons that discharge rubber bullets or bean bags.

4. Serious Bodily Injury Definition

Government Code section 12525.2(d) defines serious bodily injury as "a bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member or organ."

"Serious bodily injury" is more severe than mere physical injury. Per California Criminal Law Jury Instruction 925, physical injuries that are considered serious may include (but are not limited to) loss of consciousness, wounds requiring extensive suturing, bone fractures or concussions. In the majority of cases, such an injury will require a visit to a hospital or advanced medical care facility, either as an outpatient or by being admitted into the facility (routine medical clearances would not be included).

Serious bodily injury should not, however, mean that one must seek or require medical treatment at a hospital (e.g., a person experiences a loss of consciousness or because the injury is such that it is not immediately apparent that hospital care is necessary). Under those or similar circumstances, agencies must still report the use of force incident upon discovering that it resulted in serious bodily injury.



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5. Agency/Incident Information

Primary Agency	When two or more local, county or state law enforcement agencies are involved in a use of force incident, only the primary agency shall submit a report. The agency with investigative jurisdiction based on local, county or state law and/or applicable interagency agreements or memoranda of understanding is the primary agency. If there is uncertainty as to the primary agency, the agencies must agree on which agency is primary. If you are the primary agency, please enter "yes."
ORI	Enter your agency's ORI number.
NCIC Code	Enter your agency's NCIC Code number.
NIBRS code	Enter your agency's NBIRS Code number.
Agency Name	Enter the name of your agency.
County	Enter the county within which your agency resides.
Agency Report #	Enter the agency's identifying number, which preferably will be your "case" or "file" number, for the use of force incident.
Date	Enter the month, day and year of the incident (MM/DD/YYYY). This is the date the use of force incident <u>occurred</u> , not the date the use of force incident was reported or adjudicated.
Time	If known, enter the time of the incident in military 24-hour time. Enter 0000 if unknown.
Location	Provide the street address for the incident. Check the relevant box if the location was a K-12 campus.

6. Primary Reason for Contact

Call for Service	Any radio or station call generated by communications in response to a call from the public. This includes requests for officer service that are made via telephone, or other device and usually processed through an agency's communications group.
Pre-Planned Activity	When the use of force incident is a result of a pre-planned activity (e.g., arrest warrant, search warrant, search of a civilian on parole or probation, DUI checkpoint) or any type of activity that requires an Operational Plan (e.g., officer staffed municipal events).
Welfare Check	When the use of force incident resulted from an officer inspecting the welfare of a civilian.
In Custody Event	When the use of force incident occurs while a civilian is in a custodial setting. For use of force incidents that occur in a custodial setting, indicate the custody status: In Transit Awaiting Booking Booked - No Charges Filed Booked - Awaiting Trial Out to Court Sentenced Other
Vehicle/Bike Stop	A Vehicle Stop is any instance where an officer directs a person operating a motor vehicle of any type (including boats) or bicycle to stop and the driver is detained for any length of time.



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- Pedestrian Stop** A Pedestrian Stop is any instance where an officer performs a stop of a person who is not in a motor vehicle/boat and the person is detained for any length of time.
- Investigating suspicious persons/circumstances** An officer is investigating suspicious person or circumstances (e.g., officer observes broken window on store and stops to investigate).
- Public Contact/ Flag Down** Those requests for officer services that are made by a person(s) contacting an officer(s) directly while in the field.
- Ambush - No Warning** When an officer is ambushed without any warning.
- Civil Disorder** When an officer is responding to a civil disorder (riot, mass disobedience, etc.)

7. Information on Underlying incident

- Incident Resulted In Arrest** Enter yes or no to indicate whether the underlying incident in which the use of force was used resulted in a civilian being arrested.
- Arrest/Custody Offense** If the underlying incident resulted in the civilian being arrested, enter the exact statute (Penal Code, Health and Safety Code, etc.), including the section number and appropriate subsection for the offense. If the civilian was arrested for multiple offenses, report only the most serious offense regardless of the number of charges involved (i.e., the offense with the greatest potential sentence). If force was used on a civilian who is in custody pending booking, awaiting trial or sentencing enter in the arrest offense. If the civilian has been convicted and/or sentenced, enter in the conviction offense.
- Incident Resulted In Crime Report** Enter yes or no to indicate whether or not the underlying incident resulted in an agency crime report.

- 8. Civilians Involved** Enter the (i) total number of civilian(s) who had force used upon them; and (ii) total number of civilian(s) who assaulted an officer(s).

- 9. Officers Involved** Enter the (i) total number of officer(s) who used force on a civilian(s); (ii) total number of officers assaulted; (iii) total number of officers present on the scene at the time of the incident.

- 10. Civilian Perceived Armed** If the officer perceived the civilian to be carrying a weapon, select "Firearm," "Knife, Blade or Stabbing Instrument" or "Other Dangerous Weapon" to indicate what weapon the civilian was perceived to be carrying. Select "Unknown" if officer perceived there may be a weapon but was not certain (e.g., civilian was reaching into pockets/ towards waist band). If no perception of being armed, select "no."

- 11. Civilian Confirmed Armed With** Select the appropriate "weapon" category once known. If "no" was selected for the civilian perceived armed category, select "none" if it was confirmed the civilian was not armed. If the civilian was not perceived to be armed but was in fact armed, indicate the appropriate weapon once known.

- 12. Civilian Resistance Type** Select the level of civilian's resistance at the time of the incident resulting in use of force.



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Cooperative
Compliant with an officer's control efforts.

Passive non-compliance
Does not respond to verbal commands but also offers no physical form of resistance.

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.

Assaultive
Aggressive or combative; attempting or threatening to assault or disarm the officer or another person.

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

13. Incident Type – Use of Force by an Officer or Assault by a Civilian

Civilian Injury Severity Enter the level of severity of the injury. Because this form is required for any discharge of a firearm, severity levels below "serious bodily injury" are included. For smaller injuries, including abrasions, minor lacerations, contusions or other injuries requiring no more than usual first aid treatment, select "minor." For further guidance on "serious bodily injury" refer to paragraph 3 above.

Did Death Occur As a Result of Use Of Force Enter yes or no to indicate whether or not the civilian died as a result of the use of force incident.

If the use of force incident resulted in the death of the civilian, your agency must submit the Death in Custody Reporting (BCIA 713) form to the Department of Justice within 10 days of the death pursuant to Government Code section 12525.

Type of force used By Officer Select the type(s) of force used by the officer. Check all that apply.

Location of force used Select the location(s) of force used by the officer. Check all that apply.

Civilian Injury Type Select the type(s) of injury the civilian sustained. Check all that apply.

Medical Aid Select the type of medical aid the civilian required.

Officer Injury Severity Enter the level of severity of the injury. Because this form is required for any discharge of a firearm, severity levels below "serious bodily injury" are included. For smaller injuries, including abrasions, minor lacerations, contusions or other injuries requiring no more than usual first aid treatment, select "minor." For further guidance on "serious bodily injury" refer to paragraph 3 above.

If the use of force incident involved an assault on an officer, your agency must submit the Law Enforcement Officers Killed or Assaulted (1-705) form to the Department of Justice by the 10th of the following month. "No injury" or "minor injury" would equate to "without personal injury" on the 1-705 form; "Injury" or "Serious bodily injury" would equate to "with personal injury". If Law Enforcement Officer Killed or Assaulted involved a firearm, knife or other cutting instrument, your agency must also submit form 1-701 directly to the FBI.



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Type of force used on Officer Select the type(s) of force used by the civilian against the officer. Check all that apply.

Location of force used Select the location(s) of force used by the civilian. Check all that apply.

Officer Injury Type Select the type(s) of injury the officer suffered. Check all that apply.

Medical Aid Select the type of medical aid the officer required.

14. Civilian Information/ Demographics

Gender Select the civilian's gender.

Race Select the civilian's race. More than one race may be checked.

Definitions: The race categories provided are delineated in Government Code section 8310.5 and 19799.

Other Asian: Any person who is Asian, but whose specific origin is not known or declared or if none of the other Asian categories apply.

Other Pacific Islander: Any Pacific Islander who cannot be identified as belonging to one of the enumerated race groups of Samoan, Guamanian, or Hawaiian.

Age Enter the civilian's date of birth (MM/DD/YYYY). If the date is unknown, use 01 for the month, 01 for the day and convert the age of the civilian to the year of birth.

15. Officer Information/ Demographics (only fill out for officer(s) who used force and/or were assaulted)

Gender Select the officer's gender.

Race Select the officer's race. More than one race may be checked.

Definitions: The race categories provided are delineated in Government Code section 8310.5 and 19799.

Other Asian: Any person who is Asian, but whose specific origin is not known or declared or if none of the other Asian categories apply.

Other Pacific Islander: Any Pacific Islander who cannot be identified as belonging to one of the enumerated race groups of Samoan, Guamanian or Hawaiian.

Age Enter the officer's date of birth (MM/DD/YYYY).

Duty Select whether or not the officer was on or off duty at the time of use of force incident.

Dress Select the officer's dress at the time of use of force incident.

16. Observed Civilian Behavior Select the description(s) that best capture the observed behavior of the civilian. Additional drop down fields are optional. Check all that apply.