



# SANTA ROSA POLICE

## TRAINING BULLETIN

### Use Of Force Report Writing & Investigations (Updated)

**Date:** June 8<sup>th</sup>, 2023

**By:** Sergeant James Vickers

#### **PURPOSE:**

To provide Sergeants and Officers a standard framework and best practices for conducting use of force report writing and investigations in a field setting.

#### **INFORMATION:**

In general, a supervisor's responsibility when responding to a use of force incident involving officers should be to obtain **basic facts** and circumstances that allow for triage of the call according to policy, law, and available resources.

In addition, the supervisor should make every effort to interview the suspect and any involved citizens and witnesses not previously identified, to lay the groundwork for a thorough review of the incident later. Although it's likely the suspect will make incriminating statements, the main purpose of the supervisor's interview is a basic review of the officer's use of force and its effectiveness overall.

If the suspect(s) requires medical treatment, the suspect interview(s) **should** be done by an officer not involved in the use of force. Under ideal circumstances the interviews are conducted after a reasonable period of time and away from the original scene.

Officers should be given ample time to jog their memory, review BWC footage, and decompress from the incident. In effect, an officer's crime report should serve as their detailed statement of the facts and circumstances surrounding the use of force. Detailed questioning of officers near in time to the force encounter is not ideal given the human factors involved.

#### **Supervisor Responsibilities Per (Use of Force) Policy**

A supervisor should respond to any reported use of force, if reasonably available. The responding supervisor is expected to (Government Code § 7286(b)):

- 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 examined and treated.
- c. When possible, obtain a recorded interview with the subject upon who force was applied. **Miranda Rights shall be given** prior to a use of force interview. All statements and body-worn camera footage shall be included in the crime report. If any aspect of the use of force investigation reveals exculpatory information, the supervisor shall complete a supplemental report noting that information.
  1. **If the suspect(s) requires medical treatment, the suspect interview(s) should be done by an officer not involved in the use of force. Under ideal circumstances the interviews are conducted after a reasonable period of time and away from the original scene.**
  2. **Note:** Miranda Rights are required here due to an injunction against SRPD.
- d. 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 (booked into evidence) until all potential for civil litigation has expired.
- e. Identify any witnesses not already included in related reports.
- f. Review and approve all related reports.
- g. Determine if there is any indication that the subject may pursue civil litigation.
  1. 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.
- h. 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.
- i. Complete a Use of Force Investigation in the appropriate tracking software.

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.

### **Blue Team Entries Explained**

**Summary:** The summary should be detailed enough for the reader to grasp the overall circumstances of the incident, as well as significant factors and actions taken by both the suspect and officer(s).

**Involved Officer(s) Statement(s) consistent w/BWC:** Yes or No. If no, explain. Supervisors should be reviewing each report submitted by involved officers as well as their BWC footage. If the officer(s) missed something it should be caught prior to submission of the report, or a supplemental report added.

**Witness Officer(s) Statement(s) consistent w/BWC:** Yes, No, or N/A. If no, explain.

**Witness Statements consistent w/BWC:** Yes, No or N/A., Explain. A witness statement often only represents one perspective of a use of force. Noting the circumstances surrounding the witness and their view of events is important if there are inconsistencies.

Example: (W) stated she observed officers chasing the suspect eastbound on Smith Lane and heard their verbal commands for him/her to stop and identifying themselves as Police Officers. Refer to supplemental report.

**Suspect Statements consistent w/BWC:** Briefly summarize any statements/admissions made by the suspect during the Supervisor's interview with them. Concurrent, false and/or inconsistent statements should be noted here with references to BWC and/or witness and officer's statements.

Example: No. (S) stated the use of force by officers was "too much" considering his crime.

**Use of force reasonable, lawful, and within policy:** Yes or No with brief explanation.

Example: Yes. Officers had probable cause to believe (S) committed a strong-armed robbery, and he fled on contact. Officers gave multiple verbal commands for him to stop and identified themselves as police officers before using a takedown and WRAP to ultimately subdue him.

**\*NEW\* Training needs identified:** Yes or No. If yes, explain. Supervisors should reasonably analyze the officer's effectiveness regarding the use of force. It is entirely possible a use of force is within policy and the law; however, some additional training may be appropriate. If additional training is needed/identified, the Supervisor should note how it will be addressed and who will be responsible.

Example: Officers attempted to put suspect in a WRAP incorrectly multiple times until corrected by another officer. Training was arranged for WRAP instruction utilizing a department D-TAC instructor, which will be completed on 4/3/2023 and documented with eval notes.

## **Use of Force Report Writing Guide for Officers**

**Once an officer has had time to review all the evidence and complete their report, Supervisors should look for the following details depending on the circumstances.**

- 1) Where there any pertinent facts leading up to the use of force?**
  - a. Previous history with subject?
  - b. What information did you learn prior to use of force?
  - c. Did you consider, or attempt any other use of force, resources, or tactics? Did you use any and/or why did you believe those would be ineffective?
  - d. How was the encounter tense, uncertain, and/or rapidly evolving?
  - e. Did you attempt de-escalation/crisis intervention techniques, why/why not?
- 2) What were the arrestee's actions before and during the use of force?**
  - a. Verbalize a threat?
  - b. Pre-assaultive behaviors you perceived as a threat?
  - c. What type of resistance (passive, active, combative, deadly)?
  - d. In possession of weapons, or were weapons present?
  - e. Ability, opportunity, or apparent intent to cause injury, death, or GBI? How?
- 3) Did the officer use force to effect an arrest, prevent escape, or overcome resistance?**
  - a. Tell the suspect they were under arrest? What crime?
  - b. Any victims or bystanders present? Was force used in defense of you and/or others?
  - c. Warnings given?
  - d. Experience fear of injury to you or others?
- 4) What was relevant post-use-of-force?**
  - a. Offer or procure medical aid?

- b. Did you or anyone suffer injuries?
- c. Arrestee statements or admissions regarding use of force?
- d. Identify or interview potential witnesses?

**Supervisors should review the relevant BWC footage, and the statements (if any) obtained from the suspect and/or witnesses and compare them to the officer's report(s).**