

Chapter 16 REPORTABLE 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.

16.1 DEFINITION-INCIDENT REPORTS

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, K9 contact, fleeing vehicle, 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,
- Prevent the escape or overcome resistance by a subject during an arrest or detention; or,
- Defend any person from an aggressive action by a subject.

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.

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

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- To protect a person from injuring him/herself

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, RESPONSE and 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. Supervisors will respond to the scene and cause photographs to be taken documenting the incident in the following circumstances:

- In all reportable/reviewable use of force incidents (refer to Policy 16.34)
- In all officer-involved shootings.
- Whenever a neck hold is applied.
- Whenever a blow to the head is applied.
- Whenever and Electronic Control Device is applied.
- Whenever an animal is injured or dispatched in the course of defending an officer or third party.

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Medical assistance shall be obtained as soon as is practicable for a subject who:

- Has sustained injury or who the officer suspects has been injured;
- Expresses any complaint of injury;
- Has been rendered unconscious

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

16.3 SUPERVISOR'S USE OF FORCE OR PURSUIT REVIEW FORM

The first line supervisor of the primary officer involved in a 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 a Supervisor's Use of Force or Pursuit Review Form when any of the following occur:

- Any Level I application with injury reported by subject or observed by officer.
- All Level II applications, including
- Taser applications (does not include display, aiming or arc display).
- All OC applications.
- All canine contacts (injury or not).
- All Level III applications.
- All Vehicle Pursuits Fleeing Vehicles.

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.

~~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 the Snohomish Multi-Agency Response Team (SMART) or other departmentally authorized investigator(s) in which a report is 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.
- Use of force on an animal, whether in defense of a person or to humanely dispatch a badly injured animal.

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 is exempt from preparation of the Supervisor's Use of Force or Pursuit Review 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/Office of Professional Standards.

16.4 DOCUMENTING USE OF FORCE

The Everett Police Department requires an administrative review of each Supervisor's Use of Force or Pursuit Review Form, utilizing the following protocols:

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 Supervisor's Use of Force or Pursuit Review Form, he/she will forward the Form, plus copies of the Incident Report and any other attached documentation, to the lieutenant. The lieutenant will review the matter, complete the Form, and forward all documentation to the Captain.

The Captain will review the matter, complete the Form, and forward all documentation to the Office of Professional Standards. The Inspector will review the matter, complete the Form, and forward all documentation to the appropriate Chief/Deputy Chief. The Chief/Deputy Chief will review the matter, complete the Form, and forward all documentation to 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 forward the documentation to the Legal Department. If appropriate under the circumstances, the Legal Department 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.

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 the Form and attached documents to the next level of supervision.

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.

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