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Accused of Excessive Force? Practical Steps for Security Personnel

Updated 2026-08-04 · 8 min read · Cluster: defense ·
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A guard accused of excessive force should preserve all available evidence, write a factual and complete incident report as soon as possible, avoid discussing the incident informally, and contact a licensed attorney before giving any recorded statement beyond what employment policy requires. Cooperation with legitimate investigations matters, but it should be paired with early legal guidance.

The first hours matter most

Evidence in a use-of-force dispute degrades quickly: video gets overwritten, memories fade, and witnesses scatter. The immediate priority after any physical incident is to secure whatever evidence exists before it is lost.

A prompt, honest, and complete incident report is one of the strongest tools a guard has, both for their employer's records and for any later legal proceeding. Reports written days later, or reconstructed after hearing what others said, tend to carry far less weight.

At the same time, it is reasonable to be cautious about giving detailed statements to anyone outside of required employer reporting until speaking with an attorney, particularly if the incident could lead to criminal charges or a civil claim.

Steps to take right after an incident

- Request medical attention for anyone injured, including the person who was detained or confronted
- Identify and note contact information for any witnesses before they leave the scene
- Preserve video footage immediately, including pulling and saving clips before automatic overwrite cycles run
- Write a factual, first-person incident report as soon as reasonably possible, describing only what was directly observed and done
- Notify a supervisor and, where appropriate, company counsel or insurer promptly

Who to talk to, and when

Situation	Reasonable approach	Why it matters
Employer's internal investigation	Cooperate and provide the factual incident report as required by policy	Employment cooperation is usually expected and contractually required
Police or licensing investigators	Provide basic factual information, but consider consulting an attorney before extended interviews	Statements can be used in both criminal and civil proceedings later
Media or social media	Avoid public comment about an active incident	Public statements can complicate both legal defense and employer relations
Civil claim or demand letter	Contact a licensed attorney promptly	Early legal guidance shapes what evidence and positions are preserved

Research and education only

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Quick answers

Should a guard talk to police immediately after a force incident?

Basic factual cooperation is generally expected, but extended statements should wait until after consulting an attorney when possible.

How soon should an incident report be written?

As soon as reasonably possible after the event, while details are fresh and before hearing other accounts.

What if body camera or CCTV footage might be overwritten?

It should be preserved and saved immediately, since automatic overwrite cycles can permanently erase key evidence within days.

Does cooperating with an employer investigation replace the need for a lawyer?

No, internal cooperation and independent legal advice serve different purposes and are not substitutes for each other.

Primary sources — read the official text

BSIS Complaint and Discipline Process	Bureau of Security and Investigative Services	https://www.bsis.ca.gov/about_us/discipline.shtml
Penal Code Section 242 (Battery)	California Legislative Information	https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=242

Department of Consumer Affairs Complaint Resources	California Department of Consumer Affairs	https://www.dca.ca.gov/consumers/complaints/index.shtml
California Courts Self-Help	Judicial Council of California	https://www.courts.ca.gov/selfhelp.htm

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