

Chapter 16 REPORTING-REPORTABLE THE USE OF FORCE

Careful and consistent use of force reporting gives the Department an opportunity to review situations involving use of force and to update policies and training as necessary. This process is fundamentally important to maintaining effective and constitutional policing and to preserving the public trust.

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16.1 REPORTABLE USE OF FORCE – DEFINITION – INCIDENT REPORTS

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. Examples include, but are not limited to, use of force to:

- Compel a person to comply with the employee's direction; or,
- To prevent the escape or overcome resistance by a suspect/subject during an arrest or detention; or,
- Defend any person from an aggressive action by a suspect/subject.

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Level I use of force: Any counter joint, hair hold, pressure point, pain compliance, OC application, ground or body control, push or pull for a takedown, or any of these Level I tactics to accomplish a takedown.

Level II use of force: Taser, any strikes using hands, elbows, feet, knees, or impact weapons (asp, flashlight, weapon of opportunity) for blows to the body, or any one of these Level II tactics to accomplish a takedown.

Level III use of force: Firearms, or strikes with impact weapons which amount to potentially deadly force (head).

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.

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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

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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.

16.2 SUPERVISORY NOTIFICATION, MEDICAL ASSISTANCE:

Supervisory notification shall be made as soon as is practicable following the application of any 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 a subjects who:

- ~~have~~Has sustained injury or who the officer suspects has been injured;
- ~~Expresses any complaint of injury;~~
- Has 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.~~

(See also Section 15.5, Use of Force – Miscellaneous Provisions)

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16.3 SUPERVISOR'S USE OF FORCE OR PURSUIT REVIEW FORM

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 a Sergeant's Supervisor's Use of Force or Pursuit Review Report Form when any of the following occur:

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

- For aAny Level I application with injury reported or observed.
- For aAll Level II applications, including Taser.
- For aAll OC applications.
- For aAll canine contacts.
- For aAll Level III applications.
- All Vehicle Pursuits

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Exceptions to the Form requirement include:

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

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• 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.

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• An incident investigated by a the Snohomish Multi-Agency Response Team (SMART) or other departmentally authorized investigator(s) in which the officer's oral statement is taken and a report is prepared by those investigators (e.g., an officer involved shooting investigation).

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• Incidents involving the aiming of firearms at another.

• Discharge of firearms during training or other authorized range activity.

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• Use of force on an animal, whether in defense of a person or to Discharge of firearms while humanely dispatching a badly injured animal.

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~~Considering~~Because of the potential for a large number of suspects in a riot or civil disturbance, the use of irritants, chemicals or less lethal impact munitions by members of the Special Operations Group ~~are~~ exempt from preparation of the Supervisor's Use of Force or Pursuit Review Report Form. 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 on-scene Special Operations Group supervisor.

~~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.~~

16.42 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. Even 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 Supervisor's Use of Force or Pursuit Review Form, utilizing the following protocols, and Blue Team Entries;~~

~~Any supervisor, including the first line supervisor, who is involved in the administrative review process is expected to thoroughly review the facts and circumstances surrounding the application of force, evaluate the reasonableness of the application of force, and make comments detailing his/her conclusion as to the reasonableness of the application of force.~~

~~When the first line supervisor has completed The the Sergeant's Supervisor's Use of Force or Pursuit Review Report Form, he/she will forward the Form, 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 review the matter, complete the Form, and forward the Sergeant's Force Report, the Manager's Review Form, and the copy of the incident report all documentation to the Captain.~~

~~The Captains will review the matter, complete the Form report, note their conclusions, and forward all documentation to the Office of Professional Standards. The Inspector will review the matter, complete the Form report, note his/her conclusions, and forward all documentation to the appropriate Chief/Deputy Chief of Operations. The Chief/Deputy Chief will review the matter, complete the Form, make his/her conclusions and forward all documentation to the OPS to log the final disposition. The OPS is responsible for maintaining the records in accordance with state retention schedules and city protocols. If the situation warrants, the OPS may of the case and forward the 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 is 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 may 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 Form 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 Supervisor's Use of Force or Pursuit Review Form and forward that Review the Form 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 1.6.1 above, will be entered into the Team by the on scene Special Operations Group supervisor.

In addition to regular monitoring of Use of Force Reports, the Deputy Chief of Operations and The Deputy Chief of Investigations and Services will conduct an annual review of all Use of Force Reports, with final approval of the review by the Chief of Police.