



Kern County Sheriff's Office
Policies and Procedures

TITLE: Use of Force – Reporting and Review		NO: F-0200	
APPROVED: Donny Youngblood, Sheriff-Coroner			
REFERENCE Penal Codes 832.5, 832.7, & 835a, DPPM D-Section, F-0100, F-0250, F-0900, F-0910, F-1100, F-1200, J-2350, M-0800 P-0600, Q-0100, & Govt. Codes 7286, 7286.5, 12525.2, & 12525.3			
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APPLICABILITY

When used in this policy the terms, “employee,” “officer,” “peace officer,” “deputy,” or “deputies” shall include Sheriff’s Deputies, Detentions Deputies, Detentions Officers, Deputy Coroners, and Park Rangers.

POLICY

This policy establishes guidelines for the reporting of use of force (UOF) events and reviewing requirements following the application of force. All reportable UOF by Sheriff’s Office employees will be reported, documented, and reviewed. The level of report and review will be based upon the type of force and category of the UOF event.

All reportable UOF will be entered into the Use of Force Reporting System (U.O.F.R.S.) for statistical purposes and analysis, as well as an element of the Early Intervention System as outlined in DPPM F-250. Early intervention is a non-disciplinary, proactive process intended to identify deficiencies to meet the needs of the Sheriff’s Office’s organizational standards. The Sheriff’s Office will include utilization of the early alert to assess ways to identify and report force trends to take preventative steps to curb problematic trends.

USE OF FORCE CATEGORIZATION

The Sheriff’s Office classifies reportable uses of force into four categories. All UOF will be reported and investigated as outlined within these categories in accordance with the Use of Force Matrix (Attachment A).

DEFINITIONS

REPORTABLE USE OF FORCE - Any force used by a department member to overcome a subject’s resistance that results in death, an injury, a complaint of injury in the presence of a deputy or other department member, or an allegation of employee misconduct. A reportable use of force also includes any use of force, regardless of injury or alleged misconduct, involving chemical agents, conducted energy weapons (CEW), personal weapons, impact weapons, extended range impact munitions, vehicle interventions, canines, firearms, intentional pointing of a firearm at a person, and any UOF that involves improvised techniques not taught, or equipment not issued by the Sheriff’s Office.

- a. Transitory discomfort associated with the application of control holds and/or restraints is not an injury for the purposes of determining if a UOF is reportable, but a complaint of pain that persists beyond transitory discomfort is reportable.

NON-CATEGORIZED POINTING OF A FIREARM - The intentional pointing of a firearm at a person is a reportable UOF. A firearm may be pointed at a person as a show of force when an officer reasonably believes it may be necessary to use the firearm in defense of life as outlined in DPPM F-100 (Drawing or Exhibiting Firearms).

- a. Pointing means the intentional aiming of a firearm at a person, beyond incidental pointing during a building search, high-risk traffic stop, or while in the low-ready position during other similar circumstances.
- b. Documentation is not required when a firearm is presented, but not pointed at an individual (e.g. building search).

HOSPITALIZATION - Refers to any individual that is admitted to the hospital for treatment related to the UOF. It does not refer to any admission due to a pre-existing medical condition or injury prior to the use of force.

REPORTING USES OF FORCE

Employees, who use or witness force, shall ensure a supervisor is notified promptly. Any UOF shall be documented in a crime/incident report, as well as the U.O.F.R.S. When reporting or investigating any UOF, employees shall follow the Use of Force Matrix for all reportable uses of force types (refer to F-0200 Attachment A).

1. If there is any uncertainty as to whether a UOF is reportable, the deputy shall notify a supervisor, who will then be responsible for making the determination.
2. Whenever a person requires or reasonably requests medical attention after a UOF incident, a deputy shall comply with the provisions in DPPM P-0600 (Emergency Care for Individuals Under Sheriff’s Office Care or Control).
3. A deputy booking an arrested subject shall notify the appropriate jail medical staff of any injury or complaint of pain and type of force used.
4. Reporting deputies shall ensure all U.O.F.R.S. entries are completed.
5. In the event force is used by a supervisor or at the supervisor’s direction, efforts shall be made for another independent supervisor or Section Lieutenant/Watch Lieutenant to conduct the investigation.
 - a. In the event another supervisor/manager is not available, the conflict must be documented and thoroughly assessed via the management review, which should include a review of BWC footage and other corroborating evidence.

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6. This reporting requirement also relates to any use of force incidents that occur when employees are off-duty but engaged in exercising law enforcement powers.¹
7. Deputies shall also report to a supervisor any allegation of unreasonable force, and any unreported use of force.

Exception: If the pointing of a firearm is the only reportable UOF, there is no immediate requirement to notify a supervisor and only a U.O.F.R.S. entry is required.

After notifying a supervisor of a reportable UOF, the involved deputy shall adhere to the following:

1. If no other report is required by policy and the pointing of a firearm is the only reportable UOF, only a U.O.F.R.S. entry is required. The entry shall include:
 - a) A complete description of the circumstances warranting the pointing of a firearm based upon the criteria outlined in DPPM F-100.
2. For all other reportable uses of force, complete the applicable crime/incident report(s). The report shall minimally include the following:
 - a) A complete description how, what, when, where, and why each force option was used, including what other force options were considered or not feasible.
 - b) Deputies shall document in a UOF report any efforts made to identify themselves and to provide a clear warning as outlined in DPPM F-100 (or F-910 for canine announcements).
 - c) A description of any efforts to de-escalate and the outcome or why such efforts were not feasible.
 - d) Actions of the subject(s) necessitating the UOF.
 - e) The description shall be detailed and specific to the event being documented and will not include conclusory statements without supporting detail.
 - f) A description of injuries that the subject received or claims to have received, or lack of injuries.
 - Per DPPM P-0600, photographs of the affected areas of the subject’s body shall be taken to show the existence or absence of injury following a use of force.
 - g) Any medical treatment provided or refusal by the subject.

¹ See DPPM B-200, B-225, and B-250 for other provisions related to off-duty conduct.

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- h) In any Category 2 or Category 3 UOF, the deputy shall include the name and rank of every deputy on the scene during the UOF regardless of their involvement or if they witnessed the UOF.
3. Complete a U.O.F.R.S. entry and forward the incident to a supervisor.
 - a) The U.O.F.R.S. entry shall be completed by the end of the deputy's shift unless a supervisor has authorized a reasonable delay in the entry. If the involved deputy is unavailable to complete a U.O.F.R.S. entry, the supervisor, or their designee, shall complete the U.O.F.R.S. entry based upon the information made known to them through the investigation.
 4. If the UOF falls under Category 3, requiring a Detectives Section response, deputies who used force are not required to complete a U.O.F.R.S. entry.
 - a) The Detectives Section will complete the U.O.F.R.S. entry.
 5. Witness deputies to any Category 2 UOF shall complete a supplemental report which will include the following:
 - a) Their involvement in the incident.
 - b) A description of any use of force they witnessed.
 6. If the UOF falls under Category 3, requiring a Detectives Section response, deputies who used force or witnessed the force used, may be interviewed for a statement in lieu of completing a report.
 - a) Exceptions to the supplemental report requirement shall be at the discretion of the Detective supervisor.
 - b) If ordered to complete a supplemental report it will include the same information as a Category 2 witness statement.

SUPERVISOR INVESTIGATIVE RESPONSIBILITIES

Upon notification of a Category 1 or Category 2 UOF, the supervisor shall respond to the location of the incident, if availability permits, to ensure that a thorough investigation takes place. If unable to respond, the supervisor shall direct the investigation remotely.

Generally, an uninvolved supervisor or their designee shall conduct the administrative investigation. If the Watch Lieutenant determines that is impractical, they can approve the involved deputy/supervisor to conduct the investigation and shall document it in a report.

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Category 1 - The Supervisor shall do the following:

- Examine subject of force for injuries and ask about any injuries or complaints of pain.
 - Ensure medical aid is provided if needed.
 - Ensure photographs of the scene are taken.
 - Ensure photographs of any any injuries not related to force, or the absence of visible injuries, are taken.
 - Ensure identification and collection of all relevant evidence.
 - Conduct or direct an area canvass for: witnesses, evidence, and surveillance video.
 - The supervisor shall attempt an administrative interview as part of their investigation to obtain a statement from the subject of force.
 - Collect witness statements - When feasible, should be obtained by a supervisor or deputies not involved in the use of force and ensure deputies thoroughly document their involvement. Statements shall be conducted in person, unless impractical, but the investigating deputy shall use available means to remotely conduct the interview (FaceTime, BWC, etc.).
 - Collect and review deputies' statements.
 - Assess the appropriateness of using force and any charge(s) against the subject.
 - The above-listed information shall be documented in the **Use of Force Reporting System**.
- **Note:** If the supervisor cannot respond to the location of the use of force, the supervisor shall note this on the form and continue to monitor the progress of the investigation.

Category 2 - In addition to the Category 1 Requirements, do all the following:

- Ensure photographs of any injuries or the absence of injuries.
 - Review relevant and readily available recordings (both audio and video) of the event, including audio recordings, Body Worn Camera footage and any surveillance video.
 - Consider arranging for other deputies to transport and book the suspect if the suspect continues to display hostile, confrontational, or oppositional behavior toward the arresting deputy.
 - The above-listed information shall be documented in the **Use of Force Reporting System**.
- **Note:** If the supervisor cannot respond to the location of the arrest, the supervisor shall note this on the form and continue to monitor the progress of the thorough investigation.

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Category 3 - The Supervisor shall:

- Repond to the location.
- Notify the Watch Lieutenant for determination on how to proceed.
- Use of force determined to be a Category 3 incident, will be reported and reviewed according to DPPM Section F-1100 and Section F-1200 respectively.
- Use of force determined to be a Category 3 that does not result in a detective callout, will require the response of the supervisor and Watch Lieutenant.
- If it is determined there will not be a Detective Callout, the Watch Lieutenant shall ensure an uninvolved supervisor conducts the administrative investigation.
- **Note:** UOF resulting in minor digit or nasal fractures not requiring hospitalization shall be considered Category 2.

SUPERVISORIAL REVIEW RESPONSIBILITIES

Reviewing supervisors will be responsible for detecting, adequately investigating, and responding to force that is unreasonable or otherwise contrary to Sheriff's Office policy. The supervisor-level review of a U.O.F.R.S. entry and Supervisor's UOF Report shall be completed within 30 days of the incident date.

Non-Categorized UOF - Pointing of Firearm - The Reviewing Supervisor Shall:

- Ensure a Use of Force Reporting System entry is completed if no other report is required by policy.
- If a report is required related to the investigation, this information will also be documented in the narrative of the report and a Use of Force Reporting System entry is required.
- If there is no Crime or Incident report, a supervisor level review will include a review of the CAD entry, applicable BWC footage, and the submitting deputy's Use of Force Reporting System entry.
- If there is an associated Crime or Incident report, the supervisor will thoroughly review the circumstances outlined in the report and follow the normal report approval procedures.
- When reviewing the Use of Force Reporting System entry, the reviewing supervisor shall provide their rationale on whether the use of force was consistent with policy within the Use of Force Reporting System.
- If the incident is within policy, approve **Use of Force Reporting System** entry for archiving.
- If the use of force was inconsistent with policy, the supervisor shall contact the affected Section Lieutenant and Division Commander for further review and follow DPPM D-0200/D-0300.
- **Note:** Refer to Attachment A - UOF Matrix for exceptions.

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Category 1 & 2 - The Supervisor shall:

- Review all associated incident reports, supplemental reports, and statements of involved deputies to determine adequacy, accuracy, and completeness.
- Approve all incident reports and supplemental reports.
- Review the **Use of Force Reporting System** entry along with all associated and relevant reports, audio/video evidence, and other available evidence.
- Provide their rationale and recommendations on whether the use of force was consistent with policy within the **Use of Force Reporting System**.
- Include a narrative description of the incident and a description of the evidence which evaluates policy compliance.
- If the incident appears to be consistent with policy, forward the **Use of Force Reporting System** entry to the affected Section Lieutenant for management-level review.
- If the use of force appears to be inconsistent with policy or if a use of force was not reported by an involved or witnessing deputy, the supervisor shall contact the affected Section Lieutenant and Division Commander for further review.
- If necessary, the Commander will refer the incident to the Professional Standards Section or the Internal Affairs Section as outlined in DPPM D-0200/D-0300.

Category 3 - The Reviewing Supervisor shall:

- Ensure the use of force determined to be a Category 3 incident, will be reported and reviewed according to DPPM Section F-1100 and Section F-1200 respectively.
- Ensure that a use of force determined to be a Category 3 that does not result in a detective callout, will require the response of a supervisor and Watch Lieutenant.
- If it is determined to be a Non-Lethal Category 3 incident, the Supervisor will complete review as outlined in Category 2, unless elevated to Category 3 use of force.
- **Note:** The UOF resulting in minor digit or nasal fractures not requiring hospitalization shall be considered Category 2 (See Attachment A - UOF Matrix).

LIEUTENANT REVIEW RESPONSIBILITIES

Reviewing managers will be responsible for detecting, adequately investigating, and responding to force that is unreasonable or otherwise contrary to Sheriff's Office policy. Upon receiving the U.O.F.R.S. notification and Supervisor's UOF Report, The Managerial UOF Review shall be completed within 45 days of the incident date.

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Category 1 & Category 2 (Personal Weapons or Control Holds/Takedowns With Complaint of Pain or Injury including UOF with Minor Fractures) -

The Reviewing Lieutenant shall:

- Review the **Use of Force Reporting System** entry for adequacy, accuracy, and completeness.
- Review all associated and relevant documentation, audio/video evidence, and other available evidence to determine if the use of force was consistent with policy.
- This review shall include recommending whether the deputies' actions were consistent with agency policy and state and federal law, assessing the incident for tactical and training implications, and documenting any corrective actions taken or recommended.
- Provide their rationale for findings and recommendations within the Use of Force Reporting System.
- Include a narrative description of the incident and a description of the evidence which evaluates policy compliance.
- If UOF is within policy, approve the **Use of Force Reporting System** entry.
- If UOF requires Commander approval, forward to the affected Division Commander.
- If the use of force appears to be inconsistent with policy or if a use of force was neither reported by an involved or witnessing deputy nor the reviewing supervisor, the Lieutenant shall contact the affected Division Commander for further review.
- If necessary, the Lieutenant will refer the incident to the Professional Standards Section or the Internal Affairs Section as outlined in DPPM D-0200/D-0300.

Category 3 - The Lieutenant shall:

- Respond to the scene with a supervisor. Response to the scene or incident is required.
- Upon being notified of a Category 3 UOF, consult with the Detective Commander for a determination of whether a full investigative callout is needed.
- Ensure Detectives shall respond to a Category 3 UOF for all lethal UOF, and any UOF that requires hospitalization.
- Determine if a full investigation is needed, the review will mirror the same process for Lethal Category 3 incidents (DPPM F-1100 & F-1200).
- If it is determined to be a Non-Lethal Category 3 incident, the Lieutenant will complete review as outlined in Category 2, unless elevated to Category 3.
(See Review Requirements of Attachment A - UOF Matrix).
- **Note:** UOF resulting in minor digit or nasal fractures not requiring hospitalization shall be considered Category 2 (See Category 3 description on Attachment A - UOF Matrix).

COMMANDER REVIEW RESPONSIBILITIES

With the exception of Category 2 UOF incidents listed above for Lieutenant final approval, a final determination of whether the use of force is within policy must be made by a Commander or higher for all other Category 2 and Category 3 UOF incidents.²

² See Attachment A - UOF Matrix - Review Requirements

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Commanders will be responsible for identifying and reporting force trends and for taking preventive steps to curb problematic trends, including issuing or revising policies, directives, training, training bulletins, or providing additional mentoring and supervision to individual deputies. Commanders shall hold supervisors accountable for not detecting, adequately investigating, or responding to force that is unreasonable or otherwise contrary to policy.

Category 2 - The Commander shall:

- Review the **Use of Force Reporting System** for adequacy, accuracy, and completeness.
- Review all associated and relevant documentation, audio/video evidence, and other available evidence to determine if the use of force was consistent with policy.
- Provide their rationale and recommendations on whether the use of force was consistent with policy within the **Use of Force Reporting System**.
- Include a narrative description of the incident and a description of the evidence which evaluates policy compliance.
- If UOF is within policy, approve the **Use of Force Reporting System** entry.
- If the UOF is inconsistent with policy, the Commander shall contact the affected Bureau Chief Deputy for further review.
- If necessary, the Commander will refer the incident to the Professional Standards Section or the Internal Affairs Section as outlined in DPPM D-0200/D-0300.
- If, after the review, the Commander determines the use of force was more appropriately categorized as a Category 3, the Commander will forward the incident to the Compliance Bureau to convene a Critical Incident Review as outlined in DPPM F-1200.

Category 3 - The Commander shall:

- Upon being notified of a Category 3 UOF, consult with the Detective Commander for a determination of whether a full investigative callout is needed.
- Detectives shall respond to a Category 3 UOF for all lethal UOF, and any UOF that requires hospitalization.
- If it is determined a full investigation is needed, the review will mirror the same process for Lethal Category 3 incidents (DPPM F-1100 & F-1200).
- If it is determined to be a Non-Lethal Category 3 incident, the Commander will complete review as outlined in Category 2, unless elevated to Category 3.
- **Note:** UOF resulting in minor digit or nasal fractures not requiring hospitalization shall be considered Category 2.

DIRECTIVE #1: Use of force incidents involving canine deployments shall follow the policy outlined in DPPM F-0900.

DIRECTIVE #2:

The management level review will assess the incident for policy compliance, tactical and training implications, or other concerns. Training and tactical recommendations and findings will be handled as follows to ensure informal supervisory feedback does not replace the need for formal discipline.

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- Any training or tactical concerns will be documented in accordance with DPPM M-0800.
- Any non-disciplinary corrective action taken or recommended may be documented in the U.O.F.R.S.
- Any disciplinary corrective action taken, or recommendations made will be addressed per DPPM D-0200/DPPM D-0300.
- For further directions on U.O.F.R.S. entries, refer to DPPM F-0250.

USE OF FORCE TEAM

The Sheriff’s Office will maintain a small team of UOF subject matter experts (SME) to provide insight when reviewing UOF events within Category 1 or 2.

For Category 1 and 2 uses of force, reviewing authorities can request the UOF SME team convene to review the UOF and render a formal recommendation via memorandum. The recommendation will be provided to the Personnel Division Commander and the involved employee’s Division Commander. Those Commanders will review the recommendation along with the associated materials and make a determination on whether the UOF was consistent with policy. Any disagreements between Commanders will be elevated, resulting in a Critical Incident Review Board.

For Category 3 incidents, UOF SME team members may attend at the discretion of the Critical Incident Review Board. The UOF Team will not render opinions on the validity of force but will be available to offer guidance on training, UOF trends, and applicable biomechanics.

REPORTING DISCHARGE OF A FIREARM

When an employee discharges or attempts to discharge a firearm intentionally or accidentally on or off duty, the employee shall immediately notify the on-duty Watch Lieutenant. This does not include intentional or accidental discharges at a range, unless the discharge results in an injury, or for recreational purposes (e.g., hunting, private target practice, or other similar activities). In any incident of an employee intentionally or accidentally discharging their firearm, the investigative procedures outlined in DPPM F-1100 shall be followed.

DISCLOSURE OF PUBLIC RECORDS

The Sheriff’s Office will disclose public records under State and Federal law requirements. See California Penal Code 832.7 and 832.8 for further details on the release of personnel records for custodial and peace officers. For information regarding the release of use of force statistics and information to the public, refer to Kern County Sheriff’s Office Community Policing Policy DPPM Q-0100. For RIPA reporting, refer to KCSOPPM J-2350.

CRIMINAL AND ADMINISTRATIVE INVESTIGATOR RESPONSIBILITIES

The Kern County Sheriff’s Office strives to maintain a relationship of trust and confidence with the community. In keeping with this goal, it is the policy of the Sheriff’s Office to diligently investigate all use of force and personnel complaints stemming from use of force incidents in a fair and impartial manner.

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Criminal investigations involving the use of force will be tasked to either the Detectives Section or the Professional Standards Unit at the discretion of the Sheriff or his/her designee.

In accordance with DPPM F-1100³, Lethal Category 3 incidents will require investigation by the Detectives Section. Non-Lethal Category 3 incidents require consultation with the Detective Commander. After consultation, Non-Lethal Category 3 incidents may be escalated to a full Category 3 review, or a Category 2 review as outlined above.

Procedures for filing, investigation, and reporting of complaints regarding use of force incidents are outlined in Kern County Sheriff's Office Department Policies and Procedures Manual Section D-0600. The Internal Affairs Section will be responsible for any administrative investigations relating to the use of force and such investigations will comply with the complaint policies set forth in DPPM D-0100 through DPPM D-0800.⁴

REPORTING TO THE CALIFORNIA DEPARTMENT OF JUSTICE

Internal Affairs Unit shall submit statistical data regarding all qualifying officer-involved shootings and incidents involving the use of force resulting in serious bodily injury or death to the California Department of Justice (URSUS) as required by Government Code 12525.2. Further details on the use of force and RIPA data reported to California Department of Justice may be accessed at:

<https://openjustice.doj.ca.gov/data>

Government Code 12525.3 relates to officer-involved shootings resulting in the death of an unarmed civilian. The provisions of Government Code 12525.3 create scenarios where the Attorney General's Office is statutorily responsible for independent investigation and potential prosecution in cases where an officer-involved shooting results in the death of an unarmed civilian.

Government Code 12525.3 defines an "unarmed civilian" as "anyone who is not in possession of a deadly weapon." The District Attorney will no longer conduct reviews of cases that fall under the Attorney General's purview, as identified in Government Code 12525.3 or subsequent legislation.

Per the California Division of Law enforcement "California Police Shooting Investigation Teams – Investigation Procedural Guidelines (July 2021)" a "deadly weapon" includes, but is not limited to, any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, pilum, ballistic knife, metal knuckle knife, dagger, billy, blackjack, plastic knuckles, or metal knuckles. (Gov. Code, § 12525.3, subd. (a)(1).)

³ It is the policy of the Kern County Sheriff's Office to conduct investigations into all critical incidents that involve the use of deadly force, any discharge of a firearm by a Sheriff's Office member, or any in-custody deaths. This policy does not cover intentional firearm discharges during training or accidental discharges at the firing range, unless the accidental discharge results in an injury.

⁴ See California Penal Code 832.5 and Government Code 3300 et seq. for further details on the rules governing administrative investigations of complaints.

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Per DOJ Information Bulletin 2022-DLE-01, the following are further guidelines on what does/does not constitute a deadly weapon:

- a) All firearms and BB/pellet guns, even if unloaded or inoperable, are deadly weapons.
- b) Objects that have a legitimate non-weapon purpose are considered deadly weapons only when, based on all the circumstances, they are used in a manner likely to produce death or great bodily injury. The following are examples of objects that have been considered deadly weapons when used in that manner: knives, box cutters, screwdrivers, bottles, chains, automobiles, rocks, razor blades, baseball bats, and iron bars.
- c) Replica firearms (including Airsoft guns) are not considered deadly weapons unless they are used in some particular manner likely to produce death or great bodily injury (e.g., as a bludgeon).

Agencies responding to an incident falling within Govt. Code 12525.3 shall promptly notify the 24-hour call center at LA Clear. LA Clear notifies the Department of Justice (DOJ) Division of Law Enforcement (DLE), which contacts the reporting agency to confirm the incident falls within the scope of section 12525.3. DLE informs DOJ's Criminal Law Division through a Supervising Deputy Attorney General (SDAG). The SDAG may provide legal advice on whether a particular case falls within the scope of section 12525.3. The SDAG provides further notice to the Senior Assistant and Chief Assistant Attorneys General. The SDAG will assign a Deputy Attorney General (DAG) to respond to the scene. The SDAG will also communicate with the local District Attorney's Office and coordinate the handling of the incident or any related offenses.

DISTRICT ATTORNEY'S REVIEW

Within 90 days of completion of the investigation of an incident, the investigating agency shall provide copies of all investigative reports, witness statements, recordings, photographs, diagrams, body camera videos, and all other relevant evidence and documents to the District Attorney's Office, unless there is good cause for delay. Upon request, the investigating agency shall make any item of evidence available for inspection. The District Attorney's Office will conduct a timely review and determination relating to criminal law pertaining to the use of force. Additional investigation requests will be directed to the primary investigating agency. If the primary investigating agency declines or does not perform the additional investigation, the District Attorney's Office may independently conduct the additional investigation.

Under Penal Code 832.7, the District Attorney may access the personnel file of any deputy involved in an incident. The District Attorney's Office acknowledges that such review is limited to the development of information pertaining to the investigation of the incident only and that such information reviewed will be kept strictly confidential. Information learned from such a review cannot be made public or otherwise disclosed absent compliance with Pitchess procedures codified in Evidence Code 1040 et seq.

The District Attorney shall conduct an independent assessment of the circumstances surrounding incidents and will issue written findings. The District Attorney's findings will be made available

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to the public via the District Attorney Office’s website after a copy of the findings has been provided to the agency that employs any deputies or officers involved in the incident.

Upon completion of the District Attorney’s review, if no criminal conduct has been identified, all reports and evidence received during the review process will be returned to the investigating agency. The District Attorney retains the authority to conduct an independent investigation. When deemed necessary by the District Attorney, either independently or upon request of the employing or jurisdictional agency, the District Attorney may perform an original independent investigation. Such an investigation would be separate from that typically conducted by the jurisdictional or employing agency. The District Attorney will notify the investigating and employing agency if an independent original investigation is being conducted unless such notification would compromise the integrity of the investigation.

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