

# 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.

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:

**Deadly force** - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

**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.

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

**Totality of the circumstances** - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force (Chapter 324 § 3, 2021 Laws).

## 300.2 POLICY

The Department recognizes and respects the sanctity of life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

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. Force or threat of force may not be used for retaliation.

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

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall immediately intercede to prevent the use of unreasonable force.

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances shall report these observations to a supervisor as soon as feasible. Failure to report unreasonable uses of force by a member of this department or another when witnessed by an officer, will subject the officer to discipline up to termination and (or) criminal liability.

#### **300.2.2 GUIDING PRINCIPALS FOR USING FORCE**

In all decisions to use force by an officer, the following factors will be considered when examining the justification of force:

Legal/ Authority- Does the officer have legal authority to take action.

Appropriate- Was the action suitable and appropriate for the circumstance under investigation.

Reasonable- Is the action appropriate, fair, and proportional to the resistance offered by the subject.

Necessary- Was the action required to safely accomplish the lawful purpose.

#### **300.2.3 DUTY TO RENDER AID**

It is the policy of the state of Washington and this agency that officers must provide or facilitate first aid such that it is rendered at the earliest safe opportunity to injured persons at a scene controlled by law enforcement. [RCW 36.28A.445]

#### **300.2.4 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 (Chapter 321 § 1, 2021 Laws) (see the Anti-Retaliation Policy).

### **300.3 USE OF FORCE**

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

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. 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.

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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. Officers may find it more effective or reasonable 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 to retreat or be exposed to possible physical injury before applying reasonable force.

#### 300.3.1 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:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use (Chapter 324 § 3, 2021 Laws).
- (e) The individual's mental state or capacity (Chapter 324 § 3, 2021 Laws).
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.

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- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) The individual is visibly pregnant or claims to be pregnant (Chapter 324 § 3, 2021 Laws).
- (s) The individual is a minor, appears to be a minor, or claims to be a minor (Chapter 324 § 3, 2021 Laws).
- (t) The individual is known to be a vulnerable adult or appears to be a vulnerable adult as defined by RCW 74.34.020 (Chapter 324 § 3, 2021 Laws).
- (u) The individual has limited English proficiency (Chapter 324 § 3, 2021 Laws).
- (v) The individual is in the presence of a child (Chapter 324 § 3, 2021 Laws).
- (w) Any other exigent circumstances.

#### 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.

SEE POLICY 309 - CONTROL DEVICES AND TECHNIQUES

SEE POLICY 310 - CONDUCTED ENERGY DEVICE

#### 300.3.3 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Yakima Police Department for this specific purpose.

#### 300.3.4 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

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the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion, time/distance and shielding).

All officers must maintain compliance with the annual Crisis Intervention Training provided by Criminal Justice Training Center in compliance with WAC 139-05-300. Officers shall include efforts to deescalate, when feasible, in their use of force reports.

#### **300.3.5 WASHINGTON STATE LAW - PHYSICAL FORCE**

Officers shall use reasonable care when determining whether to use and when using any physical force against another person. The least amount of physical force necessary shall be used to overcome resistance under the circumstances (Chapter 324 § 3, 2021 Laws).

An officer may use physical force upon another person when necessary to (Chapter 324 § 3, 2021 Laws):

- (a) Protect against criminal conduct where there is probable cause to make an arrest or effect an arrest.
- (b) Prevent an escape as defined under chapter 9A.76 RCW.
- (c) Protect against an imminent threat of bodily injury to the officer, another person, or the person against whom force is being used.

Officers shall terminate the use of physical force as soon as the necessity for such force ends (Chapter 324 § 3, 2021 Laws).

#### **300.3.6 RESTRICTIONS ON RESPIRATORY RESTRAINTS**

Officers of this department are not authorized to use respiratory restraints, also known as chokeholds or neck restraints (Chapter 320 § 3, 2021 Laws).

#### **300.4 PUBLIC EDUCATION**

This agency will continually engage the public with a commitment of transparency and accountability.

#### **300.5 MEDIA RELATIONS**

In all matters of significant uses of force the department will strive to maintain transparency where appropriate. When the investigations are referred to an independent investigative team the department will only release the administrative investigation when complete. SEE POLICY 311.4.4 - MEDIA RELATIONS for additional information.

#### **300.6 DEADLY FORCE APPLICATIONS**

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is only justified when the officer reasonably believes it is necessary in the following circumstances (Chapter 324 § 3, 2021 Laws):

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- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of serious physical injury or death.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent threat of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

An imminent threat of serious physical injury or death exists when, 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 (Chapter 324 § 3, 2021 Laws).

Deadly uses of force shall be investigated by an independent agency or task force at the chief's discretion in accordance with RCW 10.114.011.

#### **300.6.1 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.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle or of deadly force other than the vehicle that is directed at the officer or others (Chapter 320 § 7, 2021 Laws).

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

A vehicle is not considered a threat for purposes of this policy unless the operator is using it as a deadly weapon and there are no other reasonable means to immediately avoid that threat (Chapter 320 § 7, 2021 Laws).

#### **300.6.2 INVESTIGATING DEADLY FORCE APPLICATIONS**

SEE POLICY 311 - OFFICER-INVOLVED SHOOTINGS AND DEATHS

### **300.7 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 report, depending on the nature of the incident (See [See attachment: USE OF FORCE REPORTING APPENDIX.pdf](#) ). The officer should articulate 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, as specified in department policy, procedure or law.

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#### 300.7.1 NOTIFICATIONS TO SUPERVISORS

A supervisor shall respond to the location where force was used 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.
- (c) The application would lead a reasonable officer to conclude the force applied had the potential to cause injury.
- (d) The individual subjected to the force complained of injury or continuing pain.
- (e) The individual indicates intent to pursue litigation.
- (f) Any application of the TASER® device or control device.
- (g) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (h) The individual subjected to the force was rendered unconscious.
- (i) An individual was struck or kicked.
- (j) An individual alleges unreasonable force was used or that any of the above has occurred.
- (k) Conducted Electronic Device deployment where the device made contact with a person.
- (l) The force used was applied to the subject's neck.
- (m) Canine contact was made with a subject.
- (n) Discharge of firearm regardless if a subject or property were impacted.

#### Supervisor Responsibilities:

Supervisors shall investigate officers' uses of force in a manner consistent with the USE OF FORCE REPORTING APPENDIX. Supervisors will forward their finding for command review.

#### Command Review:

A commander officer will review all use of force incidents, commonly referred to as "Blue Team Reports". The command officer will determine whether or not the use of force is consistent with the guiding principles of this policy and lawful under laws of the state of Washington. If the force incident resulted in significant injury, obvious policy violations, and/or are of public interest they will be forwarded to the Division Commander for review and consideration for a Use of Force Review Board. See Use of Force Review Board Policy 302.

The Chief of Police or designee has the authority to initiate an internal investigation for all use of force matters to the professional standards office or an outside agency for investigation. [See attachment: Force Investigation Protocol.pdf](#)

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#### **300.7.2 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).

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

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 (RCW 43.101.135).

#### **300.8 MEDICAL CONSIDERATIONS**

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. 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 (Chapter 321 § 1, 2021 Laws).

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.

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 have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.



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#### **300.9 TRAINING**

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

Officers shall receive training and subsequent periodic training on (RCW 43.101.450; Chapter 321 § 2, 2021 Laws; Chapter 324 § 3, 2021 Laws):

- (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 and legal requirements.
- (c) Duty to intercede.

#### **300.10 USE OF FORCE ANALYSIS**

The department should prepare an analysis report on use of force incidents. The report should not contain the names of officers, suspects, or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

To build understanding and trust with the public the department will continually provide data regarding the use of force.

## **Attachments**

## **Force Investigation Protocol.pdf**



# **Force Investigations Unit**

## **Background**

In June of 2020, the Yakima Police Department committed to a review and reform of policy and procedure manual as it relates to the application and investigation of uses of force. The Yakima Police Department relied on the Police Executive Research Forum's (PERF) 30 guiding principles on use of force to make measurable change to existing policy and procedure. These guiding principles illustrated how American law enforcement should adopt the listed 30 practices, which were scientifically studied and vetted by the largest law enforcement think-tank in the country. These practices have been found to reduce liability and applications of unjustified uses of force by police if adopted and practiced.

One of the major considerations in moving forward on use of force reform was the adoption of a Force Investigations Unit. This unit will be staffed with knowledgeable and experienced investigative experts. The Force Investigations Unit would work under the authority of the Professional Standards Office and under the direction of the Commander and Chief of Police.

In September of 2020, a detective was selected as the investigator for the Force Investigations Unit and was assigned to the Professional Standards Office. The procedure for Force Investigations Unit is as follows:

## **Description**

The Force Investigations Unit is a specialized unit designated as the primary investigative authority for any incident of force that is significant in nature, where public scrutiny may exist, and at the discretion of the Chief of Police or their designee. Additionally, a Division Commander and the Professional Standards Commander are authorized to initiate a force investigation when they deem appropriate.

## **Duty**

The role of the Force Investigations Unit is to thoroughly, objectively and without bias investigate matters involving significant uses of force or allegations of misconduct related to uses of force. Additionally, the Force Investigations Unit will be responsible for investigating incidents where a Yakima Police employee is the victim of an alleged crime, specifically if an employee is assaulted while in performance of their duties.

Due to I-940 restricting law enforcement agencies' ability to investigate deadly applications of force by officers within their own agency, the Force Investigations Unit will fill the role as liaison; ensuring that all records, evidence, and associated information requested by the independent investigators is provided to the Independent Investigative Team (IIT) in an expeditious manner. The Force Investigations Unit will also ensure the administrative investigation is conducted in a timely manner when appropriate.

### **Procedure**

The Force Investigation Unit response to the scene of a use of force incident shall be considered in the following circumstances:

- **Significant uses of force where the potential of serious bodily injury to the offender or the officer is present (Type 3 or higher). Although, lower levels of force when injuries occur are at the discretion of the Division Commander.**
- **Allegations of misconduct are believed to, or have potentially occurred.**
- **Significant public interest or interaction has occurred.**
- **An Independent Investigative Team has responsibility of investigating an incident.**
- **Serious in-custody injury, suicide (or attempt), and/or death.**
- **Allegations of employee misconduct that require immediate investigation.**

### **Officer Responsibilities**

After an officer has made the decision to use force in the course of their duties as a police officer, the following shall occur:

- **Ensure that the use of force policy (Lexipol 300: Use of Force) was adhered to, specifically the duty to render aid post arrest, and preserve the scene for supervisor response when applicable (type-2 and above).**
- **Ensure that the on-duty supervisor is notified at the first safe opportunity.**
- **Continue with all normal procedures when making an arrest, such as documenting the elements of the crime, writing all official police reports necessary to ensure proper arrest procedures (Lexipol 345: Report Preparation).**
- **Photograph evidence related to the crime under investigation.**
- **Collect witness information.**

If the use of force incident was directly related to the officer's official duties all normal procedures of reporting shall occur, regardless of who is tasked with investigating the use of force incident. Deviation from this protocol will be afforded to officers when they have applied a deadly force application and are subject to the policy and procedures involving

deadly uses of force and deaths (Lexipol 311) as well as rights afforded to them in their collective bargaining agreement.

### **Supervisor Duties**

When any of the above incidents occur, the on-duty supervisor shall contact a watch commander and brief them of the circumstances. The on-duty supervisor shall ensure that the following occurs:

- **The scene of the incident is preserved and vehicles are not moved.**
- **Evidence remains in its original location for examination, documentation and collection by FIU personnel, when feasible.**
- **Fleeting evidence of an evanescence nature is immediately preserved and/or collected.**
- **All in-car video/recording systems are activated and remain so until authorized by FIU or the IIT to shut them off.**
- **Witnesses should be contacted by a supervisor, or at a minimum an un-involved officer to gather identifying information. If the witness does not want to provide identifying information, a witness statement should be collected if the person consents. All statements should be recorded if feasible.**

### **Command Notifications**

When a watch commander is notified of a use of force incident of the above described nature, they will respond to the scene and assume command duties. Watch Commanders will ensure that the affected officer(s) division commander is aware of the incident. Additionally, they will notify their chain of command of the details. At the discretion of the Chief of Police or their designee, the watch commander will be the point of contact for media inquiries related to the incident.

### **Force Investigations Unit**

The Force Investigations Unit will be comprised of investigators who have knowledge, training and experience in force analysis and experience with conducting administrative and criminal investigations. FIU will be tasked with providing thorough, transparent and timely investigations of use of force applications by and/or against Yakima Police officers/employees.

The FIU, at the discretion of the Chief of Police or their designee, will be tasked with conducting an administrative or criminal investigation of a use of force application to include the criminal culpability of a suspect or arrestee. Unless otherwise directed by FIU investigators, officers should continue with their normal protocols and procedures during a use of force incident such as making an arrest, if/when appropriate, writing a report, photographing injuries, etc.

The mere activation or request for activation of the FIU should not be construed as the officer or employee have acted inappropriately – either administratively or criminally. The FIU will act as fact finders and gather all evidence pertinent to the use of force associated with the investigation.

At the discretion of the Chief of Police or their designee, the FIU will be authorized to review the use of force incident for policy violations and/or criminal culpability – including that of the officer, employee, suspect or arrestee. The FIU will review all evidence, which may include the officer's in-car video, surveillance footage, officers' reports, witness statements, photographs and other information to determine the reasonableness of an officer's actions. The FIU will review all circumstances leading up to, during and after the use of force application occurs.

A review of these incidents by the FIU will assist Command Staff in understanding the circumstances surrounding a use of force incident to include what the involved officer knew at the time force was utilized.

The FIU will be committed to providing a transparent and impartial investigation.

### **Review Process**

All use of force reports shall follow the same process for review. Sergeants, Force Investigators or persons of higher rank are responsible for documenting the use of force in BlueTeam (use of force tracker). The Watch Commander will conduct the first command review of the force incident, ensuring lawfulness, and also that the force was reasonable and appropriate. The Watch Commander will commensurate to the force presented by the offender. If injury more than transient pain or marks occurs, the incident will be forwarded to the Division Commander for review. Additionally, if the appearance of misconduct is identified at any level the use of force incident must be forwarded through the Division Commander and/or Professional Standards Office for administrative action. The officer's actions will be reviewed under the following factors:

- **Legal/Authority**
- **Reasonable**
- **Appropriate**
- **Necessary**

Once the incident has been reviewed through the officer's chain of command, it shall be forwarded to the Professional Standards Office with a recommendation for administrative processing - noting one of the following recommendations:

- **Approved use of force (closed incident).**
- **Refer to use of force board for incident review (pending board recommendation and final command review).**
- **Not approved use of force refer to internal investigation.**
- **Suspend incident pending independent and/or criminal investigation.**

See administrative investigation (**Lexipol 1020: Personnel Complaints**) and use of force review board (**Lexipol 302: Use of Force Review Boards**) policies for further information.

### **Independent Investigation Protocol**

At the discretion of the Chief of Police or their designee, the Yakima Police Department may turn over any investigation to an independent investigative team (IIT). An IIT investigation could be a recognized ad-hoc team or another law enforcement agency. Additionally, pursuant to RCW 10.11.011, the Yakima Police Department may be required by State Law to turn over certain investigations to an IIT, depending on the type of force used or injuries sustained by the offender.

When an incident is turned over to an IIT, the Internal Affairs Office Force Investigations Team will respond to act as the designated liaison. The liaison will provide requested data and information to the IIT that is lawfully allowed to conduct their investigation.

Once the IIT has completed their investigation at the initial crime scene, the Professional Standards Office investigators will begin their parallel administrative investigation pursuant to the considerations listed in the collective bargaining unit and policy manual. Although the Professional Standards Office investigation into employee conduct may coincide with the IIT investigation, no compelled information may be relinquished to the IIT. Any information derived from the Professional Standards Office investigation that was obtained prior to compelling an employee to provide information is subject to disclosure to the IIT upon formal request. Absent a court order or lawful exception, compelled information post Garrity, shall not be disclosed to criminal investigators.



## BLUETEAM USE OF FORCE REPORTING PROCEDURE

### Type-4 Use of Force

Officer Involved shooting, in-custody death, use of force where serious bodily injury or death occurs.



### Type-3 Use of Force

The most serious or severe force that actually causes, or could reasonably be expected to cause great, or substantial bodily harm, or death.



### Type-2 Use of Force

Intermediate-level force is force reasonably expected to cause physical injury, more significant than minimal or fleeting pain, but less significant than something that might reasonably run the risk of causing great or substantial bodily harm. Use of strikes, Impact weapons, OC spray, Carotid Control Holds and Conducted Energy Device deployments fall within this category. Additionally, any force that contacts the sensitive areas (genitals, throat and eyes) will constitute Type II force. Anytime a firearm is pointed at someone will be considered Type II force.



### Type-1 Use of Force (BlueTeam not required)

Relatively minor, minimal, or low-level physical force resulting in no injury will not require a BlueTeam Use of Force report. Control or counter joint techniques used to overcome minor or passive resistance, for the purposes of handcuffing or restraining a subject from further resistance, will be considered Type I force.

\*\*Discretionary use of BlueTeam reporting advised for events that complaints may arise from or when public interest in taken by the community. \*\*

## **USE OF FORCE REPORTING APPENDIX.pdf**

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