

## **Chapter 16 REPORTING THE USE OF FORCE**

### **16.1 REPORTABLE FORCE**

Members of the Everett Police Department that apply reportable force will fully document their actions in the narrative of their incident report, to include the aiming of a firearm at another. Each officer involved in the incident will complete a case report or additional narrative report containing a detailed description of the circumstances surrounding the use of force.

**Reportable Force:** A reportable use of force is defined as any incident in which an on-duty department employee, or off-duty employee whose occupation is a factor, uses any deadly force, any less-lethal control device, or any physical force to:

Compel a person to comply with the employee's direction; or,

To prevent the escape or overcome resistance by a suspect during an arrest or detention;  
or,

Defend any person from an aggressive action by a suspect.

**A first level supervisor of the Everett Police Department will complete a Sergeant's Force Report when any of the following occur:**

For any Level I application with injury reported or observed.

For all Level II applications.

For all OC applications.

For all canine contacts.

For all Level III applications.

**Exceptions include:**

The use of a firm grip control only, which does not result in injury or the appearance of injury.

Force that is necessary to overcome the passive resistance due to physical disability or intoxication which does not result in injury or the appearance of injury.

An incident investigated by a departmentally authorized investigator(s) in which the officer's oral statement is taken and a report prepared by those investigators (e.g., an officer involved shooting investigation).

Incidents involving the aiming of firearms at another.

Discharge of firearms during training or other authorized range activity.

Discharge of firearms while humanely dispatching a badly injured animal.

**Supervisory Notification:**

Supervisory notification shall be made as soon as is practicable following the application of physical force which, at the time, appears likely to have caused injury, or the complaint of pain by the subject.

Medical assistance shall be obtained as soon as is practicable for subjects who have sustained injury, express any complaint of injury, been rendered unconscious, or the officer suspects has been injured. In the event a subject is injured, officers have a duty and obligation to provide medical treatment while in our custody.

**16.2 DOCUMENTING USE OF FORCE**

Incidents involving reportable force will require that the incident be fully documented in an Everett Police Department Incident Report or Everett Police Department Follow-up Report and that the appropriate checkbox on the report form be marked indicating that force had been used. Every use of force will require documentation that, at minimum, will include the following information:

- A description of the legal basis for the contact that led to the use of force.
- A description of the officer's reasonable perception of the totality of facts known at the time reportable force was used.
- A description of the use of force conditions that led to the reasonable and necessary use of force as described in section 15.3 of this manual which are:

- In self-defense or defense of another person
- To prevent the commission of a public offense
- To effect a lawful arrest, overcome resistance, and/or to prevent escape
- To protect a person from injuring him/herself

The first line supervisor of the primary officer involved in the use of force incident will review the reports and other required documents of the primary officer and of any other officer(s) involved in the incident. The supervisor will complete the department Sergeant's Force Report form.

**Administrative Review:** The Everett Police Department requires an administrative review of each use of force report, utilizing the following protocols and Blue Team Entries;

The Sergeant's Force Report, plus copies of the Incident Report, and any other attached documentation will be forwarded to the lieutenant. If the report involves any Level I or Level II application of force with injury reported or observed, or any Level III application, or a canine application with contact, or if the report contains a potential policy violation, a Manager's Review Form will be completed. The lieutenant will

forward the Sergeant's Force Report, the Manager's Review Form, and the copy of the incident report to the Captain.

Captains will review the report, note their conclusions, and forward all documentation to the Office of Professional Standards. The Inspector will review the report, note his/her conclusions, and forward all documentation to the Deputy Chief of Operations. The Deputy Chief will make his/her conclusions and forward all documentation to the City of Everett Legal Department. The Legal Department will be responsible for maintaining the records in accordance with state retention schedules and city protocols. The Legal Department will also be responsible for responding to requests for the records, e.g. responding to subpoenas, discovery demands and/or public records requests. If appropriate under the circumstances, the Legal Department will forward copies to private counsel who is or may be retained to represent the City in litigation and/or personnel matters related to the incident.

The expectation is that once the report and documentation are forwarded to Legal, no copies are maintained by the EPD.

In the event that a first line supervisor is a participant in the use of force incident, the supervisor at the next level will complete the Review Form and forward that Review and attached documents to the next level of supervision.

Considering the potential for a large number of suspects in a riot or civil disturbance, use of irritants, chemicals or less lethal impact munitions by members of the Special Operations Group are exempt from preparation of the Use of Force Report. The Unit Commander or designee will prepare an after action report detailing the use of these products. Reportable uses of force during civil disturbances, as delineated under the definition in section 16.1 above, will be entered into Blue Team by the responsibility of the on-scene Special Operations Group supervisor.

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