

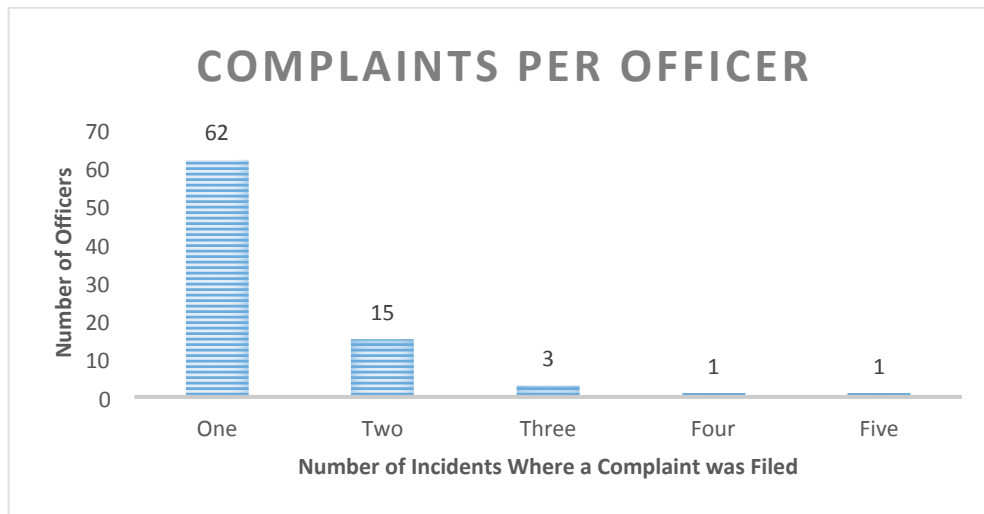
APPENDIX II

Use of Force Complaint Processing

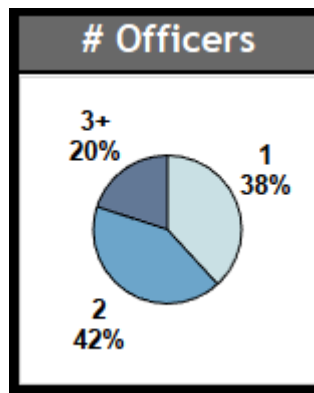
Analysis of 55 Use of Force Complaints from the King County Sheriff's Office Using the Police Force Analysis SystemSM

Robert Scales, Police Strategies, LLC

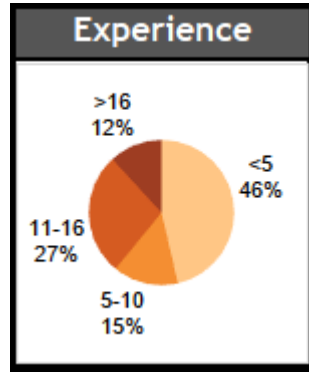
This analysis includes 55 incident reports where a complaint was filed about excessive or unnecessary force and the officer(s) reported that force was used. These reports involved 82 officers. Most of these officers were only involved in one incident that received a complaint about use of force. 18% of these officers received two complaints while only 6% of the officers received three or more complaints.



Nearly two-thirds of force incidents receiving a complaint involved more than one officer.

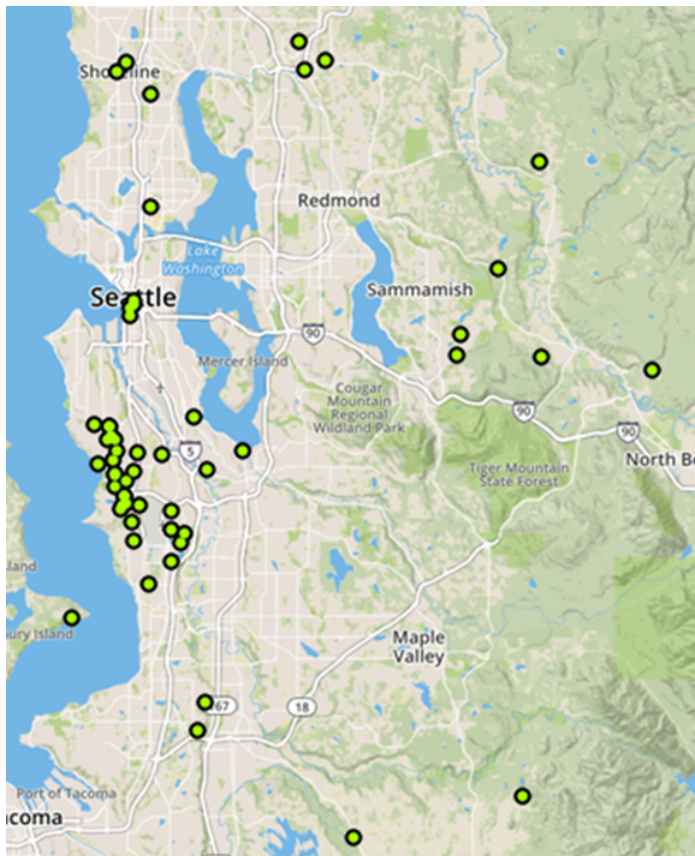


Nearly half of all uses of force receiving a complaint involved officers with less than 5 years' experience while only 12% involved officers with more than 16 years' experience.

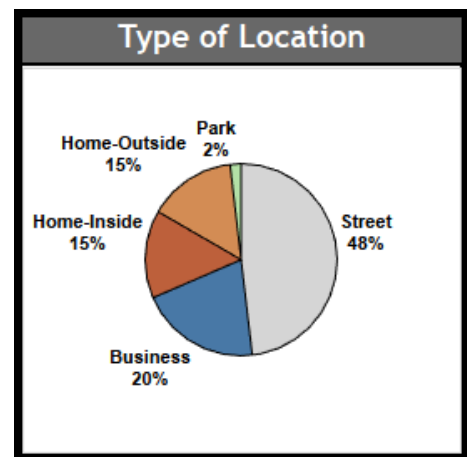


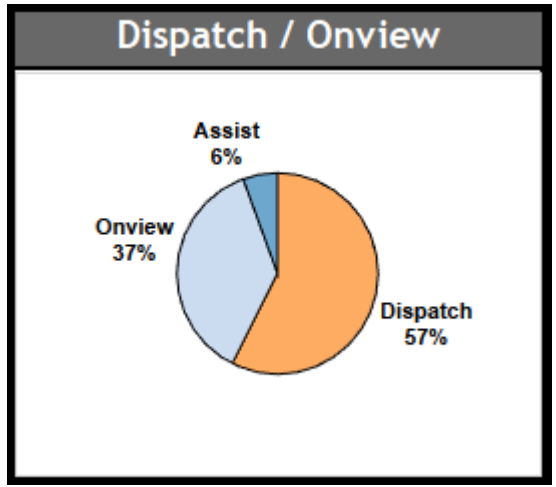
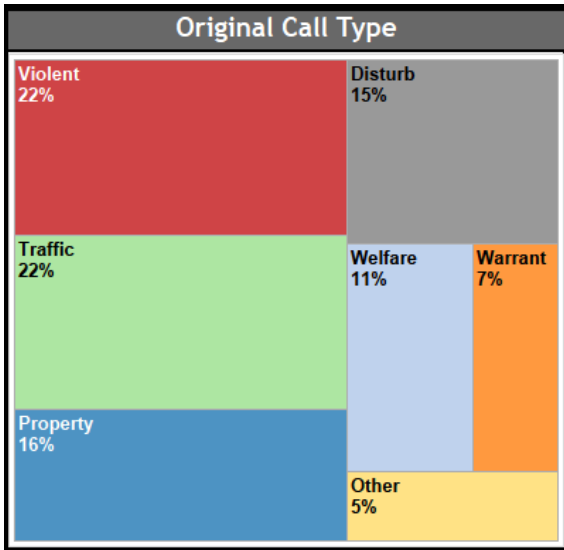
Location of Incidents

Half of the incidents occurred in Precinct 4 and were concentrated in the Burien/White Center area.



| Precinct | Count |
|------------|-------|
| Precinct 4 | 28 |
| Precinct 2 | 8 |
| Precinct 7 | 7 |
| Precinct 3 | 4 |
| Precinct 5 | 3 |





Force Justification and Force Factor Analysis

The following analysis was derived from the Police Force Analysis SystemSM (P-FAS) using the 55 use of force reports from the King County Sheriff's Office that involved a complaint about the force that was used. P-FAS extracts 150 different variables from police incident reports, use of force reports and officer narratives and provides standardized coding processes to evaluate the reasonableness of each force incident under the legal standards outline in *Graham v. Connor*. This analysis is not designed to provide a definitive determination as to whether or not a particular force incident is constitutional. Instead it provides a relative risk assessment of the likelihood that the force would be found to be reasonable and necessary. In order to determine whether a particular force incident was lawful, constitutional and within policy, a thorough assessment must be done of each individual case including a review of all the facts and evidence associated with that case.

P-FAS uses two measure to examine the relative risk of each force incident:

1. Force Justification Scale

This scale was developed by Police Strategies LLC based upon the four criteria laid out in *Graham v. Connor*: (1) the severity of the crime being investigated; (2) the immediate threat posed to the officer, third parties or the subject; (3) the level of resistance presented by the subject; (4) whether the subject fled from the officer. Each of these criteria are given a score and then the scores are added together to create a final Justification score with a range of 0 to 20. The higher the Justification score, the more likely the case would be found to be justified under the *Graham v. Connor* standard. If the officer is assaulted by the subject before the officer makes a decision to use force, the case is automatically scored as a 20 because the officer is put in a position of having to use force to defend himself.

Example #1

Officer responds to a call of a domestic violence assault. Upon arrival the officer makes contact with the subject who refuses to take his hand out of his pockets when order to do so by the officer. As the officer attempts to handcuff the subject, the subject resists and tries to pull away, but is eventually taken into custody.

- Severity of crime = Violent Crime = 5
- Threat to Officer = Furtive Movements = 2
- Maximum Level of Resistance = Physical Non-Compliance = 3
- Flight = No Flight = 0

Justification Score = $5 + 2 + 3 + 0 = 10$

Example #2

Officer makes a traffic stop for speeding. Subject jumps out of his car and runs away. Officer tackles subject and subject punches the officer before the subject is handcuffed.

- Severity of crime = Traffic Offense = 1
- Threat to Officer = No Threat = 0
- Maximum Level of Resistance = Active Physical Resistance = 4
- Flight = Flight = 5

Justification Score = $1 + 0 + 4 + 5 = 10$

We characterize Justification Scores of 5 or below as a low score. These cases present the highest risk of being found to be unjustified. Typically 10% of all use of force incidents from an agency will fall under a low Justification Score.

2. Force Factor Scale

Force Factor Analysis was developed by Professor Geoff Alpert at the University of South Carolina. Force Factor looks at the proportionality of the officer's level of force compared to the subject's level of resistance. The officer's maximum level of force is graded on a scales of 1 to 7 and is then subtracted from the subject's maximum level of resistance which is graded on the same 7 point scale.

Example #1

The officer chases a fleeing subject and deploys a Taser which is effective. The subject is taken into custody without further resistance.

- Maximum force used by officer = Less Lethal Weapon = 6
- Maximum resistance offered by subject = Flight = 4

Force Factor Score = $6 - 4 = +2$

Example #2

The officer chases a fleeing subject and grabs the subject taking him down to the ground. The subject begins punching the officer and the officer uses several knee strikes to bring the subject under control.

- Maximum force used by officer = Physical strikes/Takedown = 5
- Maximum resistance offered by subject = Active physical resistance = 5

Force Factor Score = $5 - 5 = 0$

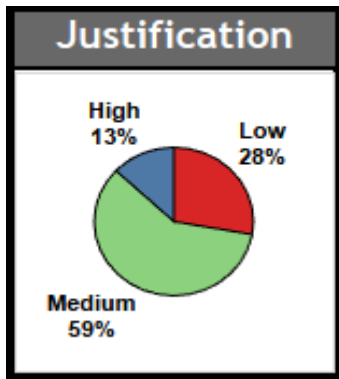
We characterize Force Factor Scores of 3 or above as a high score. These cases present the highest risk of being found to be excessive force. Typically 10% of all use of force incidents from an agency will fall under a high Force Factor Score.

Examination of King County Use of Force Incidents Resulting in a Complaint

Of the 55 use of force incidents examined, 28% had a low justification score (a score of 5 or less). This suggests that subjects are more likely to complain about an officer's use of force when they are involved in less serious crimes, present less of a threat, use lower levels of resistance and do not flee from the officer. Here are some common characteristics of the 15 incidents with low justification scores:

- The original reason for the stop for 75% of the low Justification incidents was a traffic stop (5 incidents), a welfare check (4 incidents), or a liquor violation (2 incidents)
- None of these subjects fled and none of them were armed
- Only 3 subjects posed any threat to the officer and this was in the form of furtive movements
- 80% were only passively resisting when the officer began using force

There were 7 incidents where the subject presented a high level of threat to the officer and in 6 of these the officer was assaulted by the subject prior to the officer using any type of force.

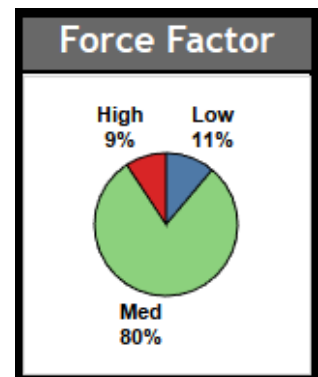


Overall the Force Justification distribution is skewed towards the lower end of the scale. This suggests that subjects are more likely to complain about any given use of force application when they are involved in lower level offenses, do not threaten the officer, do not flee and offer lower levels of resistance.

The Force Factor distribution of the 55 force incidents involving a complaint is typical of what is seen in other agencies for all force incidents. The most common force factor is +1 which is what is expect since an officer will usually need to use one level of force above the resistance presented in order to gain control of the subject. Only 9% of the force incidents fall into the high Force Factor range (+3 or above).

All of the 5 high Force Factor cases involved the use of a less lethal weapon (4 Taser and 1 Pepper Spray). Each of these cases had only one officer who used force.

None of the high Force Factor incidents involved low level offenses (Traffic or Liquor) or welfare checks and generally there was some type of threat to the officer or others or a subjected firearm involved. The subject was intoxicated or had mental health issues in 4 out of the 5 cases.

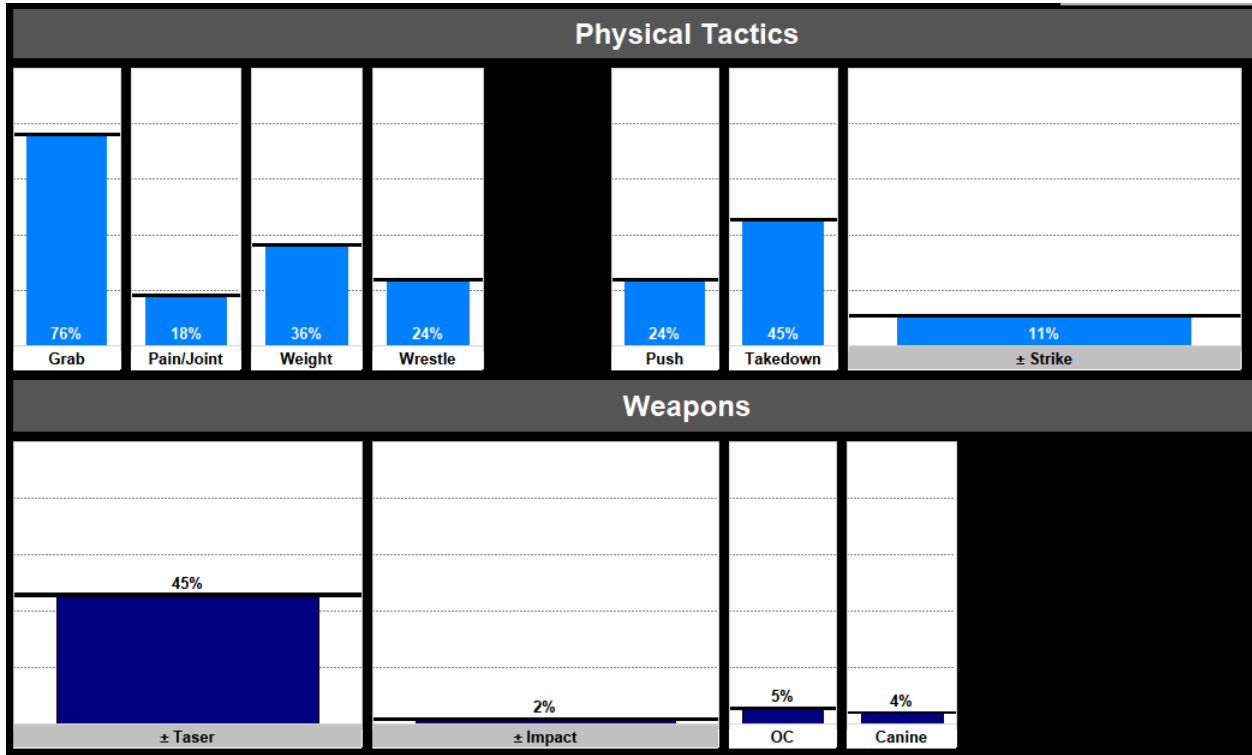


There were only two cases that involved both a low Justification Score and a high Force Factor score. One would expect that these would be the types of incidents that would be most likely to generate a complaint. Both of these incidents involved a subject being investigated for a medium level crime (trespass and warrant). When the subjects refused to comply with the officers' orders, the officers used less lethal force (Taser and pepper spray). Both of these cases had a Force Factor score of 4 with Justification Scores of 4 and 5.

The Force Justification and Force Factor analysis suggests that subjects are more likely to complain when they feel that the force used was unnecessary rather than excessive.

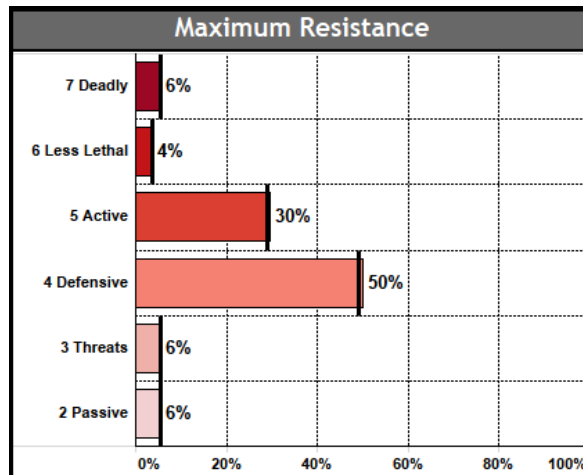
Force Tactics

About 40% of complaints involved the use of physical force only. The remainder involved the use of a weapon or the use of a weapon and physical force. Tasers and/or takedowns were involved in nearly half the complaints.



Levels of Resistance

In every case where a reportable use of force led to a complaint, the officers reported some level of resistance by the complainant. In 3 incidents the maximum level of resistance recorded was only passive resistance and in three other cases the only resistance was threatening words or posture of the complainant. The remaining 91% of the incidents involved some type of physical resistance by the subject.



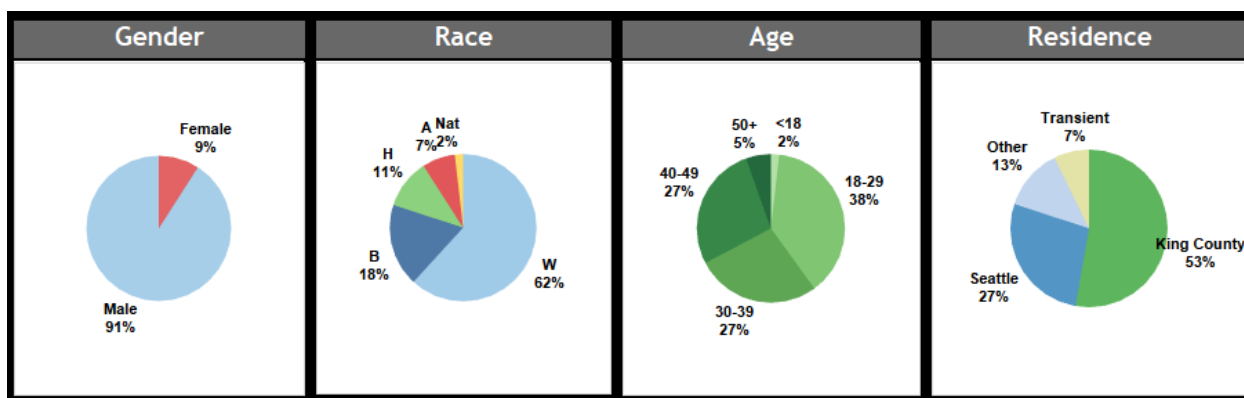
Injuries

Most complaints about use of force involved subjects who sustained some type of injury (86%). The following list includes only the most serious injury recorded for each incident:

- Complaint of pain only – 29%
- Taser probe puncture – 24%
- Cut – 13%
- Bruise or Scrape – 11%
- Chemical Irritation – 5%
- Canine Bite – 4%

Officers were injured in 13 of the 55 force incidents (24%).

Complainant Characteristics



According to the police incident reports, the 55 complainants exhibited the following conditions during the force incident:

- Angry or Aggressive – 25%
- Yelling or Screaming – 25%
- Under the influence of drugs or alcohol – 45%
- Mental health issues – 13%
- Suicidal – 7%

The officers noted that the complainant posed a threat prior to the use of force in 40% of the incidents:

- Verbal threat – 4%
- Furtive movements or threatening posture – 24%
- Assault or attempted assault – 6%
- Deadly weapon – 7%

The subject possessed or used a weapon in 18% of all incidents:

- Possessed a Firearm = 4 incidents
- Pointed a Firearm = 1 incident
- Possessed a Knife = 1 incident
- Impact weapon or vehicle used as a weapon – 4 incidents

Officers reported that complainants assaulted them during the force incident using the following methods:

- Push – 15%
- Kick – 11%
- Punch – 7%
- Spit – 2%

There were 17 complainants who fled from the police (12 on foot, 4 on foot and by vehicle, 1 by bicycle)

Disposition of Force Incidents

After the force incident 85% of subjects were arrested. There were 8 subjects that were not arrested. Seven of them were taken to the hospital for a mental health evaluation (4) or for detox (3) and one was given a traffic citation and released. One of the arrestees was released, two were admitted to the hospital for treatment and the remainder were booked into jail.

The most common reason for arrest was for a warrant (20%). There were 6 subjects who were arrested where the most serious charge was obstructing.

