	Elma Police Department	USE OF FORCE <i>General Policy</i>	
	Policy & Procedure Manual	<i>Chief Susan Shultz</i>	Policy No. 09-010

DEFINITION: It is the fundamental duty of law enforcement to preserve and protect all human life (*HB 1310*). The use of force is defined as any physical contact with a suspect or subject for the purpose of arresting and/or subduing that suspect or subject-with or without the use of a weapon or other object. An employee's force may be physical or the display of a weapon if it stops, restricts or directs another person's motion or action.

<u>DEADLY FORCE</u>	Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.
<u>PHYSICAL FORCE</u>	The application of physical techniques or tactics, chemical agents or weapons toward another person.
<u>LESS LETHAL ALTERNATIVES</u>	Include, but are not limited to, verbal warnings, de-escalation tactics, conducted energy weapons, devices that deploy oleoresin capicum, batons, and beanbag rounds.
<u>PROBABLE CAUSE</u>	Probable Cause is shown to exist when "the facts and circumstances within the arresting officer's knowledge are sufficient to warrant a prudent person to believe that a suspect has committed, is committing, or is about to commit a crime.
<u>IMMINENT</u>	The threat must be immediate or about to happen. Is urgent and rapidly evolving.
<u>ESCAPE</u>	A person is guilty of escape if he or she knowingly escapes from custody or a detention facility
<u>CUSTODY</u>	means restraint pursuant to a lawful arrest or an order of a court, or any period of service on a correctional facility work crew
<u>IMMINENT THREAT OF SERIOUS PHYSICAL INJURY OR DEATH</u>	Based on the totality of the circumstances, it is objectively reasonable to believe that a person has the present and apparent ability, opportunity, and intent to immediately cause death or serious bodily injury to the peace officer or another person.

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REASONABLE AND NECESSARY: Officers will employ only the amount of force that is reasonable and lawfully necessary to affect an arrest, prevent an escape or protect against an imminent threat of bodily harm to the peace

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officer, another person, or the person against whom force is being used, assume control of a situation or protect the person against whom the officer uses such force and the actions of the officer (*HB 1310*)

An officer shall use reasonable care when determining whether to use physical force and when using any physical force against another person. When possible and feasible, the officer will attempt the following prior to a physical use of force:

1. If possible, exhaust all available and appropriate de-escalation tactics. Such as: creating physical distance by employing tactical repositioning and repositioning as often as necessary to maintain the benefit of time, distance and cover.
2. When possible, call for additional resources such as a crisis intervention team or designated crisis responder.
3. When possible, call for back-up officers when encountering resistance.
4. If possible, taking as much time as necessary to gain compliance without using force.
5. Leave the area if there is no threat of imminent harm and a crime has not been committed or is not being committed.

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose. If possible, prior to the use of force, officers should consider certain circumstances and characteristics such as:

1. Whether the person is pregnant, appears pregnant, or states they are pregnant;
2. Is known to be a minor, appears to be a minor or states they are a minor;
3. Is known to be a vulnerable adult or appears to be a vulnerable adult as defined in RCW 74.34.020;
4. Displays signs of mental, behavioral, or physical impairments or disabilities;
5. Appears to be experiencing perceptual or cognitive impairments typically related to alcohol, narcotics, hallucinogens, or other drugs;
6. Is suicidal;

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7. Has a limited proficiency understanding the language used by the officer such as English;
8. Is in the presence of children. **(HB 1310)**

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

"Totality of the circumstances" means all facts known to the officer leading up to and at the time of the use of force, and includes the actions of the person against whom the officer uses such force, and the actions of the officer. **(HB 1310)**

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 if the officer or the public are at imminent risk. The officer should terminate the use of physical force as soon as the necessity for such force ends. **(HB 1310)**

USE OF FORCE-JUVENILES: As with all uses of force by a sworn officer, only the reasonable and necessary amount of force to effect and arrest or assume control of a situation or juvenile shall be employed. Officers should consider the maturity level of juveniles and therefore use the least coercive tactics necessary when dealing with a juvenile offender, while still preserving public safety, order and individual liberties.

Officers must also remember that this same lack of maturity can make a potential juvenile offender unpredictable-especially if armed with a weapon.*

ENSURING MEDICAL AID: It is the intent of the department that officers minimize the severity to suspects posed by obvious injuries or non-visible trauma associated with a deadly force encounter, the use of less than lethal weapons, the use of physical control measures and/or other weaponless uses of force.

After any use of force (once the situation is under control) officers are required to assess the physical condition and potential medical status of the suspect or any other person involved. This assessment should include a visual

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check of the suspect for any obvious signs of injury, as well as ongoing observation to detect changes in condition or health. Suspects should be monitored by the officer at the scene on a consistent basis; no suspect should be left alone in the patrol vehicle for long periods of time-even if the suspect initially refuses medical aid or treatment.

After the assessment of actual or potential injury, officers at the scene shall administer the appropriate emergency first aid in accordance with their training. If a suspect appears to be obviously injured or has suffered a likely injury, officers at the scene shall request that an aid car respond to the scene.. The aid department shall administer whatever level of medical aid is necessary as a result of the injury or circumstances.

The transport of sick, injured or disabled prisoners shall be in accordance with policy 12-070: "Transport of Sick, Injured or Disabled Prisoners".


If a suspect claims to be injured and/or demands emergency medical treatment (even if there is no obvious sign of injury) the arresting officer shall summon aid to the scene.*

OFF-DUTY USE OF WEAPONS: Any possession and use of department owned or authorized lethal and non-lethal weapons for law enforcement purposes while off-duty shall be in accordance with the same departmental guidelines for the use of such weapons while on-duty.

USE OF FORCE FORM


Incidents that require the additional Use of Force Report include:

- (1) Any use of force against any person by a member of this department (see the Use of Force Policy), to include:
 - (a) Any hands on techniques that could cause a person transient pain.
 - (b) Pointing or firing a Taser (CEW) device at anyone.
 - (c) The application of Oleoresin capsicum (OC) on any person.
 - (d) Any pain compliance techniques against any person to gain compliance.
 - (e) Any time a person is taken to the ground by an officer of this department.
 - (f) The use of "Hard Hands" (slapping, punching, kicking, etc) by any officer of this department.
 - (g) The display or use of a baton against any person.
 - (h) Any time an officer points a firearm at any person.

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- (i) Any time an officer fires a firearm towards a person.
 - (j) The application of deadly force.
 - (k) Any other incident where force was determined to be used.
- (2) In addition to a Use of Force Report being completed, the officer shall also photograph the individual to document any injuries or lack of injuries to the person in which force was used against. (HB 1310)

END

	Elma Police Department	USE OF FORCE <i>Use of Force Continuum</i>	
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The following control continuum is to be used as a general guideline for the use of force by the officers of the Elma Police Department. Listed in the left column are a reasonable officer's perception of subject's actions; the middle column describes the intensity of the response; the right column are the reasonable officer's response options.

Officers are not required to escalate the use of force in the order of the continuum listed; officers should meet the amount of force presented by the subject with the proper and necessary response option(s). It is understood that situations may arise which do not exactly fall within the categories as set forth in this policy. In all cases, use of force by a peace officer shall be evaluated using a standard of "objective reasonableness" based on the totality of the circumstances as known to the officer at the time of the incident.

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Reasonable Officer Perceptions of Subject's Actions	Intensity of Response	Reasonable Officer Response Options
Cooperation	Officer Presence/ Dialogue	<i>Verbal Commands; K-9 presence</i>
Intimidating Demeanor (Expressing verbal disagreement or verbal threats without ability to carry them out)	Dialogue/ Assertive Directions	<i>Tactical Talking; Give Orders; K-9 presence</i>
Passive Resistance (Physical actions that do not prevent an officer's attempt at control)	Low-Level Compliance	<i>Baton for Leverage Only; Physical Restraint & Compliance Techniques; Pressure Point Control; K-9 Presence and Barking</i>
Active Resistance (Physical actions or threats which attempt to prevent an officer's control- such as pulling away, running away or intentionally disobeying lawful commands)	Intermediate Level Compliance	<i>OC Application (Tincture of Oleo Resin of Capsicum); Pain Compliance Techniques; Hair Holds; Active Counter-Measures;; TASER deployment</i>
Assaultive (Assault with non-deadly physical force by suspect)	Less Lethal/ Impact Weapon Control	<i>Baton/Impact Weapon Strike(s); Kicks/Punches; Less Lethal Ammunition</i>
Threat of Serious Bodily Injury or Death (Self-defense of officer or another person)	Deadly Force	<i>Use of Firearm; Impact Weapon Strike(s) to Tertiary Targets; Vascular Neck Restraint; Other Actions or Means Likely to Cause Serious Bodily Injury or Death.</i>

Officers may employ non-deadly use of force in misdemeanor and felony situations when necessary to affect an arrest, overcome resistance, control a law enforcement situation, and/or to complete lawful objectives.

*The amount of force applied shall be no more than that necessary and reasonable to assume control of the situation or incident at hand.**

*WASPC
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END

	Elma Police Department	USE OF FORCE <i>Deadly Force</i>	
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GUIDELINES FOR THE USE OF DEADLY FORCE: Before resorting to the use of deadly force to apprehend a person under the following guidelines, an officer must exhaust other reasonable means to prevent escape of a suspect based on circumstances known to the officer at the time.

Officers shall not discharge a firearm other than for practice or for training at a target range or similar authorized and safe location, except when in performance of duties and after all other reasonable means have failed.

AN OFFICER MAY USE DEADLY FORCE WHEN:

1. In defense of himself/herself from imminent death or serious injury (1310);
2. In defense of another person, unlawfully attacked, from death or serious bodily injury;
3. When necessary to prevent the escape of a suspect who has committed a dangerous felony as described in section (6); or when necessary in arresting a person who the officer has probable cause to believe has committed a dangerous felony and is fleeing from justice. The officer must have probable cause to believe that the suspect poses an immediate significant threat of death or serious injury to the officer or others;
4. In obedience to the judgment of a competent court or in the discharge of a legal duty;
5. When necessary to overcome actual resistance to the execution of the legal process, mandate, or order of a court or officer when the resistance offered causes serious danger or injury to the officer or the community;
6. When necessary in retaking an escaped or rescued prisoner who had been arrested for, or convicted of a felony or equivalent juvenile offense under the laws of this state or federal jurisdiction which is specified below in this section or which involves:
 - The use or attempted use of force causing death or grievous physical injury to another; or
 - The use or attempted use of force creating a substantial risk of death or grievous physical injury to another; or
 - A threat, expressed or implied, which places a person in fear of death or grievous physical injury to himself, herself, or another,

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or in fear that he or she or another person will be kidnapped.

- Crimes involving such use of force or threats of force are dangerous felonies, and include; any murder, manslaughter in the first or second degree, any kidnapping or attempted kidnapping, any rape or attempted rape in the 1st or 2nd degree, attempted or actual bombing or arson which creates or causes a potential threat of life, any aggravated assault, any robbery, and any burglary in which the actor or other participant in the burglary is armed with a deadly weapon or assaults any person therein.
 - The officer must have probable cause to believe that the escaped prisoner poses an immediate significant threat of death or serious injury to the officer or others;
7. To lawfully suppress a riot, (as defined by RCW 9A. 84.010 [2a]), if the actor or other participant is armed with a deadly weapon and poses an immediate significant threat of death or serious injury to the officer or others.
 8. To prevent the escape of a person from any federal or state correctional facility where persons convicted of dangerous felonies such as those listed in section (6) are customarily housed and the officer has probable cause to believe that the suspect poses an immediate significant threat of death or serious injury to the officer or others;
 9. To kill a dangerous animal, or to kill an animal seriously injured when it is not practical to safely secure the animal.*

END