

# Applicable Statutes

CODE	STATUTE	CATEGORY	SUBJECT
Penal Code	69	Crimes against the executive power of the state	Resisting or deterring officer.
Penal Code	71	Crimes against the executive power of the state	Threat of injury made to peace officer in performance of his duties.
Penal Code	102	Crimes against public justice	Retaking property from officer.
Penal Code	148	Crimes against public justice	Resisting or obstructing public officer.
Penal Code	148.1	Crimes against public justice	False reporting planting of bomb.
Penal Code	148.2	Crimes against public justice	Interfering with fireman or EMT.
Penal Code	148.9	Crimes against public justice	Giving false identification.
Penal Code	151	Crimes against public justice	Advocating injury or death of peace officer.
Penal Code	169	Crimes against public justice	Picketing in or near courthouse with intent to interfere or obstruct administration of justice or influence judge, juror, witness or officer of the court.
Penal Code	171f	Crimes against public justice	Entering state capitol without authorization- disorderly conduct.
Penal Code	182	Crimes against public justice	Conspiracy.
Penal Code	185	Crimes against public justice	Wearing masks or personal disguises in the commission of any public offense.
Penal Code	197	Crimes against the person	Killing in defense of self or property and arresting fugitives or quelling riot.
Penal Code	218	Crimes against the person	Derailing or wrecking train.
Penal Code	219	Crimes against the person	Wrecking train or firing bridge.
Penal Code	219.1	Crimes against the person	Throwing missile at vehicle of common carrier.
Penal Code	219.2	Crimes against the person	Throwing a missile or shooting at trains, street cars or vessels.
Penal Code	240	Crimes against the person	Assault-defined.

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Penal Code	241	Crimes against the person	Assault against peace officer, or other specified persons engaged in performance of duties (note: see PC 241 subsections).
Penal Code	242	Crimes against the person	Battery-defined.
Penal Code	243	Crimes against the person	Punishment for battery generally, against specified officers and others.
Penal Code	247	Crimes against the person	Discharge firearm at unoccupied aircraft or motor vehicle or uninhabited building or dwelling house.
Penal Code	247.5	Crimes against the person	Discharging laser at aircraft.
Penal Code	248	Crimes against the person	Interfere with helicopter operation- light or bright device.
Penal Code	302	Crimes against the person	Disorderly conduct at church service.
Penal Code	372	Crimes against public health and safety	Maintaining public nuisance.
Penal Code	374	Crimes against public health and safety	Littering and waste matter defined (note: see PC 374 subsections).
Penal Code	375	Crimes against public health and safety	Use of offensive substances in place of public assembly; manufacture of offensive subject.
Penal Code	396	Crimes against public health and safety	Price gouging during state of emergency.
Penal Code	403	Crimes against public health and safety	Disturbing an assembly.
Penal Code	404	Crimes against public health and safety	Riot-defined.
Penal Code	404.6	Crimes against public health and safety	Incitement to riot.
Penal Code	405	Crimes against public health and safety	Punishment of participants in riot.
Penal Code	405a	Crimes against public health and safety	Taking person from lawful custody.

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Penal Code	406	Crimes against public health and safety	Rout-defined.
Penal Code	407	Crimes against public health and safety	Unlawful assembly.
Penal Code	408	Crimes against public health and safety	Participating in a riot or unlawful assembly.
Penal Code	409	Crimes against public health and safety	Refusal to disperse when ordered.
Penal Code	409.5	Crimes against public health and safety	Closing areas in emergency.
Penal Code	409.7	Crimes against public health and safety	Duly authorized media representatives may enter areas closed by police.
Penal Code	410	Crimes against public health and safety	Duty to suppress riot or rout.
Penal Code	415	Crimes against public health and safety	Fighting, causing loud noise or using offensive words in public place.
Penal Code	415.5	Crimes against public health and safety	Unlawful acts committed in buildings or grounds of colleges or university.
Penal Code	416	Crimes against public health and safety	Duty of crowd to disperse when ordered; Restitution for property damage.
Penal Code	420	Crimes against public health and safety	Obstructing entry on government land.
Penal Code	422	Criminal threats	Threats to commit crime resulting in death or great bodily injury.
Penal Code	422.6	Civil Rights	Civil rights; Interfere with property damage or speech.
Penal Code	451	Crimes against property	Arson.
Penal Code	452	Crimes against property	Unlawfully causing a fire.
Penal Code	453	Crimes against property	Possession or manufacture of combustible or explosive material or firebomb.

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Penal Code	455	Crimes against property	Attempts to burn.
Penal Code	463	Crimes against property	Burglary during state of emergency.
Penal Code	555	Crimes against property	Entry without permission (note: see 555 PC subdivisions).
Penal Code	587	Crimes against property	Injuring or obstructing railroad tracks, rights-of-way or structures.
Penal Code	588	Crimes against property	Injuring public road or bridge (note: see PC 588 subsections).
Penal Code	591	Crimes against property	Injuring or tapping telegraph, telephone or cable telephone line.
Penal Code	594	Malicious mischief	Vandalism.
Penal Code	602	Malicious mischief	Trespassing.
Penal Code	602.5	Malicious mischief	Unauthorized entry of dwelling.
Penal Code	602.8	Malicious mischief	Trespass- Entering cultivated, fenced or posted land.
Penal Code	602. 10	Malicious mischief	Physical obstruction of student or teacher from attending or instructing at a university of California, California state university or community college.
Penal Code	602.11	Malicious mischief	Obstruct entry/exit of health care facility, place of worship or school.
Penal Code	616	Malicious mischief	Tampering with posted legal notice.
Penal Code	626	Miscellaneous crimes	Definitions- miscellaneous crimes- schools (note: See PC 626 subsections).
Penal Code	640	Miscellaneous crimes	Infractions committed on or in facilities or vehicles of a public transit system (note: see PC 640 subsections).
Penal Code	647	Miscellaneous crimes	Disorderly conduct defined.
Penal Code	647c	Miscellaneous crimes	Accosting person in public place, disorderly conduct, impose or begging.
Penal Code	647e	Miscellaneous crimes	Alcoholic beverages; possession of opened containers on posted premises; regulation by local ordinance.
Penal Code	659	General provisions	Counseling or aiding another in the commission of a misdemeanor.
Penal Code	667.5	General provisions	Enhancement of prison terms for new offenses.
Penal Code	667.61	General provisions	Specified sex offenses subject to punishment by incarceration for life.
Penal Code	726	Of the prevention of public offenses	Unlawful assembly- officer's duty to disperse.
Penal Code	727	Of the prevention of public offenses	Arrest for refusal to disperse.

CODE	STATUTE	CATEGORY	SUBJECT
Penal Code	832.7	Peace officers	Confidentiality of peace officer records; exceptions.
Penal Code	835a	Peace officers	Use of reasonable force to effect arrest.
Penal Code	836	Peace officers	Arrest by peace officer.
Penal Code	1192.7	Of judgment and execution	Limitation of plea bargaining.
Penal Code	4600	Offenses relating to prisons and prisoners	Destroying or injuring prison or jail (including jail property).
Penal Code	12022.7	Sentence enhancements	Bodily harm inflicted during commission of felony not having bodily harm as an element.
Penal Code	12022.8	Sentence enhancements	Enhancement where person suffers great bodily harm, or sodomy or oral copulation by certain means.
Penal Code	13519. 10	Field services and standards for recruitment and training	Training of law enforcement officers in the use of force; guidelines.
Penal Code	16770	Weapons Law	Less-lethal ammunition.
Penal Code	16780	Weapons Law	Less-lethal weapons.
Penal Code	19400	Weapons Law	Peace officer may purchase, possess or transport less-lethal weapons.
Penal Code	171b	Weapons Law	Bringing firearms into state office, State Capitol grounds or public school grounds.
Penal Code	171c	Weapons Law	Bringing loaded firearm into state office, State Capitol Grounds or public school grounds.
Penal Code	171d	Weapons Law	Bringing loaded firearm into residence of Governor or other constitutional officer.
Penal Code	171f	Weapons Law	Entering State Capitol without authorization-disorderly conduct within.
Penal Code	374c	Weapons Law	Discharging firearms on a public highway.
Penal Code	417	Weapons Law	Drawing or exhibiting weapon in a rude or threatening manner (note: see PC 417 subsections).
Penal Code	626.9	Weapons Law	Bringing or possessing firearm on grounds of public school, college or university.
Penal Code	626. 10	Weapons Law	Knives, razors, Tasers, stun guns, etc., on school grounds, exceptions.
Penal Code	13652	Weapons Law	Restricts use of and identifies requirements for use of kinetic energy projectiles and chemical agents.
Penal Code	13652.1	Weapons Law	Website publishing requirements for agency's use of kinetic energy projectiles or chemical agents.
Penal Code	13655	Law Enforcement	Restricts and prohibits some uses of law enforcement uniforms similar to military uniforms.

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Penal Code	16590	Weapons Law	Manufacture importation, sale or possession of disguised firearms or other deadly weapons prohibited; carrying concealed weapons prohibited; exceptions.
Penal Code	17500	Weapons Law	Possession of deadly weapon with intent to commit assault.
Penal Code	18710	Weapons Law	Possession of destructive device prohibited.
Penal Code	22610	Weapons Law	Purchase, possession or use of stun gun.
Penal Code	25400	Weapons Law	Unlawful to carry concealed firearms without license.
Penal Code	25850	Weapons Law	Loaded firearm; carrying in public place or in vehicle.
Vehicle Code	21456	Offenses	Unauthorized traffic devices and unofficial signs.
Vehicle Code	21467	Offenses	Prohibited sign or device as public nuisance.
Vehicle Code	21954	Offenses	Pedestrians outside crosswalks.
Vehicle Code	21956	Offenses	Pedestrian walking on roadway.
Vehicle Code	21960	Offenses	Restrictions on use of freeways.
Vehicle Code	21962	Offenses	Throwing substances at vehicles from bridge or overpass.
Vehicle Code	23110	Offenses	Throwing substance at vehicle.
Vehicle Code	23112	Offenses	Throwing, depositing or dumping matter on highway.
Elections Code	18340	Campaigns	Prevention of electors from assembly; misdemeanor.
Elections Code	18380	Campaigns	Vandalism at polling places, violations; misdemeanor.
Elections Code	18502	Voting Process	Interference with officers or voters; imprisonment.
Elections Code	18540	Voting Process	Use of force, violence, tactic or coercion or intimidation; penalties.
Gov't Code	6250-6270	Public Records	Requirements, definitions and exemptions for public record requests.
Gov't Code	7070-7075	Law Enforcement	Funding, acquisition and use of military equipment.
Gov't Code	7286	Law Enforcement	Definitions; Policy on the use of force; public access.
Gov't Code	7286.5	Law Enforcement	Prohibits law enforcement's use of carotid restraint, choke hold and any restraint which may create positional asphyxia.
Gov't Code	12525.2	Attorney General	Annual report of specified incidents involving peace officer; information required; inclusion of summary in annual report.

# Applicable Case Law

CASE	CITATION	YEAR	COURT	CATEGORY	FACTS AND HOLDING
Cohen v. California	403 U.S. 15	1971	U.S.	First Amendment	An undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression.
Houston v. Hill	482 US 451	1987	U.S.	First Amendment	Hill verbally tried to distract officer during arrest of another man. Municipal ordinance made it unlawful to interrupt a police officer in the performance of their duties. Unconstitutionally overbroad under the First Amendment. The First Amendment protects a significant amount of verbal criticism and challenge directed to police officers.
NAACP v. Claiborne Hardware Co.	458 U.S. 886	1982	U.S.	First Amendment	Violence has no sanctuary in the First Amendment. The use of weapons, gunpowder and gasoline may not constitutionally masquerade under the guise of "advocacy."
Nieves v. Bartlett	139 S. Ct. 1715	2019	U.S.	First Amendment	The First Amendment prohibits officers from subjecting an individual to retaliatory arrest for engaging in protected speech.
Felarca v. Birgeneau	891 F.3d 809	2018	9th Cir.	First Amendment	Where protesters substantially outnumbered officers, refused to obey the officers' commands to disperse, shouted at the officers and engaged the officers in verbal and physical altercations, the university was not required to permit organized lawlessness. Under these circumstances, the government had a legitimate interest in applying minimal force to maintain order and enforce university policy. While baton blows are a type of force capable of causing serious injury, jabs with a baton are less intrusive than overhand strikes. District court ordered to enter summary judgment for the officers.
CPR for Skid Row v. City of Los Angeles	779 F.3d 1098	2015	9th Cir.	First Amendment	Penal Code § 403 does not cover political meeting. Elections Code § 18340 makes it a misdemeanor to disrupt political meetings and only if the disruption consists of threats, intimidations or unlawful violence.

CASE	CITATION	YEAR	COURT	CATEGORY	FACTS AND HOLDING
Jefferson v. Superior Court	215 Cal. App.4th 758	2017	Cal.App.	First Amendment	Words may be restricted under the First Amendment where they are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality. There is a fundamental difference between loud communications, or the use of loud shouting, uttered not to inform or persuade, but to disrupt lawful endeavors. Loud shouting designed to disrupt rather than communicate may be prohibited generally.
McMahon v. Albany U.S.D.	51 Cal. App.3d 721	1975	Cal.App.	First Amendment	The mere use of a vulgar, profane, indecorous, scurrilous, opprobrious epithet cannot alone be grounds for prosecution. The context in which the words are used must be considered and there must be a showing that the words were uttered in a provocative manner, so that there was a clear and present danger violence would erupt.
Curiello v. City & County of San Francisco	104 Cal. App.4th 1275	2002	Cal.App.	First Amendment	To effectuate Penal Code § 403 within constitutional limits of the First Amendment, the defendant must have substantially impaired the conduct of the meeting by intentionally committing acts in violation of implicit customs or usages or of explicit rules for governance of the meeting, of which he knew, or as a reasonable man should have known.
Hampshire v. City of Santa Cruz	940 F.Supp.2d 1071	2013	Dist.Cal.	First Amendment	Viewpoint discrimination by the government contravenes the First Amendment. Viewpoint discrimination occurs when the government prohibits speech by particular speakers, thereby suppressing a particular view about a subject.
Hightower v. City & County of San Francisco	899 F.Supp.2d 922	2012	Dist.Cal.	First Amendment	While government has a significant interest in protecting its citizens from unwelcome noise, the "narrowly tailored" standard does not tolerate a time, place, or manner regulation that burdens substantially more speech than necessary to achieve its goal.
In Re J.C.	77 F. Supp.3d 867	2014	Dist.Cal.	First Amendment	The First Amendment protects "symbolic speech" if the conduct demonstrates an intent to convey a particularized message and there is a great likelihood that the message would be understood by those who view the conduct.
In re Curtis S.	324 F.Supp.3d 1121	2018	Dist.Cal.	First Amendment	City's prohibition on circulating initiative or referendum petitions, or advertising brochures, at a farmers' market held on the parking lot of a public park, was a content-based restriction on speech not narrowly tailored to achieving a compelling state interest and was facially invalid under the First Amendment.

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Mahgerefteh v. City of Torrance	228 Cal. App.4th 1394	2014	Cal.App.	First Amendment	Government has a compelling interest in maintaining discipline at public schools, as it does in maintaining the orderly operation of public college and university campuses. Education Code § 32210, which makes it a misdemeanor to act violently or in a manner that incites violence at a public school or public school meeting, does not impinge on any conduct protected by the First Amendment.
Park Mgmt. Corp. v. In Defense of Animals	36 Cal. App.5th 649	2019	Cal.App.	First Amendment	Under Article 1, Section 2 of the California Constitution- the "liberty of speech" clause - private property constitutes a public forum if the property is open to the public in the same manner as public streets or parks.
Prigmore v. City of Redding	211 Cal. App.4th 1322	2012	Cal.App.	First Amendment	In analyzing speech restrictions under the California Constitution, California courts employ the same time, place and manner test as the federal courts in analyzing speech restrictions under the First Amendment.
Collins v. Jordan	110 F.3d 1363	1996	9th Cir.	Unlawful Assembly	Enjoining or preventing First Amendment activities before demonstrators have acted illegally or before the demonstration poses a clear and present danger is presumptively a First Amendment violation. Courts have held that the proper response to potential and actual violence is for the government to ensure an adequate police presence and to arrest those who actually engage in such conduct, rather than to suppress legitimate First Amendment conduct as a prophylactic measure.
Galvin v. Hey	374 F.3d 739	2004	9th Cir.	Unlawful Assembly	Conditioning a march permit on a promise to refrain from illegal activity is an unconstitutional restriction on freedom of speech.
Menotti v. City of Seattle	409 F.3d 1113	2005	9th Cir.	Unlawful Assembly	After days of violent protests, the City issued a ban on access to parts of the city. Several protesters were arrested for violating the ban. The Court held that the order was a constitutional time, place and manner restriction because it was content- neutral, narrowly tailored to achieve a significant government interest and left open other means of communication. Even if the violent protesters were less than one percent of the total protesters, this is not a small amount of violence given the activities in which those protesters engaged.

CASE	CITATION	YEAR	COURT	CATEGORY	FACTS AND HOLDING
In Re Brown	9 Cal.3d 612	1973	Cal.	Unlawful Assembly	Protesters at a student strike were arrested for unlawful assembly and convicted. The court overturned the convictions, holding that the proscriptions in Penal Code § 407 and 408 on assemblies must be limited to assemblies which are violent, or which pose a clear and present danger of imminent violence.
In Re Kay	1 Cal.3d 930	1970	Cal.	Unlawful Assembly	In light of First Amendment interests, participants at a meeting may express disagreement. Penal Code § 403 authorizes the imposition of criminal sanctions only when the defendant substantially impaired the conduct of the meeting by intentionally committing acts in violation of implicit customs or usages or of explicit rules for governance of the meeting, of which he knew, or as a reasonable man should have known.
In Re Bacon	240 Cal. App.2d 34	1966	Cal.App.	Unlawful Assembly	Protesters assembled together in a "sit-in" at Sproul Hall after the building was closed and after they were ordered to leave. The protesters' rights to free speech, assembly and petition for redress of grievances did not abrogate their duty to not violate laws which reasonably provide for the protection of the public and of public property and which were not arbitrarily applied by the authorities.
Chambers v. Municipal Court	65 Cal. App.3d 904	1997	Cal.App.	Unlawful Assembly	Proof of intention to commit overt acts that are themselves violent or that tend to incite others to violence is requisite to criminal liability under Penal Code § 416.
In Re Wagner	119 Cal. App.3d 90	1981	Cal.App.	Unlawful Assembly	Demonstrators who failed to disperse were arrested for unlawful assembly. Not every member of the assembly must individually commit unlawful acts to render the assembly unlawful; if a person is a participant in a lawful assembly which becomes unlawful, he has an immediate duty upon learning of the unlawful conduct to disassociate himself from the group.
People v. Davis	68 Cal.2d 481	1968	Cal.	Riots	Riotous conduct in any form or demonstrations which conflict with properly drawn statutes designed to promote law and order, protect the community against disorder, regulate traffic, safeguard legitimate interests in private and public property or protect essential governmental functions will not be sanctioned. When clear and present danger of riot, disorder or other immediate threat to public safety, peace or order, appears, the power of the State to prevent or punish is obvious.

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People v. Bundte	87 Cal. App.2d 735	1948	Cal.App.	Riots	Court held that strikers who initially met lawfully for the purpose of "peaceable picketing," later cooperated and acted together for the unlawful purpose of using force and violence to disturb the public peace, they would nevertheless be guilty of a riot under Penal Code § 404.
People v. Cipriani	18 Cal. App.3d 299	1991	Cal.App.	Riots	It is the concurrence of unlawful action by individuals in the use, or threat to unlawfully use force or violence that constitutes the offense of riot. All persons who encourage, incite, promote, give support to or countenance a riot are principals in a riot.
People v. Jones	19 Cal. App.3d 437	1971	Cal.App.	Lynching	The taking by means of a riot of any person from the lawful custody of any peace officer is a lynching.
People v. Patino	95 Cal. App.3d 11	1979	Cal.App.	Lynching	The misdemeanor offenses of rout, unlawful assembly and remaining present at a place of riot or rout or unlawful assembly, are lesser and necessarily included offenses within the offense of lynching.
People v. Richards	18 Cal. App.5th 549	2017	Cal.App.	Lynching	Protester attempted to prevent officers from arresting a suspect involved in an earlier altercation at a restaurant. All that is necessary to prove an attempted violation of Penal Code § 405a is an intent to participate in taking a person from the police by means of a riot.
Cox v. New Hampshire	312 U.S. 569	1941	U.S.	Right of Access	Regulation of the use of streets for parades and processions is a traditional exercise of control by local government; that control must not be exerted so as to deny or unwarrantedly abridge the right of assembly.
Seattle Affiliate etc. v. City of Seattle	550 F.3d 788	2008	9th Cir.	Right of Access	City ordinance which gave police chief, when issuing a parade permit, the unbridled discretion to require marchers to use the sidewalks instead of the city streets, violated the First Amendment.
Mardi Gras of S.L.O. v. City of S.L.O.	189 F.Supp.2d 1018	2002	Dist.Cal.	Right of Access	City ordinance an impermissible prior restraint on speech and other expressive activities because it (1) required a permit to engage in expressive activities on public streets and sidewalks and (2) imposed a lengthy pre-filing requirement before a permit may be granted.
L.A. Free Press v. City of L.A.	9 Cal. App.3d 448	1970	Cal.App.	Right of Access	The First Amendment does not give the publisher of a weekly paper a right of access to the scenes of crimes and disasters superior to that of the general public.
Zemil v. Rusk	381 U.S. 1	1965	U.S.	Media Access	First Amendment rights do not include an unrestricted right to gather information.

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Branzburg v. Hayes	408 U.S. 665	1972	U.S.	Media Access	First Amendment does not guarantee the press a right of special access to information not available to the public generally.
Houchins v. KQED	438 U.S. 1	1978	U.S.	Media Access	First Amendment does not mandate a right of access to government information or sources of information within the government's control.
Coates v. City of Cincinnati	402 U.S. 611	1971	U.S.	Public Place Obstruction	City ordinance provided that if three or more people met together on a sidewalk or street corner, they must conduct themselves so as not to annoy any police officer or other person who should happen to pass by. The ordinance violated the constitutional rights of free assembly and association. Mere public intolerance or animosity cannot be the basis for abridgment of these constitutional freedoms.
In Re Cox	3 Cal.3d 205	1970	Cal.Sup.	Public Place Obstruction	The First Amendment nullifies an ordinance so loosely drawn that a police officer can construe it to mean that he can expel from public places persons whom he finds objectionable.
People v. Man	39 Cal. App.3d. Supp. 1	1980	App.Div. LASC	Public Place Obstruction	Protesters on a public street placed themselves in front of trees to prevent their removal. Before doing so, the protesters were advised by a deputy sheriff that it was illegal; and after doing so, the protesters did not comply with the sheriff to remove themselves and were then arrested. The "symbolic conduct" involved here is not free speech whose exercise was unconstitutionally impeded by the statute.
In Re M.L.B.	110 Cal. App.3d 501	1980	Cal.App.	Obstructing Police Officer	Penal Code § 69 proscribes interference with a police officer's performance of his duties by threat or by violence; and can be violated by a threat without violence.
People v. Whitney	76 Cal. App.3d 863	1987	Cal.App.	Throwing Substances	Vehicle Code § 23110 (b), making it a felony for a person to throw a substance at a vehicle with intent to do great bodily harm, does not require that the vehicle at which the substance is thrown be in motion.
Graham v. Connor	490 U.S. 386	1989	U.S.	Use of Force	Police officers violate the Fourth Amendment when they use force that is not objectively reasonable under the circumstances. Determining reasonableness requires careful balancing of the nature and quality of the intrusion on the individual's Fourth Amendment interests against the countervailing governmental interests at stake.

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Boyd v. Benton Cty	374 F.3d 773	2004	9th Cir.	Use of Force	Though there are likely circumstances in which a risk to officers' safety would make the use of a flash-bang device appropriate, it was an unreasonable use of force to throw it "blind" into a room occupied by innocent bystanders absent a strong governmental interest, careful consideration of alternatives and appropriate measures to reduce the risk of injury.
Bryan v. McPherson	630F.3d 809	2011	9th Cir.	Use of Force	Whether officer gave a warning before deploying a TASER and considered less intrusive means in effecting an arrest, is part of the Graham analysis.
Chew v. Gates	27 F.3d 1432	1994	9th Cir.	Use of Force	The Fourth Amendment permits use of deadly force to apprehend a fleeing felon where there is probable cause to believe the suspect poses a threat of serious physical harm; but does not permit use of deadly force to apprehend suspect who poses no immediate threat to the officer and no threat to others.
Deorle v. Rutherford	272 F.3d 1272	2001	9th Cir.	Use of Force	Deployment of beanbag round into suspect's face while he was alone on his own property, had not attacked anyone and was generally following instructions. Summary judgment improper on excessive force claim where suspect may have complied had officer issued warning before shooting beanbag round. The desire to quickly resolve a potentially dangerous situation is not the type of governmental interest that, standing alone, justifies the use of force that may cause serious injury. Specifically, the court stated that warnings should be given, when feasible, if the use of force may result in serious injury and that the giving of a warning or the failure to do so is a factor to be considered in applying the Graham balancing test.
Eberle v. City of Anaheim	901 F.2d 814	1990	9th Cir.	Use of Force	Officers did not violate spectator's civil rights by arresting him during a football game after the suspect became abusive and belligerent; the officers diffused a volatile situation that easily could have erupted into a perilous melee.

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Forrester v. City of San Diego	25 F.3d 804	1994	9th Cir.	Use of Force	Officers did not use excessive force by applying pain compliance techniques to arrest demonstrators. Officers warned the demonstrators that they would be subject to pain compliance measures if they did not move, that such measures would hurt and that they could reduce the pain by standing up, eliminating the tension on their wrists and arms. Plaintiffs argued that the officers should have lifted and carried them as they had done on previous occasions. However, the Court explained the officers had a legitimate interest in quickly dispersing and removing the demonstrators with the least risk of injury to police and others.
Glenn v. Washington Cty.	673 F.3d 864	2011	9th Cir.	Use of Force	The use of a beanbag shotgun, though less than deadly force, is permissible only when a strong governmental interest compels the employment of such force. Summary judgment for officers reversed where beanbag shotgun was used on a mentally ill individual who was not a threat to anyone.
Hayes v. County of San Diego	736 F.3d 1223	2013	9th Cir.	Use of Force	The duty of reasonable care extends to conduct before the shooting.
Hayes v. County of San Diego	57 Cal.4th 622	2013	Cal.	Use of Force	Graham standard applies to California. Law enforcement tactical conduct and decisions preceding the use of deadly force are relevant considerations under California law in determining whether the use of deadly force gives rise to negligence liability. Such liability can arise, for example, if the tactical conduct and decisions show, as part of the totality of circumstances, that the use of deadly force was unreasonable.
Headwaters v. County of Humboldt (I)	240 F.3d 1185	2000	9th Cir.	Use of Force	To evaluate the reasonableness of an officer's use of force, courts evaluate the type and amount of force used. Although officers repeatedly warned the protesters that pepper spray would be used, the use of pepper spray on the eyes of protesters who were sitting peacefully, were easily moved by the police and did not threaten or harm the officers, was excessive. Officers were required to consider what other tactics if any were available to effect the arrest of the protesters.

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Mattos v. Agarano	661 F.3d 433	2011	9th Cir.	Use of Force	Use of a Taser in dart-mode constitutes an intermediate level of force. Whether tasing a woman who was seven months pregnant three times in less than one minute, whose offenses were minor, who did not pose an immediate threat to the safety of the officers or others, who actively resisted arrest by refusing to get out of her car when instructed to do so and who stiffened her body and clutched her steering wheel to frustrate the officers' efforts to remove her from her car, was excessive and was for the jury to determine.
Nelson v. City of Davis	685 F.3d 867	2012	9th Cir.	Use of Force	A pepper ball projectile, which combines both the physical blow from the force of the projectile and the chemical effects of pepper spray, was an unreasonable use of force on a partygoer who had committed no crime, was not a threat to anyone, and who was not resisting.
Scott v. Henrich	39 F.3d 912	1994	9th Cir.	Use of Force	It was not unreasonable for officers to take arms, knock on the door of an apartment and identify themselves as police when an armed man who, they were told, had recently fired shots and was acting "crazy" lurked inside. Officers need not avail themselves of the least intrusive means of responding to an exigent situation; they need only act within that range of reasonable conduct.
Young v. County of L.A.	655 F.3d 1156	2011	9th Cir.	Use of Force	Of the three factors the court traditionally examines in determining the governmental interest, the most important is whether the individual posed an immediate threat to officer or public safety. Additionally, the Court held: Pepper spray is an intermediate use of force. Chemical agents and projectiles are intermediate uses of force that present significant intrusions upon a person's liberty interests and can be justified only by a strong governmental interest. When a suspect's disobedience of a police officer takes the form of passive noncompliance that creates a minimal disturbance and indicates no threat, immediate or otherwise, to the officer or others, it will not, without more, give rise to a governmental interest in the use of significant force "A police officer's use of baton blows, too, presents a significant use of force that is capable of causing pain and bodily injury and therefore, baton blows, like pepper spray, are considered a form of intermediate force."

CASE	CITATION	YEAR	COURT	CATEGORY	FACTS AND HOLDING
Zion v. Cty. of Orange	874 F.3d 1072	2017	9th Cir.	Use of Force	The use of deadly force against a non-threatening suspect is unreasonable. If a suspect is on the ground and appears wounded, he may no longer pose a threat. A reasonable officer would reassess the situation rather than continue shooting.