



REVIEW OF THE VANCOUVER, WA POLICE DEPARTMENT

Final Report

June 2020



Executive Summary

Contents

Executive Summary.....	4
Summary of Findings and Recommendations	4
Policies and Procedures	4
Reporting, Documentation, and Supervisory Roles and Responsibilities in Use of Force Incidents ..	11
Training, Tactics and Tools	12
Analysis of Recent VPD Use-of-Force Incidents and Case Files	14
Moving Forward.....	21
Introduction	22
About the Vancouver Police Department.....	22
Project Scope and Methodology.....	22
Law Enforcement Training and Community Safety Act	24
Section I. Review of VPD Policies and Procedures Relating to Use of Force	25
Overview: VPD’s Use-of-Force Policies	27
Overall Policy Organization	27
Policy 300 Use of Force	28
300.1.1 Definitions	28
300.2 Policy	28
300.3 Use of Force	29
300.3.4 Carotid Control Hold	30
300.4. Deadly Force Applications.....	31
300.4.1 Shooting at or from Moving Vehicles	31
300.5 Reporting the Use of Force	31
300.5.1 Notification to Supervisors	32
300.6 Medical Considerations.....	33
300.7 Supervisor Responsibilities	33
Policy 305 Handcuffing and Restraints	34
Policy 306 Less Lethal Projectile	34
Policy 307 Impact Weapons/Oleoresin Capsicum (OC)	34
Policy 308 Conducted Energy Device	34
308.6.1 Application of the CED	35
308.6.2 Special Deployment Considerations	35
308.6.4 Multiple Applications of the Taser Device	36

Executive Summary

308.8 Medical Treatment.....	36
Policy 309 Officer-Involved Shootings	36
309.8 Administrative Investigation	37
Policy 317 Canines	37
Overall Policy Recommendations	38
Canine Policy and Manual Integration with Use-of-Force Policy.....	38
317.4 Preparation for Deployment.....	38
317.8 Canine Operational Manual	39
Policy 417 Response to Suicidal Subject Calls.....	41
417.3 Priority of Life Model	41
Policy 453 Foot Pursuits.....	41
Policy 463 Crisis Intervention Incidents.....	42
463.3 Recognizing a Person in Crisis	42
463.5 Coordination with Mental Health Professionals.....	42
463.7 De-escalation	43
463.8 Incident Orientation.....	43
Critical Decision-Making Model	43
Elements of the CDM	43
CDM Core	43
Section II. Review of VPD Reporting, Documentation, and Supervisory Roles and Responsibilities in Use of Force Incidents.....	45
Documentation and Supervisory Review.....	45
Section III. Review of VPD Training, Tactics and Tools.....	47
Training	47
De-escalation	47
PERF’s Integrating Communications, Assessment, and Tactics Training Guide	48
Additional Considerations for Use-of-Force Training	49
Equipment.....	50
Section IV. Analysis of VPD Use-of-Force Incidents and Case Files	51
Use-of-Force Data	51
Use-of-Force Incidents.....	51
Location of Force Incidents.....	52
Calls for Service Resulting in Force	54

Executive Summary

Characteristics of Persons Against Whom Force Was Used	55
Subject Gender.....	56
Subject Race	56
Community Concerns Related to Racial Bias	57
Subject Mental Health Indicators	59
Officers Involved in Uses of Force.....	61
Early Intervention Systems (EIS)	62
Years of Service Among Officers Who Used Force	64
Officer Reasons for Using Force.....	65
Perceived Subject Conditions	65
Officer Activity Immediately Prior to Force	68
Force Options.....	68
Injuries	71
Officer Injuries.....	71
Subject Injuries.....	72
Subject Medical Treatment.....	74
Uses of Force Resulting in Serious Injury.....	76
Perceived Subject Conditions	77
Force Options Attempted	79
Officer Injuries.....	80
Use-of-Force Report Writing.....	80
Carotid Restraints	81
Canine Bites	81
Pursuing Alternatives to Canines	82
Canine Report Writing	82
Additional Considerations Related to Canines.....	83
Officer-Involved Shootings.....	84
Administrative Review	84
Shooting Incidents Reviewed.....	85
Tactical Considerations and Recommendations.....	87
Report Writing and Interviews.....	88
Conclusion.....	89
Moving Forward.....	90

Executive Summary

In June 2019, the Police Executive Research Forum (PERF) was commissioned by the City of Vancouver, Washington to perform a review of the Vancouver Police Department (VPD). PERF's review included an examination of the department's policies, training, documentation, and data on use of force and officer-involved shootings. The purpose of this study was not to investigate any particular incident or specific police officer, but rather to identify areas where VPD can improve its core business practices.

This report presents PERF's findings and recommendations regarding VPD's use-of-force policies, practices, training, and data collection.

Summary of Findings and Recommendations

The recommendations in this report are based on findings from PERF's review, which included a review of VPD's use-of-force policy and other related policies, documentation and supervisory review, training, tactics, and tools, and an analysis of the department's use-of-force data, as well as interviews with VPD personnel, and observations made during PERF's site visit.

Throughout the course of this review, PERF's project team regularly discussed its ongoing findings and recommendations with VPD leaders. VPD began making changes to its practices based on these discussions, and at the time of this report the department had already implemented some of PERF's recommendations. These changes are discussed throughout the report.

This executive summary presents an overview of key findings and recommendations that are included in the report. This summary also provides information regarding VPD's progress in implementing these recommendations.

Policies and Procedures

Overall Policy Organization

Finding: Policy 300 is the VPD's primary use-of-force policy, but VPD's directives regarding use of force are segregated into several different policies.

Recommendation: *VPD should combine related use-of-force policies under a single directive. This will make it easier for officers to find pertinent information on use of force and will create a more integrated approach to force within the department. This comprehensive policy should include the agency's philosophy on use of force, clear guidelines around lethal and less-lethal force options, and guidelines on the accountability and reporting measures related to use of force.*

Ideally, policy should be organized in a manner such as the following:

- *Purpose and Scope*

Executive Summary

- *Definitions*
- *Lethal Force*
- *Less-Lethal Force*
 - *Less-Lethal Tools*
- *Documentation/Reporting*
- *Supervisor Responsibilities*
- *Medical Considerations*

Specifically, the following current VPD policies should be merged:

- *Policy 300 Use of Force*
- *Policy 305 Handcuffing and Restraints*
- *Policy 306 Less Lethal Projectile*
- *Policy 307 Impact Weapons/Oleoresin Capsicum (OC)*
- *Policy 308 Conducted Energy Device*

Policy 300 Use of Force

Findings: VPD's use-of-force policy does not include definitions for several key terms, including less-lethal force, proportionality, and de-escalation. The policy also does not direct officers to only use force that is proportional to the threat encountered. PERF's review found that VPD's policy includes the Carotid Control Hold as a force option, but policy does not state that this technique is only authorized at the level of lethal force.

VPD policy states that an officer may use lethal force in circumstances where there is an imminent threat of death or serious bodily injury, but current language is confusing as to the definition of the term "imminent". PERF also found that current policy provides language to discourage officers from shooting at moving vehicles, but does not prohibit it.

Policy 300 states that any use of force shall be documented, but it does not specify the specific types of force that shall be documented in use-of-force reports. In addition, VPD does not have a policy requiring supervisors to be dispatched to the scene of critical incidents in which there is a high likelihood that officers may use force.

Although policy outlines requirements for obtaining medical treatment for individuals following an officer's use of force, it does not seem to require that officers render first aid to individuals who are injured or complain of an injury until an EMT arrives. Finally, current policy does not state that supervisors should report to the scene of all reportable uses of force to conduct the initial investigation.

Recommendation: VPD should replace the current term (and subsequent references to) "deadly force" with "lethal force," and should add a definition for "less-lethal" force for the department's non-projectile impact weapons, OC spray, Electronic Control Weapons and other less-lethal force options. The term "less lethal" reflects the fact that while some weapons are designed to be less lethal than firearms, they sometimes do result in death. Related agency policies should also be reviewed to ensure that these new terms are applied consistently in related policies.

Executive Summary

Recommendation: VPD should add a definition of “**De-escalation**” to Section 300.1.1 Definitions. For example, the Seattle Police Department utilizes the following definition of de-escalation: “taking action to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources are available to resolve the situation. The goal of de-escalation is to gain the voluntary compliance of subjects, when feasible, and thereby reduce or eliminate the necessity to use physical force”.

Recommendation: VPD’s use-of-force policy should emphasize proportionality, the use of distance and cover, tactical repositioning, “slowing down” situations that do not pose an immediate threat, calling for supervisors and other resources, and similar actions and tactics. For example, the Camden County, New Jersey Police Department’s use-of-force policy states that “when force cannot be avoided through de-escalation or other techniques, officers must use no more force than is proportionate to the circumstances... Some of the factors that officers should consider when determining how much force to use include...whether further de-escalation techniques are feasible,...the time available to an officer to make a decision, and whether additional time could be gained through tactical means...”.

Recommendation: VPD should add language to Section 300.3 Use of Force stating that force used by officers should be **proportional to the threat**. In assessing whether a response is proportional to the threat being faced, officers should consider the following factors:

- Whether the level of force is necessary to mitigate the threat and safely achieve a lawful objective;
- Whether there is another, less injurious option available that will allow the officer to achieve the same objective as effectively and safely; and
- Whether the officer’s actions will be viewed as appropriate given the severity of the threat and the totality of the circumstances.

The concept of proportionality does not mean that officers, at the moment they have determined that a particular use of force is necessary and appropriate to mitigate a threat, should stop and consider how their actions will be viewed by others. Rather, officers should begin considering what might be appropriate and proportional as they approach an incident, and they should keep this consideration in their minds as they are assessing the situation and deciding how to respond. Proportionality also considers the nature and severity of the underlying events.

Recommendation: VPD should reword Section 300.3 to emphasize a focus on de-escalation. We recommend a statement that, while there is no requirement to retreat, the department’s expectation is for its officers to process and think through the incident at hand, making use of diffusion/de-escalation tactics whenever possible.

Recommendation: PERF recommends the prohibition of any type of neck restraint, such as VPD’s Carotid Control Hold, due to the limited occasions in which it is necessary, and the extensive training and skill required to perform it safely and effectively.

Recommendation: VPD should remove the following language from 300.4(b): “Note that imminent does not mean immediate or instantaneous”. This additional language may be confusing to officers and does not add to this section.

Recommendation: VPD should simplify the language in Section 300.4.1 to state, “Shooting at or from a moving vehicle is prohibited, unless someone inside the vehicle is using or threatening

Executive Summary

lethal force against an officer or another person by means other than the vehicle itself, or the vehicle is being used as a weapon of mass destruction in an apparent act of terrorism.”

Recommendation: *VPD should add the following language to Section 300.5: “Officers will document all uses of force that involve a hand or leg technique; the use of a lethal weapon, less-lethal weapon, or weapon of opportunity; or any instance where injury is observed or alleged by the subject that is the result of an officer’s use of force.” PERF generally recommends that the pointing of a firearm or Electronic Control Weapon at an individual as a threat of force be documented in incident reports, but we see no issue with VPD’s practice of documenting these incidents in use-of-force reports. Since VPD practice is to document the pointing of a firearm or ECW at an individual as a use of force, that requirement should also be stated in policy.*

Recommendation: *VPD should simplify notification and response requirements by stating that supervisors are to immediately respond to any scene: where a weapon (including a firearm, edged weapon, rocks, or other improvised weapon) is reported; where a person experiencing a mental health crisis is reported; or where a dispatcher or other member of the department believes there is potential for significant use of force.*

Recommendation: *VPD should add language to Section 300.6 to require that officers render first aid to individuals who are injured or complain of an injury after a use-of-force incident until an EMT arrives.*

Recommendation: *VPD should add language to Section 300.7 to require that supervisors should respond to the scene of ALL reportable uses of force to conduct the initial investigation. Supervisors should also be dispatched to all incidents where it is anticipated that force might be used.*

Policy 307 Impact Weapons/Oleoresin Capsicum (OC)

Finding: Current VPD policy does not require that impact weapons and OC spray be inspected by an officer’s supervisor during routine inspections.

Recommendation: *VPD should add language to specify that impact weapons/OC spray are to be inspected by the officer’s supervisor on a monthly basis. It is imperative that all less-lethal options available to officers are in working condition.*

Policy 308 Conducted Energy Device

Findings: PERF’s review found that VPD uses different terms for Electronic Control Weapons (ECWs) across various policies. In addition, current policy does not specify that use of the ECW should only be at the level of active resistance or aggression. VPD should adopt several guidelines regarding Electronic Control Weapons (e.g., considerations for using drive stun mode and the length of time subjects are exposed to ECWs). VPD should also strengthen requirements for medical treatment for subjects following an ECW application.

Executive Summary

Recommendation: *VPD should replace all references to “conducted energy device” and “Taser” in policy with the more descriptive and appropriate term, “Electronic Control Weapon (ECW),” in order to clarify that ECWs are in fact weapons that carry a risk of harming persons.*

Recommendation: *VPD should remove subsection (c) from Section 308.6.1. Use of the ECW should only be at the level of active resistance or aggression. VPD should also specifically note in policy that ECWs are not to be used against a passive subject.*

Recommendation: *VPD should add language stating that fleeing should not be the sole justification for using an ECW against a subject. Personnel should consider the severity of the offense, the subject’s threat level to others, and the risk of serious injury to the subject before deciding to use an ECW on a fleeing subject.*

Recommendation: *VPD policy should forbid the use of the drive stun mode (where the ECW is applied directly against the subject without firing darts) as a pain compliance technique. The drive stun mode should be used only to supplement the probe mode to complete the incapacitation circuit, or as a countermeasure to gain separation between officers and the subject so that officers can consider another force option.*

Recommendation: *VPD should revise deployment procedures to state, “Personnel should use an ECW for one standard cycle (five seconds) and then evaluate the situation to determine if subsequent cycles are necessary. Personnel should consider that exposure to the ECW for longer than 15 seconds (whether due to multiple applications or continuous cycling) may increase the risk of death or serious injury. Any subsequent application should be independently justifiable, and the higher risk should be weighed against other force options.”*

Recommendation: *VPD should strengthen language to require that all subjects who have been exposed to ECW application receive a medical evaluation by emergency medical responders in the field or at a medical facility.*

Recommendation: *When possible, emergency medical personnel should be notified when officers respond to calls for service in which they anticipate an ECW may be used against a subject.*

Policy 309 Officer-Involved Shootings

Findings: *VPD does not utilize a review board to critically analyze use-of-force incidents. VPD can greatly strengthen the quality and thoroughness of its administrative reviews by creating a special investigative body that is responsible for the administrative investigation of all serious uses of force by VPD members.*

Recommendation: *VPD should create a Critical Incident Review Board (CIRB) that is responsible for reviewing: all serious uses of force; lethal force; less-lethal force with a tool; injury; complaint of injury; all in-custody deaths; and any other critical police incident as directed by the chief of police. The formal review of these incidents, conducted as a matter of course, will provide valuable opportunities to identify lessons that can be incorporated into officer training, gaps in tactics, any need for additional equipment to be provided to officers, or any need for changes in policy.*

Executive Summary

Recommendation: *The CIRB, consisting at a minimum of the assistant chief of operations, a lieutenant or sergeant from training, a union representative, and a representative from professional standards, should convene quarterly to review each serious use-of-force incident. The review board should serve to ensure that tactics, equipment, and policy are reviewed, and areas of concern are addressed.*

Recommendation: *VPD should require that a tactical debriefing occur no later than 72 hours after an officer-involved shooting or in-custody death, to identify potential issues in training, policy and/or equipment without having to wait until the completion of the official shooting investigation. As part of this review, the training supervisor should be allowed access to the scene after all investigative measures have been completed, to help inform the debriefing of the CIRB.*

Policy 317 Canines

Findings: *VPD's current canine policy is brief in nature; however, the canine unit's K9 Manual is extensive, and provides detailed guidance to dog handlers. VPD should ensure canine policies are consistent with the agency's overall use-of-force policy and general philosophy on use of force, including considerations such as proportionality. Policy can also be strengthened by including a list of specific situations or crimes in which canines may be deployed. VPD should adopt a requirement that canine handlers command their canine to disengage once the subject no longer poses a threat to officers or anyone else on the scene. Finally, canine uses of force should also go through the proposed Critical Incident Review Board (CIRB).*

Recommendation: *VPD's canine policy and manual must fit into its overall policy and philosophy on use of force. Policy 317 should be reviewed each time Policy 300 (Use of Force) is updated to ensure that the policies remain compatible with each other. VPD should pay particular attention to language on de-escalation and requirements for reporting and reviewing canine incidents.*

Recommendation: *VPD should add language to the list of deployment considerations in Section 317.4 emphasizing that the use of the canine should be proportional to the threat faced by the officer.*

Recommendation: *VPD should strengthen policy by including a list of specific situations or crimes in which canines may be deployed to provide additional direction to both canine officers and patrol officers as they decide whether the use of a canine is appropriate.*

Recommendation: *VPD should add language to Policy 317 stating that canine handlers must ensure that alternative tactics are considered before deploying a dog. The dog may not always be the best tool to accomplish a particular goal.*

Recommendation: *VPD should require canine handlers to command their canine to disengage or should physically remove the canine as soon as the suspect is subdued or readily complies with officer direction in every instance where handlers deploy canines, whether it is in building searches, apprehension, or tracking. This requirement should be reflected in the department's K9 Manual.*

Executive Summary

Recommendation: *VPD should add language to its K9 Manual emphasizing that the use of the canine should be proportional to the threat faced by the officer and the public. Officers should begin considering what might be appropriate and proportional as they approach an incident, and they should keep this consideration in their minds as they are assessing the situation and deciding how to respond. Proportionality also considers the nature and severity of the underlying events.*

Recommendation: *VPD should include a requirement in both Policy 317 and the K9 manual that all canine uses of force go through the proposed Critical Incident Review Board (CIRB) review process. The deployment of a canine is a serious use of force, and anytime a canine bite occurs it should be critiqued and evaluated to ensure it was an appropriate use of force and consistent with VPD policy.*

Policy 417 Response to Suicidal Subject Calls

Finding: Policy 417 describes VPD's Priority of Life Model, which categorizes and prioritizes the lives of those who may be involved in a suicidal subject incident. This model is commonly found in Lexipol¹ policy, and has often been associated with active shooter situations. The model indicates that the safety of potential hostages and victims should be considered as the top priority, followed by bystanders, the police, and finally, the suicidal subject. VPD should remove this language and instead emphasize the *sanctity of all human life*—including the general public, police officers, and criminal suspects—and the importance of treating all persons with dignity and respect.

Recommendation: *VPD should replace the priority of life model in Section 417.3 with language stating that the sanctity of all human life is central to the department's response to these calls.*

Policy 453 Foot Pursuits

Finding: Overall this policy is sound, with minimal recommended changes. VPD should, however, add a requirement to Policy 453 stating that, where practical, once an officer in pursuit gains custody of the suspect, that officer should turn custody over to backup/co-responding officers as soon as they arrive on-scene.

Recommendation: *VPD should add a requirement stating that, where practical, once a pursuing officer gains custody of the suspect, that officer will turn custody over to backup/co-responding officers when they arrive on-scene. This will allow the primary officer to recover from the physical and emotional stress of the foot pursuit before re-engaging with the suspect for arrest and processing procedures.*

¹ Lexipol is an organization that provides policy templates for law enforcement agencies

Executive Summary

Policy 463 Crisis Intervention Incidents

Findings: PERF recommends several language changes to this policy to improve clarity. For example, VPD should consider modifying language to promote officers' understanding of the importance of helping to manage someone in crisis as opposed to "dealing" with them, which has a negative connotation. Policy can also be strengthened by including the list of community resources required in Section 463.5 as an appendix to this policy.

As in other related policies, the agency's commitment to de-escalation should be emphasized in Policy 463. Finally, in addition to information provided by dispatch, officers should speak directly to the reporting party in order to gather relevant information about the subject.

Recommendation: VPD should replace the phrase "deal with this person" in the second sentence of section 463.3 to "manage the person in crisis."

Recommendation: VPD should add neglect of personal hygiene to the list of behaviors in section 463.3 that a mentally ill person may exhibit.

Recommendation: VPD should develop the list of community resources specified in Section 463.5 and include the list as an appendix to Policy 453.

Recommendation: VPD should move section 463.7 closer to the beginning of Policy 463, after section 463.3 Recognizing a Person in Crisis, to emphasize the department's commitment to de-escalating encounters with individuals in crisis.

Recommendation: In Section 463.7, VPD should reword "demonstrate active listening skills (e.g., summarize the person's verbal communication" to "utilize active listening (e.g., summarize the person's verbal communication to build rapport)."

Recommendation: In Section 463.7, after the bullet stating "Provide for sufficient avenues of withdrawal or escape should the situation become volatile" VPD should add the following sentence: "Use cover and distance to create time to start a dialogue."

Recommendation: In Section 463.7, VPD should add the following language under the list of actions that responding officers should generally not perform: "Rush the situation exclusively for the sake of time."

Recommendation: VPD should add language to require that officers to speak to the reporting party if feasible in order to gather relevant information about the subject.

Reporting, Documentation, and Supervisory Roles and Responsibilities in Use of Force Incidents

Findings: Currently, it appears that sergeants are not very involved in the use-of-force review process. PERF learned that a sergeant signs off on a use-of-force report once it is entered into the RMS, and then a lieutenant conducts a review to determine whether the incident was in accordance with policy. Based on PERF's review, the lieutenants' comments appeared to be brief, one-sentence explanations stating

Executive Summary

that the use of force was in accordance with policy and met the standards of objective reasonableness. There did not appear to be any discussion in the comments PERF reviewed of training, tactical, or equipment issues identified in the lieutenant review.

In addition, PERF learned that VPD has adopted new use-of-force reporting protocols, including new RMS software, which will greatly improve the quality and accuracy of use-of-force reporting going forward. Once these new protocols are in place, VPD should ensure that the new protocols are documented in policy and that all officers are familiar with the updated procedures.

Recommendation: *Sergeants should be trained on how to appropriately review use-of-force reports, and should be responsible for the initial review of these reports. Reports should then be reviewed by each level of command up to the bureau chief or assistant chief level. Because reports are currently being reviewed by different lieutenants, there may be a lack of consistency in the review process. Ensuring that these reports are reviewed by an Assistant Chief will ensure consistency in the review.*

Recommendation: *VPD's RMS should have an area to document the supervisory review of use-of-force reports, including any training issues identified. Supervisors should properly document what actions they took in their review of reports (e.g., whom they interviewed, which videos they watched, tactical considerations, etc.) When supervisors observe potential issues in reports, they should address the issues through training and counseling. Narratives should also be reviewed for issues like report quality.*

Recommendation: *Requirements for the use-of-force reporting process, including protocols for supervisory review, should be clearly documented in policy to ensure that all officers have an understanding of these requirements.*

Recommendation: *As part of the implementation of VPD's new RMS software, VPD should add an option in the RMS to document de-escalation efforts. This will allow VPD to track not only uses of force, but also incidents in which officers successfully de-escalated a situation to avoid a potential use of force.*

Training, Tactics and Tools

De-escalation Training

Findings: According to VPD personnel, the department's current de-escalation training is based loosely on the state's mandated Crisis Intervention Team (CIT) training. While CIT training is a valuable tool for officers, VPD should have agency-wide training that focuses specifically on defusing critical incidents, critical thinking, and tactical communication. VPD's de-escalation training could also be strengthened by including list of resources that are available to officers to connect individuals with local services.

Recommendation: *VPD should implement continued training on defusing critical incidents, critical thinking, and tactical communications. It is important that the training selected be based on best practices and the practical experience of top-notch officers. The Integrating*

Executive Summary

Communications, Assessment And Tactics (ICAT) Training Guide, discussed on page 48 and available through PERF, was developed by a working group of policing professionals, reviewed by experts in the field, and pilot-tested before being made available to police departments throughout the United States.

VPD Action Taken: *Based on conversations with VPD personnel, VPD plans to implement ICAT training. This will ensure officers are trained on critical thinking and tactical communication, in addition to current de-escalation training.*

Recommendation: *VPD should include information in its de-escalation training about resources that are available to officers, so they can connect individuals who may be in need of various services with the appropriate resources (e.g., mental health, substance abuse, and housing services).*

Additional Considerations for Use-of-Force Training

Findings: PERF learned that the training unit is currently not involved in the review of use-of-force incidents. In addition, although all officers are receiving training on use of force, PERF learned that individuals above the rank of sergeant do not currently have mandatory training on use of force. PERF also learned that some officers are attending additional training outside the department. While this is a good practice and should be encouraged, VPD should ensure that outside training is vetted to verify that it is consistent with agency policy, culture and expectations.

Recommendation: *VPD should ensure that all use-of-force reports are reviewed by training staff so that opportunities for training can be identified. The training unit can then utilize relevant scenarios from the review of actual incidents to inform officer training on use of force.*

Recommendation: *After serious uses of force or critical incidents, VPD supervisors should conduct after-action debriefs with the involved personnel to review any tactical, equipment, or policy issues that could be improved upon going forward. These after-action debriefs can also be done in a training setting after scenario-based training to reinforce this practice. The Critical Decision Model (CDM), discussed on pages 43-44, is a useful tool to conduct these reviews.*

Recommendation: *Anyone who is responsible for reviewing use-of-force reports, including sergeants, lieutenants, commanders, and assistant chiefs, should also be required to participate in training to ensure they are up to date on VPD expectations regarding the use of force.*

Recommendation: *Outside training attended by members of VPD should be vetted by the training division prior to dissemination. VPD should develop a list of vetted and approved training courses for officers to attend to ensure that any training is consistent with the expectations of the agency.*

Executive Summary

Equipment

Findings: VPD should ensure that scenario-based exercises that include less-lethal tools also focus on critical decision making, including de-escalation and communication efforts that may be appropriate alternatives to less-lethal force options.

PERF learned that officers are permitted to mount a light on their firearm. However, VPD policy does not state that officers are required to carry a flashlight other than the one mounted on their firearm. This can lead to problems if officers are using their weapon-mounted flashlight as a general-purpose flashlight.

Recommendation: VPD should ensure that all officers are required to carry a flashlight other than the one mounted on their firearm. Unless necessary, officers should refrain from using their weapon-mounted flashlight for general purposes.

Recommendation: VPD should ensure that training on equipment is incorporated into the broader context of use-of-force training, including training on de-escalation and communication.

Analysis of Recent VPD Use-of-Force Incidents and Case Files

Use-of-Force Data

Finding: Between 2017 and 2019, VPD's number of use-of-force incidents increased by 65%. PERF consulted with VPD about the potential reasons for the increase, and there do not appear to be any policy or reporting changes that would account for an increase of this size. VPD plans to explore additional factors that could account for this increase going forward.

Recommendation: VPD should monitor use-of-force data internally to identify trends as well as potential areas for improvement to policy or training. In addition, VPD should produce an annual report on use of force to publish on its website. This will promote transparency with the community.

Characteristics of Persons Against Whom Force Was Used

Findings: Across the three-year period, we found that 78.1% of subjects were male, 21.1% were female, and 0.8% were unknown. With regard to subject race, 75.1% of subjects were White, 11.6% were Black, 2.8% were Asian, 1.8% were Pacific Islander, and 0.5% were Native American. VPD's use-of-force reporting form also allows officers to enter data on the ethnicity of subjects. However, when looking at this data, the team noticed that a high percentage (approximately 50%) of subject ethnicities were reported as "unknown".

Recommendation: Officers should be trained on the importance of entering subject ethnicity data when reporting on use of force. If the subject was arrested, ethnicity data can likely be extracted from the arrest report. If possible, VPD should change the default in its RMS so that officers are prompted to enter a value for subject ethnicity.

Executive Summary

Recommendation: *To examine the relationship between subject race/ethnicity and involvement in use-of-force incidents, VPD should compare the distribution of race and ethnicity of persons in use-of-force cases to the racial/ethnic distributions found in other types of police-subject interactions (calls for service, arrests, etc.). VPD should monitor these trends on a regular basis to identify potential training needs.*

Recommendation: *VPD should implement training on implicit bias and cultural awareness, as it is always beneficial for officers to develop their awareness of these topics.*

VPD Action Taken: *VPD has already taken steps to implement training in these areas, and plans to provide training on the topics of cultural responsiveness and sensitivity. Due to the COVID-19 crisis, this training has been suspended as of the time of this report, but VPD plans to implement this training when pandemic restrictions are lifted. In addition, LETCSA will require that all officers receive additional training on implicit bias.² As of the time of this report, the state Criminal Justice Training Commission is in the process of developing requirements for this training.*

Subject Mental Health Indicators

Findings: *Nearly one-third of subjects over the three-year period had at least one “mental health indicator”, as reported by officers. According to VPD personnel, the “mental illness” category in VPD’s RMS is selected based on an officer’s judgement that a subject may have a mental illness based on their behavior. However, the team identified several cases in which officers had checked the box labeled “mental illness”, although there were no specific indications of the subject having a mental illness in the report narrative.*

Recommendation: *PERF recommends a more inclusive title for the section on mental health indicators in use-of-force reports. “Mental Health Indicators” should be replaced with “Mental Illness/Mental or Emotional Distress,” to be more inclusive of subjects who may be experiencing a variety of mental or emotional issues.*

VPD Action Taken: *VPD has already taken steps to address this recommendation by adopting improved data collection protocols for use-of-force reporting. Going forward, officers will be prompted to indicate whether the “subject behaved violently, erratically, or was in mental or emotional distress”. In addition, VPD has added a new variable to its RMS to indicate the subject’s “observed behavior”. One of the categories officers can select will be “signs of mental illness”. This language is more inclusive and reflects the fact that subjects may be experiencing mental or emotional distress without necessarily having a mental illness.*

Recommendation: *In order to further improve data collection on subject mental illness or emotional distress, PERF recommends incorporating suggested additional categories on mental*

² “Chapter 139-11 WAC, Law Enforcement Training and Community Safety Act.”
https://www.cjtc.wa.gov/docs/default-source/letcsa/ots-1373-2.pdf?sfvrsn=8a5a6edb_2

Executive Summary

illness/mental or emotional distress to enhance clarity. These categories are discussed on page 61.

Officers Involved in Uses of Force

Findings: PERF found that a relatively small number of officers were involved in a disproportionate number of force incidents. For example, of 178 total officers who were involved in use-of-force incidents over the three-year period, 2.3% (4 officers) were involved in between 26 and 34 incidents, respectively. However, this is not necessarily an indication that these officers were acting inappropriately.

VPD's RMS contains a field for officers to indicate "Perceived Subject Conditions" at the time of force. According to officer reports, almost half of subjects were perceived to be under the influence of alcohol and/or drugs. This suggests that substance use is a major issue in Vancouver. Currently, it appears that officers are drawing their own conclusions about whether the subject is under the influence of drugs or alcohol based on the subject's behavior.

Recommendation: *VPD should periodically analyze its data to identify officers who initiate a disproportionate number of use-of-force incidents, and these officers' conduct should be carefully reviewed. VPD should implement an Early Intervention System (EIS) to identify these types of trends (discussed in detail on pages 62-63).*

Recommendation: *VPD should continue to train officers on best practices when interacting with people who are under the influence of alcohol and/or drugs. As these individuals may be less likely to comply, officers should be prepared to use communication skills to defuse situations without having to resort to force.*

VPD Action Taken: *VPD has already taken steps to improve use-of-force reporting by adopting new protocols for data collection. Instead of the "perceived subject conditions" variable, VPD has added a new variable to its RMS entitled "Observed Behavior", which will include the following options:*

- *Assaulted citizen*
- *Assaulted officer*
- *Attempted to flee*
- *Self injury/suicidal*
- *Signs of alcohol impairment*
- *Signs of developmental disability*
- *Signs of drug impairment*
- *Signs of excited delirium*
- *Signs of mental illness*

This is an improvement upon the previous categories, as "observed behavior" is a more appropriate and descriptive term than "perceived subject conditions".

Recommendation: *In order to further improve data collection on subject drug and alcohol impairment, PERF recommends suggested additional categories to allow for more detailed information to support officers' observations. These categories are discussed on page 67.*

Executive Summary

Recommendation: *VPD should collect data on whether a subject is exhibiting suicidal behavior, including verbal threats or actions, as a separate option under “observed behavior”. Alternatively, this could be part of a separate variable on subject “mental illness/mental or emotional distress”, as recommended above.*

Data Quality Issues

Findings: In its review of VPD’s use-of-force data, PERF identified several issues with regard to data quality. For example, officers are able to indicate in their report whether each force option was “attempted” or “effective”. However, through reading report narratives, it appeared that officers may not have a consistent understanding of what constitutes an “effective” application.

Officers are able to report canine bites in VPD’s use-of-force report form. However, PERF learned that VPD actually collects data on canine deployments in a separate database, and that canine bites should not technically be reported in the use-of-force database.

The team identified instances in which officers had selected force options in the RMS that they did not themselves employ, but that had been deployed by another officer on scene. Apparently, officers have not received formal training on how to properly complete the use-of-force report form, including explanations of the various RMS fields and in what situations specific categories should be selected.

Recommendation: *VPD should establish a consistent definition(s) of what “effective” means with regard to each force option, and in what cases officers should report a force option as effective vs. ineffective. Officers should be trained on the proper use of this term to ensure consistency and clarity of use-of-force data collection.*

Recommendation: *When completing a use-of-force report form, officers should only select the force options that they themselves employed. This will ensure that each officer is reporting on their own use of force, and will avoid confusion about whether more than one officer deployed the same force option during an incident.*

Recommendation: *After implementing its new RMS and use-of-force reporting protocols, VPD should ensure officers are trained on the use-of-force report form, including providing definitions of various data categories and in what situations they should be selected. VPD should develop a manual providing detailed instructions on the completion of use-of-force reports, or should include these instructions within the RMS, to ensure consistent and accurate data collection. Accurate data on use of force will allow for better analysis of trends, identification of training opportunities, and improved accuracy of information provided to the community.*

Injuries

Findings: Of the total subjects of force, 38.2% sustained injuries. PERF recommends that VPD adopt more descriptive categories for subject injuries, including the ability to indicate when each specific injury took place and the location of the injury. Collecting more detailed data will allow VPD to better analyze trends related to subject injuries.

Executive Summary

VPD is currently collecting data on the medical treatment received by subjects. However, VPD's use-of-force reporting form does not have options for officers to indicate the reason(s) subjects received the medical treatment they did.

VPD Action Taken: *VPD plans to implement improved data collection protocols that will greatly enhance the quality of data collected related to subject injuries. In VPD's new RMS, officers will have the ability to indicate whether the subject was injured prior to force. They will then be instructed to list all injuries sustained prior to the use of force in the report narrative, and not on the reporting form. For injuries sustained as a result of police use of force, VPD has adopted the following more comprehensive injury categories:*

- *Abrasion/laceration*
- *Bone fracture*
- *Concussion*
- *Gunshot wound*
- *Internal injury*
- *Obvious disfigurement*
- *Stabbing wound*
- *Unconsciousness*

These categories are more descriptive and will allow for more detailed data collection. In addition, VPD's new RMS will allow officers to indicate the location of force used by the officer on the subject's body.

Recommendation: *VPD's new categories for subject injuries are more comprehensive and will allow for better data collection. PERF recommends that VPD add one more injury category entitled "other, specify," to capture injuries that may not fall into one of the above categories. Officers should then have the option to specify the type of injury in a text field.*

Recommendation: *Although VPD's new data collection protocols will allow officers to specify the location of force used by the officer, it is also important to document the location of any injuries to the subject, as these may not always correspond directly to the location of the force. For example, if an officer uses a baton strike to a subject's thigh, and the subject falls and sustains bruising to their upper body, the location of the injury would be different from the location of the force. Along with its new "subject injury type" categories, VPD should incorporate the ability in its RMS to indicate the location on the body for each subject injury. This could be done by including a dropdown menu for each injury type that is selected.*

Recommendation: *PERF recommends that VPD collect more detailed data on the reasons subjects were admitted to the hospital. This will allow VPD to identify whether subjects were admitted to the hospital due to injuries as a result of force, or for other reasons such as mental health evaluations or drug or alcohol intoxication. Specific suggested categories are discussed on page 75.*

Uses of Force Resulting in Serious Injury

Findings: PERF took a closer look at cases that involved a serious injury to the subject (see page 76 for a discussion of which cases were included in this review). The team found that a higher percentage of subjects in “serious” incidents were perceived to be under the influence of alcohol or drugs, as compared to overall subjects of force. In addition, a higher percentage of the subjects in “serious” force incidents were thought to have a mental illness, as compared to subjects in the overall use-of-force data.

Based on report narratives reviewed, PERF identified a pattern in several cases of officers projecting how they think a subject might act and using this as a justification for force. PERF also identified cases that indicated that a third-party witness was on scene, but the team was not able to locate any interviews taken as part of the investigation by a supervisor. In addition, it appeared that oftentimes the supervisor did not report to the scene of these incidents. Finally, based on the report narratives reviewed, it appeared that some officers are using the carotid restraint in situations in which subjects “may” potentially pose a threat, but are only showing resistant behavior and not assaultive behavior.

Recommendation: VPD should continue to monitor trends on subject injuries as they relate to other variables, as these could have important implications for training. For example, the high proportion of these subjects who were perceived to be under the influence of drugs and alcohol or were perceived to have a mental illness suggests that these types of individuals may be more likely to sustain injuries or have more serious force used against them. This may inform training on how officers can more effectively attempt to defuse and de-escalate situations in which subjects are under the influence of alcohol or drugs, or are perceived to be under mental or emotional distress.

Recommendation: VPD should incorporate training on report writing to avoid the use of generic language, generalizations, and assumptions not supported by the specific circumstances of the incident. Officers should also include efforts to communicate with the subject and de-escalate the incident in their report narratives, and whether those efforts had any effect.

Recommendation: VPD should utilize information learned from unbiased third-party witnesses in order to supplement officers’ statements. These statements can be powerful evidence in use-of-force investigations and can promote transparency and trust within the community.

Recommendation: When supervisors are notified of a use-of-force incident, they should respond directly to the scene to examine officer and subject injuries, interview witnesses, and to locate potential evidence such as surveillance video footage. In addition, if tensions are high at the scene, supervisors can protect the safety of all involved by ensuring that the officers directly involved in the use of force are removed from being the primary contact with the subject.

Recommendation: VPD should conduct an agency-wide training session on using intermediate force options in place of techniques such as the carotid restraint, which has a high probability of injury. VPD should incorporate scenarios specific to subjects displaying resistant behavior (refusing to comply, stiffening up, walking away etc.) and evaluate how officers handle non-assaultive subjects in these scenarios.

Executive Summary

Canine Bites

Findings: In order to investigate VPD's use of canine bites, PERF reviewed report narratives associated with the 18 canine bites that occurred in 2019. Based on PERF's prior experience, this appears to be a relatively high number of canine bites for an agency of VPD's size.

Through reviewing supplemental narratives written by canine officers, PERF identified several instances in which generic language or assumptions were used to justify the use of a canine. In addition, based on its conference on patrol canine operations in 2019, PERF provided VPD with some additional recommendations related to canine operations.

Recommendation: *VPD should re-examine its policies, practices, and culture related to canines. VPD must ensure that canine deployments and bites are only being used when necessary to safely achieve a lawful objective and after other avenues have been exhausted. PERF's 2020 report, Guidance on Policies and Practices for Patrol Canines, provides 20 recommendations on canine policies and operations, documentation and review, and other elements of a canine program.*³

Recommendation: *VPD should ensure that canine officers avoid using generic language, generalizations, and assumptions not supported by the specific circumstances. Officers should justify their deployment of a canine using the unique and specific circumstances of the incident in question.*

Recommendation: *VPD's canine unit should provide the rest of the department with guidance on how the unit operates and how it can assist patrol operations. The canine unit should also provide training to sergeants and other supervisors so they understand when they should and should not call the canine team to the incident, and the capabilities of the canine team once it is on-scene.*

Recommendation: *VPD should ensure through repetitive training that its canine handlers have the capability to remove the dog from the bite quickly and on command.*

Recommendation: *VPD should review canine usage data regularly, and any outliers, significant increases in uses of force, or significant decreases in the rate at which subjects are located should prompt a closer review. VPD should also consider tracking the canine team's bite-to-deployment ratio.*

Recommendation: *VPD should publish its canine usage data—at a minimum, annually—to promote transparency with the public. This can be part of VPD's annual use-of-force report.*

Officer-Involved Shootings

Findings: Between February 2017 and March 2019, VPD had nine officer-involved shooting (OIS) incidents. The administrative review for OIS is assigned to a lieutenant, who conducts a review of the incident and then prepares a written report. Based on PERF's review, the administrative review appears

³ Ibid.

Executive Summary

to be solely for the purpose of determining whether the officer's actions were in accordance with policy and *Graham v. Connor*, and there does not appear to be any assessment or investigation of training or tactical considerations.

Similar to in the use-of-force report narratives, the team found that some incident reports failed to properly detail the logistics of what occurred, and used "boilerplate" language to justify the use of force. For example, in several reports, officers stated that they perceived a subject to be armed, but there was no mention as to whether they actually were armed.

Recommendation: *VPD should provide training to all lieutenants that will conduct administrative reviews of officer-involved shootings. The training must include how to critically examine the incident from start to finish, focusing on the officer's critical thinking and actions before, during, and after the incident, options available to the officer, training factors, and equipment. The training must also explain why it is important to look beyond whether the incident was justified based on the standards of *Graham v. Connor* to ensure officer and agency accountability and improvement.*

Recommendation: *The CIRB, in addition to meeting quarterly to review all critical incidents, should provide a secondary review of the lieutenant's findings on officer-involved shooting incidents. The chief is always the final decisionmaker regarding the finding on these incidents.*

Recommendation: *Training staff should receive feedback on any training issues identified in the OIS review in order to address performance issues. This can be part of the CIRB review process, as the CIRB will include a supervisor from the training unit.*

Recommendation: *Supervisors should ensure that officers are fully documenting their decision-making process in the incident report, including attempts to de-escalate the situation. Officers should avoid using "boilerplate" or generic language to justify the use of force. If the lieutenant observes this type of language during the administrative review, they should follow up for further clarification on what occurred by re-interviewing the officer.*

Moving Forward

By commissioning this review and implementing the suggested reforms, VPD has signaled that it is committed to strengthening its policies, practices, and overall service that it provides to the community. PERF's review found that VPD is made up of many talented and dedicated people, and the recommendations provided in this report are intended to build upon this foundation and provide the agency with additional tools and suggestions for taking VPD to the next level of service and professionalism.

Introduction

In June 2019, the City of Vancouver, Washington commissioned the Police Executive Research Forum (PERF) to conduct a review of the Vancouver Police Department's (VPD) use of force. PERF's review covered VPD's policies, practices, training, documentation, and data collection pertaining to use of force. The purpose of this study was not to investigate any specific incidents or police officers, but rather to review the department's overall operations regarding use of force.

PERF's review included a thorough analysis of VPD's use-of-force policies to determine whether they are aligned with progressive practices and national standards. In addition, PERF analyzed use-of-force data across three years (2017-2019), reviewed use-of-force case files and officer-involved shooting cases, and evaluated training curricula related to use of force and de-escalation.

This report presents PERF's findings and recommendations regarding VPD's policies and procedures pertaining to use of force.

About the Vancouver Police Department

The VPD is a full-service police department that serves the City of Vancouver, Washington. Vancouver is located in southwest Washington and is part of the Portland, Oregon metropolitan area. The city has a population of approximately 183,000.⁴

VPD is comprised of approximately 220 sworn officers. The department is divided into an Administrative Bureau, Investigations Bureau, and Patrol Bureau, each of which is led by an Assistant Chief.

Project Scope and Methodology

PERF conducted a broad assessment of VPD's policies, practices, training, and documentation pertaining to use of force. As part of this review, PERF was charged with completing the following tasks:

- Reviewing the VPD's organizational culture surrounding use of force.
- Reviewing the VPD's policies and procedures relating to use of force.
- Reviewing the VPD's reporting, documentation, and supervisory roles and responsibilities in use of force incidents.
- Reviewing the VPD's training, tactics, and tools.
- Analyzing and providing descriptive statistics of recent VPD use of force incidents and case files.
- Evaluating existing verbal de-escalation training.

PERF used the following methods to collect information regarding VPD's policies, practices, training, and documentation pertaining to use of force:

⁴ U.S. Census Bureau. "Quick Facts: Vancouver city, Washington." Retrieved April 21, 2020 <https://www.census.gov/quickfacts/vancouvercitywashington>.

Introduction

Policy review: PERF reviewed the following VPD policies:

- Policy 300 Use of Force
- Policy 305 Handcuffing and Restraints
- Policy 306 Less Lethal Projectile
- Policy 307 Impact Weapons/Oleoresin Capsicum (OC)
- Policy 308 Conducted Energy Device
- Policy 309 Officer-Involved Shootings
- Policy 317 Canines
- Policy 417 Response to Suicidal Subject Calls
- Policy 453 Foot Pursuits
- Policy 463 Crisis Intervention Incidents

Interviews and on-site observations: The PERF team conducted a site visit to Vancouver in September 2019 and numerous follow-up interviews. PERF also conducted focus groups with VPD personnel, city officials, and community members, including:

- The Vancouver City Manager
- Vancouver City Council members
- The Chief of Police
- Assistant Chiefs of Police
- Commanders
- Lieutenants
- Sergeants
- Detectives
- Patrol officers
- Civilian staff members
- The Professional Standards Unit
- Vancouver Police Officers' Guild leaders
- The Records Unit
- The Training Unit

During the site visit, PERF also participated in ride-alongs with VPD patrol officers.

Community input: In addition, the PERF team held two meetings with community members to hear their concerns and input regarding the review. PERF also created an email account for community members to submit their questions and input about the project, to ensure that a variety of feedback and perspectives were considered. The insights provided by community members are discussed on pages 57-58.

Data collection and analysis: PERF analyzed use-of-force data across three years (2017-2019), reviewed several dozen use-of-force case files associated with more serious incidents, and reviewed nine officer-involved shooting cases. PERF also evaluated training curricula and lesson plans on topics related to use of force.

This report presents PERF's findings and recommendations on how VPD can strengthen its policies and practices to improve its operations. The recommendations contained in this report are based on

progressive policing practices, many of which PERF helped to establish, which have been implemented successfully in urban police agencies throughout the country. After implementing these recommendations, VPD should ensure that all officers are trained on updated policies, practices, and accountability measures discussed in this report.

This report also provides information regarding the progress that VPD has already made towards implementing PERF's recommendations. Throughout the course of this review, PERF's project team regularly discussed its ongoing findings and recommendations with VPD leaders. VPD began making changes to its policies and practices based on these discussions, and at the time of this report the department had already implemented a number of PERF's recommendations.

Law Enforcement Training and Community Safety Act

The Law Enforcement Training and Community Safety Act (LETCSA) was signed into law in Washington state in 2018. LETCSA mandates that law enforcement officers receive training on a variety of topics, including de-escalation, mental health, implicit and explicit bias, and interacting with people with disabilities and/or behavioral health issues. The law also requires that deadly force incidents be subject to an independent investigation. The Washington State Criminal Justice Training Commission is tasked with creating and adopting rules to establish the training requirements and criteria for independent investigations of deadly force.⁵ As of the time of this report, these rules have been established, and officer-involved shootings are now being investigated by a Regional Independent Investigation Team. However, VPD's training unit reported that they have not yet received the curriculum for the new mandated training topics under LETCSA. VPD should ensure that any new practices implemented are consistent with the new protocols required under LETCSA.

⁵ <https://www.cjtc.wa.gov/letcsa/training-overview#Resources>

Section I. Review of VPD Policies and Procedures Relating to Use of Force

The PERF team reviewed the Vancouver Police Department's (VPD) policies related to use of force for thoroughness and compliance with nationally recognized progressive policing practices. We also examined whether VPD's policies are sufficient to give officers a clear understanding of the rules, expectations, and guidelines regarding use of force.

This section presents recommendations for how VPD can continue to improve its use-of-force policies, as well as specific recommendations for strengthening language in current policies.

Recommendations on policies are presented below in sequential order based on the policy number, and not in any order of priority.

Specifically, the team reviewed the following policies:

- Policy 300 Use of Force
- Policy 305 Handcuffing and Restraints
- Policy 306 Less Lethal Projectile
- Policy 307 Impact Weapons/Oleoresin Capsicum (OC)
- Policy 308 Conducted Energy Device
- Policy 309 Officer-Involved Shootings
- Policy 317 Canines
- Policy 417 Response to Suicidal Subject Calls
- Policy 453 Foot Pursuits
- Policy 463 Crisis Intervention Incidents

PERF's Analysis of Use-of-Force Issues Nationally

PERF's review of VPD's use-of-force policies, training, and practices took place in the context of a national debate about police use of force that has been going on for approximately five years. PERF has conducted many national and regional conferences in which many hundreds of police executives and other experts developed strategies for reducing police use of force in many types of situations. Through this work, PERF has produced guiding principles for police agencies to use in revising their policies, practices, and training on use of force, as well as specific recommendations and training programs.

Much of this work focuses on incidents involving persons who are unarmed or are armed with weapons other than firearms, and who are behaving erratically or dangerously because of a mental health crisis, drug addiction, disability, or other condition. When police encounter a suspect brandishing a firearm, officers' options are limited. But when there is no firearm, officers often have a wider array of options for slowing the situation down, using communication skills and defensive tactics to buy time for building trust and defusing the situation without use of force.

Section I. Review of VPD Policies and Procedures Relating to Use of Force

PERF has issued the following reports detailing these principles and recommendations:

- [*Suicide by Cop: Protocol and Training Guide* \(2019\)](#)⁶
- [*ICAT: Integrating Communications, Assessment, and Tactics* \(2016\)](#)⁷
- [*Guiding Principles on Use of Force* \(2016\)](#)⁸
- [*Re-Engineering Training on Police Use of Force* \(2015\)](#)⁹
- [*Defining Moments for Police Chiefs* \(2015\)](#)¹⁰

PERF's "Guiding Principles" report is the core document of this work, providing 30 recommendations, including the following:

- The sanctity of human life should be at the heart of everything an agency does.
- Agencies should continue to develop best policies, practices, and training on use-of-force issues that go beyond the minimum requirements of *Graham v. Connor*.
- Police use of force must meet the test of proportionality.
- Adopt de-escalation as formal agency policy.
- The Critical Decision-Making Model provides a new way to approach critical incidents.
- Duty to intervene: Officers need to prevent other officers from using excessive force.
- Respect the sanctity of life by promptly rendering first aid.
- Shooting at vehicles must be prohibited.
- Prohibit use of deadly force against individuals who pose a danger only to themselves.
- Use Distance, Cover, and Time to replace outdated concepts such as the "21-foot rule" and "drawing a line in the sand."
- Provide a prompt supervisory response to critical incidents to reduce the likelihood of unnecessary force.
- Scenario-based training should be prevalent, challenging, and realistic.

PERF's training program, *ICAT: Integrating Communications, Assessment, and Tactics*, provides officers with the tools, skills, and options they need to implement the Guiding Principles, and to safely defuse a range of critical incidents.

PERF's most recent report, [*Suicide by Cop: Protocol and Training Guide*](#), provides specific guidance for safely defusing incidents in which a subject wishes to die by suicide at the hands of a police officer.

Many of PERF's Guiding Principles have been adopted in departments across the country, and [many departments](#) have given ICAT training to their officers.

⁶ <https://www.policeforum.org/suicidebycop>

⁷ <http://www.policeforum.org/assets/icattrainingguide.pdf>

⁸ <https://www.policeforum.org/assets/guidingprinciples1.pdf>

⁹ <https://www.policeforum.org/assets/reengineeringtraining1.pdf>

¹⁰ <https://www.policeforum.org/assets/definingmoments.pdf>

Overview: VPD's Use-of-Force Policies

Overall, PERF found the department's use-of-force policies to be strong. Below, we have made recommendations to further strengthen policy to bring it in line with nationally recognized best practices.

Overall Policy Organization

Policy 300 is the VPD's primary use-of-force policy, but VPD's directives regarding use of force are segregated into several different policies. For example, policies governing force tools are outlined in separate documents. Additionally, Policy 300 *appears* to be primarily focused on lethal force, but also has some elements of less-lethal force (such as Use of Force to Effect an Arrest, and Pain Compliance).

VPD should consolidate its use-of-force policies to ensure clarity. When issues pertaining to use of force are separated into numerous policies, there is a chance that revisions may not be applied uniformly, and that the department's use-of-force philosophy may not be clear to officers. VPD would be better served if issues related to use of force were combined under a single policy. This would also make updating the policy easier, with all of the critical components located in the same document.

Recommendation: *VPD should combine related use-of-force policies under a single directive. This will make it easier for officers to find pertinent information on use of force and will create a more integrated approach to force within the department. This comprehensive policy should include the agency's philosophy on use of force, clear guidelines around lethal and less-lethal force options, and guidelines on the accountability and reporting measures related to use of force.*

Ideally, policy should be organized in a manner such as the following:

- *Purpose and Scope*
- *Definitions*
- *Lethal Force*
- *Less-Lethal Force*
 - *Less-Lethal Tools*
- *Documentation/Reporting*
- *Supervisor Responsibilities*
- *Medical Considerations*

Specifically, the following current VPD policies should be merged:

- *Policy 300 Use of Force*
- *Policy 305 Handcuffing and Restraints*
- *Policy 306 Less Lethal Projectile*
- *Policy 307 Impact Weapons/Oleoresin Capsicum (OC)*
- *Policy 308 Conducted Energy Device*

Policy 300 Use of Force

300.1.1 Definitions

VPD's current use-of-force policy includes the following two definitions:

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

VPD's current policy does not include definitions for several key terms, including less-lethal force, proportionality, and de-escalation. PERF recommends that VPD incorporate these concepts into its policy, and that they be clearly defined at the beginning of the policy.

Recommendation: *VPD should replace the current term (and subsequent references to) "deadly force" with "lethal force," and should add a definition for "less-lethal" force for the department's non-projectile impact weapons, OC spray, Electronic Control Weapons and other less-lethal force options. The term "less lethal" reflects the fact that while some weapons are designed to be less lethal than firearms, they sometimes do result in death. Related agency policies should also be reviewed to ensure that these new terms are applied consistently in related policies.*

Recommendation: *VPD should add a definition of "De-escalation" to this section. For example, the Seattle Police Department utilizes the following definition of de-escalation: "taking action to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources are available to resolve the situation. The goal of de-escalation is to gain the voluntary compliance of subjects, when feasible, and thereby reduce or eliminate the necessity to use physical force."¹¹*

300.2 Policy

This section outlines the department's philosophy on use of force. The current language is satisfactory, but can be strengthened by emphasizing proportionality, the use of distance and cover, and other tactics designed to "slow down" situations that do not pose an immediate threat, such as calling for supervisors and other resources to resolve a situation.

Recommendation: *VPD's use-of-force policy should emphasize proportionality, the use of distance and cover, tactical repositioning, "slowing down" situations that do not pose an immediate threat, calling for supervisors and other resources, and similar actions and tactics.¹² For example, the Camden County, New Jersey Police Department's use-of-force policy states that "when force cannot be avoided through de-escalation or other techniques, officers must use no more force than is proportionate to the circumstances... Some of the factors that officers should consider when determining how much force to use include...whether further de-escalation*

¹¹ Seattle Police Department. 2019. "Use of Force Definitions." *Seattle Police Department Manual*, September 15, 2019. <https://www.seattle.gov/police-manual/title-8---use-of-force/8050---use-of-force-definitions>

¹² PERF, *Guiding Principles on Use of Force*, pp. 54-65. <http://www.policeforum.org/assets/guidingprinciples1.pdf>.

Section I. Review of VPD Policies and Procedures Relating to Use of Force

techniques are feasible, ... the time available to an officer to make a decision, and whether additional time could be gained through tactical means...".¹³

300.3 Use of Force

This section outlines what the department considers to be reasonable use of force. Specifically, current policy states that:

“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.”

This section is reflective of the U.S. Supreme Court’s 1989 decision in *Graham v. Connor*,¹⁴ which establishes a general standard of “objective reasonableness” regarding police use of force. Objective reasonableness represents the legal standard by which police use of force is judged by the courts, and it is critical that any use-of-force policy articulate that standard.

However, *Graham* provides only broad legal principles for how the objective reasonableness standard should be applied. The decision contains no more than a few sentences that provide practical guidance to police officers about actually making use-of-force decisions, including the language in VPD’s Policy 300.3 quoted above. As of 2020, the Supreme Court has effectively left it up to individual police agencies to determine how to best incorporate *Graham*’s basic principles into their own policies, training, and tactics.

Many police departments have chosen to go beyond the bare requirements of *Graham*. For example, many police agencies have detailed policies and training on issues such as shooting at moving vehicles, rules on pursuits, guidelines on the use of Electronic Control Weapons (ECWs), and many other use-of-force issues that are not mentioned in or required by *Graham*.

Furthermore, new concepts in use-of-force policy and practice often reflect expectations of American communities about police use of force, particularly in assessing whether force in any given situation is not only legal, but also necessary, proportional, and ethical. In this sense, use-of-force policies and practices currently employed by many police agencies seek to go beyond the minimum legal standard established in *Graham*.

In fact, a federal appeals court in 2016 held that professional standards in policing can sometimes become incorporated in new legal standards. (The case, *Armstrong v. the Village of Pinehurst et al.*, involved the use of an Electronic Control Weapon against a mentally ill man. The Fourth Circuit U.S. Court of Appeals cited ECW guidelines produced by PERF and the Justice Department’s COPS Office to

¹³Camden Police Department. 2013. “Use of Force.” January 28, 2013.

<https://static1.squarespace.com/static/58a33e881b631bc60d4f8b31/t/5d5c89c2e3bc4c000192f311/1566345667504/CCPD+UOF+Policy+%288.21.19%29+%28FINAL%29.pdf>

¹⁴ *Graham v. Connor*, 490 U.S. 386 (1989). <http://caselaw.findlaw.com/us-supreme-court/490/386.html>.

Section I. Review of VPD Policies and Procedures Relating to Use of Force

reach the conclusion that “immediately tasing a non-criminal, mentally ill individual, who seconds before had been conversational, was not a proportional response.”)¹⁵

Recommendation: *VPD should add language to this section stating that force used by officers should be **proportional to the threat**. In assessing whether a response is proportional to the threat being faced, officers should consider the following factors:*

- *Whether the level of force is necessary to mitigate the threat and safely achieve a lawful objective;*
- *Whether there is another, less injurious option available that will allow the officer to achieve the same objective as effectively and safely; and*
- *Whether the officer’s actions will be viewed as appropriate given the severity of the threat and the totality of the circumstances.*

The concept of proportionality does not mean that officers, at the moment they have determined that a particular use of force is necessary and appropriate to mitigate a threat, should stop and consider how their actions will be viewed by others. Rather, officers should begin considering what might be appropriate and proportional as they approach an incident, and they should keep this consideration in their minds as they are assessing the situation and deciding how to respond. Proportionality also considers the nature and severity of the underlying events.¹⁶

Section 300.3 ends with the following sentence: “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.”

Recommendation: *VPD should delete this sentence and replace it with a statement that, while there is no requirement to retreat, the department’s expectation is for its officers to process and think through the incident at hand, making use of diffusion/de-escalation tactics whenever possible.*

300.3.4 Carotid Control Hold

VPD’s policy includes the Carotid Control Hold as a force option. PERF recommends the prohibition of any type of neck restraint, such as VPD’s Carotid Control Hold, due to the limited occasions in which it is necessary, and the extensive training and skill required to perform it safely and effectively. During the course of this review, VPD leaders recognized that the carotid control hold can result in serious injury, and initiated a critical review of the use of this technique. VPD has recently restricted the use of the carotid restraint to situations in which lethal force is authorized. Due to the potential safety concerns associated with the use of the Carotid Control Technique, many agencies have forbidden its use.¹⁷ For example, following the death of Eric Garner, the NYPD trained all officers in new defensive tactics techniques avoiding the head and neck.

¹⁵ *Armstrong v. the Village of Pinehurst*, No. 15-1191. January 11, 2016
<https://www.ca4.uscourts.gov/Opinions/Published/151191.P.pdf>

¹⁶ See PERF, *Guiding Principles on Use of Force*, pp. 38-40.
<http://www.policeforum.org/assets/guidingprinciples1.pdf>.

¹⁷ Kevah Waddell and National Journal. (2014). “Why Many Large Police Department Tolerate Their Officers Using Neck Holds,” *The Atlantic*, <https://www.theatlantic.com/politics/archive/2014/12/why-many-large-police-departments-tolerate-their-officers-using-neck-holds/458079/>

Section I. Review of VPD Policies and Procedures Relating to Use of Force

Recommendation: *PERF recommends the prohibition of any type of neck restraint, such as VPD's Carotid Control Hold, due to the limited occasions in which it is necessary, and the extensive training and skill required to perform it safely and effectively. Defensive tactics instructors should explore alternate techniques to gain control of a subject that avoid the head and neck. This may involve officers working in teams to control a subject's limbs without having to use a neck restraint.*

300.4. Deadly Force Applications

Section 300.4 details the circumstances in which the use of deadly, or lethal, force is justified. The section states that an officer may use lethal force in circumstances where there is an imminent threat of death or serious bodily injury. The second paragraph of Section 300.4(b) states: "Note that imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone." VPD should remove this sentence, as this language is confusing and does not add to this section.

Recommendation: *VPD should remove the following language from 300.4(b): "Note that imminent does not mean immediate or instantaneous." This additional language may be confusing to officers and does not add to this section.*

300.4.1 Shooting at or from Moving Vehicles

Current policy states that "Shots fired at or from a moving vehicle are rarely effective. Officers should 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 threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others."

This section should be simplified to state that shooting at vehicles is prohibited, with two exceptions: if a person inside a vehicle is using or threatening lethal force by means other than the vehicle itself, or if the vehicle is being used as a weapon of mass destruction.

Recommendation: *VPD should strengthen the language in this section to state, "Shooting at or from a moving vehicle is prohibited, unless someone inside the vehicle is using or threatening lethal force against an officer or another person by means other than the vehicle itself, or the vehicle is being used as a weapon of mass destruction in an apparent act of terrorism." This policy change should also be reflected in training.*

300.5 Reporting the Use of Force

Current policy states that "Any use of force by a member of this department shall be documented promptly, completely and accurately in the related police reports, depending on the nature of the incident." The language used in this policy, however, does not state the specific types of force that should be documented.

Section I. Review of VPD Policies and Procedures Relating to Use of Force

Recommendation: *VPD should add the following language to Section 300.5: “Officers will document all uses of force that involve a hand or leg technique; the use of a lethal weapon, less-lethal weapon, or weapon of opportunity; or any instance where injury is observed or alleged by the subject that is the result of an officer’s use of force.” PERF generally recommends that the pointing of a firearm or Electronic Control Weapon at an individual as a threat of force be documented in incident reports, but we see no issue with VPD’s practice of documenting these incidents in use-of-force reports. Since VPD practice is to document the pointing of a firearm or ECW at an individual as a use of force, that requirement should also be stated in policy.*

300.5.1 Notification to Supervisors

300.5.1 lists the following circumstances in which notification is to be made to a supervisor after a use of force application:

- 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 individual subjected to the force complained of injury or continuing pain;
- d) The individual indicates intent to pursue litigation;
- e) Any application of the Taser or control device;
- f) Any application of a restraint device other than handcuffs, flex cuffs, shackles, belly chains, or leg restraints;
- g) The individual subjected to the force was rendered unconscious;
- h) An individual was struck or kicked;
- i) An individual alleges any of the above has occurred;
- j) Any discharge of a firearm outside of training.

Notification and response can be greatly simplified by stating that supervisors are to immediately respond to any scene: where a weapon (including a firearm, edged weapon, rock, or other improvised weapon) is reported; where a person experiencing a mental health crisis is reported; or where a dispatcher or other member of the department believes there is *potential* for significant use of force. These criteria will help to ensure that supervisors are given early notice of potential uses of force, rather than waiting until a use of force occurs and the officer’s attention is necessarily on handling the incident rather than notifying a supervisor. PERF recommends that supervisors be required to respond to such scenes automatically (see “300.7 - Supervisor Responsibilities,” pages 33-34).

Recommendation: *VPD should simplify notification and response requirements by stating that supervisors are to immediately respond to any scene: where a weapon (including a firearm, edged weapon, rock, or other improvised weapon) is reported; where a person experiencing a mental health crisis is reported; or where a dispatcher or other member of the department believes there is potential for significant use of force.*

300.6 Medical Considerations

This section outlines the requirements for obtaining medical treatment for individuals following an officer's use of force. While these requirements are comprehensive overall, current policy can be improved by requiring that officers involved in a use-of-force incident have a duty to render first aid until an EMT arrives.

Recommendation: *VPD should add language to this section to require that officers render first aid to individuals who are injured or complain of an injury after a use-of-force incident until an EMT arrives.*

300.7 Supervisor Responsibilities

This section governs the responsibilities of supervisors after a use-of-force incident. Current policy requirements can be strengthened by requiring supervisors to respond to the scene of all reportable uses of force (with the exception of pointing a firearm or ECW) to conduct the initial investigation, and if possible, to respond to the scene before force is used. Supervisors should receive training on how to conduct this initial investigation.

There is a growing recognition in the policing profession that in critical incidents where force may be necessary, supervisors play an important role. If a supervisor can get to the scene prior to force being used, the supervisor usually has a stabilizing effect and may prevent the incident from escalating unnecessarily.

At PERF's 2016 meeting on *Guiding Principles on Use of Force*, former San Diego Police Chief William Lansdowne said that in incidents that involved an officer-involved shooting, there was typically about a 15-minute window of time from when the call came in until shots were fired. "If you have a system set up within your organization that gets a supervisor to the scene early on, within the 15-minute window, your chance of having an officer-involved shooting ... is reduced by about 80 percent, because they can manage the situation as a team," Chief Lansdowne said.¹⁸ Therefore, PERF recommends that supervisors be aware of the types of incidents that can result in force being used – such as calls involving persons with a mental illness, developmental disability, drug addiction, or other condition that can cause them to behave erratically or dangerously – and that supervisors respond to those calls.

In situations where a supervisor is unable to arrive at the scene prior to a use of force, it is important that the supervisor respond as soon as possible to begin an investigation at the scene of the incident. While on the scene, it is beneficial for supervisors to utilize the Critical Decision-Making Model (CDM) as they investigate the reported use of force (See pages 43-44 for further information). Doing so will give the supervisors a consistent framework to determine whether the actions taken were appropriate. Having supervisors use the CDM will also help reinforce the concept of critical thinking skills with officers, as they see it being used in a practical situation. It also sets the expectation that officers are to utilize the CDM in their daily work.

¹⁸ Police Executive Research Forum, *Guiding Principles on Use of Force*, (Washington, D.C.: Police Executive Research Forum): p. 63.

Section I. Review of VPD Policies and Procedures Relating to Use of Force

Recommendation: *VPD should add language to this section to require that supervisors respond to the scene of ALL reportable uses of force to conduct the initial investigation. Supervisors should also be dispatched to all incidents where it is anticipated that force might be used.*

Policy 305 Handcuffing and Restraints

PERF identified no weaknesses or issues with this policy; it should be maintained as is.

Policy 306 Less Lethal Projectile

PERF identified no weaknesses or issues with this policy; it should be maintained as is.

Policy 307 Impact Weapons/Oleoresin Capsicum (OC)

This policy governs the use of OC spray and non-projectile impact weapons (e.g., baton). Overall, our review finds this policy to be sound, with minimal recommended changes.

VPD should create a new section within the policy, entitled “307.3.2 Inspections” (after “307.3.1 User Responsibilities”), requiring that these weapons to be inspected by the officer’s supervisor during routine inspections, at minimum on a monthly basis.

Recommendation: *VPD should add language to specify that impact weapons/OC spray are to be inspected by the officer’s supervisor on a monthly basis. It is imperative that all less-lethal options available to officers be in working condition.*

Policy 308 Conducted Energy Device

In VPD’s policies, Electronic Control Weapons (ECWs) are referred to as “Conducted Energy Devices (CEDs)” in Policy 308, and as “Tasers” within Policy 300, Use of Force. A uniform term should be used, one that makes it clear that use of the weapon carries a risk of harm. In 2011, PERF worked with U.S. Department of Justice to create guidelines on the use of ECWs.¹⁹ That report recommended use of the term Electronic Control Weapons (ECWs) to reflect the reality that these tools are less-lethal weapons that are meant to help control persons who are actively resisting authority or acting aggressively.

Recommendation: *VPD should replace all references to “conducted energy device” and “Taser” in this and any related policies with the more descriptive and appropriate term, “Electronic Control Weapon (ECW),” in order to clarify that ECWs are in fact weapons that carry a risk of harming persons.*

¹⁹ Police Executive Research Forum. 2011. “2011 Electronic Control Weapon Guidelines.” <https://perf.memberclicks.net/assets/docs/Free Online Documents/Use of Force/electronic%20control%20weapon%20guidelines%202011.pdf>

308.6.1 Application of the CED

Current policy identifies three circumstances in which use of the ECW is authorized. The first two circumstances are (1) when the subject is violent and (2) when the subject is actively resisting. These are consistent with nationally recognized best practices.

The third circumstance, in Subsection c of the current policy, permits use of the ECW when “the subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present potential to harm officers, him/herself or others.” The language of subsection (c) is inconsistent with best practices, which would provide that “ECWs should be used only against subjects who are exhibiting active aggression or who are actively resisting in a manner that, in the officer’s judgement, is likely to result in injuries to themselves or others.”²⁰ VPD should also clarify in policy that ECWs are not to be used against a passive subject.

Recommendation: *VPD should remove subsection (c) from this section. Use of the ECW should only be at the level of active resistance or aggression. VPD should also specifically note in policy that ECWs are not to be used against a passive subject.*

Current language states that “mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the CED to apprehend an individual. This language can be strengthened by stating that fleeing should not be the sole justification for using an ECW against a subject. Personnel should consider the severity of the offense, the subject’s threat level to others, and the risk of serious injury to the subject before deciding to use an ECW on a fleeing subject.

Recommendation: *VPD should add language stating that fleeing should not be the sole justification for using an ECW against a subject. Personnel should consider the severity of the offense, the subject’s threat level to others, and the risk of serious injury to the subject before deciding to use an ECW on a fleeing subject.*

308.6.2 Special Deployment Considerations

This section includes a list of situations in which use of the ECW should be avoided. Current policy states that “The CED shall not be used to psychologically torment, elicit statements or to punish any individual.” VPD should strengthen this language by forbidding the use of the drive stun mode as a pain compliance technique.

Recommendation: *VPD policy should forbid the use of the drive stun mode (where the ECW is applied directly against the subject without firing darts) as a pain compliance technique. The drive stun mode should be used only to supplement the probe mode to complete the incapacitation circuit, or as a countermeasure to gain separation between officers and the subject so that officers can consider another force option.*

²⁰ Ibid.

308.6.4 Multiple Applications of the Taser Device

Due to the risk of injury associated with ECWs, VPD's policy regarding their use should be precise and in line with best practices. Currently, the policy does not include considerations regarding the length of time subjects are exposed to ECWs.

Recommendation: *VPD should revise deployment procedures to state, "Personnel should use an ECW for one standard cycle (five seconds) and then evaluate the situation to determine if subsequent cycles are necessary. Personnel should consider that exposure to the ECW for longer than 15 seconds (whether due to multiple applications or continuous cycling) may increase the risk of death or serious injury. Any subsequent application should be independently justifiable, and the higher risk should be weighed against other force options."*

308.8 Medical Treatment

This section governs medical treatment protocols for individuals exposed to an ECW application. Language is satisfactory overall, but can be improved by providing further guidance on the requirement that those subjected to an ECW activation "shall be medically assessed prior to booking." VPD can clarify this language by adding a requirement that all subjects who have been exposed to an ECW application undergo an evaluation by emergency medical responders in the field or at a medical facility, and that whenever possible, emergency medical personnel should be notified when officers anticipate that an ECW may be deployed against a subject.

Recommendation: *VPD should strengthen language to require that all subjects who have been exposed to ECW application receive a medical evaluation by emergency medical responders in the field or at a medical facility.*

Recommendation: *When possible, emergency medical personnel should be notified when officers respond to calls for service in which they anticipate an ECW may be used against a subject.*

Policy 309 Officer-Involved Shootings

This policy governs the investigation of officer-involved shootings and deaths. "309.1 Purpose and Scope" states that "the purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is shot at, injured or dies as the result of an officer-involved shooting or dies as a result of other action of an officer."

The requirement that VPD investigate all *non*-contact shootings as well as contact shootings is a best policing practice. Non-contact shootings should be subject to the same stringent investigation protocols as contact shootings, because it is the officer's *intent* to use deadly force, not marksmanship or other factors, that is the reason for the investigation.

309.8 Administrative Investigation

This section of Policy 309 requires that an administrative investigation be conducted into all officer-involved shootings or deaths.²¹ Current policy states that these investigations “will be conducted under the supervision of the Professional Standards Unit.” VPD can greatly strengthen the quality and thoroughness of its administrative reviews by creating a special investigative body that is responsible for the administrative investigation of all serious uses of force by VPD members.²²

PERF recommends that this body be named the Critical Incident Review Board (CIRB).

Recommendation: *VPD should create a Critical Incident Review Board (CIRB) that is responsible for reviewing: all serious uses of force; lethal force; less-lethal force with a tool; injury; complaint of injury; all in-custody deaths; and any other critical police incident as directed by the chief of police. The formal review of these incidents, conducted as a matter of course, will provide valuable opportunities to identify lessons that can be incorporated into officer training, gaps in tactics, any need for additional equipment to be provided to officers, or any need for changes in policy.*

Recommendation: *The CIRB, consisting at a minimum of the assistant chief of operations, a lieutenant or sergeant from training, a union representative, and a representative from professional standards, should convene quarterly to review each serious use-of-force incident. The review board should serve to ensure that tactics, equipment, and policy are reviewed, and areas of concern are addressed.*

In addition, the CIRB should meet within 72 hours following an officer-involved shooting or in-custody death. The CIRB should be briefed by investigators regarding the facts of the case known at that time to determine whether any immediate changes to policy, training, or equipment are necessary. The review board should present all findings and recommendations to the chief of police.

Recommendation: *VPD should require that a tactical debriefing occur no later than 72 hours after an officer-involved shooting or in-custody death, to identify potential issues in training, policy and/or equipment without having to wait until the completion of the official shooting investigation. As part of this review, the training supervisor should be allowed access to the scene after all investigative measures have been completed, to help inform the debriefing of the CIRB.*

Policy 317 Canines

This policy governs the use of canines within VPD. As part of our review of Policy 317, PERF also reviewed VPD’s K9 Manual dated May 20, 2019, which governs the operations of VPD’s canine unit and is linked in the Canine policy.

²¹ For information about the criminal investigation, see page 84

²² One example of such a policy is Baltimore Police Department’s Policy 724—Performance Review Board, available at <https://www.baltimorepolice.org/724-performance-review-board>.

Overall Policy Recommendations

VPD's current canine policy is brief in nature; however, the canine unit's K9 Manual is extensive, and provides detailed guidance to dog handlers.

Canine Policy and Manual Integration with Use-of-Force Policy

As canine deployment is one of many force options available, canine policies should be consistent with an agency's overall use-of-force policy and general philosophy on use of force. VPD should review its canine policy/manual to make sure they are compatible with other use-of-force policies. If one is updated, the other should be reviewed and, if necessary, updated as well. VPD should pay particular attention to language on de-escalation and requirements for the reporting and review of canine incidents.

Recommendation: *VPD's canine policy and manual must fit into its overall policy and philosophy on use of force. Policy 317 should be reviewed each time Policy 300 (Use of Force) is updated to ensure that the policies remain compatible with each other. VPD should pay particular attention to language on de-escalation and requirements for reporting and reviewing canine incidents.*

317.4 Preparation for Deployment

Section 317.4 of VPD's canine policy provides deployment considerations for canine handlers and on-scene supervisors, including the nature and seriousness of the offense, the neighborhood, the suspect's known or perceived age, and the potential for injury to officers or the public caused by the suspect if the canine is not utilized.

Recommendation: *VPD should add language to this list of deployment considerations emphasizing that the use of the canine should be proportional to the threat.*

In addition, this section can be strengthened by including a list of specific situations or crimes in which canines may be deployed. For example, the Seattle Police Department lists nine specific felony crimes and two domestic violence-related misdemeanors for which a canine unit can be deployed:²³ This additional guidance provides clarity to both canine officers and patrol.

Canine Deployments Shall Be Limited to the Following Situations:

Felony Crimes:

- *Burglary, not including trespass with nonviolent secondary crime*
- *Robbery, not including thefts that are accompanied by low-level assaults*
- *Homicide*
- *Serious Assault*
- *Kidnapping*
- *Arson with threat of harm to people*

²³ "Seattle Police Department Manual, September 15, 2019." 8.300 – POL – 1 Use of Force – Use of Patrol Canines. #3. <http://www.seattle.gov/police-manual/title-8---use-of-force/8300---use-of-force-tools#8.300POL1>

Section I. Review of VPD Policies and Procedures Relating to Use of Force

- *Domestic Violence felony crimes*
- *Serious Sexual Assault*
- *Drive-by Shooting, not including unlawful discharge of a firearm*

Misdemeanor Crimes:

- *Domestic Violence Assault*
- *Domestic Violence Order Violations that are subject to mandatory arrest—violations shall involve the subject’s physical presence at the victim’s location or a threat of harm.*

Recommendation: *VPD should strengthen policy by including a list of specific situations or crimes in which canines may be deployed to provide additional direction to both canine officers and patrol officers as they decide whether the use of a canine is appropriate.*

When possible, handlers should consider alternative tactics before deploying a canine. The canine may not always be the best tool to accomplish a goal, so handlers should consider options that may be safer for everyone involved. For example, the Seattle Police Department policy states:²⁴

When the location of a subject in hiding has been determined, handlers shall not command the canine to do a direct apprehension if alternative tactics are safe and feasible. Such alternatives may include: identifying as a police officer, ordering the subject to come out of hiding and warning that a police dog shall be released and they may be bitten if they do not voluntarily comply, and then waiting a reasonable amount of time for them to comply, or using a lower level of force.

Recommendation: *VPD should add language to Policy 317 stating that canine handlers must ensure that alternative tactics are considered before deploying a canine. The canine may not always be the best tool to accomplish a particular goal. See page 82 for further information on pursuing alternatives to canines.*

317.8 Canine Operational Manual

VPD’s K9 Manual includes a requirement in its section on building searches that handlers are to “command the K9 to disengage or physically remove the K9 as soon as the suspect is subdued or readily complies with officer direction.” This is a best policing practice and should also apply to every instance where canine officers deploy a canine, whether it is in building searches, apprehension, or tracking. This should similarly be reflected in the K9 Manual. Canines should be removed from the subject as quickly and safely as possible once the subject no longer poses a threat to officers or anyone else on the scene. This can be done with a verbal command or by physically pulling the dog away. The dog is a tool used to locate a subject and bring him or her into custody, so the dog should be removed from the subject as soon as that goal is accomplished.

²⁴ “Seattle Police Department Manual, September 15, 2019.” 8.300 – POL – 1 Use of Force – Use of Patrol Canines. #11 <http://www.seattle.gov/police-manual/title-8---use-of-force/8300---use-of-force-tools#8.300POL1>

Section I. Review of VPD Policies and Procedures Relating to Use of Force

Removing the canine as quickly as possible demonstrates concern for the well-being of the subject, and shows the community that the canine unit is only being deployed because it is the best tool to accomplish a necessary goal.

Once the canine is removed from the subject, it should be secured by the handler. Other officers, if available, should take responsibility for the subject, allowing the handler to focus on securing the canine.

Recommendation: *VPD should require canine handlers to command their canine to disengage or should physically remove the canine as soon as the suspect is subdued or readily complies with officer direction in every instance where handlers deploy canines, whether it is in building searches, apprehension, or tracking. This requirement should be reflected in the department's K9 Manual.*

Proportionality

As discussed previously in this report, the U.S. Supreme Court's 1989 decision in *Graham v. Connor*²⁵ sets the nation's overall baseline legal expectations for officers' use of force. Page 11 of VPD's K9 Manual ("Use of Force") states that a canine officer's decision to deploy is based upon *Graham v. Connor* and the Ninth Circuit U.S. Court of Appeals' 2003 decision in *Miller v. Clark County*.²⁶ VPD should add additional language in its K9 Manual to provide canine officers with guidance for use of canines that goes beyond the requirements of *Graham v. Connor*.²⁷ The use of a canine should be in proportion to the threat.

Recommendation: *VPD should add language to its K9 Manual emphasizing that the use of the canine should be proportional to the threat faced by the officer and the public. Officers should begin considering what might be appropriate and proportional as they approach an incident, and they should keep this consideration in their minds as they are assessing the situation and deciding how to respond. Proportionality also considers the nature and severity of the underlying events.*

Documentation and Review

VPD's K9 manual has a requirement that all canine uses of force are to be reviewed by the canine unit's supervisor. This is a policing best practice, as it serves to ensure that all uses of force by the canine unit are closely reviewed, and supervisors can provide individual feedback on performance, identify training needs, and share any lessons learned from critical incidents with the rest of the canine unit.

As recommended on page 41, canine uses of force should also go through the proposed Critical Incident Review Board (CIRB) discussed earlier in this report.

²⁵ <https://supreme.justia.com/cases/federal/us/490/386/>

²⁶ <https://caselaw.findlaw.com/us-9th-circuit/1410874.html>

²⁷ For additional discussion about providing guidance beyond *Graham v. Connor*, see principle #2 in PERF's *Guiding Principles on Use of Force*, pp. 35-38. (<https://www.policeforum.org/assets/guidingprinciples1.pdf>)

Section I. Review of VPD Policies and Procedures Relating to Use of Force

Recommendation: *VPD should include a requirement in both Policy 317 and the K9 manual that all canine uses of force go through the proposed Critical Incident Review Board (CIRB) review process. The deployment of a canine is a serious use of force, and anytime a canine bite occurs, it should be critiqued and evaluated to ensure it was an appropriate use of force and consistent with VPD policy.*

Policy 417 Response to Suicidal Subject Calls

This policy governs the department's response to suicidal subject calls. Overall, the policy is sound; however, several adjustments can be made to further strengthen it.

417.3 Priority of Life Model

This section of Policy 417 describes VPD's Priority of Life Model, which categorizes and prioritizes the lives of those who may be involved in a suicidal subject incident as follows:

1. Hostages/victims
2. Innocents/bystanders
3. Police/first responders
4. Suicidal subject

VPD should replace the language in 417.3 to emphasize the *sanctity of all human life*—including the general public, police officers, and criminal suspects—and the importance of treating all persons with dignity and respect. VPD can reference language contained in Section 300.2 of Policy 300 (Use of Force) which states, “The department recognizes and respects the value of all human 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.”

Recommendation: *VPD should replace the language in this section to emphasize that the sanctity of all human life is central to the department's response to these calls.*

VPD should refer to PERF's 2019 *Suicide by Cop: Protocol and Training Guide* for more guidance on the department's response to suicidal subjects.²⁸ PERF's *Integrating Communication, Assessment, and Tactics (ICAT)* training, discussed in more detail on page 48, also includes guidance on the response to suicidal subjects.

Policy 453 Foot Pursuits

This policy establishes foot pursuit protocols for VPD officers, including the decision to pursue, guidelines for foot pursuits, responsibilities in foot pursuits, and reporting requirements.

Overall, the policy is sound, with minimal recommended changes. VPD should, however, add a requirement to Policy 453 stating that, where practical, once an officer in pursuit gains custody of the suspect, that officer should turn custody over to backup/co-responding officers as soon as they arrive

²⁸ <https://www.policeforum.org/assets/SBCTrainingGuide.pdf>

Section I. Review of VPD Policies and Procedures Relating to Use of Force

on-scene. Foot pursuits are a high-energy, high-emotion event. Allowing other responding officers to take control of the scene will provide the primary officer with time to recover after the event.

Recommendation: *VPD should add a requirement stating that, where practical, once a pursuing officer gains custody of the suspect, that officer will turn custody over to backup/co-responding officers when they arrive on-scene. This will allow the primary officer to recover from the physical and emotional stress of the foot pursuit before re-engaging with the suspect for arrest and processing procedures.*

Policy 463 Crisis Intervention Incidents

Policy 463 outlines the department's response to individuals who are experiencing a mental health or emotional crisis.

463.3 Recognizing a Person in Crisis

This section provides guidance to help officers recognize a person in crisis. Current language states that "officers should exercise special skills and abilities to effectively deal with the person." VPD should consider changing the phrase "deal with the person" to "manage the person in crisis." Modifying this language will promote officers' understanding of the importance of helping to manage someone in crisis as opposed to "dealing" with them, which has a negative connotation.

Recommendation: *VPD should replace the phrase "deal with this person" in the second sentence of section 463.3 to "manage the person in crisis."*

This section also lists several behaviors that people with mental illness may exhibit, including social withdrawal, rapid mood swings, and incoherent or disorganized speech, among others. VPD should also include "neglect of personal hygiene" to the list of behaviors that a mentally ill person may exhibit in this section.

Recommendation: *VPD should add "neglect of personal hygiene" to the list of behaviors in section 463.3 that a mentally ill person may exhibit.*

463.5 Coordination with Mental Health Professionals

This section stipulates that the chief of police should "designate a CIT Program Coordinator to collaborate with mental health professionals to develop an education and response protocol," which should include a list of community resources to assist VPD officers in their interactions with persons with mental illness and those experiencing a mental health crisis. Policy can be strengthened by including this list of community resources as an appendix to this policy.

Recommendation: *VPD should develop this list of community resources and include the list as an appendix to Policy 453.*

Section I. Review of VPD Policies and Procedures Relating to Use of Force

463.7 De-escalation

This section provides guidance to officers on de-escalating situations involving individuals in a mental health crisis. This section should be moved closer to the beginning of Policy 463 to emphasize the department's commitment to de-escalating these encounters.

Recommendation: *VPD should move section 463.7 closer to the beginning of Policy 463, after section "463.3 Recognizing a Person in Crisis," to emphasize the department's commitment to de-escalating encounters with individuals in crisis.*

The policy can be further improved by modifying existing language as follows:

Recommendation: *VPD should reword "demonstrate active listening skills (e.g., summarize the person's verbal communication)" to "utilize active listening (e.g., summarize the person's verbal communication to build rapport)."*

Recommendation: *After the bullet stating "Provide for sufficient avenues of withdrawal or escape should the situation become volatile," VPD should add the following sentence: "Use cover and distance to create time to start a dialogue."*

Recommendation: *VPD should add the following language under the list of actions that responding officers should generally not perform: "Rush the situation exclusively for the sake of time."*

463.8 Incident Orientation

This section states that officers should request relevant information from dispatch as soon as it becomes available, such as if the subject is on medication, whether there have been previous suicide threats/attempts, etc. In addition to information provided by dispatch, officers should speak directly to the reporting party in order to gather relevant information about the subject.

Recommendation: *VPD should add language to require that officers speak to the reporting party if feasible in order to gather relevant information about the subject.*

Critical Decision-Making Model

Elements of the CDM

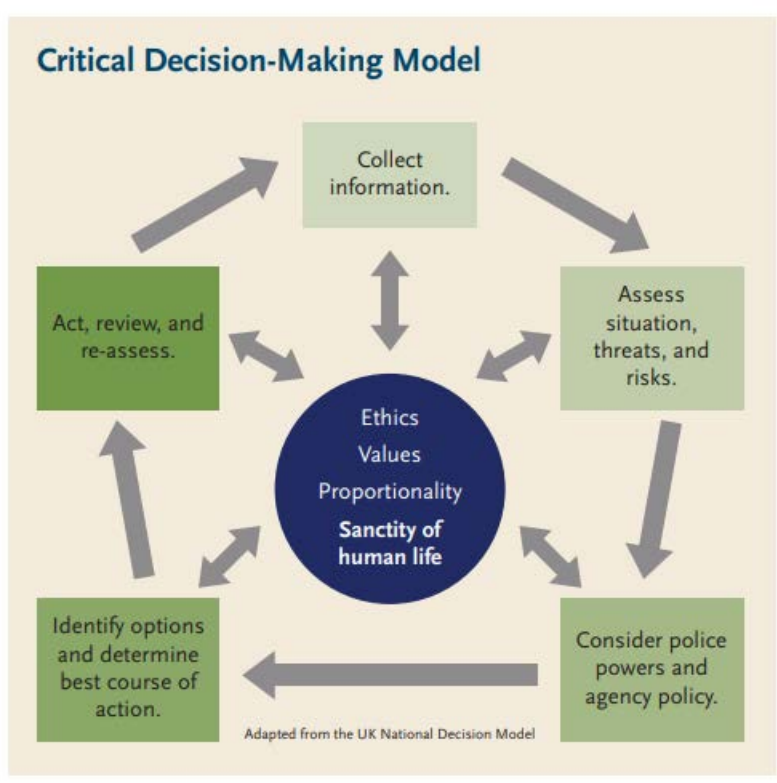
The Critical Decision-Making Model is a five-step critical thinking process. All five steps are built around the core values of the department and the policing profession. The CDM should be a driving philosophy throughout VPD and should be used in all aspects of use-of-force decision-making. This includes training, supervisory review, report writing, and the review of critical incidents.

CDM Core

At the center of the CDM is an ethical core that provides grounding and guidance for the entire process. The four elements of the CDM core are:

Section I. Review of VPD Policies and Procedures Relating to Use of Force

- Police ethics
- Agency values
- Concept of proportionality
- Sanctity of all human life.



Every step of the process is connected to this core, and the core informs and guides officers throughout the five steps. Everything an officer does within the CDM must support the ideals in the center, and no action can go against those standards.²⁹

²⁹ <https://perf.memberclicks.net/assets/guidingprinciples1.pdf>

Section II. Review of VPD Reporting, Documentation, and Supervisory Roles and Responsibilities in Use of Force Incidents

Documentation and Supervisory Review

VPD officers are required to report uses of force in the agency's RMS software. According to VPD's Policy 300, "The shift sergeant 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."

However, based on interviews with VPD personnel, it appears that sergeants are not currently very involved in the use-of-force review process. PERF learned that currently, a sergeant signs off on a use-of-force report once it is entered into the RMS, and then a lieutenant conducts a review to determine whether the incident was in accordance with policy. Based on PERF's understanding, use-of-force reports are currently not reviewed by anyone above the rank of lieutenant.

Going forward, VPD should ensure that each level of command up to the assistant chief level is reviewing uses of force to provide their input.

Recommendation: *Sergeants should be trained on how to appropriately review use-of-force reports, and should be responsible for the initial review of these reports. Reports should then be reviewed by each level of command up to the bureau chief or assistant chief level. Because reports are currently being reviewed by different lieutenants, there may be a lack of consistency in the review process. Ensuring that these reports are reviewed by an Assistant Chief will ensure consistency in the review.*

As part of its review of report narratives associated with "serious" use-of-force incidents (discussed on page 80), PERF reviewed the lieutenant comments associated with these reports. These comments appeared to be brief, one-sentence explanations stating that the use of force was in accordance with policy and met the standards of objective reasonableness. There did not appear to be any discussion in the comments PERF reviewed of training, tactical, or equipment issues identified in the lieutenants' review.

Recommendation: *VPD's RMS should have an area to document the supervisory review of use-of-force reports, including any training issues identified. Supervisors should properly document what actions they took in their review of reports (e.g., whom they interviewed, which videos they watched, tactical considerations, etc.) When supervisors observe potential issues in reports, they should address the issues through training and counseling. Narratives should also be reviewed for issues like report quality (discussed in detail on pages 80-81).*

During its review of use-of-force data, PERF identified some data quality and reporting issues related to use-of-force that can be improved through training (see pages 69-71). In addition, PERF learned that VPD has adopted new use-of-force reporting protocols, including new RMS software, which will greatly improve the quality and accuracy of use-of-force reporting going forward. Once these new protocols are in place, VPD should ensure that the new protocols are documented in policy and that all officers are familiar with the updated procedures.

Section II. Review of VPD Reporting, Documentation, and Supervisory Roles and Responsibilities in Use of Force Incidents

Recommendation: *Requirements for the use-of-force reporting process, including protocols for supervisory review, should be clearly documented in policy to ensure that all officers have an understanding of these requirements.*

Recommendation: *As part of the implementation of VPD's new RMS software, VPD should add an option in the RMS to document de-escalation efforts. This will allow VPD to track not only uses of force, but also incidents in which officers successfully de-escalated a situation to avoid a potential use of force.*

Section III. Review of VPD Training, Tactics and Tools

Training

PERF interviewed members of VPD's training unit to gain a better understanding of the agency's training related to use of force. The training unit is comprised of a sergeant, a corporal, a civilian support specialist, a range master/armorer, a part-time civilian office aide, and three training officers. The training unit is responsible for developing and providing training to the agency, and officers also receive training on various topics provided by the state.

According to VPD personnel, VPD provides in-service use-of-force training that includes scenario-based training. VPD provided PERF with curricula and lesson plans for training on topics including de-escalation, scenario-based exercises, defensive tactics, and less-lethal tools. Overall, VPD's training materials appeared strong; however, the team identified additional opportunities for improvement going forward. VPD should ensure that the training unit is reviewing training materials, policy, and data related to use of force on an annual basis to ensure that training is up to date and responsive to the needs of the community.

De-escalation

Officers are required by the state of Washington to complete 40 hours of Crisis Intervention Team (CIT) training. According to VPD personnel, the department's current de-escalation training is based loosely on this state CIT training. While CIT training is a valuable tool for officers, VPD should have agency-wide training that focuses specifically on defusing critical incidents, critical thinking, and tactical communication.

Recommendation: *VPD should implement continued training on defusing critical incidents, critical thinking, and tactical communications. It is important that the training selected be based on best practices and the practical experience of top-notch officers. The Integrating Communications, Assessment, and Tactics (ICAT) Training Guide, described below and available through PERF, was developed by a working group of policing professionals, reviewed by experts in the field, and pilot-tested before being made available to police departments throughout the United States (see methodology description below).*

VPD Action Taken: *Based on conversations with VPD personnel, VPD plans to implement ICAT training described below. This will ensure that officers are trained on critical thinking and tactical communication, in addition to current de-escalation training.*

PERF's Integrating Communications, Assessment, and Tactics Training Guide

To help law enforcement agencies implement PERF's 30 Guiding Principles on Use of Force³⁰, PERF developed *ICAT: Integrating Communications, Assessment, and Tactics*,³¹ a training guide that represents a new way of thinking about use-of-force training for American police officers. ICAT takes the essential building blocks of critical thinking, crisis intervention, communications, and tactics, and puts them together in an integrated approach to training.

ICAT is designed to increase officer safety and public safety by providing officers with more tools, skills, and options for handling critical incidents, especially those involving subjects who are in crisis but who are not armed with firearms. The cornerstones of ICAT include slowing incidents down in order to avoid reaching a point where there is a need to use lethal force, upholding the sanctity of life, building community trust, and protecting officers from physical, emotional, and legal harm.

The ICAT Training Guide is comprised of the following topics:

- Introduction to ICAT
- Critical Decision-Making Model
- Crisis Recognition and Response
- Tactical Communications
- Operational Safety Tactics
- Integration and Practice
- Suicide by Cop.

The ICAT Training Guide includes model lesson plans, scenario-based training exercises, PowerPoint presentations, case study videos of use-of-force incidents, and other resources. The Training Guide was developed with the help of a working group of more than 60 professionals representing law enforcement agencies and other organizations from across the country. A panel of 10 policing experts reviewed a draft of the Training Guide, and the training was pilot-tested in seven sites throughout the country.

Feedback from the expert review and pilot sites was incorporated into a final report,³² and in 2016, PERF held a national meeting on how to implement ICAT Training. This meeting, held in New Orleans, was attended by more than 400 individuals representing more than 160 police agencies. To date, more than 500 law enforcement agencies have attended ICAT training meetings.

³⁰ Police Executive Research Forum (2016). *Guiding Principles on Use of Force*. <https://www.policeforum.org/assets/guidingprinciples1.pdf>

³¹ Police Executive Research Forum (2016). *ICAT: Integrating Communications, Assessment, and Tactics. Training Guide for Defusing Critical Incidents*. <http://www.policeforum.org/assets/icattrainingguide.pdf>

³² Ibid.

Section III. Review of VPD Training, Tactics and Tools

PERF reviewed the lesson plan for VPD's de-escalation training, and the content appeared thorough. However, PERF recommends that VPD add to the training PowerPoint a list of resources that are available to officers to connect individuals with local services.

Recommendation: *VPD should include information in its de-escalation training about resources that are available to officers, so they can connect individuals who may be in need of various services with the appropriate resources (e.g., mental health, substance abuse, and housing services).*

In addition to VPD's existing de-escalation training, the Law Enforcement Training and Community Safety Act (LETCSA) passed in 2018 mandates that all law enforcement officers in the state of Washington receive additional training on de-escalation, among other topics.³³ The state Criminal Justice Training Commission is responsible for establishing training requirements, and at the time of this report, the commission was still in the process of developing the curricula for the mandated training. When the curriculum for this training has been developed, VPD should compare the content with its existing de-escalation training to determine whether any areas can be consolidated.

Additional Considerations for Use-of-Force Training

PERF learned through conversations with VPD personnel that the training unit is currently not involved in the review of use-of-force incidents. In addition to being reviewed by supervisors and command staff, all use-of-force reports should be reviewed by training staff to ensure that any potential opportunities for improved training are not missed. In addition, as discussed on page 37, PERF recommends the creation of a Critical Incident Review Board (CIRB) to conduct reviews of all critical incidents to identify any issues with regard to training, tactics, or equipment. This board would include a training supervisor to ensure that any training issues identified are relayed to the training unit.

Recommendation: *VPD should ensure that all use-of-force reports are reviewed by training staff so that opportunities for training can be identified. The training unit can then utilize relevant scenarios from the review of actual incidents to inform officer training on use of force.*

Recommendation: *After serious uses of force or critical incidents, VPD supervisors should conduct after-action debriefs with the involved personnel to review any tactical, equipment, or policy issues that could be improved upon going forward. These after-action debriefs can also be done in a training setting after scenario-based training to reinforce this practice. The Critical Decision Model (CDM), discussed on pages 43-44, is a useful tool to conduct these reviews.*

Although all officers are receiving training on use of force, PERF learned that individuals above the rank of sergeant do not have mandatory training on use of force.

Recommendation: *Anyone responsible for reviewing use-of-force reports, including sergeants, lieutenants, and commanders, should also be required to participate in training to ensure they are up to date on VPD expectations regarding the use of force.*

³³ <https://www.cjtc.wa.gov/letcsa/training-overview#LETCSAOverview>

Section III. Review of VPD Training, Tactics and Tools

PERF learned through interviews with VPD personnel that some officers are attending additional training outside the department on topics such as defensive tactics and interview and interrogation. While this is a good practice and should be encouraged, VPD should ensure that outside training is vetted to verify that it is consistent with agency policy, culture and expectations.

Recommendation: *Outside training attended by members of VPD should be vetted by the training division prior to dissemination. VPD should develop a list of vetted and approved training courses for officers to attend to ensure that any training is consistent with the expectations of the agency.*

Equipment

PERF reviewed VPD's policies and training materials related to equipment, including the less-lethal projectile, batons, OC spray, and ECWs. VPD should ensure that scenario-based exercises that include less-lethal tools also focus on critical decision making, including de-escalation and communication efforts that may be appropriate alternatives to less-lethal force options. It is important that less-lethal tools are not trained in silos, and that officers are always prepared to move to alternative options in potential force situations.

Recommendation: *VPD should ensure that training on equipment is incorporated into the broader context of use-of-force training, including training on de-escalation and communication.*

PERF learned that officers are permitted to mount a light on their firearm. However, VPD policy does not state that officers are required to carry a flashlight other than the one mounted on their firearm. This can lead to problems if officers are using their weapon-mounted flashlight as a general-purpose flashlight.

Recommendation: *VPD should ensure that all officers are required to carry a flashlight other than the one mounted on their firearm. Unless necessary, officers should refrain from using their weapon-mounted flashlight for general purposes.*

Section IV. Analysis of VPD Use-of-Force Incidents and Case Files

Use-of-Force Data

In order to assess VPD’s reporting on use of force, the team reviewed use-of force data from between January 2017 and December 2019. The data was exported from VPD’s Records Management System (RMS) and consisted of 1,168 use-of-force reports associated with 720 incidents (there can be more than one use-of-force report associated with a single incident, as each officer who uses force is required to complete a separate use-of-force report). PERF examined a number of variables in VPD’s use-of-force data to identify trends and potential areas for improvement.

Use-of-Force Incidents

There were a total of 720 use-of-force incidents in 2017- 2019 (see Figure 1 below). Between 2017 and 2018, the number of use-of-force incidents increased by 41.2%, from 177 to 250 incidents. In 2019, use-of-force incidents increased by another 17.2%, to 293 incidents.

VPD personnel told PERF that they were unsure about the potential reasons for these increases. Vancouver experienced a 14.5% increase in overall crime between 2017 and 2018, according to data VPD submitted to NIBRS.³⁴ In addition, VPD experienced a 15.3% increase in calls for service between 2017 and 2019. These factors could have potentially contributed to the increase, as increases in crime and calls for service often coincide with increases in use of force. However, there do not appear to be any policy or reporting changes that would account for increases of this size in use of force, so PERF is not certain why the increase in force may have occurred.

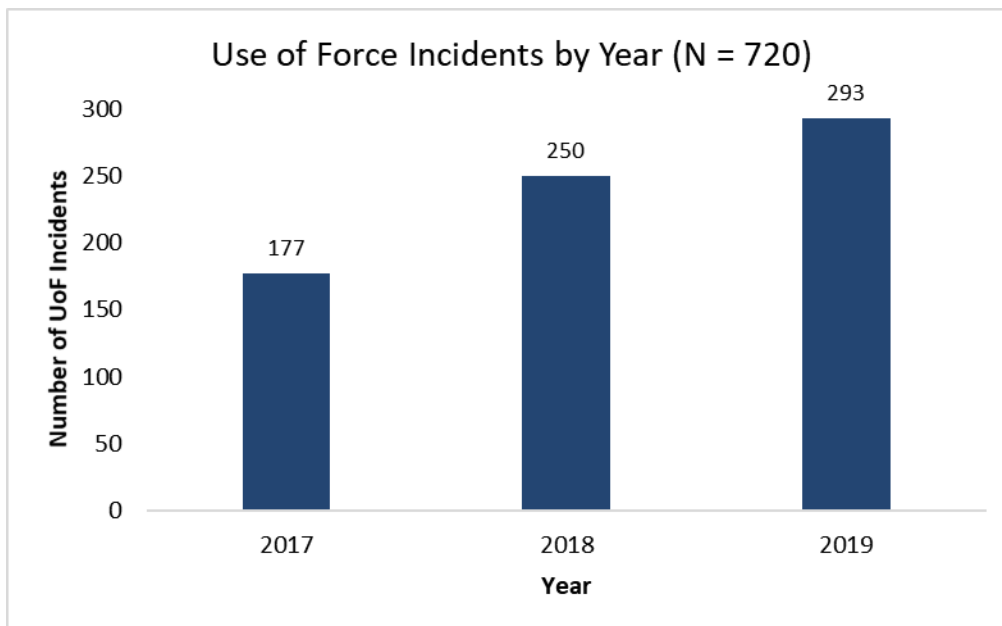


Figure 1

³⁴ 2018 Crime in Washington, Annual Report, p. 125. <https://www.waspc.org/assets/CJIS/2018%20ciw.pdf>

Location of Force Incidents

Figure 2 displays use-of-force incidents by precinct, district, and year. Between 2017 and 2019, the majority of incidents took place in the west precinct (55.6%), with 39.4% occurring in the east precinct, and 5% occurring outside of the city or in an unknown location. There were noticeable increases in uses of force occurring in the West Precinct, District 2 over the three-year period. This district accounted for 25.4% of force incidents in 2017, and increased to 34.5% of incidents in 2019.

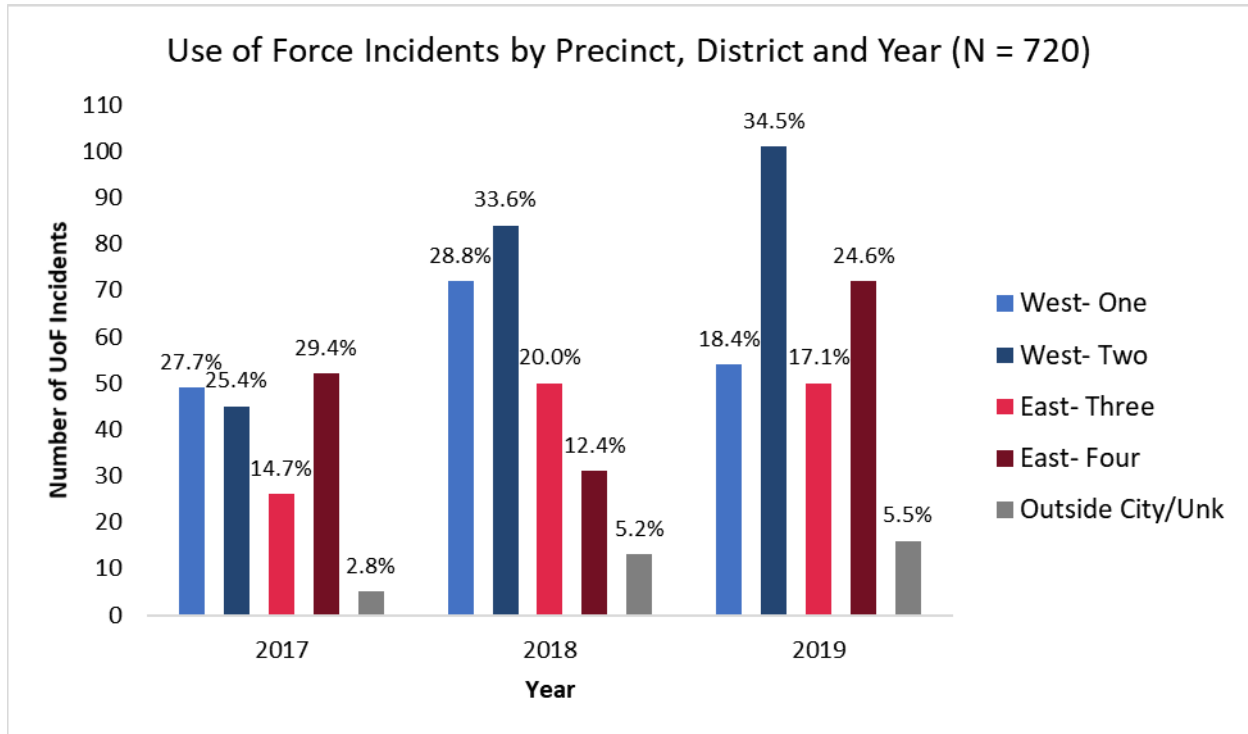


Figure 2

VPD should track use-of-force incidents and other force-related data to monitor trends. For example, if VPD leaders identify trends with regard to use-of-force incidents in particular locations, they should attempt to identify why these trends may be occurring. This data can be used to identify potential opportunities for training or policy changes. In addition, VPD should create an annual use-of-force report containing use-of-force statistics in order to promote transparency within the community. This report should be comprehensive and should detail trends in annual use-of-force statistics.

Recommendation: *VPD should monitor use-of-force data internally to identify trends as well as potential areas for improvement to policy or training. In addition, VPD should produce an annual report on use of force to publish on its website. This will promote transparency with the community.*

Collecting data on use of force should be a priority for VPD. Use-of-force data collection benefits the VPD internally, and it can benefit agencies nationally. The FBI’s National Use-of-Force Data Collection

Section IV. Analysis of VPD Use-of-Force Incidents and Case Files

program³⁵ is supported by major policing organizations, including PERF, the Major Cities Chiefs Association (MCCA), the National Sheriffs' Association (NSA), the Major County Sheriffs of America, the International Association of Chiefs of Police (IACP), the Association of State Criminal Investigative Agencies, the National Organization of Black Law Enforcement Executives (NOBLE), and the Association of State Uniform Crime Reporting Programs.

VPD Action Taken: *VPD has already taken steps to prioritize data collection on use of force by participating in the FBI's National Use-of-Force Data Collection effort. This demonstrates a desire to improve and will ultimately benefit other agencies by providing data that can be compared across jurisdictions. PERF also discussed the recent increase in use-of-force incidents in Vancouver with VPD, and VPD leaders indicated they will be monitoring these trends closely going forward.*

³⁵ More information on the FBI's National Use of Force Database can be found at <https://www.fbi.gov/services/cjis/ucr/use-of-force>

Calls for Service Resulting in Force

PERF examined VPD’s calls for service data between 2017 and 2019 and used incident numbers to determine which types of calls were associated with use-of-force incidents. The team examined both the source of the calls for service, as well as the call type.

Calls for service include both citizen-initiated contacts (e.g., a citizen dialing a phone to request police service), and officer-initiated calls (for example, traffic stops, premises checks, and circumstances observed by officers such as crimes in progress). 80.7% of calls that resulted in a use of force were initiated by a citizen over the three-year period; only 19.3% were initiated by an officer.

PERF also examined the types of calls that resulted in a use of force. The 10 most common classifications for citizen-initiated calls (N = 581) that resulted in a use of force were as follows:

Citizen-Initiated CFS by Call Type (N = 581)











<i>Call Type</i>	<i>Number</i>	<i>Percent</i>	
Disturbance ³⁶	121	20.8%	
Unwanted ³⁷	66	11.4%	
Suspicious ³⁸	49	8.4%	
Assault ³⁹	47	8.1%	
Contact ⁴⁰	27	4.6%	
Theft ⁴¹	24	4.1%	
Vehicle ⁴²	20	3.4%	
Police Other ⁴³	19	3.3%	
Restraining Order ⁴⁴	19	3.3%	
Traffic Accident ⁴⁵	18	3.1%	

Table 1

³⁶ Subtypes: Minor, Physical, & Weapons.

³⁷ Refers to a person or person(s) whose presence is unwanted

³⁸ Subtypes include: Auto [vehicle], Circumstances, & Person

³⁹ Subtypes: Cold [i.e. not recently], Just Occurred, & Weapon

⁴⁰ Subtypes: Assist [a person], Suspect, & Welfare Check

⁴¹ Subtypes: Attempt, In Progress, Just Occurred, & Shoplifter

⁴² Subtypes: Recovered [i.e. a stolen vehicle], Stolen Cold [i.e. not recently], Stolen In Progress, & Stolen Just Occurred

⁴³ Subtypes: Assist EMS, Assist Fire, Cover [i.e. backup an officer], Other, Pursuit, & Search Warrant

⁴⁴ Subtypes: Cold [i.e. not recently], In Progress, & Just Occurred

⁴⁵ Subtypes: Hit and Run Just Occurred, Injury, Non-Injury, & Unknown

Section IV. Analysis of VPD Use-of-Force Incidents and Case Files

The ten most common classifications for officer-initiated calls that resulted in a use of force (N = 139) were as follows:

Officer-Initiated CFS by Call Type (N = 139)











Call Type	Number	Percent	
Traffic [Stop]	37	26.6%	
Field Contact ⁴⁶	25	18.0%	
Wanted Person	15	10.8%	
Police Other ⁴⁷	15	10.8%	
Suspicious ⁴⁸	9	6.5%	
Premise Check ⁴⁹ (e.g. transient camp)	8	5.8%	
Disturbance ⁵⁰	7	5.0%	
Follow Up ⁵¹	4	2.9%	
Vehicle ⁵²	4	2.9%	
Case Num. Assignment ⁵³	4	2.9%	

Table 2

Disturbances and traffic stops, which were the most common types of citizen-initiated and officer-initiated calls for service, respectively, can be some of the most dangerous calls for officers and can result in potential officer injuries. Officers need to use good tactics and critical thinking skills to ensure that officers can be prepared for these types of situations and reduce the risks of injury.

Characteristics of Persons Against Whom Force Was Used

Among the 720 use-of-force incidents, PERF identified 739 individuals who had force used against them (some incidents involve more than one subject).⁵⁴ 59 individuals were involved in more than one incident during the period under review, so there were actually 669 unique subjects of force over the three-year period. However, in the following analyses, we counted each individual once per incident in which they had force used against them (N = 739).⁵⁵

⁴⁶ An officer initiates a contact with an individual

⁴⁷ Subtypes; Other, Pursuit, & Search Warrant

⁴⁸ Subtypes: Auto [vehicle], Person

⁴⁹ I.e. a structure or defined area

⁵⁰ Subtypes: Minor, & Weapons

⁵¹ I.e. a prior call for service or investigation

⁵² Subtypes: Other, Recovered [i.e. a stolen vehicle], & Stolen Cold [i.e. not recently]

⁵³ This is a generic category and can apply to a variety of types of calls

⁵⁴ 16 use-of-force incidents involved more than one subject.

⁵⁵ For example, if an individual had force used against him in two separate incidents, they would be counted twice.

Section IV. Analysis of VPD Use-of-Force Incidents and Case Files

Subject Gender

Across the three-year period, we found that 78.1% of subjects were male, 21.1% were female, and 0.8% were unknown. The distribution did not vary substantially year-to-year.

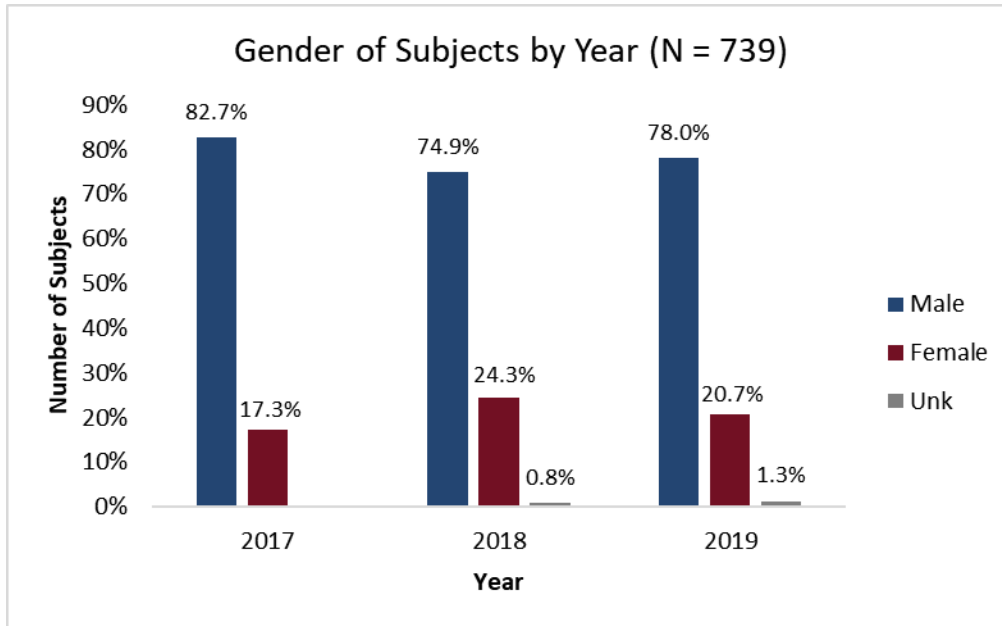


Figure 3

Subject Race

Figure 4 displays the racial breakdown of subjects by year. Across the three-year period, 75.1% of subjects were White, 11.6% were Black, 2.8% were Asian, 1.8% were Pacific Islander, and 0.5% were Native American. Race was unknown for 8.1% of subjects. The race distribution of subjects did not vary substantially year-to-year.

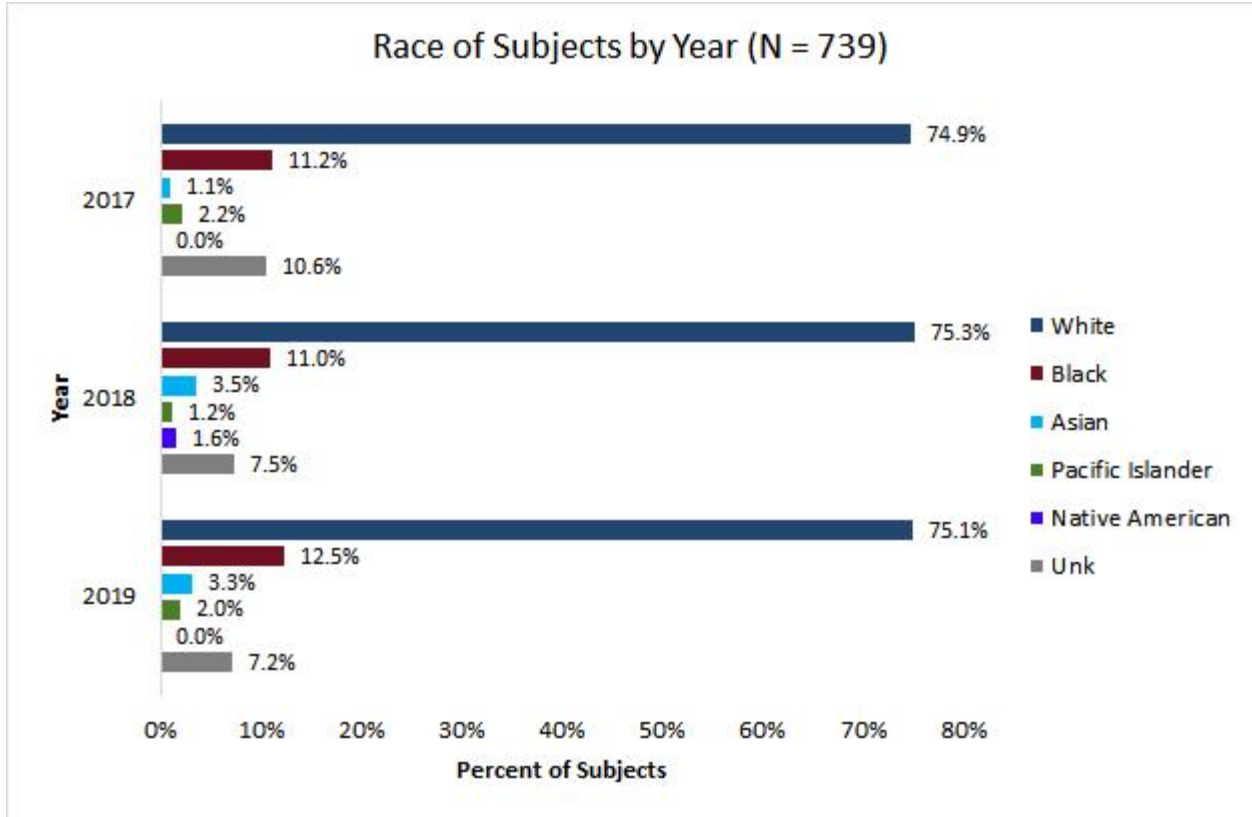


Figure 4

VPD’s use-of-force reporting form also allows officers to enter data on the ethnicity of subjects. However, a high percentage (approximately 50%) of subject ethnicities were reported as “unknown.” For this reason, PERF did not present the ethnic breakdown of use-of-force subjects in this report. In talking to VPD records personnel, PERF learned that “unknown” appears to be the default value for ethnicity in VPD’s RMS. If officers are not actively changing this value to a different value, this could potentially explain the high percentage of ethnicities reported as “unknown.” It is important for VPD to capture ethnicity data in its use-of-force reporting, especially because Vancouver’s population is 13% Hispanic, according to U.S. Census data.⁵⁶

Recommendation: *Officers should be trained on the importance of entering subject ethnicity data when reporting on use of force. If the subject was arrested, ethnicity data can likely be extracted from the arrest report. If possible, VPD should change the default in its RMS so that officers are prompted to enter a value for subject ethnicity.*

Community Concerns Related to Racial Bias

As part of our review, PERF met with two groups of community members to hear their concerns and input regarding the review and about VPD’s use of force. On September 11, 2019, VPD held a community forum that was open to members of the general public to discuss the use-of-force review.

⁵⁶ <https://www.census.gov/quickfacts/fact/table/vancouvercitywashington/PST040218#PST040218>

Section IV. Analysis of VPD Use-of-Force Incidents and Case Files

Some individuals indicated that they did not feel comfortable attending the community meeting, so the PERF team met with this smaller group of individuals separately to hear their concerns.

Community members at both meetings expressed concerns that minority groups were experiencing a disproportionate amount of force, including lethal force.

As part of its review, PERF also created an email account for community members to submit their questions and input about the project. Common themes that emerged included the perception that VPD does not engage the community in a fair and unbiased manner with regard to race, and that the department should implement training in the areas of implicit bias and cultural competency to address these issues.

The recommendations in this report include improvements to training, policy, and data collection, and are intended to increase accountability and transparency with the community. By taking these steps to improve its use-of-force practices, VPD can build trust with the community and reduce perceptions of bias.

Further research is needed to better understand the impact of subject race on the likelihood of being a subject of force in Vancouver. This analysis would need to consider potential alternative explanations for racial/ethnic disparity.⁵⁷ For example, previous research on use-of-force decision-making has examined variables such as type of offense, the presence of a weapon, and subject resistance, among other factors.⁵⁸ Collecting data on additional officer, situational, and subject characteristics would allow for a more comprehensive analysis to identify factors that may influence the use of force. **However, PERF believes that VPD would benefit from immediately implementing implicit bias and cultural awareness training as it continues to explore ways to collect this data.**

Recommendation: *VPD should consider working with local researchers to explore these factors to further examine the relationship between subject race/ethnicity and involvement in use-of-force incidents.*

Recommendation: *VPD should compare the distribution of race and ethnicity of persons in use-of-force cases to the racial/ethnic distributions found in other types of police-subject interactions (calls for service, arrests, etc.). VPD should monitor these trends on a regular basis.*

Recommendation: *VPD should implement training on implicit bias and cultural awareness, as it is always beneficial for officers to develop their awareness of these topics.*

VPD Action Taken: *VPD has already taken steps to implement training in these areas, and plans to provide training on the topics of cultural responsiveness and sensitivity. Due to the COVID-19 crisis, this training has been suspended as of the time of this report, but*

⁵⁷ See for example, Fridell, Lorie A. (2004). *By the Numbers: A Guide for Analyzing Race Data from Vehicle Stops*. https://www.policeforum.org/assets/docs/Free_Online_Documents/Racially-Biased_Policing/by%20the%20numbers%20-%20a%20guide%20for%20analyzing%20race%20data%20from%20vehicle%20stops%202004.pdf

⁵⁸ Bolger, P.C. Just Following Orders: A Meta-Analysis of the Correlates of American Police Officer Use of Force Decisions. *Am J Crim Just* 40, 466–492 (2015). <https://doi.org/10.1007/s12103-014-9278-y>

Section IV. Analysis of VPD Use-of-Force Incidents and Case Files

VPD plans to implement this training when pandemic restrictions are lifted. In addition, LETCSA will require that all officers receive additional training on implicit bias.⁵⁹ As of the time of this report, the state Criminal Justice Training Commission is in the process of developing requirements for this training.

VPD intends to have PERF provide onsite ICAT instruction to its training staff that will provide agency-wide training on defusing critical incidents. Improving training, policy, data collection, accountability, and other changes recommended throughout this report will help to build community trust and ensure that officers are thinking critically and objectively in their interactions with the community.

Subject Mental Health Indicators

When completing a use-of-force report, officers can select from following five characteristics under the category “Mental Health Indicators”:

- Mental Illness
- Mental Health Admission to Facility
- Officer Had Prior Knowledge of Subject’s Mental Health History
- Mental Health Professional at Scene
- Mental Health Professional Contacted Subject

Nearly one-third (30.4%) of subjects over the three-year period had at least one of these five indicators, as reported by officers (see Figure 5). Given that a high percentage of subjects reported to have one of these mental health indicators, VPD should ensure that officers are receiving adequate training on interacting with subjects who may be experiencing mental or emotional distress. VPD is already providing officers with 40 hours of CIT training, and additional training on mental health will also be required under the Law Enforcement Training and Community Safety Act discussed above.⁶⁰ In addition, VPD plans to implement PERF’s ICAT training (discussed in detail on page 48), which provides guidance on how to interact with individuals in crisis. This will ensure that officers are aware of how to appropriately de-escalate situations involving individuals experiencing mental or emotional distress.

⁵⁹ “Chapter 139-11 WAC, Law Enforcement Training and Community Safety Act.”
https://www.cjtc.wa.gov/docs/default-source/letcsa/ots-1373-2.pdf?sfvrsn=8a5a6edb_2

⁶⁰ Ibid.

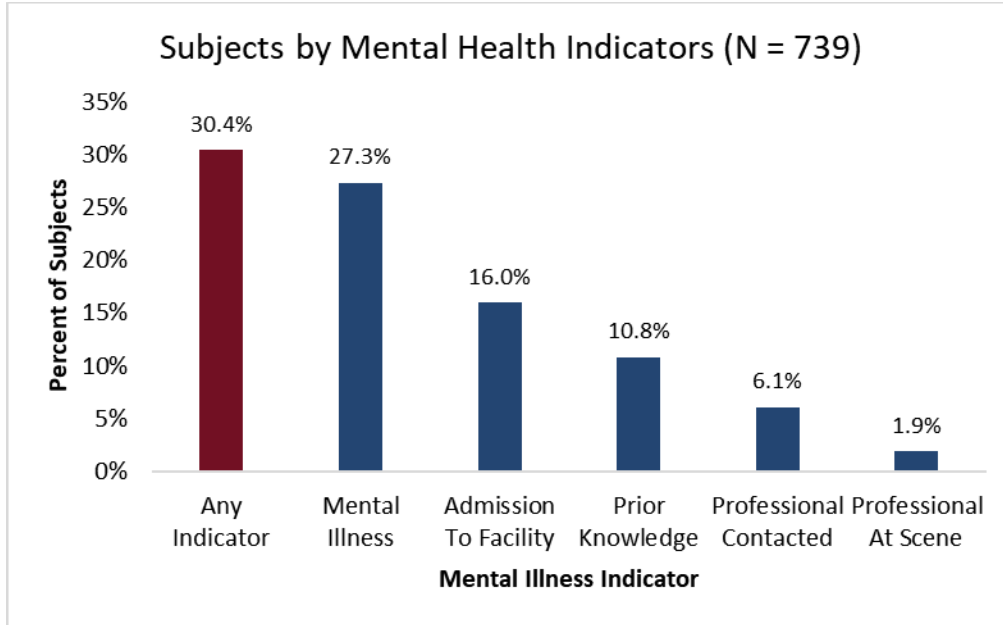


Figure 5

According to VPD personnel, the “mental illness” category is selected based on an officer’s judgement that a subject may have a mental illness based on their behavior. However, the team identified several cases in which officers had checked the box labeled “mental illness,” although there were no specific indications of the subject having a mental illness in the report narrative. It appears that for some officers, this category may be used as a catchall for a behavioral crisis or erratic behavior, regardless of the cause.

Recommendation: *PERF recommends a more inclusive title for the section on mental health indicators in use-of-force reports. “Mental Health Indicators” should be replaced with “Mental Illness/Mental or Emotional Distress,” to be more inclusive of subjects who may be experiencing a variety of mental or emotional issues.*

VPD Action Taken: *VPD has already taken steps to address this recommendation by adopting improved data collection protocols for use-of-force reporting. Going forward, officers will be prompted to indicate whether the “subject behaved violently, erratically, or was in mental or emotional distress.” In addition, VPD has added a new variable to its RMS to indicate the subject’s “observed behavior.” One of the categories officers can select will be “signs of mental illness.” This language is more inclusive and reflects the fact that subjects may be experiencing mental or emotional distress without necessarily having a mental illness.*

Recommendation: *In order to further improve data collection on subject mental illness or emotional distress, PERF recommends using the suggested categories below to enhance clarity:*

Section IV. Analysis of VPD Use-of-Force Incidents and Case Files

Mental Illness/Mental or Emotional Distress:

- Subject *suspected* to have mental illness (based on officer observation, behavior, etc.)
- Subject *reported* to have mental illness (based on third party report, prior knowledge, dispatch information, etc.)
- Subject suicidal (based on verbal threats or actions, third party reports, etc.)
- Suicide by cop (subject attempted to commit suicide by forcing an officer to use lethal force)
- Mental Health professional contacted subject

Officers Involved in Uses of Force

PERF identified 178 officers who reported using force at least once between 2017 and 2019. Since more than one officer can be involved in a single incident, PERF reviewed the number of officers who used force in each incident (see Figure 6). In the majority (59.6%) of the 720 use-of-force incidents, only one officer used force. In approximately one quarter (26.8%) of incidents, two officers used force. In about one tenth (9.4%) of incidents, three officers used force. In the remaining 4.2% of incidents, four or more officers used force.

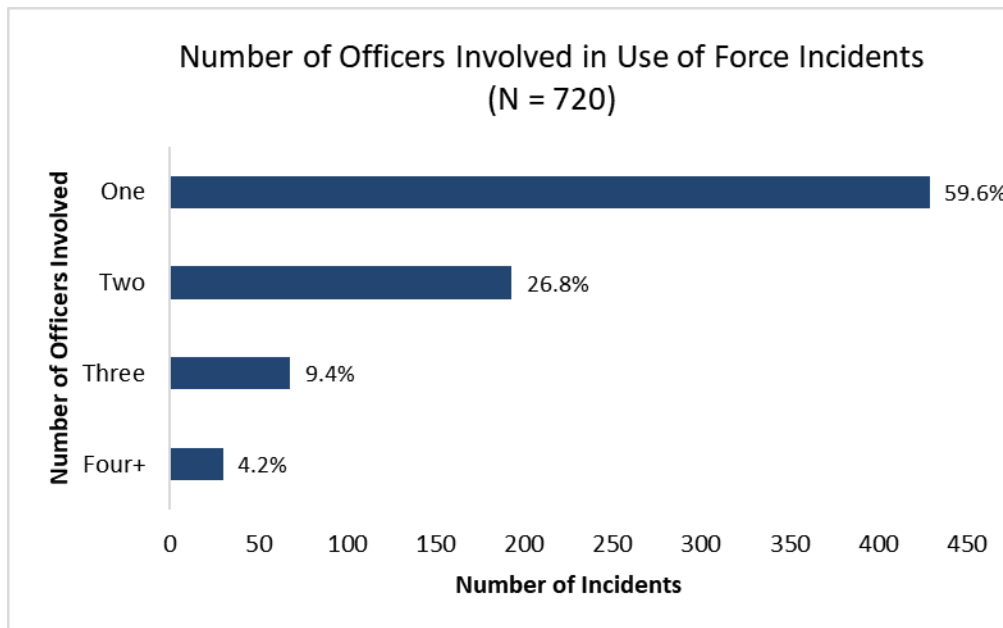


Figure 6

In reviewing the specific officers who were involved in use-of-force incidents, we found that some were involved in more incidents than others over the three-year period. Of the 178 officers:

- 93 (52.2%) officers were involved in 1 to 5 incidents.
- 72 (40.4%) officers were involved in 6 to 15 incidents.
- 9 (5.1%) of officers were involved in 16 to 20 incidents.
- 4 (2.3%) of officers were involved in 26 to 34 incidents.

Section IV. Analysis of VPD Use-of-Force Incidents and Case Files

This indicates that a relatively small number of officers were involved in a disproportionate number of incidents, which is supported by previous research.⁶¹ However, PERF understands that officers who use force more often than their peers are not necessarily acting inappropriately, as a variety of factors beyond the control of officers can influence the frequency with which they use force. For example, an officer who works patrol in a busy area at night will probably use force more frequently than an officer who works the day shift in a slower area. Nonetheless, it is important to analyze the data carefully to determine whether certain officers are using force inappropriately, and ensure a thorough review process for all uses of force.

Recommendation: *VPD should periodically analyze its data to identify officers who initiate a disproportionate number of use-of-force incidents, and these officers' conduct should be carefully reviewed. VPD should implement an Early Intervention System (EIS) to identify these trends.*

Early Intervention Systems (EIS)

Over the past 25 years, the use of an Early Intervention System (EIS),⁶² especially for large and medium-size police agencies, has emerged as a widespread practice in police personnel management.⁶³ The underlying concept of an EIS is that serious incidents of police officer misconduct often do not occur unexpectedly. Rather, such significant events are often preceded by a number of minor past incidents or concerning patterns of behavior. An EIS is designed to help agencies identify these potential areas of concern and address them through training, counseling, or other non-punitive measures before more serious misconduct occurs.

How an EIS Works

An EIS generally consists of four components:⁶⁴

- ***Performance metrics or variables** that are related to incidents and behaviors, and that could be potential indicators of future misconduct or performance problems. Examples include citizen complaints against the officer, uses of force, lawsuits against the officer, the officer's performance evaluations, supervisory actions against the officer, excessive sick leave, etc. Some agencies' EIS systems track as few as a half-dozen indicators, while other agencies may track 20 or more data points.*
- *The **threshold levels for these variables** to identify, or flag, officers with possible performance concerns. When a threshold is met, an alert is "triggered" in the system and the officer's supervisor is notified. For example, if "complaints against an officer" is a variable included in the*

⁶¹ Use of Force By Police: Overview of National and Local Data Series." NIJ (1999).

<https://www.ncjrs.gov/pdffiles1/nij/176330-1.pdf>

⁶² In the early stages of these systems' development, they were commonly referred to as Early Warning Systems (EWS). The use of the word "warning" connoted to many officers a punitive potential to these systems, which was counterproductive because the goal is to prevent problems from occurring, not to impose discipline for officers' mistakes. Thus, the word "Intervention" came into use as a replacement. Some entities refer to these as Early Identification and Intervention Systems. This report will use Early Intervention Systems (EIS) as the generic term.

⁶³ Samuel Walker (2005). *The New World of Police Accountability*. Thousand Oaks, CA: SAGE Publications, Inc.

⁶⁴ The John F. Finn Institute for Public Safety, Inc. (2015). *Features of Contemporary Early Intervention Systems: The State of the Art*.

Section IV. Analysis of VPD Use-of-Force Incidents and Case Files

EIS, then VPD must determine how many complaints must be filed, and in what time period, in order for the EIS alert to be triggered.

- *The **intervention** that the officer’s supervisor will use to address the performance problems. Interventions are designed to be non-punitive and to help modify the officer’s patterns of behavior, and they may include options such as additional training, counseling, or a change of assignment.*
- ***Follow-up monitoring** of the officer after the intervention is implemented.*

EIS Benefits and Use

Establishing a well-functioning EIS can yield substantial benefits for VPD, including improved officer performance, stronger police-community relations, a decrease in complaints and civil litigation, and savings in recruitment and training costs due to lower employee turnover. In addition, an EIS can help prevent officer misconduct, which can help build public confidence and trust in the police.

The use of an EIS is considered a progressive practice in police personnel management.⁶⁵ The Commission on Accreditation for Law Enforcement Agencies (CALEA) has made the establishment of such a system a mandatory requirement for accreditation, regardless of the size of the agency.⁶⁶ Additionally, many police agencies that have entered into consent decrees or memoranda of agreement with the Civil Rights Division of the U.S. Department of Justice (DOJ) have agreed to create an EIS.⁶⁷

EIS at VPD

VPD currently does not have an EIS. VPD leaders need to consider several factors as they develop and implement a comprehensive EIS, including the software the department will use for management of its internal affairs cases. VPD should continue to research best practices and consult with vendors to learn about different EIS software programs. VPD currently uses IAPro to document complaints against personnel, and IAPro offers an EIS capability that VPD could consider. Another EIS vendor that VPD could consider is Benchmark Analytics.

⁶⁵ Samuel Walker (2005). *The New World of Police Accountability*. Thousand Oaks, CA: SAGE Publications, Inc. p. 107.

⁶⁶ In its *Standards for Law Enforcement Agencies (fifth edition, 2009)*, CALEA states: “The agency should not be faced with investigating an employee for a serious case of misconduct only to find there was an escalating pattern of less serious misconduct, which could have been abated through intervention. The failure of the agency to develop a comprehensive Personnel Early Warning System can lead to the erosion of public confidence in the agency’s ability to investigate itself, while putting the public and agency employees in greater risk of danger.” CALEA standards are size-graduated, with four categories of agency, based on the number of sworn personnel. Certain standards are optional or not applicable for smaller agencies, but establishment of an EIS is one of the requirements applicable to every agency.

⁶⁷ Police Executive Research Forum (2013). *Civil Rights Investigations of Local Police: Lessons Learned*. Washington, DC. Pp. 16-18.

http://www.policeforum.org/assets/docs/Critical_Issues_Series/civil%20rights%20investigations%20of%20local%20police%20-%20lessons%20learned%202013.pdf.

Section IV. Analysis of VPD Use-of-Force Incidents and Case Files

When developing the EIS, VPD should remember that the EIS should be a non-punitive tool whose purpose is to proactively identify and address potential issues before they become problems. Therefore, EIS should not be part of the department's Internal Affairs function, but should instead be tied to another agency unit. In addition, VPD should determine how to secure support for an EIS from VPD leaders and officers, what types of officer behavior the EIS should measure, and how to effectively implement the system.

Years of Service Among Officers Who Used Force

VPD provided PERF with a sworn roster of personnel containing officers' dates of hire. Using the roster, PERF calculated officers' years of service at the time of their use of force by subtracting the date of hire from the date of the use of force. Since more than one officer can be involved in a single incident, and since officers can be involved in more than one incident over the three-year period, the team used the total number of use-of-force reports for purposes of this analysis (N = 1,168). Figure 7 displays the number of use-of-force reports by officers, sorted by the officers' numbers of years of service at the time of force.

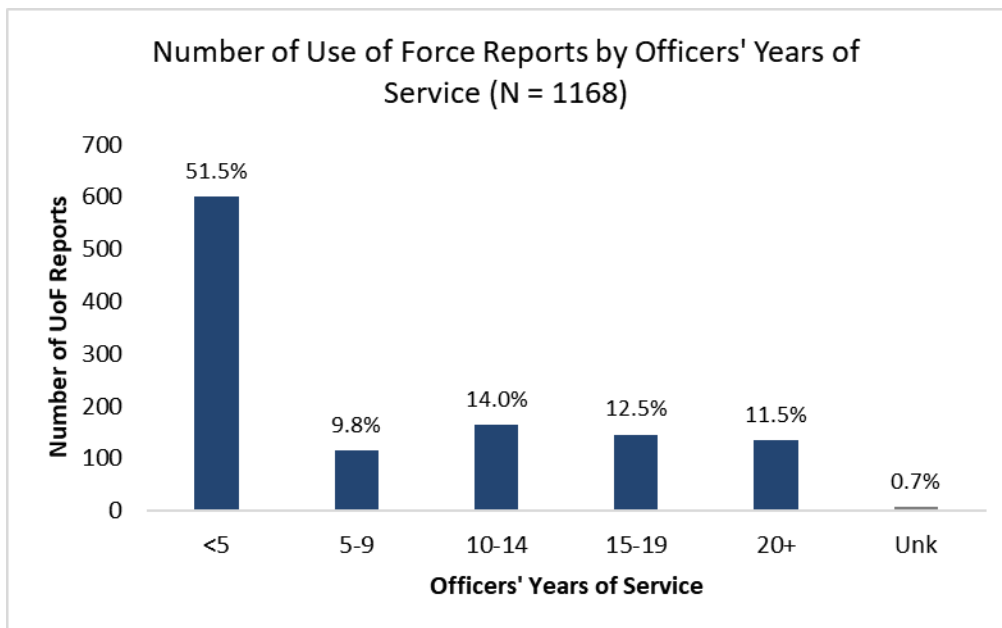


Figure 7

The majority of uses of force (51.5%) were reported by officers with less than five years of experience. It is PERF's experience that officers assigned to patrol are more likely to be involved in use-of-force incidents, and are also probably more likely to be younger or have fewer years on the job. This finding is consistent with previous research that shows that decreases in force are associated with greater officer

experience.^{68,69,70} Supervisors should be aware of this information and should provide coaching and mentoring to younger or less experienced officers on how to successfully defuse certain types of situations to potentially avoid using force.

Officer Reasons for Using Force

VPD’s RMS contains a variable called “use of force/control necessary to...”with six options that officers can select from (see Figure 8). Note that more than one option can be selected, so percentages total to more than 100. In most cases, the use of force was reportedly necessary in order to make an arrest (78.8%) or to prevent the subject from escaping (60.4%).

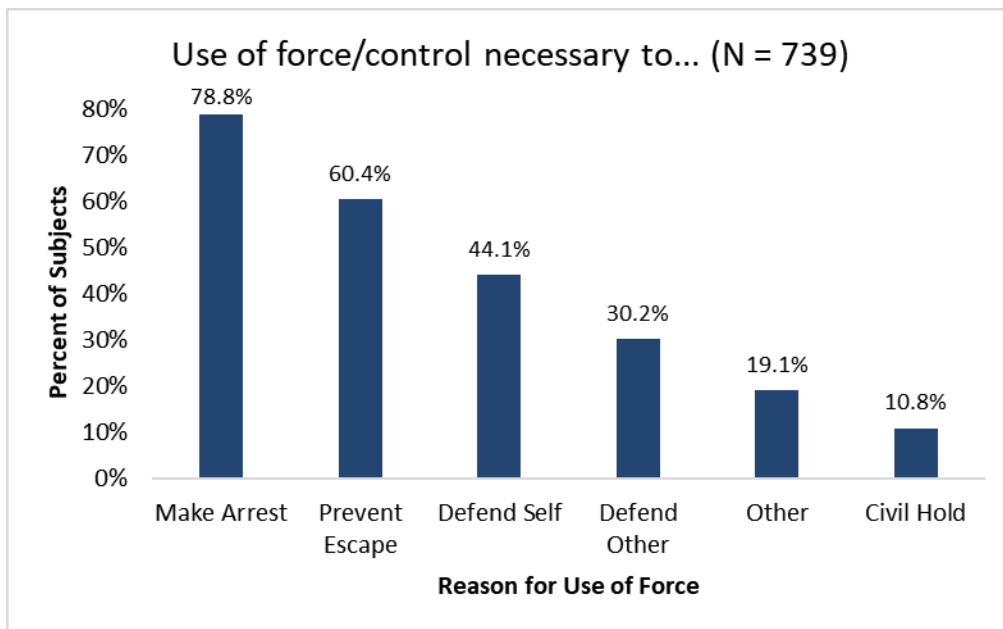


Figure 8

Perceived Subject Conditions

VPD’s RMS contains the following 12 options that can be selected in a category called “Perceived Subject Conditions.”

Perceived Subject Conditions (check all that apply)

⁶⁸ Terrill, W., & Mastrofski, S. D. (2002). Situational and officer-based determinants of police coercion. *Justice Quarterly*, 19(2), 215-248

⁶⁹ Paoline III, E. A., & Terrill, W. (2007). Police education, experience, and the use of force. *Criminal Justice and Behavior*, 34(2), 179-196.

⁷⁰ Sun, I. Y., Payne, B. K., & Wu, Y. (2008). The impact of situational factors, officer characteristics, and neighborhood context on police behavior: A multilevel analysis. *Journal of Criminal Justice*, 36(1), 22-32.

Section IV. Analysis of VPD Use-of-Force Incidents and Case Files

- Actually/Perceived Armed
- Reported to Be Armed
- Assaulted Officer
- Assaulted Citizen
- Failure to Comply
- Engaged in Physical Resistance
- Under the Influence of Alcohol
- Under the Influence of Drugs
- Attempting to Flee
- Self-Injury
- None Apparent
- Other (Explain in narrative)

Figure 9 shows the breakdown of these conditions by subject. A large majority of the subjects were reported to be failing to comply with the officer’s orders; 57.8% were reported to be engaged in physical resistance; and 48% were reported to be attempting to flee (multiple options can be selected, so percentages do not total to 100). High rates of subjects being reported to be under the influence of alcohol and/or drugs suggests that substance use is a major issue in Vancouver.

Recommendation: *VPD should continue to train officers on best practices when interacting with people who are under the influence of alcohol and/or drugs. As these individuals may be less likely to comply, officers should be prepared to use communication skills to defuse situations without having to resort to force.*

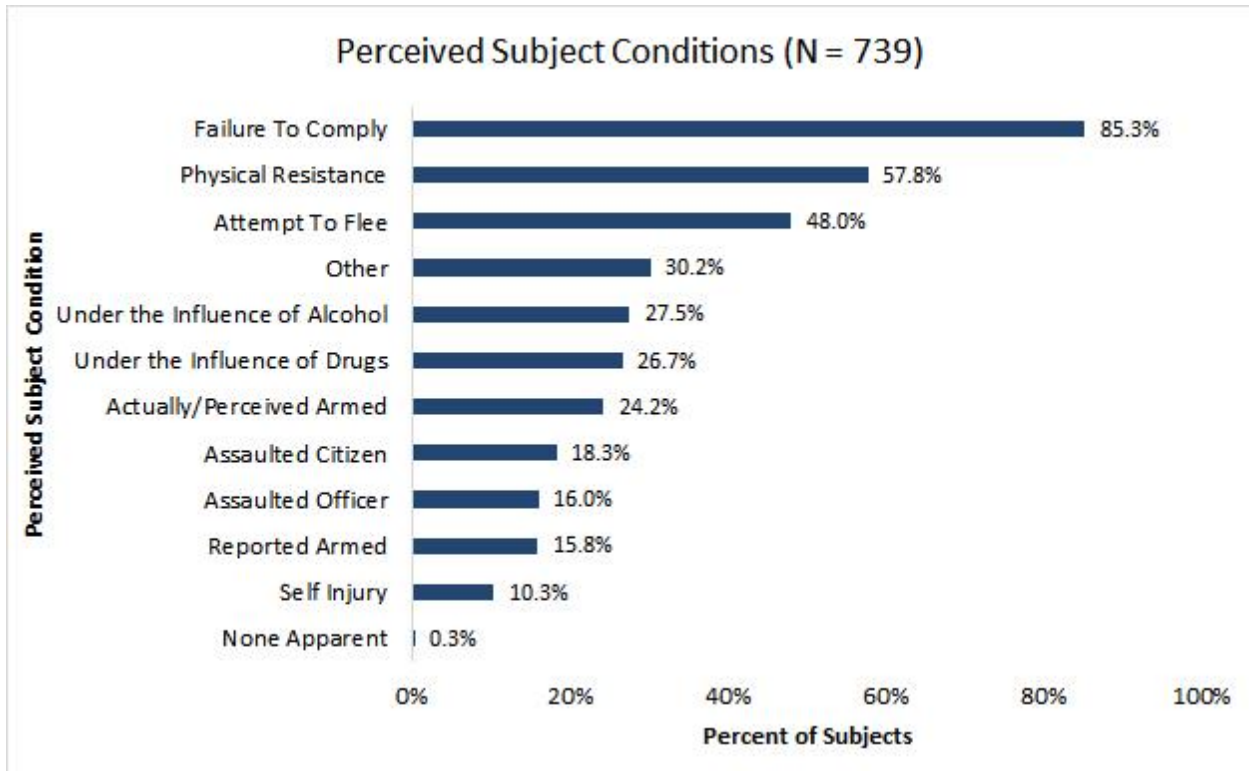


Figure 9

Section IV. Analysis of VPD Use-of-Force Incidents and Case Files

The information collected under “perceived subject conditions” is useful for understanding the context for the use of force. PERF recommends that more specific follow-up information be collected regarding subjects under the influence of alcohol or drugs to support officers’ observations. Currently, it appears that officers are drawing their own conclusions about whether the subject is under the influence of drugs or alcohol based on the subject’s behavior.

VPD Action Taken: *VPD has already taken steps to improve use-of-force reporting by adopting new protocols for data collection. Instead of the “perceived subject conditions” variable, VPD has added a new variable to its RMS entitled “Observed Behavior,” which will include the following options:*

- *Assaulted citizen*
- *Assaulted officer*
- *Attempted to flee*
- *Self injury/suicidal*
- *Signs of alcohol impairment*
- *Signs of developmental disability*
- *Signs of drug impairment*
- *Signs of excited delirium*
- *Signs of mental illness*

This is an improvement upon the previous categories, as “observed behavior” is a more appropriate and descriptive term than “perceived subject conditions.”

Recommendation: *In order to further improve data collection on subject drug and alcohol impairment, PERF recommends the suggested categories below to allow for more detailed information to support officers’ observations.*

- Signs of Drug Impairment
 - Suspected drug impairment (explain in narrative)*
 - Drugs/paraphernalia found on person*
 - Subject/other party reported drug use*
- Signs of Alcohol Impairment
 - Suspected alcohol impairment (explain in narrative)*
 - Alcohol found on person*
 - Subject/other party reported alcohol use*

VPD’s decision to collect data moving forward on whether a subject exhibits suicidal behavior is a positive step. However, this “suicidal” category should not be combined with “self injury”, as subjects can injure themselves without necessarily being suicidal, and vice versa.

Section IV. Analysis of VPD Use-of-Force Incidents and Case Files

Recommendation: VPD should collect data on whether a subject is exhibiting suicidal behavior, including attempting suicide by cop, as a separate option under “observed behavior.” Alternatively, this could be part of a separate variable on subject “mental illness/mental or emotional distress,” as recommended on page 61.

Officer Activity Immediately Prior to Force

VPD’s RMS contains a variable called “officer activity immediately prior to force response,” with eight options that can be selected. Figure 10 displays a breakdown of these activities by subject. In 26% of cases, officers were handcuffing the subject when the use of force occurred. In 20.2% of cases, the use of force followed a foot pursuit. In 47.6% of cases, officers indicated that they were engaged in an “other” activity prior to using force. VPD should attempt to identify what types of activities are included in that category, and add those activities to the list of variables to be counted through the RMS.

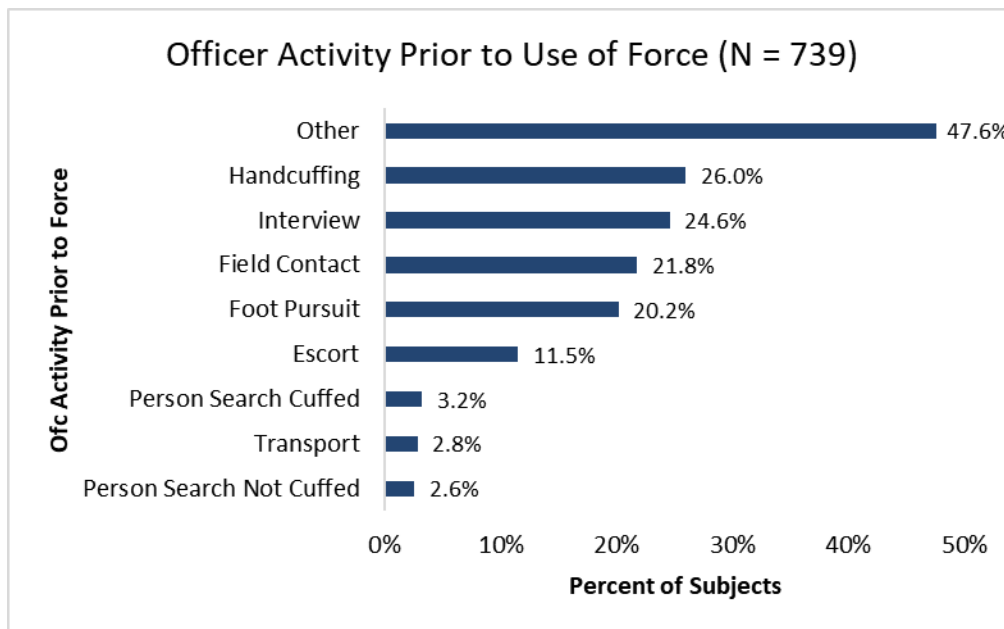


Figure 10

Force Options

In VPD’s RMS, officers are able to indicate whether a particular force option was “attempted” and whether it was “effective.” Figure 11 displays the number of subjects by force option attempted. (More than one force option can be used against a subject, so percentages total to more than 100.)

The most frequently applied force options on subjects were takedowns (54.4%) and the officers’ use of hands/feet (43.4%). Control holds were deployed on 18.3% of subjects, and an Electronic Control Weapon (ECW) was deployed against 12.9% of subjects. The carotid restraint was applied on 4.2% of subjects. The force options used against a handful (1.4%) of subjects were not documented. As recommended on page 31, VPD should prohibit the use of the carotid restraint going forward.

Section IV. Analysis of VPD Use-of-Force Incidents and Case Files

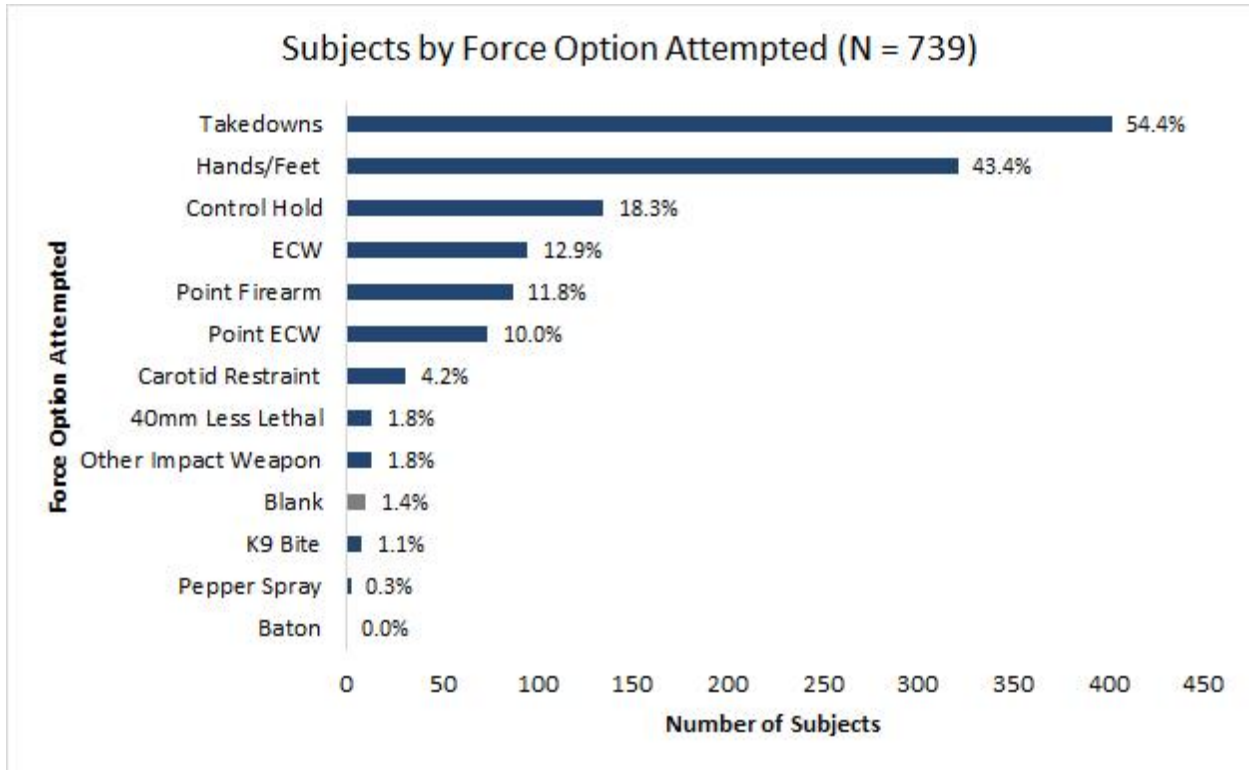


Figure 11

Data Quality Issues

In its review of VPD’s use-of-force data, PERF identified several issues with regard to data quality. Below is a summary of some of these issues, as well as recommendations on how they can be addressed through training.

Use-of-force options: “attempted” vs. “effective”

As mentioned above, officers are able to indicate for each force option whether it was “attempted” or “effective.” However, report narratives suggest that officers may not have a consistent understanding of what constitutes an “effective” application. For example, does “effective” indicate that the force option was successful in bringing the subject into compliance in order to effect an arrest? Or can “effective” refer to success in achieving other desired goals (for example, getting a subject to drop a weapon)? If a force option – for example, an ECW – is deployed multiple times and is only effective after the second or third deployment, would that be considered “effective”? It is important that VPD establish a consistent definition or understanding of what “effective” means, and ensure that officers are trained on this definition.

Recommendation: *VPD should establish a consistent definition(s) of what “effective” means with regard to each force option, and in what cases officers should report a force option as effective vs. ineffective. Officers should be trained on the proper use of this term to ensure consistency and clarity of use-of-force data collection.*

Section IV. Analysis of VPD Use-of-Force Incidents and Case Files

Reporting on Canine Bites

One of the force options that officers can select from in VPD's RMS is entitled "K9 bite." PERF found 8 canine bites reported in the use-of-force data. However, PERF learned that VPD actually collects data on canine deployments in a separate database, and that canine bites should not technically be reported in the use-of-force database. When PERF compared the number of bites reported in the use-of-force data to the number reported by the canine unit, the numbers were not consistent (see pages 81-82 for a discussion of canine data). This indicates that there may be some confusion on the part of officers as to the proper reporting requirements for canine bites.

VPD Action Taken: *VPD has recently adopted new use-of-force reporting protocols that will greatly enhance the quality and accuracy of data collected. As part of these new protocols, officers will have the ability to select from three options: "K9 deployment – bite," "K9 deployment – capture," and "K9 deployment – other." According to VPD personnel, officers will be required to report canine bites in the use-of-force database going forward, in addition to reporting them separately in the canine database. This will ensure consistent and accurate data collection on K9 bites across systems.*

Defining various force options

VPD's use-of-force report narratives indicate a lack of consistent understanding of the meaning of certain force options. For example, PERF understands "other impact weapon" to refer to situations in which a subject was struck by a blunt object other than a baton (e.g., a flashlight). However, in some instances, officers selected "other impact weapon" when they had employed a Pursuit Immobilization Technique (PIT) maneuver. PERF also identified instances in which officers selected force options in the RMS that they did not themselves employ, but that had been deployed by another officer on scene. This also demonstrates a lack of consistent understanding on how to properly complete the use-of-force report form.

Recommendation: *When completing a use-of-force report form, officers should only select the force options that they themselves employed. This will ensure that each officer is reporting on their own use of force, and will avoid confusion about whether more than one officer deployed the same force option during an incident.*

Training on use-of-force reporting

According to VPD personnel, officers have not received formal training on how to properly complete the use-of-force report form, including explanations of the various RMS fields and in what situations specific categories should be selected. In order to improve the clarity and accuracy of VPD's use-of-force data collection, PERF has recommended that VPD adopt more comprehensive data collection protocols in certain areas, including subject injuries, medical treatment received, and mental health categories. VPD has already taken steps to improve its use-of-force data collection by adopting a new RMS, as well as enhanced data collection protocols in these areas. After these new changes are implemented, officers should receive training on how to properly complete the new use-of-force report form to ensure consistent and accurate data collection.

Section IV. Analysis of VPD Use-of-Force Incidents and Case Files

Recommendation: After implementing its new RMS and use-of-force reporting protocols, VPD should ensure officers are trained on the use-of-force report form, including providing definitions of various data categories and in what situations they should be selected. VPD should develop a manual providing detailed instructions on the completion of use-of-force reports, or should include these instructions within the RMS, to ensure consistent and accurate data collection. Accurate data on use of force will allow for better analysis of trends, identification of training opportunities, and improved accuracy of information provided to the community.

Injuries

Figure 12 displays the injury categories that can be selected in VPD’s RMS, for both officer and subject injuries. A box also can be checked to indicate that photos were taken of injuries.

INJURIES (check all that apply)

	OFFICER	SUBJECT	PHOTOS
1. NONE/NONE APPARENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. BRUISES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. ABRASIONS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. LACERATIONS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. BROKEN BONES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. OTHER INJURIES	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Figure 12

Officer Injuries

In 85.4% of incidents, no officers were injured. PERF reviewed the remaining 14.6% of incidents (N=105) in which one or more officers were injured (see Figure 13). Abrasions were the most common type of injury, reported in 55.2% of the incidents where an officer was injured. In 39.0% of incidents, one or more injured officers had bruises. In 35.2% of incidents, one or more injured officers had an unspecified injury. In 21.0% of the incidents, officers had lacerations; and in 2.9% of incidents, officers had broken bones.

Section IV. Analysis of VPD Use-of-Force Incidents and Case Files

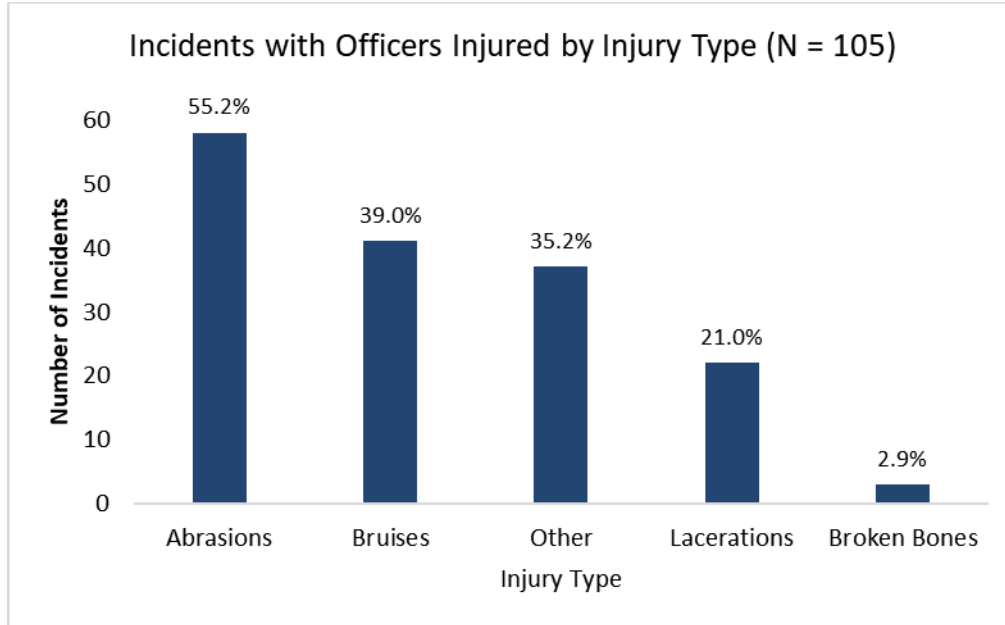


Figure 13

Subject Injuries

Of the 739 total subjects, 282 (38.2%) sustained injuries. VPD has a field in its RMS to indicate whether the subject was injured prior to police involvement, during arrest, in custody, or other. Figure 14 displays when subjects sustained their injuries. Note that since subjects can sustain more than one injury, more than one of these categories can be selected per subject, so percentages total to more than 100.

Of the 282 subjects who sustained injuries, 69.1% sustained injuries during arrest, 23% prior to police involvement, and 5.3% while in custody.

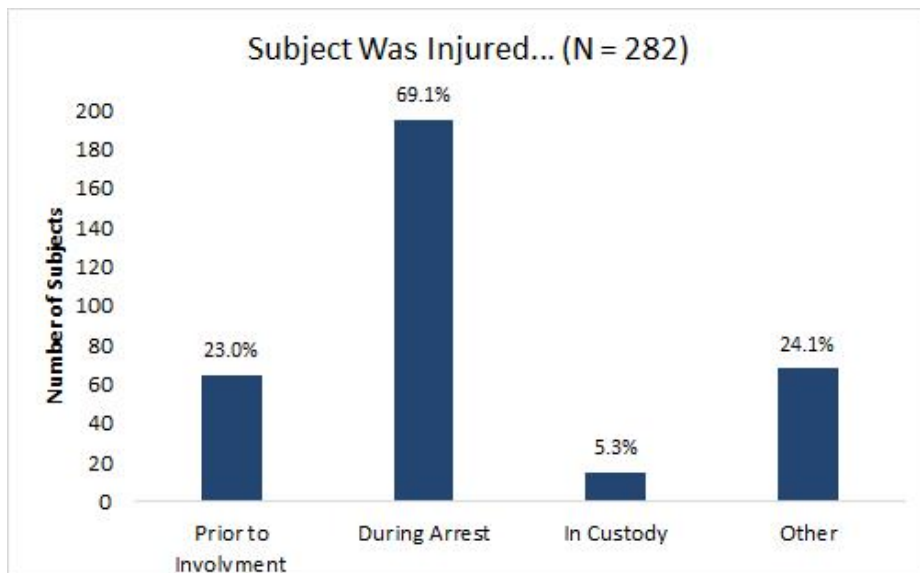


Figure 14

Section IV. Analysis of VPD Use-of-Force Incidents and Case Files

Types of Injuries

For purposes of the following analysis, we excluded the cases where the subject was *only* injured prior to police involvement, as our focus is on injuries resulting from officers' use of force. A total of 252 subjects were injured either during arrest, in custody, or other.⁷¹ Among these subjects, 71.8% had abrasions; 31.7% had lacerations; 27.8% had bruises; and 26.2% had an unspecified injury (see Figure 15). Again, since subjects can sustain more than one injury, the categories total to more than 100%.

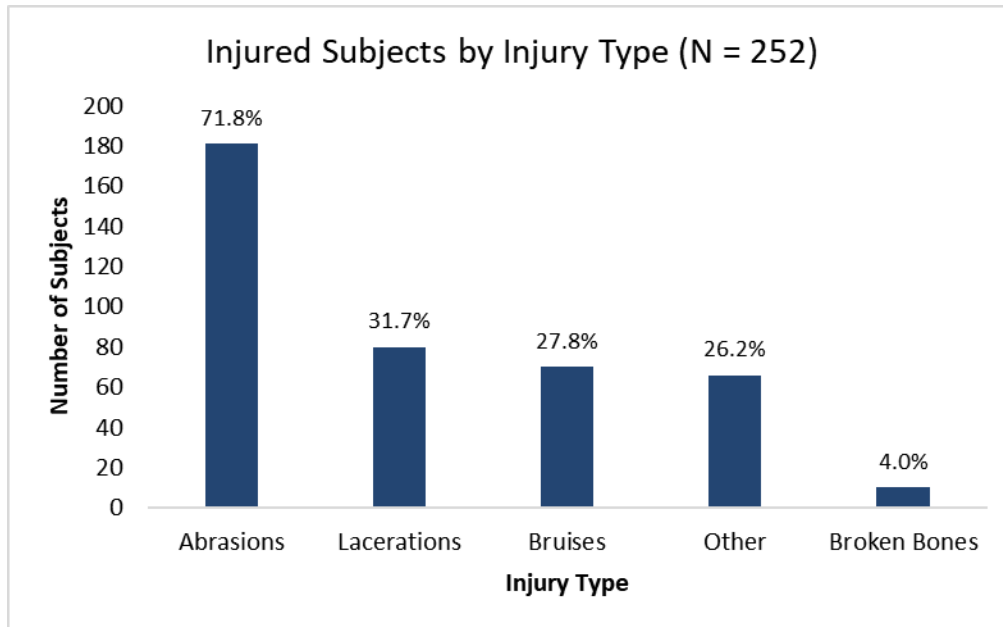


Figure 15

VPD's current injury categories are sufficient for reporting on officer injuries. However, PERF recommends that VPD adopt more descriptive categories for subject injuries, including when each specific injury took place and the location of the injury on the subject's body. Collecting more detailed data will allow VPD to better analyze trends related to subject injuries.

VPD Action Taken: *VPD plans to implement improved data collection protocols that will greatly enhance the quality of data collected related to subject injuries. In VPD's new RMS, officers will have the ability to indicate whether the subject was injured prior to force. They will then be instructed to list all injuries sustained prior to the use of force in the report narrative, and not on the reporting form.*

For injuries sustained as a result of police use of force, VPD has adopted the following more comprehensive injury categories:

- *Abrasion/laceration*
- *Bone fracture*

⁷¹ Note that a subject may have some injuries that occurred prior to police involvement and some that occurred during arrest, for example. However, we are not able to discern from the data which specific injuries took place at which times. Therefore, we only excluded the cases in which the subject was *only* injured prior to police involvement.

Section IV. Analysis of VPD Use-of-Force Incidents and Case Files

- *Concussion*
- *Gunshot wound*
- *Internal injury*
- *Obvious disfigurement*
- *Stabbing wound*
- *Unconsciousness*

These categories are more descriptive and will allow for more detailed data collection. In addition, VPD's new RMS will allow officers to indicate the location of force used by the officer on the subject's body.

Recommendation: *VPD's new categories for subject injuries are more comprehensive and will allow for better data collection. PERF recommends that VPD add one more injury category entitled "other, specify," to capture injuries that may not fall into one of the above categories. Officers should then have the option to specify the type of injury in a text field.*

Recommendation: *Although VPD's new data collection protocols will allow officers to specify the location of force used by the officer, it is also important to document the location of any injuries to the subject, as these may not always correspond directly to the location of the force. For example, if an officer uses a baton strike to a subject's thigh, and the subject falls and sustains bruising to their upper body, the location of the injury would need to be documented. Along with its new "subject injury type" categories, VPD should incorporate the ability in its RMS to indicate the location on the body for each subject injury. This could be done by including a dropdown menu for each injury type that is selected.*

Subject Medical Treatment

VPD's use-of-force reporting form allows officers to report whether they and/or the subject received medical treatment for injuries.

Among the subjects who were injured either during arrest, in custody, or other (N = 252), 81.3% were treated by EMS at the location where force was used; 33.3% were admitted to a hospital; 32.9% were treated and released from a hospital; and 26.6% refused treatment (see Figure 16).

Section IV. Analysis of VPD Use-of-Force Incidents and Case Files

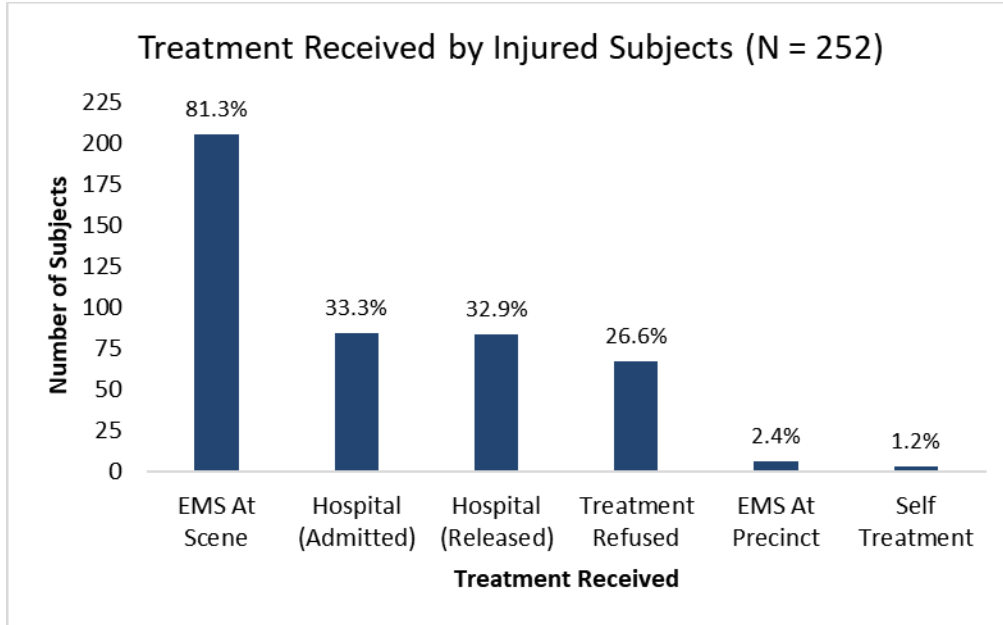


Figure 16

VPD’s use-of-force reporting form does not have options for officers to indicate why subjects received the medical treatment they did. For example, in addition to physical injuries sustained as a result of force, a subject may be admitted to a hospital due to alcohol intoxication or as part of a mental health hold. It would be beneficial to collect more detailed data on subject treatment received, including the reasons subjects may be admitted to the hospital.

Recommendation: *PERF recommends that VPD collect more detailed data on the reasons subjects were admitted to the hospital. This will allow VPD to identify whether subjects were admitted to the hospital due to injuries as a result of force, or for other reasons such as mental health evaluations or drug or alcohol intoxication. Specifically, PERF recommends the suggested categories below:*

- Admitted to Hospital
 - Reason(s):
 - Pre-existing condition (e.g., diabetes, pregnancy, asthma, heart condition) necessitated hospital visit
 - Injury (self-inflicted or injury received prior to police involvement)
 - Injury (resulting from police use of force or police involvement)
 - Other condition (e.g., overdose, seizure, stroke, trouble breathing, etc.) Specify _____
 - Involuntary committal (for mental illness or emotional distress)
 - Drug or alcohol intoxication

Uses of Force Resulting in Serious Injury

In addition to reviewing VPD’s overall use-of-force data, PERF’s scope of work includes a review of cases that involved either a death or serious injury to the subject. Since VPD does not have a specific variable to capture the severity of injuries, PERF, in consultation with the department, decided to review the incidents in which a subject was admitted to the hospital in order to identify these cases. Officer-involved shootings are not captured in VPD’s use-of-force data, so the team analyzed these incidents separately.

VPD Action Taken: *VPD has recently adopted new data collection protocols to document the severity of subject injuries. Going forward, there will be an option in VPD’s RMS for officers to indicate whether “serious bodily injury” was sustained by the subject. This will allow for more comprehensive data collection and analysis of subject injuries in the future.*

Between 2017 and 2019, there were 178 total use-of-force subjects admitted to the hospital in Vancouver. PERF reviewed the narratives associated with these reports to determine whether the use of force resulted in a serious injury to the subject. Some subjects were admitted to the hospital for reasons other than injuries, such as for mental health evaluations or drug or alcohol intoxication, and these cases were excluded from this analysis. Overall, a relatively low number of the incidents reviewed resulted in serious injuries to subjects. The types of injuries considered serious included broken bones, head wounds, and abrasions and lacerations to the face.

In reviewing the report narratives for which subjects were admitted to the hospital, PERF noticed a number of cases involving carotid restraints and canine bites, and wanted to explore these incidents in further detail. PERF learned that VPD uses a separate database for reporting on canine bites, so the team conducted a separate review of these incidents (see pages 81-84 for further information). Since the carotid restraint can result in serious injury or death to the subject, and since VPD had previously conducted a review of the use of this technique, PERF also included all of the incidents in which a subject was admitted to the hospital after a carotid restraint in this review, even if those incidents did not result in serious injury. In total, PERF reviewed 23 of these “serious” incidents as part of this analysis.

Table 3 presents a breakdown of the number of serious force cases reviewed that involved various force options. **Note that each incident/subject can include more than one type of use of force, the numbers total to more than 23.**

Force Option Used	Number of Cases Reviewed
Carotid Restraint	13
Hands/Feet	13
Takedowns	13
Control Holds Causing Injury	9
Control Holds Causing Complaint of Injury	7
ECW	5
Other Impact Weapon	3
Point Firearm	3
Point ECW	3
40-mm Less Lethal	2

Table 3

Perceived Subject Conditions

PERF compared these serious use-of-force cases to the overall use-of-force data across a number of variables. Figure 17 presents the percentage of subjects by “Perceived Subject Condition.” A higher percentage of subjects in serious incidents were perceived to display the conditions below as compared to subjects in the overall use-of-force data, over the three-year period.

For example, 82.6% of the subjects in the serious use-of-force cases were perceived to be engaged in physical resistance, as compared to only 57.8% of subjects in the overall use-of-force data. A higher percentage, 52.2% of subjects in serious incidents, were perceived to be under the influence of alcohol or drugs, as compared to overall subjects of force (27.5% and 26.7%, respectively). As can be seen in Figure 17, a higher proportion of subjects in “serious” incidents were also perceived to be armed, reported to be armed, or to have assaulted an officer or a citizen, as compared to subjects in the overall use-of-force data.

Section IV. Analysis of VPD Use-of-Force Incidents and Case Files

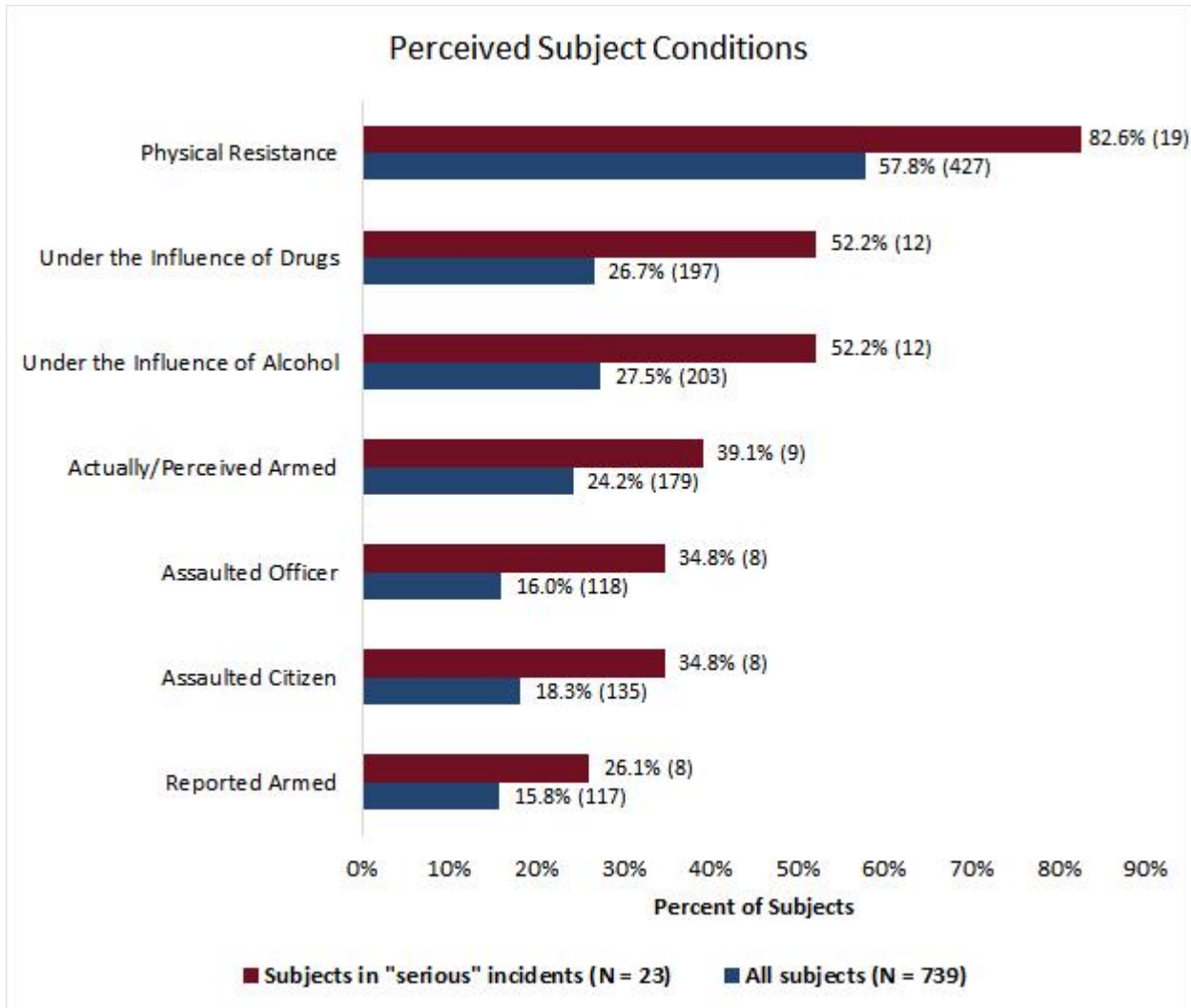


Figure 17

These findings are not unexpected; they suggest that officers are more inclined to use serious force against subjects with these perceived behaviors and conditions.

In addition, of the subjects in serious force incidents, more than 50% were thought to have a mental illness as reported by officers, as compared to 27.3% of subjects in the overall use-of-force data.

Recommendation: *VPD should continue to monitor these types of trends, as they could have important implications for training. For example, the high proportion of these subjects who were perceived to be under the influence of drugs and alcohol or were perceived to have a mental illness suggests that these types of individuals may be more likely to sustain injuries or have more serious force used against them. This may inform training on how officers can more effectively attempt to defuse and de-escalate situations in which subjects are under the influence of alcohol or drugs, or are perceived to be under mental or emotional distress.*

Section IV. Analysis of VPD Use-of-Force Incidents and Case Files

VPD's new data collection protocols (discussed above) will allow for the collection of more detailed and accurate data to further this goal. In addition, VPD plans to implement PERF's ICAT training (discussed on page 48), which teaches officers about critical thinking and interacting with individuals in crisis.

Force Options Attempted

Figure 18 shows the percentage of subjects in serious use-of-force incidents according to force options attempted.⁷² Overall, subjects in serious use-of-force incidents were more likely to have each force option used against them as compared to subjects in the overall use-of-force data.

For example, among the serious use-of-force cases, officers attempted to use an Electronic Control Weapon against 21.7% of the subjects, compared to only 12.9% of the subjects in the overall use-of-force data. This is likely because subjects in these serious incidents were more likely to have multiple force options used on them. PERF calculated the average number of force options used against subjects in the serious incidents, as compared to the subjects in the overall use-of-force data. Subjects in serious incidents had an average of 2.83 force options used against them, as compared to an average of 1.67 force options for subjects in the overall use-of-force data.

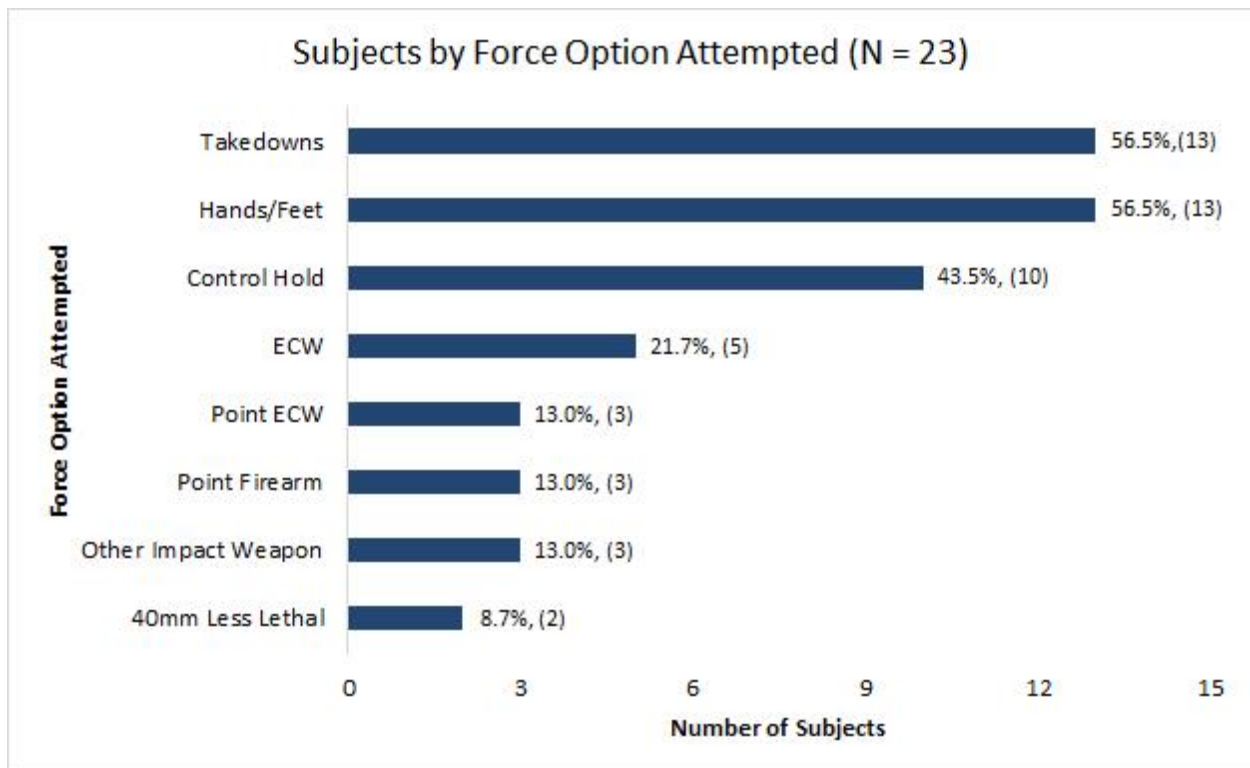


Figure 18

⁷² We did not include the carotid restraint in Figure 18, since we deliberately selected a high number of cases in which the carotid restraint was used

Officer Injuries

Of the 23 incidents involving serious uses of force, 30.4% involved officer injuries, as compared to 14.6% of officers being injured in the overall use-of-force incidents. This suggests that officers are using more serious force in incidents where subjects are potentially exhibiting aggressive or assaultive behavior. Although VPD is currently collecting data on whether subjects engaged in physical resistance, it is not tracking data on whether subjects exhibited aggressive or assaultive behavior.

VPD Action Taken: *VPD has recently implemented new data collection protocols to allow for the collection of data on subject resistance type. Going forward, VPD will collect data on whether the subject was aggressive or assaultive. This will allow for improved analysis of trends related to subject behavior and the implications for officer use of force.*

Use-of-Force Report Writing

As part of its review of serious uses of force, PERF reviewed the report narratives associated with these 23 cases to identify any potential trends or areas for improvement. Based on PERF's review, it is apparent that officers are trained to write very detailed reports. However, PERF identified a pattern in several cases of officers projecting how they think a subject might act and using this as a justification for force. For example, several reports stated that a subject had their hands by their side and "could have" reached into their pockets for a weapon. In several of these instances, the subject never actually reached for a weapon, but the officer used a high level of force.

Historically, officers have been taught in the academy to describe the thinking that led up to their actions. Officers must ensure they are making decisions based on the information available to them, as opposed to acting on what could potentially happen. This involves using critical thinking leading up to and during each interaction, being mindful of their positioning, and using good communication skills to try to resolve situations before they escalate to a point where a subject becomes threatening.

In addition, in many of the reports that indicated that the subject "may" be armed as justification for using force, the report did not state whether a weapon was seized after the subject was in custody. Officers should be sure to indicate the outcome of these situations in their report narratives. For example, PERF observed that many reports included general statements such as "I gave the subject verbal commands and he/she did not comply," as opposed to including more specific information about what was said, including any attempts by the officer to communicate and de-escalate the situation.

Recommendation: *VPD should incorporate training on report writing to avoid the use of generic language, generalizations, and assumptions not supported by the specific circumstances of the incident. Officers should also include efforts to communicate with the subject and de-escalate the incident in their report narratives, and whether those efforts had any effect. Officers should use the Critical Decision-Making Model (CDM) when writing reports to ensure they are articulating their decision-making process during each incident.*

Overall, VPD use-of-force reports were thorough and included supplemental reports from additional officers who were not the primary user of force. This is consistent with VPD policy. PERF identified several cases that indicated that a third-party witness was on scene, but PERF was not able to locate any

interviews taken as part of the investigation by a supervisor. Supervisors should be required to interview third-party witnesses who are on scene during a use-of-force incident.

Recommendation: *VPD should utilize information learned from unbiased third-party witnesses in order to supplement officers' statements. These statements can be powerful evidence in use-of-force investigations and can promote transparency and trust within the community.*

Consistent with VPD policy, PERF noticed during its review of report narratives that supervisors were regularly contacted after a use of force. However, it appeared that often the supervisor did not report to the scene. As recommended in the policy section on pages 33-34, **supervisors should respond to the scene of all reportable uses of force to conduct the initial investigation.**

Recommendation: *When supervisors are notified of a use-of-force incident, they should respond directly to the scene to examine officer and subject injuries, interview witnesses, and to locate potential evidence such as surveillance video footage. In addition, if tensions are high at the scene, supervisors can protect the safety of all involved by ensuring that the officers directly involved in the use of force are removed from being the primary contact with the subject.*

Carotid Restraints

Based on the report narratives reviewed, it appears that some officers are using the carotid restraint in situations in which subjects “may” potentially pose a threat, but are only showing resistant behavior and not assaultive behavior. As discussed in the policy section on pages 30-31, PERF has recommended the prohibition of any type of neck restraint due to the limited occasions in which it is necessary, and the extensive training and skill required to perform it safely and effectively. VPD should work to identify alternative means to control a subject while avoiding the head and neck.

Recommendation: *VPD should conduct an agency-wide training session on using intermediate force options in place of techniques such as the carotid restraint, which has a high probability of injury. VPD should incorporate scenarios specific to subjects displaying resistant behavior (refusing to comply, stiffening up, walking away etc.) and evaluate how officers handle non-assaultive subjects in these scenarios.*

Canine Bites

While reviewing the use-of-force report narratives for incidents in which subjects were admitted to the hospital, PERF noticed a number of cases involving canine bites. PERF later learned that canine bites are supposed to be captured in a separate database, which contains more complete data on canine deployments (discussed on page 70). In order to further investigate the use of canine bites, PERF requested additional data from VPD's Canine unit. VPD had a total of 18 canine bites in 2019, and 13 bites in 2018.

Based on PERF's experience, this appears to be a relatively high number of canine bites for an agency of this size. In December 2019, PERF held a conference on patrol canine operations,⁷³ and interviewed

⁷³ *Guidance on Policies and Practices for Patrol Canines* (2020). <https://www.policeforum.org/assets/Canines.pdf>

Section IV. Analysis of VPD Use-of-Force Incidents and Case Files

members of mid-size and large departments that had equal or fewer annual canine bites than VPD. For example, the Portland Police Bureau (population: 653,000; 900 sworn officers), reported 26 canine bites in 2018, and 17 bites in 2019. The Seattle Police Department (population: 744,000; 1,400 sworn officers) reported 8 bites in 2017 and 9 in 2018.

In order to further investigate the use of canine bites at VPD, PERF requested report narratives associated with the 18 canine bites that occurred in 2019. Although canine deployments were not in the original scope of work for the project, PERF and VPD decided it would be beneficial to take a closer look at these incidents, as canine bites represent a use of force that can result in serious injury.

Pursuing Alternatives to Canines

In reviewing the canine report narratives, PERF observed instances in which there may have been opportunities to pursue other options rather than deploying a canine. Many of the canine incidents reviewed involved a subject who was wanted for criminal charges, ranging from minor offenses to more serious felonies. In several cases, a subject's location was known and the subject was contained or barricaded. Based on the narratives reviewed, it appears there may have been opportunities to communicate or de-escalate these situations prior to resorting to force. When possible, officers should take as much time as they need to resolve a situation without resorting to force, and attempt to negotiate a peaceful resolution.

As discussed in the policy section on page 40, VPD should consider whether its canine deployments/bites meet the test of proportionality. Specifically:

- Is there another, less injurious option available that would permit officers to achieve the same objective as effectively and safely?
- Is a canine bite (or the possibility of one inherent in a deployment) *necessary* to mitigate the threat and safely achieve a lawful objective?
- Will a canine deployment/bite be viewed as appropriate – by the agency and the general public – given the severity of the threat and totality of the circumstances?

Recommendation: *VPD should re-examine its policies, practices, and culture related to canines. VPD must ensure that canine deployments and bites are only being used when necessary to safely achieve a lawful objective and after other avenues have been exhausted. PERF's 2020 report, Guidance on Policies and Practices for Patrol Canines, provides 20 recommendations on canine policies and operations, documentation and review, and other elements of a canine program.*⁷⁴

Canine Report Writing

Through reviewing supplemental narratives written by canine officers, PERF identified several instances in which generic language or assumptions were used to justify the use of a canine. For example, officers used explanations including that “subjects who flee are unpredictable and have a propensity to be

⁷⁴ Ibid.

Section IV. Analysis of VPD Use-of-Force Incidents and Case Files

violent” or that “drug users are often armed” to justify the use for a canine. When making a decision on when to use force, officers should focus on the unique facts and circumstances of the situation at hand. This includes considerations of the types of situations in which canines should be deployed (some examples are provided on pages 38-39).

Recommendation: *VPD should ensure that canine officers avoid using generic language, generalizations, and assumptions not supported by the specific circumstances. Officers should justify their deployment of a canine using the unique and specific circumstances of the incident in question, and in accordance with the types of offenses that are authorized for the use of a canine.*

Additional Considerations Related to Canines

Based on its conference on patrol canine operations in 2019, PERF has developed the following additional recommendations related to canine operations.

Departmental Training

The canine unit should provide all VPD personnel with guidance on how the unit operates and how it can assist patrol operations. This may include presentations at roll call briefings and to recruit classes at the training academy. The department’s K9 Manual states that canine unit supervisors should ensure that other VPD units are familiar with the operation and procedures of the unit. VPD must make sure that this is being done on a consistent basis.

During this department-wide training, the canine unit should address safety considerations when working with the canine unit, examples of situations when the canine unit would be useful (or would not be useful), and how to avoid contaminating a scene where a dog may be tracking.

Recommendation: *VPD’s canine unit should provide the rest of the department with guidance on how the unit operates and how it can assist patrol operations. The canine unit should also provide training to sergeants and other supervisors so they understand when they should and should not call the canine team to the incident, and the capabilities of the canine team once it is on-scene.*

VPD should also ensure that, through repetitive training, its canine handlers have the capability to remove their dogs from the bite quickly and on command. This is an issue which can lead to more serious injury to suspects, and a corresponding lack of community trust. A significant portion of the unit’s monthly training should be dedicated to ensuring that canines release upon command.

Recommendation: *VPD should ensure through repetitive training that its canine handlers have the capability to remove the dog from the bite quickly and on command.*

Reporting on Canine Deployments

VPD should review its canine teams’ usage figures regularly and should investigate outlying numbers or significant increases to determine what caused any changes. If appropriate, the supervisor should recommend additional training for dog/handler teams.

Section IV. Analysis of VPD Use-of-Force Incidents and Case Files

Recommendation: *VPD should review canine usage data regularly, and any outliers, significant increases in uses of force, or significant decreases in the rate at which subjects are located should prompt a closer review. VPD should also consider tracking the canine team's bite-to-deployment ratio.*

Lastly, VPD should promote transparency with the public by publishing the canine unit's usage data annually (at a minimum). This can be part of an annual use-of-force report as discussed earlier in this report.

Recommendation: *VPD should publish its canine usage data—at a minimum, annually—to promote transparency with the public. This can be part of VPD's annual use-of-force report.*

Officer-Involved Shootings

Between February 2017 and March 2019, VPD had nine officer-involved shooting (OIS) incidents. These incidents sparked controversy in the community as several occurred within a relatively short timeframe, and because some involved members of minority communities. PERF reviewed the investigative files associated with these nine incidents to identify any areas for improvement with regard to report quality, training, and policy. The files included officer incident reports, the personnel investigation (including interview transcripts), and the administrative review and findings.

Administrative Review

In the past, the criminal investigation of officer-involved shootings was assigned to a regional team comprised of investigators from VPD and other local agencies. Since the implementation of Washington State's Law Enforcement Training and Community Safety Act of 2018, which mandated that OIS investigations be conducted by an independent third-party, this process has changed and VPD is no longer involved in these criminal investigations.

VPD's Professional Standards Unit reviews the findings of the criminal investigation and generates a summary of the facts.

The administrative review for OIS is assigned to a lieutenant. The lieutenant conducts a review of the incident and then prepares a written report. The reports reviewed by PERF appear to be a recap of events and statements obtained from incident reports prepared by officers, witness statements, photographs of the scene, and physical evidence. The reviewing lieutenant, who is referred to in the agency as the "decisionmaker," reviews the criminal investigation and the summary generated by Professional Standards, and makes a determination as to whether the incident was in accordance with policy, including a finding of "exonerated" (within policy) or "sustained" (not within policy)

Based on PERF's review, the administrative review appears to be solely for the purpose of determining whether the officer's actions were in accordance with policy and *Graham v. Connor* (discussed in more detail on pages 29-30), and there does not appear to be any assessment or investigation of training or tactical considerations. It appears that the lieutenant does not re-interview the involved officer(s) during

Section IV. Analysis of VPD Use-of-Force Incidents and Case Files

the administrative review, and relies on the information provided in the criminal interview to make a determination on the finding.

VPD can greatly strengthen the quality and thoroughness of its administrative reviews in two ways. Firstly, the lieutenant who reviews the critical incident must be trained on how to properly conduct the review and prepare the report. This review should not focus solely on whether the OIS was justified based on the criminal standard in *Graham v. Connor*. The review must include a critical examination of the incident from start to finish, focusing on the officer's critical thinking and actions before, during, and after the incident, options available to the officer, training factors, and equipment. This review should be designed to ensure not just officer and agency accountability, but also officer and agency improvement.

Recommendation: *VPD should provide training to all lieutenants that will conduct administrative reviews of officer-involved shootings. The training must include how to critically examine the incident from start to finish, focusing on the officer's critical thinking and actions before, during, and after the incident, options available to the officer, training factors, and equipment. The training must also explain why it is important to look beyond whether the incident was justified based on the standards of Graham v. Connor to ensure officer and agency accountability and improvement. VPD should train lieutenants to utilize the CDM when conducting the administrative review.*

The second improvement would be the creation of a Critical Incident Review Board (as recommended on page 37) that is responsible for an additional review of the administrative investigation of OIS. This will ensure consistency in the review process, and will also provide the opportunity for training personnel to review the OIS for any potential training issues.

Recommendation: *The CIRB, in addition to meeting quarterly to review all critical incidents, should provide a secondary review of the lieutenant's findings on officer-involved shooting incidents. The chief is always the final decision-maker regarding the finding on these incidents.*

Recommendation: *Training staff should receive feedback on any training issues identified in the OIS review in order to address performance issues. This can be part of the CIRB review process, as the CIRB will include a supervisor from the training unit.*

Shooting Incidents Reviewed

Below is a brief synopsis of the nine OIS incidents that PERF reviewed⁷⁵:

- **February 10, 2017:** VPD officers and Clark County Sheriff's Office deputies responded to an apartment complex to search for a subject who had stolen and then crashed a vehicle. The subject fled into an apartment that was occupied by a man and his children who were unknown to the subject. The subject refused to leave the apartment. Officers attempted to force entry into the apartment. The subject slashed at them with a knife through the partially open door. After forcing open the door, a deputy deployed an ECW which did not achieve the desired

⁷⁵ Note: VPD had an additional OIS in October 2019 and two additional OIS in April 2020, but PERF did not review these incidents, because they were still under investigation at the time of this report.

Section IV. Analysis of VPD Use-of-Force Incidents and Case Files

effect. The subject moved toward a bedroom in the area officers believed the resident and/or children were located. An officer shot and killed the subject through a partially closed door as the subject entered the bedroom.

- **February 25, 2017:** An officer responded to a parking lot for a complaint of a wanted subject. The officer observed a car – which matched the reported description of the car driven by the wanted subject – idling in a parking space. The officer approached the rear of the car. He ordered the driver to turn the car off. The subject reversed the car towards the officer. The officer shot through the rear window and injured the subject, who was apprehended after crashing the vehicle.
- **June 6, 2017:** Officers responded to an armed robbery at a credit union. The subject fled in a vehicle, which officers pursued. An officer conducted the PIT maneuver, which pushed the subject's vehicle off the road. The subject brandished and fired a rifle at the officers, who shot and killed him.
- **April 4, 2018:** Officers were providing containment during a search for a subject who was wanted for multiple violent crimes and who was considered armed and dangerous. One involved officer suddenly observed the subject. The officer yelled at the subject to show his hands. When the subject did not comply, the officer shot at him. A second officer observed the subject reach towards his waistband. The second officer shot at the subject. The subject then raised his hands and was taken into custody. Officers did not locate any weapons on the subject. The subject was not struck by gunfire.
- **November 22, 2018:** An officer responded to a report of a recent vehicle theft. While en route, he observed the stolen vehicle on the roadway. He began following the vehicle, which suddenly pulled over. The driver (subject) opened the door and looked backwards towards the officer. The officer approached the driver's side of the subject's vehicle. The officer ordered the subject to show his hands. The officer observed the subject apparently reaching for a concealed object. The subject then suddenly turned back towards the officer with a black object in his hand. Believing the object to be a firearm, the officer shot and injured the subject, who then fled in his vehicle. The subject was apprehended shortly thereafter. Officers did not locate any weapons on the subject or in the stolen vehicle. The black object is believed to be a cellphone.
- **February 5, 2019:** A field training officer (front passenger) and his trainee (driver) joined a vehicle pursuit of a subject wanted for murder who was reported to be armed with a gun. The two officers became the lead vehicle in the pursuit. The FTO observed changes in the speed and maneuvers of the subject's vehicle which caused him to believe the subject was preparing to shoot at pursuing officers. The officer observed the subject turn and extend his arm towards officers, furthering his belief that the subject was preparing to shoot. The officer began shooting through the windshield of his vehicle at the subject's vehicle. The officer then perceived that the subject was shooting at him. The officer and his trainee dropped out of the pursuit as the officer believed he had been struck by gunfire. The pursuit was terminated by a PIT maneuver conducted by a third officer. Neither officers, the subject, nor the subject's front seat passenger – whom the officer was unaware of – was struck by gunfire. Though officers later located a gun in the subject's vehicle, it is not believed that the subject or his front seat passenger brandished or fired it during the pursuit.
- **February 19, 2019:** Officers responded to a physical disturbance at an apartment complex involving two male suspects, one of whom (Subject B) was reported as having brandished a knife. Three officers confronted Subject A. Simultaneously, a fourth officer arrived and observed Subject B walking purposefully towards the three officers, all of whom appeared unaware of the subject's presence. The officer ordered Subject B to stop. The subject stopped, turned towards

the officer, and began walking towards him. Subject B revealed a knife which he raised above his head. The officer ordered the Subject B to drop the knife. The subject did not do so and continued walking towards the officer. The officer shot and killed the subject.

- **February 28, 2019:** Officers responded to a disturbance; callers were reporting that a subject was pointing guns at vehicles and passersby. Shortly after two officers arrived, the subject pointed a realistic replica of a gun at them. The officers shot and killed the subject.
- **March 7, 2019:** Officers executed a search warrant on a subject for allegedly selling ecstasy (MDMA). The warrant covered the subject's residence, car, and person. Officer's reports indicated the subject had a violent criminal history and was alleged to carry a gun. To reduce risk to children in the subject's residence, officers conducted a traffic stop on the subject shortly after he left his residence. According to reports, the subject refused orders to exit his car and repeatedly reached for an apparent object in one of his pockets. A physical struggle ensued, and officers deployed ECWs multiple times with limited effectiveness. One of the officers observed the grip of a handgun in the subject's pocket, which officers reported the subject kept reaching for. Two officers shot and killed the subject. Officers recovered a gun from the subject's pocket.

Tactical Considerations and Recommendations

Based on its review of OIS files, PERF observed opportunities for improvement of policy and tactics, although these did not appear to be addressed or questioned in the administrative review. Below are some examples of tactical issues identified during PERF's review:

- **Shooting at moving vehicles:** In two incidents, officers shot at or into moving vehicles. As recommended by PERF on page 31, shooting at or from a moving vehicle should be prohibited unless someone inside the vehicle is using or threatening lethal force against an officer or another person by means other than the vehicle itself, or the vehicle is being used in an apparent act of terrorism as a weapon of mass destruction.
- **Attempts to de-escalate:** In some of the reports, PERF reviewers found no information detailing attempts to de-escalate or defuse the situation in a manner that might have prevented the need for a use of force. Training should address the need to defuse situations when possible, and officers should describe these efforts in their incident reports.
- **Planning for high-risk incidents:** In some instances, it appeared that officers could have better prepared or planned for high-risk incidents in which subjects were known or suspected to be armed. In these types of incidents, supervisors should ensure that plans are established to provide for the safety of the officers, the public, and the individual being confronted. This includes proper preparation for search warrants, felony car stops, and searches for dangerous suspects. For example, if an ECW is deployed and is not effective, then officers should have a plan for what other options are available. In these types of incidents, officers should be thinking about assigning roles, slowing down the situation, and requesting additional resources to avoid escalating tensions if at all possible.
- **Supervisor Responsibilities:** PERF identified opportunities where a supervisor's action could have potentially prevented the use of force. For example, supervisors should ensure that officers involved in a use of force or other critical incident have time to decompress after the event to ensure they are mentally and physically prepared to return to service and potentially

Section IV. Analysis of VPD Use-of-Force Incidents and Case Files

face another use-of-force situation. In addition, supervisors must review whether officers used critical thinking skills to choose a course of action. If areas for improvement are identified, including poor judgement or lack of critical thinking, supervisors must ensure those officers receive remedial training and counseling to correct those issues.

When potential issues are identified during an administrative review of an OIS, lieutenants should follow up on these issues. This may involve re-interviewing the involved officer for further information if there is not enough information in the criminal interview to address these questions. All of the investigations reviewed resulted in a finding of “exonerated.” PERF found no cases where officer tactics were questioned, policy recommendations were provided, equipment issues were discussed, or the need for individual officer or agency-wide training was indicated in the lieutenant’s review (although PERF learned that some additional training recommendations were made by the chief’s office in some of these cases). Lieutenants conducting these reviews should focus on opportunities to critically examine officer and agency actions and make improvements going forward.

Report Writing and Interviews

PERF found that some incident reports failed to properly detail the logistics of what occurred, and used “boilerplate” language to justify the use of force. For example, in several reports officers stated that they perceived a subject to be armed, but there is no mention as to whether the subject actually was armed.

Recommendation: *Supervisors should ensure that officers are fully documenting their decision-making process in the incident report, including attempts to de-escalate the situation. Officers should avoid using “boilerplate” or generic language to justify the use of force. If the lieutenant observes this type of language during the administrative review, they should follow up for further clarification on what occurred by re-interviewing the officer.*

Conclusion

In commissioning PERF's review of the Vancouver Police Department (VPD), department and city leaders have demonstrated a desire to improve the department's policies and practices related to use of force.

One of the driving reasons behind the commissioning of this report was to examine recent officer-involved shooting incidents that have occurred in Vancouver. Perceptions exist in the community about matters of equality and fairness, specifically with regard to perceived racial bias. These perceptions were identified in focus groups that PERF held with community members in Vancouver.

While challenges remain in addressing some of these issues, they are not insurmountable, as long as VPD leaders are committed to agency-wide improvement. The recommendations in this report are intended to increase accountability and transparency with the community. Improving training, policy, data collection, accountability, and other changes will help to ensure that officers are thinking critically and objectively in their interactions with the community, and will help reduce perceptions of bias.

This report identifies areas where VPD's use-of-force policies and practices are already aligned with progressive policing practices, and presents recommendations for how VPD can strengthen its policies and practices. Throughout the course of this review, PERF's project team regularly discussed these recommendations with VPD leaders. **VPD began making changes to its practices based on these discussions, and at the time of this report the department had already implemented some of PERF's recommendations.**

Below is a list of immediate action items that VPD should implement:

- 1. Implement the Critical Decision-Making Model (CDM) throughout the agency.** The CDM helps officers to develop critical thinking skills that will help them identify the best strategies and tactics for resolving any type of situation they encounter, including incidents that might involve a use of force, or might be resolved without force.
- 2. Prohibit any type of neck restraint.**
- 3. Prohibit shooting at or from a moving vehicle,** unless someone in the vehicle is using or threatening deadly force by means other than the vehicle itself, or the vehicle is being used as a weapon of mass destruction in an apparent act of terrorism.
- 4. Restrict the use of canines to serious criminal offenses** (such as the examples provided on pages 38-39).
- 5. Implement ICAT training agency-wide.** Note that ICAT includes PERF's new [Suicide by Cop Protocol](#), released in 2019, which provides specific instructions for officers about how to communicate with suicidal persons in ways that shift their thinking away from trying to commit "suicide by cop," toward more positive thoughts and voluntary compliance.
- 6. Ensure that sergeants respond immediately to difficult situations, such as calls involving persons with mental illness, in which a use of force might be necessary, or a well-managed response might result in compliance without use of force.**

Conclusion

The presence of a supervisor, as early as possible, often has a calming effect and allows responding officers to “slow the situation down” and buy time for use of the CDM, de-escalation, communications, and effective tactical responses.

7. Train and require lieutenants conducting reviews of critical incidents to consider the event in its entirety, looking for ways to improve communications, tactics, policy, training, and/or equipment.

Much as the National Transportation Safety Board painstakingly reviews transportation accidents to improve safety, police should review incidents not only in terms of potential discipline, but also in terms of achieving better outcomes in the future. These reviews should include analysis of the incident from the moment it began, to see if different responses at any point along the way could have resolved the incident better.

8. VPD lieutenants are currently responsible for reviewing use-of-force reports to determine whether incidents are in accordance with policy. PERF recommends that going forward, use-of-force reports be reviewed by each level of command up to the assistant chief level.

9. Share information on the agency’s website about the department’s use of force. Many agencies produce annual reports, so that trends can be tracked over time.

10. Meet with the community to discuss plans to implement recommendations.

Moving Forward

The Vancouver Police Department is made up of talented and dedicated officers and civilians who are committed to serving the City of Vancouver and its residents. By commissioning this review, VPD has demonstrated its commitment to improving its policies and practices related to use of force, and responding to the needs of the community. This report is intended to serve as a guide for implementing these efforts.