

## **6.01.000 INVESTIGATION/REPORTING USE OF FORCE AND SERIOUS INCIDENTS**

6.01.005

### **PURPOSE AND SCOPE:** 10/24

This section outlines reporting requirements for department members involved in, substantially involved in, or reviewing use of force or critical incidents.

6.01.010

### **DEFINITIONS:** 10/24

**Evanescent Evidence:** Refers to evidence that is likely to disappear or be destroyed if not promptly preserved.

**Involved Member:** A commissioned department member who used any force against a subject immediately prior to or during the time of an officer involved shooting or serious force incident as defined in GOM 6.02.010 is alleged to have occurred; or, was actively and materially involved in any actions that may have contributed to the outcome of such an incident.

**Witness Member:** A commissioned department member who does not meet the definition of an involved member but may have been in a position to see, hear, or otherwise perceive the actions and/or statements of an involved member.

### **Types of Force:**

**Level I:** Lower-level force that 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 upon whom force was used, level 1 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.

**Level II:** Intermediate physical force that 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, level II physical force may be reasonable when a person threatens imminent assault upon the officer or others. Level II force options include:

- a. Oleoresin Capsicum (OC) spray;
- b. Taser energy weapons (EW);
- 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);
- f. Punches, kicks, or other strikes with parts of a deputy's body.
- g. Any level I force resulting in injury or complaint of injury.
- h. Intentionally shooting a dangerous animal in defense of self or others.

Note: While bullets (g) and (h) listed above do not meet the technical definition of level II force, they are considered level II force for reporting purposes.

**Level III (Deadly Force):** The intentional application of force using firearms (other than less lethal) or any other means reasonably likely to cause death or serious physical injury. Level III 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 another vehicle.
- e. Any physical application or maneuver to the neck region that restricts blood or air flow (i.e., choke holds, sleeper holds, carotid submission holds, lateral vascular neck restraint, etc.)

**Show of Force:** The intentional drawing or displaying of a pistol, rifle, or less lethal weapon, for the purpose of establishing constructive authority. For firearms, display of the weapon is considered a show of force when not pointed or aimed at a person. For a less lethal weapon, display constitutes a show of force even if aimed at a person. A show of force is considered a level I use of force but requires documentation via a CAD entry.

**Pointing or Aiming a Firearm:** Intentionally directing the muzzle of a firearm at a person. Firearms shall not be pointed or aimed at a person unless a member has reason to believe there is an immediate threat of serious physical injury or death. Pointing or aiming a firearm is considered a use of force for reporting purposes.

6.01.012

**POLICY:** 10/24

It is the policy of the Sheriff's Office to promptly report and to thoroughly investigate any use of force or critical incident. Whenever a member uses deadly force, physical force, a CEW, chemical agent or Pepper Spray, **REPORTING IS MANDATORY BY THE MEMBER USING FORCE AND ANY MEMBER WITNESSING THE USE OF FORCE.** Failure to report the use of force, when required, is a violation of this policy.

Supervisory notification and supervisor response to the scene is required for all incidents outlined in this policy unless expressly exempted.

6.01.015

**LEVELS OF REPORTING AND DOCUMENTATION:** 10/24

The reporting requirements, as outlined in this section, shall apply to members whether on-duty or off-duty.

1. **Level I & Show of Force:** A Use of Force Report is Not Required – Supervisor Notification Not Required.
  - a. A use of force report is not required for level I use of force absent conditions set forth under Level II or III. If Level I force was used by any deputy immediately prior to or during the time of the use of any Level II or Level III force then a use of force report is required.
  - b. A "Show of Force" requires documentation via CAD, by each member who draws or displays a weapon, using the following terms and format:
    - i. The specific statement that appears in the CAD entry should be: "Display of (type of weapon)."
      - If the weapon is a firearm, add "no intentional pointing or aiming at a person".
      - If the weapon is less lethal, state whether the weapon was pointed or aimed or not.

- ii. The terms used for the type of weapon shall be:
    - Pistol
    - Rifle
    - Less Lethal Impact Munition Weapon
    - Taser EW
  - iii. A short explanation of why a weapon was intentionally displayed.
  - iv. If an incident report is generated, it shall also contain the above information, in addition to the CAD notes.
  - v. When clearing the detail on CAD, and for all associated reports, the # symbol will follow the FCR hazard factor. For example: 112-G-9#, 254-K-0#, 377-X-0#.
  - vi. Members needing to document a "Show of Force" after an incident has been closed in CAD should contact the Comm Center.
2. **Pointing or Aiming a Firearm:** A use of force report is required. Supervisor notification and acknowledgement is required.
- a. The member who used force shall complete a use of force report after pointing or aiming a firearm at a person.
  - b. Absent extenuating circumstances, supervisors are not required to respond to the scene.
3. **Level II (Intermediate Force):** A use of force report is required. Supervisor notification and acknowledgement is required.
- a. The member who used force shall complete a use of force report after applying Level II use of force.
  - b. Supervisors shall respond to the scene, if feasible. Once on scene, the supervisor shall obtain witness statements and other relevant evidence when possible.
4. **Level III (Deadly Force):** A Use of force report is required. Supervisor notification and response to the scene is required. Commander notification is required.

6.01.020

**MEMBER'S RESPONSIBILITIES:** 10/24

**Members who use reportable force (pointing or aiming a firearm or levels II & III) shall:**

1. Ensure an on-duty supervisor is notified immediately.
2. Document the incident in detail in the appropriate Incident Report, Officer's Report or Use of Force Report as directed.
  - a. The report should describe details of observations and actions rather than conclusions and should avoid using "police jargon" or "boilerplate language".
3. Statements of members using force:
  - a. Members shall provide public safety information.
  - b. The member may consult an attorney or labor representative before making a statement.
  - c. Members may provide voluntary statement(s).

4. Serious Force Incidents (as defined in GOM 6.02.010):
  - a. Members shall remain on scene when safe and feasible.
  - b. Involved members shall be ordered to provide a compelled statement.
  - c. When a serious force incident results in the discharge of the involved member's firearm (other than less lethal), or the death or hospital admittance of another, the involved member shall provide a written statement within forty-eight (48) hours of being compelled by the department to provide such statement.
  - d. In cases where the involved member's representative and Internal Investigations Captain discuss extenuating circumstances, the statement may be provided within seventy-two (72) hours of being compelled by the department.
  - e. Upon completion of the statement, the ART Team Commander shall be notified.
  - f. In all other uses of force, members who use force must provide a statement within seventy-two (72) hours of being compelled by the department.

**Members who witness a use of force shall:**

1. Confirm that a supervisor has been notified of the use of force.
2. Notify the on-duty supervisor if they have not been notified.
3. Document the incident in detail in an Officer Witness Statement (OWS).
  - a. Witness members, as defined in this chapter, are required to provide an OWS as a standard requirement of their job duties without being ordered to provide a compelled statement. Witness members shall complete their reports before securing from duty. The Sheriff or Undersheriff may grant an extension on a case-by-case basis depending on the circumstances.

6.01.025

**SUPERVISOR'S RESPONSIBILITIES: 10/24**

1. Supervisors responding to a reportable use of force (other than pointing or aiming a firearm and serious force incidents) shall:
  - a. Immediately respond to the scene to secure the scene, investigate, and review the incident.
  - b. Determine the need for medical resources.
  - c. Obtain witness statements, after separating witnesses, when possible (avoid group interviews).
    - i. Obtain taped interviews of civilian witnesses when possible.
      - Ask questions designed to obtain the facts; avoid leading questions or questions designed to suggest legal justification for members' conduct.
    - ii. Include witness contact information (phone/address/email) in reports.
  - d. Document efforts to locate and obtain witness statements, include explanation for lack of statements from witnesses who were present.

- e. When possible, obtain a recorded administrative interview with the subject upon whom force was applied. If the subject has not voluntarily waived *Miranda* rights, the content of this interview shall not be included in any related criminal charges, and the fact that an interview was conducted shall be documented in the Supervisor's Use of Force Investigation and Review.
  - i. If the subject alleges excessive use of force, a separate "Preliminary" is required.
  - ii. Ask the subject to describe the actions taken and why they believe the force was excessive.
- f. Ensure that the person(s) involved is not released from custody or booked into Jail without in person approval.
  - i. Exceptions may be made by a Precinct/Section Commander, Command Duty Officer, or higher authority with such exceptions documented.
- g. Ensure photographs are taken to document injuries, or lack of injuries, and canvas the scene for potential audio or video surveillance evidence.
- h. Prepare a Supervisor's Use of Force Investigation and Review and identify potential policy violations for review.
  - i. A Supervisor's Use of Force Investigation and Review and Use of Force Commander Review are not required for a Pointing or Aiming a Firearm incident.
- i. Forward the original incident report and associated documents to the appropriate detective unit if necessary.
  - i. Do not include the Supervisor's Use of Force Investigation and Review with the original incident report.
- j. Forward the Supervisor's Review with copies of the **entire** case packet to the appropriate Precinct/Section Commander or contract city Chief.
- k. Forward a "Preliminary" (in addition to the Use of Force) up the chain of command to IIU via Blue Team if potential violations of policy are observed and/or reported.

6.01.030

**KCSO CRITICAL INCIDENTS, SUPERVISOR RESPONSIBILITY: 10/24**

1. Supervisors shall:
  - a. Not be an involved member, witness member, or have had a significant tactical or decision-making role in the incident.
  - b. Assume incident command until the CDO, Precinct Commander, or another commander assumes incident command.
  - c. Determine the need for additional resources.
  - d. Contact the CDO and the Communications Center to call out Major Crimes or other independent investigators (and MARR if appropriate) and the Administrative Review Team.

- e. Determine and obtain what information is necessary to ensure public safety and preserve evidence, including but not limited to the following:
  - i. Take steps to document and preserve evanescent evidence.
  - ii. Take photographs of the involved members and subject(s) as they appear at the scene, to include any injuries or lack of injuries as soon as practicable.
  - iii. Swab and collect any fluid (blood or other bodily matter) as evidence if it is on the skin, face, hair, of the involved member.
  - iv. Allow involved member to wash the contamination from their skin and change into clean clothing.
  - v. Collect any portion of an involved member's uniform if it is believed to contain evidence.
- f. Separate involved and witness members (as soon as feasible).
  - i. Assign support member to involved member(s) and direct them that they shall not discuss the incident.
  - ii. Body worn cameras for involved, witness, and support members should be turned off prior to leaving the scene.
  - iii. Remove involved member(s) from scene and assure physical needs are met; keep under observation and separated from each other; keep uniforms and equipment worn as is (unless biohazard or other contamination exist). Preserve as evidence.
  - iv. Photograph involved member(s) and subject(s).
- g. Identify and separate witness(es), gather their contact information.
  - i. If there is no legal authority to hold a witness and they want to leave, request identification and gather appropriate contact information; and take a recorded statement (if at all possible).
- h. Determine whether video recordings were made by in-car cameras; body-worn cameras; electronic control weapons; or other cameras and that they have been secured as evidence as soon as reasonably possible.
  - i. Direct involved and witness members to keep body worn cameras mounted on their person and electronic control weapons holstered until processed by investigators.
- i. Monitor the security and sufficiency of the scene and perimeter.
  - i. Ensure that no one enters the scene except those on-duty members directly involved in the incident.
  - ii. Sergeants should ensure they have an adequate supply of perimeter tape in both red and yellow colors.
    - Red crime scene tape shall be used to delineate the inner perimeter from the outer perimeter.
    - Yellow tape shall be used to identify the outer perimeter.

- iii. The press, attorneys, bargaining unit representatives, OLEO, etc., shall not be allowed to enter the scene area unless given explicit permission by either the on-scene supervisor or detective responsible for the investigation.
- iv. Once the independent investigations team (IIT) arrives and assumes control of the scene and investigation, members of KCSO shall not enter the inner perimeter without consent of the IIT supervisor.
- j. Coordinate the scene with Major Crimes or other independent investigators and the Administrative Review Team.
- k. Obtain answers to Public Safety Questions.
  - i. If possible, it is best to obtain from a member who is not the involved member.
  - ii. This shall be a compelled statement.
  - iii. Must be asked as reasonably close in time as possible to arrival at scene.
  - iv. Ask member only the questions on the Deputy Involved Shooting Checklist (KCSO Form #A-127), being careful to accurately document the member's responses to the questions.
  - v. If answers to the Public Safety Questions are captured on BWC/ICV, the supervisor should notify the KCSO liaison to the Independent Investigation Team so that IIT personnel do not inadvertently view compelled statements made by involved members.

6.01.035

**KCSO CRITICAL INCIDENTS, INCIDENT COMMANDER RESPONSIBILITIES: 10/24**

1. The Incident Commander shall:
  - a. Assume or establish Incident Command. Wear the incident commander vest.
  - b. Utilizing ICS principles, select, establish, maintain, or move a command post.
  - c. Consider a staging area and a media staging area as necessary.
  - d. Request and coordinate resources as necessary to control the scene and render the situation safe.
  - e. Provide overall oversight of the scene and assign section commanders as needed for alternate location(s).
  - f. Coordinate at the scene with the responding units, investigators, and/or other agencies.
  - g. Ensure body worn cameras are turned off once the scene is secured and the member is no longer actively involved in the investigation.
  - h. Take the following steps regarding firearms:
    - i. Ensure the firearm is preserved in its post-shooting condition, preferably untouched until the independent investigators take possession of the firearm.
    - ii. If the firearm is holstered, it should remain there until the IIT or other investigator has finished processing the involved member.

- iii. If possible, before the involved member leaves the scene, obtain a picture of them with the holstered firearm (if they are still in possession of the firearm).
- iv. The incident commander shall ensure the involved member's firearm is replaced after the IIT has processed the involved member and before they are released from duty. Every effort should be made to coordinate replacement at the earliest opportunity.
- i. Ensure that The Office of Independent Investigations (OII) has been notified if the incident involved the use of deadly force by a law enforcement officer (even if no injury occurred as a result of the use of force).
  - i. If the incident resulted in death, substantial harm, or great bodily harm, notification shall be made promptly after the scene has been rendered safe and medical aid has been provided to persons who have life-threatening injuries.
  - ii. If the incident involved use of deadly force but did not result in death, substantial harm, or great bodily harm, then notification shall be made within 72 hours.
- j. Coordinate with the ART Commander and the Undersheriff, or their designee, to compel the involved member(s) to provide a statement to the Administrative Review Team if the involved member(s) decline to give a voluntary statement to the independent investigators.
  - i. The incident commander may delegate this task to another person holding the rank of captain or above.
  - ii. The Undersheriff, or their designee, shall determine which members are classified as involved members and which are classified as witness members.
  - iii. The Undersheriff, or their designee, must authorize all orders to provide a compelled statement before the order is given.
- k. Arrange for the involved member(s) to relocate to a secure location. The member(s) must be accompanied by a support member to ensure the chain of custody regarding the involved member's firearm.

6.01.040

**KCSO SERIOUS FORCE INCIDENT, INDEPENDENT INVESTIGATION TEAM RESPONSE (IIT): 10/24**

1. Independent Investigation is required for officer involved deadly force encounters or serious force incidents. Independent Investigators shall be notified, respond, and conduct the investigation into the KCSO serious/deadly Use of Force.
2. KCSO supervisors and commanders shall recognize the transitory nature of evidence and after first aid has been provided or facilitated, take immediate steps to preserve the scene and evidence prior to arrival of the IIT.
3. Upon arrival, the Independent Investigations Team or OII shall assume command of the scene from the on-scene KCSO incident commander.
4. A KCSO Department Liaison shall respond to the scene to:
  - a. Provide KCSO policy and protocol information as needed.



- b. Provide, arrange, and coordinate access to all necessary KCSO information, resources, specialty equipment, facilities, or other support requested by the independent investigators.
  - c. Ensure Mark43 and Evidence.com, case number is locked down.
5. If a criminal action (i.e., robbery, burglary, assault, or warrant service) preceded the officer-involved use of force incident, the KCSO incident commander should coordinate with the IIT commander (via the Department Liaison) to determine which agency will investigate the preceding event, including pursuing criminal charges related to that event. If mutually agreed upon, the IIT will assume responsibility for the criminal investigation of the preceding event.
6. If IIT does not assume the associated criminal investigation, the appropriate KCSO detective unit will be responsible for initial case investigation and filing of criminal charges against the suspect(s) once the IIT commander authorizes access to the crime scene.
7. For more information related to IIT response to KCSO serious use of force incidents, refer to the:
  - a. CJTC's Independent Investigation of Officer Involved Use of Deadly Force best practices document,
  - b. Valley Independent Investigative Team (VIIT) protocol, or
  - c. Independent Investigation Team of King County (IFIT-KC) protocol.

6.01.045

**KCSO CRITICAL INCIDENT, DISPATCHER RESPONSIBILITIES: 12/19**

1. The dispatcher shall:
  - a. Request aid as directed by the member(s) or on-scene supervisor.
  - b. Ensure that the closest on-duty supervisor is immediately notified and dispatched to the scene.
  - c. Notify the Communications Center supervisor so that they can then notify the involved member's Precinct/Section Commander, Division Commander, or CDO, and the member's bargaining unit representative.
  - d. If requested by the member involved, notify the Peer Support Team (PST), department member, or friend.
  - e. Make other notifications as requested by the on-scene supervisor.

6.01.050

**KCSO CRITICAL INCIDENTS, ADMINISTRATIVE REVIEW TEAM RESPONSIBILITIES: 10/24**

1. The Administrative Review Team should respond to the scene and command post:
  - d. Assist the Incident Commander or their designee, to coordinate the order to compel the involved member(s) to provide a statement if the involved member(s) declines to make a voluntary statement. See GOM 6.01.035
  - e. Ensure that before an involved member(s) secures from duty they have agreed to provide a voluntary statement or have been given an order compelling them to provide a statement for the ART team review as provided in GOM 6.01.035.
  - f. Serve as liaison with the OLEO designee at the scene.

2. The ART will review all critical incidents, responding to the scene if possible, and completing a review focused on training, tactics, equipment, and policy or procedural issues/violations. The ART will:
  - a. Attend the Sheriff's seventy-two (72) hour briefing.
  - b. Provide preliminary 60-day findings to the Executive Team.
  - c. Present their final findings and recommendations at the Critical Incident Review Board.

6.01.055

**PRECINCT/SECTION COMMANDER'S OR CONTRACT CITY CHIEF'S  
RESPONSIBILITIES AFTER A SERIOUS FORCE INCIDENT: 11/23**

1. Coordinate with KCSO senior command to ensure that involved members under their command have been provided access to the Peer Support Team (PST) resources. The incident commander should have offered Peer Support Team resources during the initial response to the incident per GOM 6.01.035.
  - a. PST shall meet with the involved members and schedule an individual confidential stress debriefing with a mental health professional (MHP) in accordance with GOM 2.08.020.
    - i. Any member(s) involved in a shooting or as the primary member in any other type of critical incident resulting in serious injury or death, shall be required to see an approved MHP as soon as possible, not to exceed the seventy-two (72) hour window after the incident, for an individual confidential stress debriefing. See GOM 2.08.020(2).
  - b. PST shall coordinate a critical incident stress debriefing (CISD) that includes all involved and witness members in accordance with GOM 2.08.020.
2. Coordinate with KCSO senior command and the Human Resources Unit to ensure that any involved members participate in a return to work interview with a department approved psychologist prior to returning to work in accordance with GOM 2.08.020.
  - a. Upon notification of a justified shooting from the Critical Incident Review Board, ensure that the involved member receives appropriate acknowledgement.
    - i. The member shall be notified in writing within three (3) working days of the decision.
3. Review the case packet to ensure a complete investigation has been conducted and potential policy violations, if any, have been identified.
4. Make any necessary comments and or recommendations by completing and attaching a Use of Force Commander Review.
5. If potential policy violations are identified, forward them to the appropriate Division Commander via the chain of command.
6. If no potential policy violations are identified, forward the case packet to the IIU Commander without delay and "cc" the appropriate Major and Division Commander.

6.01.060

**DIVISION COMMANDER'S RESPONSIBILITIES: 04/15****If potential policy violations are identified, the Division Commander shall:**

1. Review the case packet for thoroughness and prepare findings regarding identified policy violations.
2. Make any necessary comments and or recommendations.
3. Forward the case packet to the Internal Investigations Unit without delay.

6.01.065

**IIU'S RESPONSIBILITIES: 12/16****IIU shall:**

1. Review the case packet for completeness.
2. If IIU discovers any additional or un-alleged policy violations, the IIU Commander shall initiate an investigation with approval of the Sheriff.
3. Retain the entire case packet in compliance with the Records Retention Schedule.
4. Create an annual analysis of Use of Force Reports for the Sheriff's review.
  - a. This analysis may reveal patterns or trends that could indicate training needs and/or policy modifications.

6.01.070

**UNINTENTIONAL DISCHARGE OF FIREARMS, NO INJURY INVOLVED: 04/14****Whenever a member unintentionally discharges a firearm, and no injury is involved:**

1. The member shall:
  - a. Immediately notify a supervisor.
  - b. Submit a detailed Officer's Report before securing from duty.
2. All members present shall submit a detailed Officer's Report before securing from duty.
3. The involved member's supervisor shall:
  - a. Investigate the incident and notify the appropriate Precinct/Section Commander, Division Commander, or Command Duty Officer (CDO) as soon as possible.
  - b. Submit a Supervisor's Incident Review via the chain of command to the Precinct/Section Commander or Division Commander before securing from duty.
    - i. Include a copy of the member's statement.
  - c. Ensure the weapon is inspected by the Department Armorer if the reason for the discharge is unknown.
  - d. Enter the incident in Blue Team as a preliminary.
4. The Precinct/Section Commander, Division Commander, or the CDO shall notify the Sheriff as soon as possible.