

## Use of Force

### 300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner, is proportional to the threat or resistance the Officer is facing at the time the force is used.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

#### 300.1.1 DEFINITIONS

Definitions related to this policy include:

**Choke Hold:** The intentional application of direct pressure to a person's trachea or windpipe for the purpose of restricting another person's airway. (RCW 10.16.020).

**Compression Asphyxia:** An inadequate oxygen level in the blood and/or an excessive increase of carbon dioxide in the blood causing unconsciousness or death brought on by mechanically limiting expansion of the lungs through compression of the chest and/or abdomen, interfering with breathing.(RCW 10.116.020).

**Deadly Force:** Means the intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury. (RCW 9A.16.010 (2)).

**De-escalation:** Taking action, or not taking action, or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, waiting, and tactical repositioning. (RCW 10.120.010(2))

**De-Escalation Tactics:** Actions used by a peace officer that are intended to minimize the likelihood of the need to use force during and incident.(RCW 10.120.020(2)).

**Feasible:** Reasonably capable of being done or carried out under the circumstances to

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successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

**Flight:** An act or instance of running away in an effort to leave and intentionally evade law enforcement.

**Immediate Threat of Serious Physical Injury or Death:** Based on the totality of the circumstances, it is objectively reasonable to believe that a person has the present and apparent ability, opportunity, and intent to immediately cause death or serious bodily injury to the peace officer or another person. (RCW 10.120.030(2))

**Imminent:** Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

**Less Lethal Alternatives:** Include, but are not limited to, verbal warnings (commands), de-escalation tactics, conducted energy weapons, devices that deploy oleoresin capsicum, batons, and beanbag rounds (RCW 10.120.010).

**Less-Lethal Force:** Any use of force other than that which is considered deadly force that involves physical effort and/ or department-approved tactics or devices to control, restrain or overcome the resistance of others and is not intended to, and is not likely to create a substantial risk of causing death or serious bodily harm.

**Non-Lethal Alternatives:** CO2 or High Pressure Air (HPA) platforms designed to deliver .68 caliber plastic balls filled with inert powder or PAVA based pepper balls for short range direct impact or extended range area denial purposes.

**Feasible** - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person-

**Force** - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

**Necessary:** "Necessary" means that, under the totality of the circumstances, a reasonably effective alternative to the use of physical force or deadly force does not appear to exist, and the type and amount of physical force or deadly force used is a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the officer or others. (RCW 10.120.010)

**Physical Force:** "Physical force" means any act reasonably likely to cause physical pain or injury or any other act exerted upon a person's body to compel, control, constrain, or restrain the person's movement. "Physical force" does not include pat-downs, incidental touching, verbal commands, or compliant handcuffing where there is no physical pain or injury. RCW 10.120.010(7)

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**Projectile Impact Weapon:** A less lethal weapon that fires projectiles such as 40mm sponge or foam round, PepperBall or similar projectiles, blast balls, or bean bags designed to temporarily incapacitate a person.

**Positional Asphyxia:** An inadequate oxygen level in the blood and/or an excessive increase of carbon dioxide in the blood causing unconsciousness or death brought on by a person being in a body position which compresses their airway and does not allow them to breathe freely.

**Tear Gas:** Chloroacetophenone (CN), O-Chlorobenzylidene Malononitrile (CS), and any similar chemical irritant dispersed in the air for the purpose of producing temporary physical discomfort or permanent injury. "Tear Gas" does not include oleoresin capsicum (OC). (RCW 10.116.030)

**Totality of the Circumstances:** Means all facts known to the peace officer leading up to, and at the time of, the use of force, and includes the actions of the person against whom the peace officer uses such force, and the actions of the peace officer. (RCW 10.120.010(8))

**Reasonable Care** - A peace officer shall use reasonable care when determining whether to use physical force and when using any physical force against another person. To that end, a peace officer shall:

- a. When possible, use available and appropriate de-escalation tactics prior to using any physical force, such as:
- b. Creating physical distance by employing tactical repositioning to maintain the benefit of time, distance, and cover;
- c. When there are multiple officers, designating one officer to communicate in order to avoid competing commands;
- d. Calling for additional resources such as a crisis intervention team or mental health professional when possible;
- e. Calling for back-up officers when encountering resistance; taking as much time as necessary, without using physical force or weapons; and

Nothing in this section limits or restricts a peace officer's authority or responsibility to perform lifesaving measures or perform community caretaking functions to ensure health and safety, including, but not limited to, rendering medical assistance, performing welfare checks, or assisting other first responders and medical professionals;

Prevents a peace officer from responding to requests for assistance or service from first responders, medical professionals, behavioral health professionals, social service providers, designated crisis responders, shelter or housing providers, or any member of the public.

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## Levels of Force:

**NOTE: Officers are not required to exhaust one type of force before moving to greater force.**

**(1) Lower Level Physical Force:** This type of force is not intended to and has a low probability of causing injury, but may cause momentary discomfort or pain.

Depending on the circumstances, including the characteristics and conditions of the person, lower level force options may include:

- (a) Techniques to direct movement (e.g., push back, escort, lift, carry);
- (b) Control holds (e.g., wrist locks, finger locks, joint manipulation);
- (c) Open hand techniques;
- (d) Takedowns; or
- (e) Use of a hobble restraint.

**(2) Intermediate Physical Force:** This type of physical force poses a foreseeable risk of significant injury or harm but is neither likely nor intended to cause death.

Depending on the totality of the circumstances, intermediate physical force may be reasonable when a person threatens imminent assault upon the officer or others. Intermediate force options include:

- (a) Oleoresin Capsicum (OC) spray;
- (b) Electronic control weapons;
- (c) Projectile Impact Weapons;
- (d) Canine bite or injury caused by physical contact between a canine and a subject;
- (e) Impact weapon strikes (except impact weapon strikes to the head, neck, throat, or spine); or
- (f) Punches, kicks or other strikes with an officer's body. (i) Officers shall only use striking techniques directed at a subject's head as a means of self-defense, or in the defense of others. Striking at a person's head using fists, elbows, knees, and feet, shall not be used as a means of pain compliance.

**(3) Deadly Force:** This type of force poses a significant risk of serious physical injury or death. An officer may use deadly force against another person only when deadly force is necessary to protect against an immediate threat of serious physical injury or death to the officer or another person. (RCW 10.120.020). Officers shall not use deadly force against persons who present a danger only to themselves and do not pose an immediate threat of death or serious bodily injury to another person or officer. Deadly force includes:

- (a) Impact weapon strikes to the head, neck, throat, or spine;
- (b) Striking a person's head onto a hard, fixed object;
- (c) Discharge of a firearm loaded with lethal ammunition at a person; or
- (d) Intentionally striking with a vehicle a person who is not inside a vehicle.

A peace officer may not use any force tactics prohibited by applicable department policy, this chapter, or otherwise by law, except to protect his or her life or the life of another person from an imminent threat. (RCW 10.120.020(4))

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## **300.2 POLICY**

It is the policy of the Mill Creek Police Department to value and preserve human life. The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties. Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Mill Creek Police Department Mill Creek Police Department recognizes and respect the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use necessary reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

### **300.2.1 DUTY TO INTERCEDE AND REPORT**

Any officer who observes, another law enforcement officer using force that exceeds the force permitted by law or the police department's policy, shall, when in a position to do so, intervene to end or prevent the use of excessive force.(RCW 10.93.190(1))

Any officer who observes or has a good faith reasonable belief that, another law enforcement officer engaged in conduct that is contrary to law or contrary to the police department's policies, shall report his or her observation or belief to a supervisor as soon as practicable, in the form of an official memorandum. (RCW 10.93.190(2)).

An officer shall also render aid at the earliest safe opportunity in accordance with RCW 36.28A.445, to any person injured as a result of the use of force.(RCW 10.93.190(1)).

### **300.2.2 PERSPECTIVE**

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

### **300.2.3 ADDITIONAL STATE REQUIREMENTS ON THE DUTY TO INTERCEDE AND REPORT**

An officer shall not be disciplined for or retaliated against in any way for intervening in good faith or for reporting in good faith the unreasonable use of force by another law enforcement officer (RCW 10.93.190(3)) (See the Anti-Retaliation Policy).

## **300.3 USE OF FORCE**

Officers shall use only that amount of force that reasonably appears necessary, reasonable, and proportional, given the facts and circumstances perceived by the officer leading up to and at the time of the event to accomplish a legitimate law enforcement purpose.

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**Reasonableness** shall be evaluated based on the totality of circumstances known to the officer leading up to, and at the time of, the use of physical force, including the immediacy of the threat, the actions of the person against whom force is used, the actions of the officer, and the seriousness of the law enforcement purpose. Determining whether physical force is reasonable includes assessing whether the officer made tactical decisions to minimize unnecessary risk to themselves and others, used all available and appropriate de-escalation tactics when possible prior to using physical force and exercised reasonable care when using physical force. That said, any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

**Proportionality** shall be evaluated based on whether the use of physical force corresponds to the immediacy and severity of the threat or resistance the officer encounters at the time force is applied, as well as the seriousness of the law enforcement objective that is being served. The threat or resistance may change over the course of the incident. Proportional force does not require officers to use the same type or amount of physical force as the subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be proportional.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by this department. Depending on circumstances, officers may find it necessary to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer be exposed to possible physical injury before applying reasonable force.

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## De-Escalation Tactics

When possible, officers shall use all available and appropriate de-escalation tactics prior to using physical force. (RCW 10.120.020(2))

De-escalation Tactics refer to actions used by a peace officer that are intended to minimize the likelihood of the need to use force during an incident. Depending on the circumstances, “de-escalation tactics” may include, but are not limited to:

- Using clear instructions and verbal persuasion;
- Attempting to slow down or stabilize the situation so that more time, options, and resources are available to resolve the incident;
- Creating physical distance by employing tactical repositioning to maintain the benefit of time, distance, and cover;
- When there are multiple officers, designating one officer to communicate in order to avoid competing commands;
- Requesting and using available support and resources, such as a crisis intervention team, a designated crisis responder or other behavioral health professional, or back-up officers.

## 300.3.1 PERMISSIBLE USES OF FORCE

### PHYSICAL FORCE

An officer shall use reasonable care when determining whether to use and when using any physical force against another person. When using force, an officer shall use the least amount of physical force necessary to overcome resistance under the circumstances (RCW 10.120.020(3)b)).

Prior to using force, if safe and feasible, an officer should identify themselves as a police officer and provide clear instructions and a warning that a failure to comply might result in the use of force.

For the force to be necessary, a reasonably effective alternative does not appear to exist and the use of force must be a reasonable and proportional response to the effect the legal purpose intended or to protect against the threat posed to the officer or others.

To that end, an officer may use physical force against a person to the extent necessary to (RCW 10.120.020)

An officer may use physical force against a person to the extent necessary to:

(a) Protect against an imminent threat of bodily injury to the officer, another person, or the person against whom physical force is being used (RCW 10.120.020(1)(k));

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- (b) Protect against a criminal offense when there is probable cause that the person has committed, is committing, or is about to commit the offense (RCW 10.120.020(1)(a))
- (c) Effect an arrest (RCW 10.120.020(1)(b));
- (d) Take a person into custody when authorized or directed by statute (RCW 10.120.020(j))
- (e) Prevent an escape as defined under chapter 9A.76 RCW (RCW 10.120.020(1)(c));
- (f) Prevent a person from fleeing or stop a person who is actively fleeing a lawful temporary investigative detention, provided that the person has been given notice that he or she is being detained and is not free to leave (RCW 10.120.020(1)(i));
- (g) Take a person into custody, transport a person for evaluation or treatment, or provide other assistance under chapter 10.77, 71.05, or 71.34 RCW (RCW 10.120.020(1)(d));
- (h) Take a minor into protective custody when authorized or directed by statute (RCW 10.120(1)(e));
- (i) Execute or enforce a court order authorizing or directing an officer to take a person into custody (RCW 10.120.020 (1)(f))
- (j) Execute a search warrant (RCW 10.120.020 (1)(g));
- (k) Execute or enforce an oral directive issued by a judicial officer in the courtroom or a written order where the court expressly authorizes an officer to use physical force to execute or enforce the directive or order (RCW 10.120.020 (1)(h));or
- (l) Execute any other community caretaking function, including but not limited to performing welfare checks, assisting other first responders and medical professionals, behavioral health professionals, social service providers, designated crisis responders, shelter or housing providers, or any member of the public (RCW 10.120.020(5)(a) and (b)).

Officers shall terminate the use of physical force as soon as the necessity for such force ends.

## **FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE**

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- The severity of the crime;
- Immediacy and/or the severity of the threat to officers or others;
- Whether the suspect is actively resisting or actively attempting to escape;
- The conduct of the subject being confronted, as perceived by the officer at the time.
- Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officer available vs. subjects).
- Whether the individual is experiencing perceptual or cognitive impairments typically related to the use of alcohol, narcotics, hallucinogens, or other drugs.
- Whether the individual displays signs of being suicidal or having mental, behavioral, or physical impairments or disabilities.
- The individual's ability to understand and comply with officer commands or has



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limited English proficiency.

- Proximity of weapons or dangerous improvised devices.
- The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- The availability of other reasonable and feasible options and their possible effectiveness.
- Whether the individual is visibly pregnant, or states that they are pregnant.
- Whether the individual is known to be a minor, objectively appears to be a minor, or states that they are a minor.
  
- Whether the individual is in the presence of children.
- Whether the individual is known to be a vulnerable adult, or objectively appears to be a vulnerable adult as defined in RCW 74.34.020.
- Seriousness of the suspected offense or reason for contact with the individual.
- Training and experience of the officer.
- Potential for injury to officer, suspects, and others.
- Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- The risk and reasonably foreseeable consequences of escape.
- The apparent need for immediate control of the individual or a prompt resolution of the situation.
- Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- Prior contacts with the individual or awareness of any propensity for violence.
- Any other exigent circumstances.

(Based in part on the factors found in RCW 10.120.020(3(b)).

## **300.3.2 PAIN COMPLIANCE TECHNIQUES**

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the officer.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

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## **300.3.5 ALTERNATIVE TACTICS - DE-ESCALATION**

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

## **300.3.6 RESTRICTIONS ON RESPIRATORY RESTRAINTS**

Choke holds and neck restraints (LVNR) are considered lethal force. Officers may not use either unless necessary to protect their life or the life of another person from an imminent threat. (RCW 10.120.020(4)).

## **300.4 DEADLY FORCE APPLICATIONS**

A peace officer may use deadly force against another person only when necessary to protect against an immediate threat of serious physical injury or death to the officer or another person. "Immediate threat of serious physical injury or death" means that, based on the totality of the circumstances, it is objectively reasonable to believe that a person has the present and apparent ability, opportunity, and intent to immediately cause death or serious bodily injury to the peace officer or another person. RCW 10.120.020(2).

### **300.4.1 MOVING VEHICLES**

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

A peace officer may not fire a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious physical harm resulting from the operator's or a passenger's use of a deadly weapon. For the purposes of this subsection, a vehicle is not considered a deadly weapon unless the operator is using the vehicle as a deadly weapon and no other reasonable means to avoid potential serious harm are immediately available to the officer.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

## **300.5 REPORTING THE USE OF FORCE**

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate manner, depending on the nature of the incident. In instances where reportable force is used, as described below, the officer should articulate in a case report, the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms (e.g. a MCPD Use of Force form), as specified in

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department policy, procedure or law.

A Use of Force form will be completed that documents each person upon whom force capable of causing injury was used including, but not limited to:

- A fatality occurred in connection with the use of force;
- Great bodily harm occurred in the connection with the use of force;
- Substantial bodily harm occurred in connection with the use of force;

Or a law enforcement officer:

- Discharged a firearm at or in the direction of person;
- Pointed a firearm at a person;
- Used an electronic control weapon including, but not limited to a TASER against a person;
- Used oleoresin capsicum spray against a person;
- Discharged a less lethal shotgun or other impact weapon or instrument including, but not limited to, a club, baton, or flashlight;
- Used any part of their body to physically strike a person, including, but not limited to, punching, kicking, slapping, or using closed fists or feet;
- Used a vehicle to intentionally strike a person or vehicle;
- Deployed a canine by releasing it from the physical control of the law enforcement officer or had under the law enforcement officer's control a canine that bites a person;
- Physical take-downs, leg sweeps, or tackles
- Any technique, through physical force, that compels the subject to the ground.
- Canine Bite.
- Any aiming of a Conducted Electrical Weapon (CEW).
- Any aiming of a less lethal extended range device.

In addition, a Use of Force form will be completed in the following instances:

- Application of leg restraints
- Any action which results in a complaint of or visible injury to a subject.

All Use of Force forms will be forwarded, through the chain of command, to the Chief of Police or designee.

## **300.5.1 NOTIFICATIONS TO SUPERVISORS**

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.

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- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the Conducted Electrical Weapon (CEW) Taser or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, leg restraints, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

## **300.5.2 NOTIFICATION TO INDIAN AFFAIRS**

When the use of force by an officer results in the death of a person who is an enrolled member of a federally recognized Indian tribe, notification shall be made to the Governor's Office of Indian Affairs within a reasonable period of time, but not more than 24 hours after the department has good reason to believe the person was an enrolled member. Notice shall include sufficient information for the Governor's Office of Indian Affairs to attempt to identify the deceased person and tribal affiliation (RCW 10.114.021).

## **300.5.3 NOTIFICATION TO CRIMINAL JUSTICE TRAINING COMMISSION (CJTC)**

Per RCW 43.101.135, notification shall be made to CJTC within 15 days:

- Of learning of the occurrence of any death or serious injury caused by the use of force by an officer.

## **300.6 MEDICAL CONSIDERATIONS**

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her training to any individual who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, was rendered unconscious, or requests medical attention. This may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

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The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called “excited delirium”), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and, if appropriate, have medical personnel stage away

## **300.7 SUPERVISOR RESPONSIBILITIES**

A supervisor shall respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
  - The content of the interview should not be summarized or included in any related criminal charges.
  - The fact that a recorded interview was conducted should be documented in a property or other report.
  - The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
  - These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
  - If there is an indication of potential civil litigation, the supervisor should

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complete and route a notification of a potential claim through the appropriate channels.

- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

## **300.7.1 SHIFT SUPERVISOR RESPONSIBILITY**

The shift supervisor shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

## **300.8 TRAINING**

Officers will receive annual training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, officers should receive training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.

## **300.9 USE OF FORCE ANALYSIS**

At least annually, the Police Chief or designee should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

- The identification of any trends in the use of force by members.
- Training needs recommendations.
- Equipment needs recommendations.
- Policy revision recommendation