

**FRANKLIN COUNTY SHERIFF'S OFFICE
POLICIES AND PROCEDURES**

SUBJECT: Use Of Force Overview		APPROVED BY: <i>JD Raymond</i> Franklin County Sheriff or Designee	NO. 301
SUPERSEDES: 1.09.01	WASPC 3.1	Chapter 3: Use of Force	EFFECTIVE: 07/22/21 REVIEW: 11/01/23

1.0 **PURPOSE:** To establish policies and procedures for the necessary, reasonable, and legal use of force that ensures those decisions to use force are made in a professional, impartial, and safe manner, and to have an understanding and appreciation for the limitations on the authority of use of force.

2.0 **AUTHORITY:**

2.1 Office of the Franklin County Sheriff

2.2 RCW 10.116; RCW 10.120

3.0 **DEFINITIONS:**

- 3.1 **Necessary:** "Necessary," as defined in RCW 10.120.010, means that, under the totality of the circumstances, a reasonably effective alternative to the use of physical force or deadly force does not appear to exist, and the type and amount of physical force or deadly force used is a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the officer or others.
- 3.2 **Immediate Threat of Serious Physical Injury or Death:** "Immediate threat of serious physical injury or death" means that, 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.
- 3.3 **Totality of the Circumstances:** "Totality of the circumstances" means all facts known to the peace officer leading up to and at the time of the use of force, and includes the actions of the person against whom the peace officer uses such force, and the actions of the peace officer.
- 3.4 **Deadly Force:** The intentional application of force through the use of firearms or any other means likely to cause death or serious injury.
- 3.5 **Chokehold:** The intentional application of direct pressure to a person's trachea or windpipe for the purpose or restricting another person's airway.
- 3.6 **Neck Restraint:** Any vascular neck restraint or similar restraint, hold, or other tactic in which pressure is applied to the neck for the purpose of constricting blood flow.
- 3.7 **Law Enforcement Agency:** "Law Enforcement Agency" includes any "general authority Washington law enforcement agency" and any "limited authority Washington law enforcement agency" as those terms are defined in [RCW 10.93.020](#).

- 3.8 **Less Lethal Alternatives:** "Less lethal alternatives" include, but are not limited to, verbal warnings, de-escalation tactics, conducted energy weapons, devices that deploy oleoresin capicum, batons, and beanbag rounds.
- 3.9 **Peace Officer:** "Peace officer" includes any "general authority Washington peace officer," "limited authority Washington peace officer," and "specially commissioned Washington peace officer" as those terms are defined in [RCW 10.93.020](#); however, "peace officer" does not include any corrections officer or other employee of a jail, correctional, or detention facility, but does include any community corrections officer.
- 3.10 **Deputy:** For the purposes of this policy, a deputy includes any Peace Officer employed by the Sheriff of Franklin County.
- 3.11 **Physical Force:** Any act reasonably likely to cause physical pain or injury or any other act exerted upon a person's body to compel, control, constrain, or restrain the person's movement. "Physical force" does not include pat-downs, incidental touching, verbal commands, or compliant handcuffing where there is no physical pain or injury.

4.0 POLICY:

- 4.1 Law enforcement are daily confronted with situations where control must be exerted to protect against criminal conduct where there is probable cause to make an arrest; effect an arrest; prevent an escape as defined under chapter [9A.76 RCW](#); or protect against an imminent threat of bodily injury to the peace officer, another person, or the person against whom force is being used. Usually such control can be achieved by verbal direction. Deputies are required to act with reasonable care when carrying out their duties, including using de-escalation tactics and alternatives to deadly force. Further, public safety concerns require the limiting of the use of deadly force to very narrow circumstances where there is an immediate threat of serious physical injury or death. It is the policy of the Sheriff's Office that when practicable, deputies will use the least amount of physical force necessary to overcome actual resistance under the circumstances. It is the fundamental duty of law enforcement to preserve and protect all human life. In cases where it is determined that force must be applied, force may be applied through the use of a person's body, weapons, equipment and/or other instruments.
- 4.2 A deputy may use deadly force against another person only when necessary to protect against an immediate threat of serious physical injury or death to the officer or another person.
- 4.3 Deputies are not expected to allow themselves to be injured before resorting to the use of force and may employ force to keep themselves or others safe from an imminent threat of bodily injury.
- 4.4 Force options authorized by the Franklin County Sheriff's Office up to, and including, the use of potentially deadly force will be outlined in Chapter 3 of this policy manual. Force options utilized that are not included in this chapter must be justified based on the level of resistance to overcome and the inadequacy and/or unavailability of the options contained within this chapter.
- 4.5 A deputy may not use a chokehold or neck restraint on another person in the course of his or her duties as a peace officer.
- 4.6 A deputy may not use any force tactics prohibited by applicable Franklin County Sheriff's Office policy or otherwise by law, except to protect his or her life or the life of another person from an imminent threat.

5.0 PROCEDURES:

- 5.1 Except as otherwise provided in this policy, a deputy may use physical force against a person to the extent necessary to:
- A) Protect against an imminent threat of bodily injury to the officer, another person, or the person against whom physical force is being used;
 - B) Protect against a criminal offense when there is probable cause that the person has committed, is committing, or is about to commit the offense;
 - C) Effect an arrest;
 - D) Take a person into custody when authorized or directed by statute;
 - E) Prevent an escape as defined under chapter 9A.76 RCW;
 - F) Prevent a person from fleeing or stop a person who is actively fleeing a lawful temporary investigative detention, provided that the person has been given notice that he or she is being detained and is not free to leave;
 - G) Take a person into custody, transport a person for evaluation or treatment, or provide other assistance under chapter 10.77, 71.05, or 71.34 RCW;
 - H) Take a minor into protective custody when authorized or directed by statute;
 - I) Execute or enforce a court order authorizing or directing an officer to take a person into custody;
 - J) Execute a search warrant;
 - K) Execute or enforce an oral directive issued by a judicial officer in the courtroom or a written order where the court expressly authorizes an officer to use physical force to execute or enforce the directive or order; or
 - L) Execute any other community caretaking function, including but not limited to performing welfare checks, assisting other first responders and medical professionals, behavioral health professionals, social service providers, designated crisis responders, shelter or housing providers, or any member of the public.
- 5.2 A deputy may use deadly force against another person only when necessary to protect against an imminent threat of serious physical injury or death to the officer or another person. For purposes of this subsection, see the definitions in Section 3.
- 5.3 A deputy shall use reasonable care when determining whether to use physical force and when using any physical force against another person. To that end, a deputy shall:
- A) When possible, exhaust available and appropriate de-escalation tactics prior to using any physical force, such as: Creating physical distance by employing tactical repositioning and repositioning as often as necessary to maintain the benefit of time, distance, and cover; when there are multiple officers, designating one officer to communicate in order to avoid competing commands; calling for additional resources such as a crisis intervention team or mental health professional when possible; calling for back-up officers when encountering resistance; taking as much time as necessary, without using physical force or weapons; and

leaving the area if there is no threat of imminent harm and no crime has been committed, is being committed, or is about to be committed;

- B) When using physical force, use the least amount of physical force necessary to overcome resistance under the circumstances. This includes a consideration of the characteristics and conditions of a person for the purposes of determining whether to use force against that person and, if force is necessary, determining the appropriate and least amount of force possible to effect a lawful purpose. Such characteristics and conditions may include, for example, whether the person: Is visibly pregnant, or states that they are pregnant; is known to be a minor, objectively appears to be a minor, or states that they are a minor; is known to be a vulnerable adult, or objectively appears to be a vulnerable adult as defined in [RCW 74.34.020](#); displays signs of mental, behavioral, or physical impairments or disabilities; is experiencing perceptual or cognitive impairments typically related to the use of alcohol, narcotics, hallucinogens, or other drugs; is suicidal; has limited English proficiency; or is in the presence of children;
- C) Terminate the use of physical force as soon as the necessity for such force ends;
- D) When possible, use available and appropriate less lethal alternatives before using deadly force.

5.4 All deputies assigned to patrol will be issued equipment that provides less lethal alternatives and will be required to carry at least one and train with it as required by policy.

5.5 When safe and feasible, prior to the use of physical force, deputies should:

- A) Identify yourself as a law enforcement officer;
- B) Attempt to determine whether the person has a special need, mental condition, physical limitation, developmental disability, language barrier, or other factor that may impact their ability to understand and comply with deputy commands;
- C) Provide clear instructions and warnings;
- D) Warn the person that physical force will be used unless their resistance ceases; and
- E) Give the person a reasonable opportunity to comply with the warning that physical force may be used.

6.0 IMPLEMENTATION:

This Policy and Procedure is effective immediately.

7.0 ATTACHMENTS:

No attachments

Use of Force Policy Review

RCW 10.120.030 requires that the Office of Attorney General develop model policies on use of force and de-escalation tactics consistent with RCW 10.120.020. The Franklin County Sheriff's Office, like all other law enforcement agencies in Washington State are required to either A) adopt policies consistent with the AG Model Policy or B) provide notice to the AG stating the reasons for any departure from the model policy and how the agency complies with RCW 10.120.020.

After review of the model policy, it has been determined that some sections of the model policy are additional provisions not required by law. The position of the Franklin County Sheriff's Office is that we intend to incorporate those sections of the Attorney General's Model Policy which are required by RCW 10.120.020 as well as any other sections deemed to be in the best interest of the citizens of Franklin County as determined by the duly elected Sheriff of Franklin County in consultation with his advisers. Those sections not required by law and determined to not be in the best interest of the citizens of Franklin County will not be incorporated into the Franklin County Sheriff's Office Use of Force policies.

Purpose Statement:

Not Adopted. Not required by RCW 10.120.020. Current Language in Policy 301 is sufficient and deemed in the best interest of the citizens of Franklin County.

Definitions:

- (1) Chokehold: Current language in Policy 301(3.5) is consistent with AG Model Policy and RCW 10.116.020
- (2) Compression Asphyxia: Language not adopted. Not required by RCW 10.120.020 and relates to uncited medical conclusion.
- (3) Deadly Force: Current language in Policy 301(3.4) is consistent with AG Model Policy and RCW 10.120.010
- (4) De-escalation Tactics: Language not adopted as a definition. Term is described in Policy 301(5.3). As a note, the model policy definition is not consistent with the definition contained in RCW 10.120.010
- (5) Feasible: Not adopted. Definition not required by RCW 10.120.020
- (6) Flight: Not adopted. Definition not required by RCW 10.120.020
- (7) Immediate threat of serious bodily injury or death: Current language in Policy 301(3.2) is consistent with Model Policy and RCW 10.120.020(2)
- (8) Law enforcement agency: Current language in Policy 301(3.7) is consistent with AG Model Policy and RCW 10.120.010

- (9) Less lethal alternatives: Current language in Policy 301(3.8) is consistent with AG Model Policy and RCW 10.120.010
- (10) Necessary: Current language in Policy 301(3.1) is consistent with the Model Policy and RCW 10.120.010(5).
- (11) Neck restraint: Current language in Policy 301(3.6) is consistent with the Model Policy and RCW 10.116.020
- (12) Peace officer: Current language in Policy 301(3.9) is consistent with the Model Policy and RCW 10.120.010
- (13) Physical Force: AG Model Policy language adopted under Policy 301 definitions.
- (14) Projectile Impact Weapon: Not adopted. Policy 303(5.2) currently describes projectile munitions specific to our agency.
- (15) Positional Asphyxia: Language not adopted. Not required by RCW 10.120.020 and relates to uncited medical conclusion.
- (16) Tear Gas: Not adopted as the Sheriff's Office does not currently deploy tear gas.
- (17) Totality of the circumstances: Current language in Policy 301(3.3) is consistent with the Model Policy and RCW 10.120.010
- (18) Wrongdoing: Current language of Policy 1407(3.4) consistent with AG Model Policy and RCW 10.93.190

Overarching Principles:

Not adopted in part as commentary not required by RCW 10.120.020. "Fundamental duty" language is included in existing Policy 301(4.1)

Critical Decision Making:

Not adopted. Section is commentary, not required by RCW 10.120.020, and duplicative in nature.

De-escalation:

Not Adopted. RCW 10.120.020 specific to de-escalation is consistent with current language contained with Policy 301(5.3)

Reasonable Care:

Not adopted. Current language in Policy 301(5.3) is consistent with language in RCW 10.120.010 and RCW 10.120.020.

Use of Physical Force Shall be Necessary and for a Lawful Purpose:

Core Principle: Current language in Policy 301(5.3)(a) is consistent with RCW 10.120.020

- (1) Not adopted in the format of the model policy. "Necessary" is properly defined in the current language of Policy 301(4.1) and (4.2). Additional text regarding the evaluation of reasonableness and proportionality is not required to comply with RCW 10.120.020
- (2) Current language in Policy 301(5.1) is consistent with the Model Policy and RCW 10.120.020

Identification, Warning, & Opportunity etc...:

AG Model Policy language adopted under Policy 301(5.5) with the exception that the word "shall" is changed to "Should." Language is not required to comply with RCW 10.120 except as a possible de-escalation technique.

Use of Chokeholds and Neck Restraints Prohibited:

Current policy language contained in Policy 301(4.5) meets the requirements of RCW 10.120.020

Action in Response to Wrongdoing:

Current language contained in Policy 1407 is consistent with the Model Policy and complies with RCW 10.93.190.

First Aid:

Policy 304(4.3) is consistent with the requirements of RCW 36.28A.445. No additional language from the model policy will be added.

Types of Force:

Core Principle Least Amount of Physical Force: Language in Policy 301(4.1) complies with the requirements of RCW 10.120.020

Core Principle Deadly Force Only When Necessary: Language in Policy 301(4.2) complies with the requirements of RCW 10.120.020

- (1) Lower Level Physical Force: Not Adopted. Not required by RCW 10.120.020.
- (2) Intermediate Physical Force: Not Adopted. Not required by RCW 10.120.020.
- (3) Deadly Force: Not Adopted. Current Policy 301(4.2) is consistent with the requirements of RCW 10.120.020.

Core Principle Less Lethal Alternatives: Policy 301(5.3)(d) and (5.4) is consistent with the requirements of RCW 10.120.020

Oleoresin Capsicum (OC) Spray: Not Adopted. Not required by RCW 10.120.020.

Impact Weapons: Not Adopted. Not required by RCW 10.120.020.

Projectile Impact Weapons: Not Adopted. Not required by RCW 10.120.020.

Electronic Control Weapons: Not Adopted. Not required by RCW 10.120.020.

Firearms: Not Adopted. Not required by RCW 10.120.020.

Select Restraint Devices:

Spit Guards: Not Adopted. Not required by RCW 10.120.020. Agency does not use.

Hobble Restraint: Not Adopted. Not required by RCW 10.120.020. Agency does not use traditional hobble restraints.

Training: Not Adopted. Not required by RCW 10.120.020. Annual training does occur by current policy.