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## Use of Force

### 300.1 PURPOSE AND SCOPE

This policy provides the department's expectations and guidelines on the use of physical and deadly force. It is intended to provide clarity to officers and promote safety for all by requiring that all available and appropriate de-escalation techniques are used when possible, force is used appropriately only when necessary, and the amount of physical force used is proportional to the threat or resistance the officer encounters as well as the seriousness of the law enforcement objective that is being served. Peace officers of this department are expected to use these guidelines to make use of force decisions in a lawful and professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Weapon policies.

This policy is implemented for consistency with Washington statutes and with the Washington State Office of the Attorney General Model Use of Force Policy ("Model Policy").

#### 300.1.1 DEFINITIONS

Definitions related to this policy include:

**Chokehold:** the intentional application of direct pressure to a person's trachea or windpipe for the purpose of restricting another person's airway. (RCW 10.116.020).

**Compression asphyxia:** an adequate oxygen level in the blood and/or an excessive increase of carbon dioxide in the blood causing unconsciousness or death brought on by mechanically limiting expansion of the lungs through compressing of the chest and/or abdomen, interfering with breathing.

**Deadly Force:** the intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury. (RCW 9A.16.010).

**De-escalation tactics:** actions used by a law enforcement officer that are intended to minimize the likelihood of the need to use force during an incident. (RCW 10.120.010). Using physical force is not a de-escalation tactic. Examples of de-escalation tactics are detailed in section 300.3.1 of this policy.

**Feasible** - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person. (Model Policy).

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**Flight:** an act or instance of running away in an effort to leave and intentionally evade law enforcement. (Model Policy).

**Force:** See, Physical Force, below.

**Immediate threat** of serious bodily injury or death: 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. (RCW 10.120.020).

**Necessary:** 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. (RCW 10.120.010).

**Neck restraint:** any vascular compression or similar restraint, hold, or other tactic in which pressure is applied to the neck for the purpose of constricting blood flow. (RCW 10.116.020).

**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. (RCW 10.120.010).

**Projectile Impact Weapon:** a less lethal weapon that fires projectiles such as 40mm sponge or foam rounds, PepperBall or similar projectile, blast balls or bean bags designed to temporarily incapacitate a person. (Model Policy).

**Positional asphyxia:** an inadequate oxygen level in the blood and/or an excessive increase of carbon dioxide in the blood causing unconsciousness or death brought on by a person being placed in a body position which compresses their airway and does not allow them to breathe freely. (Model Policy).

**Tear gas:** Chloroacetophenone (CN), O-chlorobenzylidene malononitrile (CS), and any similar chemical irritant dispersed in the air for the purpose of producing temporary physical discomfort of permanent injury. "Tear gas" does not include oleoresin capsicum (OC). (RCW 10.116.030).

**Totality of the circumstances:** 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. (RCW 10.120.010).

**Wrongdoing:** conduct that is contrary to law or contrary to the policies of the witnessing officer's agency, provided that the conduct is not de minimis or technical in nature. (RCW 10.93.190).

## **300.2 POLICY**

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

It is a fundamental duty of law enforcement to preserve and protect all human life. (RCW 10.120.010). Officers should respect and uphold the dignity of all persons and use their authority in a bias-free manner. Officers must have an understanding and true appreciation for their

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authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

Officers have authority to use physical force to prevent persons from fleeing lawful temporary investigative detentions, also known as Terry stops, and to take persons into custody when authorized or directed by law. yet this authority is not without limits. Officers must exercise reasonable care when determining whether to use physical force and when using any physical force against another person. Officers must, when possible and appropriate, use de-escalation tactics before using physical force. Officers may only use force to the extent necessary and reasonable under the totality of the circumstances. (RCW 10.120.010).

The proper use of force is essential to ensure impartial policing and build trust in the community. While there are circumstances where individuals will not comply with the law unless compelled or controlled by officers through the use of force, officers must remain mindful that they derive their authority from the community and that unreasonable force degrades the legitimacy of that authority. (Model Policy).

However, nothing in this policy is intended to limit or restrict an officer's authority or responsibility to perform lifesaving measures or perform community caretaking functions to ensure health and safety including, but not limited to, rendering medical assistance, performing welfare checks, or assisting other first responders and medical professionals; or prevents an officer from responding to requests for assistance or service from first responders, medical professionals, behavioral health professionals, social service providers, designated crisis responders, shelter or housing providers, or any member of the public.

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

Any identifiable on duty officer who witnesses another officer engaging or attempting to engage in the use of excessive force against another person shall, when in a position to do so, intercede when in a position to do so to end the use of excessive force, or to prevent the further use of unreasonable force. For purposes of this section, "excessive force" means a force that exceeds the force permitted by this policy (RCW 10.93.190).

Any officer who observes another officer use force or commit any other wrongdoing, or has a good faith reasonable belief that another officer committed wrongdoing, shall report these observations to a supervisor in accordance with department policy as soon as feasible (RCW 10.93.190).

### **300.2.2 PERSPECTIVE**

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

### **300.2.3 ADDITIONAL STATE REQUIREMENTS ON THE DUTY TO INTERCEDE AND REPORT**

An officer shall not be disciplined for or retaliated against in any way for intervening in good faith or for reporting in good faith the unreasonable use of force by another law enforcement officer (RCW 10.93.190) (see the Anti-Retaliation Policy).

### **300.2.4 FIRST AID**

An officer shall also render aid at the earliest safe opportunity in accordance with department

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policy, to any person injured as a result of the use of force.

### **300.3 USE OF FORCE**

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

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

(1) **CRITICAL DECISION MAKING.** Use of critical decision making can help officers achieve the expectations outlined in this policy. When safe and feasible, when making, or considering whether to make, contact with a member of the public:

- (a) Begin assessment and planning with available facts before arriving at the scene;
- (b) Request available resources, as needed, such as a crisis intervention team or other appropriate specialty unit or professionals;
- (c) Collect information when on scene;
- (d) Assess situations, threats, and risks;
- (e) Identify options for conflict resolution;
- (f) Determine a reasonable course of action; and
- (g) Review and re-assess the situation as it evolves.

(2) **UNNECESSARY RISK AVOIDANCE.** Nothing in this policy precludes officers from taking

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quick action when faced with a life-threatening situation, such as an active shooter. When safe and feasible, officers should not unnecessarily jeopardize their own safety or safety of others through tactical decisions that unreasonably place themselves or others at risk, including, but not limited to:

- (a) Immediately approaching a person without proper evaluation of the situation;
- (b) Leaving insufficient space between an officer and the person;
- (c) Not providing time for a person to comply with commands; or
- (d) Unnecessarily escalating a situation.

(3) **USING REASONABLE CARE.** Officers have a duty to use reasonable care when determining whether to use and when using any physical force against another person. To that end:

- (a) Use all de-escalation tactics that are available and appropriate under the circumstances before using force.
- (b) When possible, use less lethal alternatives that are available and appropriate under the circumstances before using deadly force;
- (c) If force is necessary, the appropriate and least amount of physical force possible under the circumstances should be used to overcome resistance under the circumstances. To that end:
  - a. Give consideration to the characteristics and conditions of a person for the purposes of determining whether to use force against that person, such as, 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 by 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;
  - b. Continuously assess the necessity and effectiveness of your action, including your tactical positioning, to decrease the likelihood of needing to use physical force. The threat or resistance may change over the course of the incident. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be required; and
  - c. Terminate the use of physical force as soon as the necessity for such force ends.

(4) **PERFORMANCE OF COMMUNITY CARETAKING FUNCTIONS.** Nothing in this policy limits or restricts an officer's ability to respond to a call for community caretaking or protection of health and safety, and to use the appropriate and least amount of physical force to execute those functions. The standards for using physical force set forth in this policy apply. However, incidental touching, which may occur in the course of community

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caretaking, is not defined as physical force.

### **300.3.1 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE**

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
  - (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
  - (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
  - (d) The effects of suspected drug or alcohol use (RCW 10.120.020).
  - (e) The individual's mental state or capacity (RCW 10.120.020).
  - (f) The individual's ability to understand and comply with officer commands.
  - (g) Proximity of weapons or dangerous improvised devices.
  - (h) The degree to which the individual has been effectively restrained and the individual's ability to resist despite being restrained.
  - (i) The availability of other reasonable and feasible options and their possible effectiveness.
  - (j) Seriousness of the suspected offense or reason for contact with the individual.
  - (k) Training and experience of the officer.
  - (l) Potential for injury to officers, suspects, and others.
  - (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
  - (n) The risk and reasonably foreseeable consequences of escape.
  - (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
  - (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
  - (q) Prior contacts with the individual or awareness of any propensity for violence.
  - (r) The individual is visibly pregnant or claims to be pregnant (RCW 10.120.020).
  - (s) The individual is a minor, appears to be a minor, or claims to be a minor (RCW 10.120.020).
  - (t) The individual is known to be a vulnerable adult or appears to be a vulnerable adult as defined by RCW 74.34.020 (RCW 10.120.020).
  - (u) The individual has limited English proficiency (RCW 10.120.020).
  - (v) The individual is in the presence of a child (RCW 10.120.020).
  - (w) Any other exigent circumstances.
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### **300.3.2 PAIN COMPLIANCE TECHNIQUES**

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the officer.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

### **300.3.3 USE OF FORCE TO SEIZE EVIDENCE**

In general, officer may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers are prohibited from using any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the certified defensive tactics instructors for this specific purpose.

### **300.3.4 DUTY OF REASONABLE CARE/DE-ESCALATION**

When circumstances reasonably permit, officers should exhaust available and appropriate non-violent de-escalation strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion) (RCW 10.120.020).

Techniques and strategies include:

- (a) Employing tactical positioning and repositioning to maintain the benefit of distance and cover, such as backing away from the person to re-asses and determine which tactics to use;
  - (b) Placing barriers or using existing structures to provide a shield or other protection between officers and a person;
  - (c) Attempting to slow down or stabilize the situation to allow for the consideration and arrival of additional resources that may increase the likelihood of a safe resolution, as example, calling for additional recourses, including backup Officers, including more experienced officers or supervisors, and/or crisis intervention teams or mental health professionals;
  - (d) Using clear instructions and verbal persuasion;
  - (e) Employing verbal and non-verbal communication techniques to calm a person (such
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as speaking slowly, regulating tone and body language, uncrossing one's arms minimizing hand gestures, and reducing bright, flashing lights and sirens);

- (f) When there are multiple officers, designating one Officer to communicate with the subject(s) in order to avoid competing or confusing commands;
- (g) Exhibiting patience while using all available and appropriate tactics and resources to provide as much time as needed to resolve the incident without using physical force or weapons;
- (h) Attempting to communicate in non-verbal ways when verbal instructions would be inadequate (such as, when the person and officer speak different languages, or the person is unable to hear or understand instructions);
- (i) Communicating in a way that demonstrates respect for people's dignity (such as, clearly explaining the officer's actions and expectations; listening to the person's questions and concerns and responding respectfully; and being neutral and fair when making decisions);
- (j) Formulating a plan; and
- (k) Leaving the area if there is no threat of imminent harm and no crime has been committed or about to be committed.

### **300.3.5 RESTRICTIONS ON RESPIRATORY RESTRAINTS**

Officers of this department are not authorized to use respiratory restraints, also known as chokeholds or neck restraints (RCW 10.116.020).

### **300.3.6 USE OF PHYSICAL FORCE.**

Physical force means 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 (RCW 10.120.010). An officer may use physical force upon another person when necessary to (RCW 1.120.010):

- (a) Protect against a criminal offense when there is probable cause that the person has committed, is committing, or is about to commit the offense;
  - (b) Effect an arrest;
  - (c) Prevent an escape as defined under chapter 9A.76 RCW;
  - (d) 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;
  - (e) Take a person into custody, transport a person for evaluation or treatment, or provide other assistance authorized under chapter 10.77, 71.05, or 71.34 RCW;
  - (f) Take a minor into protective custody when authorized or directed by statute;
  - (g) Execute or enforce a court order authorizing or directing a peace officer to take a person
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into custody;

- (h) Execute a search warrant;
- (i) Execute or enforce an oral directive issued by a judicial officer in the courtroom or a written order where the court expressly authorizes a peace officer to use physical force to execute or enforce the directive or order;
- (j) Take a person into custody when authorized or directed by statute; or
- (k) Protect against an imminent threat of bodily injury to the officer, another person, or the person against whom force is being used.

Officers shall terminate the use of physical force as soon as the necessity for such force ends.

### **300.4 DEADLY FORCE APPLICATIONS**

As conditions permit officers shall, prior to the use of deadly force, make efforts to identify themselves as peace officers and to warn that deadly force may be used, unless an officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is only justified when the officer reasonably believes based upon objective facts and circumstances that it is necessary in the following circumstances (RCW 10.120.020):

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

For purposes of deadly force, an "immediate threat of serious physical injury or death" exists when, based on the totality of the circumstances, it is objectively reasonable to believe that a person has the present and apparent ability, opportunity, and intent to immediately cause death or serious bodily injury to the peace officer or another person (RCW 10.120.020).

Deadly force is the highest level of physical force to be used only when necessary to protect against an immediate threat of serious physical injury or death. Officers should use the least amount of physical force necessary to overcome resistance under the circumstances but are not required to exhaust one type of force before moving to greater force.

**Lower Level Physical Force:** This type of force is not intended to and has a low probability of causing injury, but may cause momentary discomfort or pain. Depending on the circumstances, including the characteristics and conditions of the person, lower level force options may include:

- (a) Techniques to direct movement (e.g., push back, escort, lift, carry);
  - (b) Control holds (e.g., wrist locks, finger locks, joint manipulation);
  - (c) Open hand techniques;
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(d) Takedowns: or

(e) Use of hobble restraint.

**Intermediate Physical Force:** This type of physical force poses a foreseeable risk of significant injury or harm but is neither likely nor intended to cause death.

Depending on the totality of the circumstances, intermediate physical force may be reasonable when a person threatens imminent assault upon the officer or others. Intermediate force options include:

(a) Oleoresin Capsicum (OC) spray;

(b) Electronic control weapons;

(c) Projectile Impact Weapons;

(d) Canine bite or injury caused by physical contact between a canine and a subject;

(e) Impact weapon strikes (except impact weapon strikes to the head, neck, throat, or spine); or

(f) Punches, kicks or other strikes with an officer's body.

- a. Officers shall only use striking techniques directed at a subject's head as a means of self-defense, or in the defense of others. Striking at a person's head using fists, elbows, knees, and feet, shall not be used as a means of pain compliance.

### **300.4.1 MOVING VEHICLES**

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective. When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the immediate threat of the vehicle or of deadly force other than the vehicle that is directed at the officer or others (RCW 10.116.060).

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

A vehicle is not considered a threat for purposes of this policy unless the operator is using it as a deadly weapon and there are no other reasonable means to immediately avoid that threat (RCW 10.116.060).

### **300.4.2 SELECT FORCE TOOLS**

The use of the following tools by officers when available shall be in accordance with training and the manufacturer's instructions, the provisions of this policy, and with the core principle that: Whenever Possible, Use Available and Appropriate Less Lethal Alternatives Before Using Deadly Force.

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## OLEORESIN CAPSICUM (OC) SPRAY

- (1) OC is an inflammatory agent that causes an intense burning sensation of the eyes, nose, mouth, and skin, which may result in closing, tearing and swelling of the eyes, as well as choking, gagging, and gasping for breath.
- (2) After the initial application of OC spray, each subsequent application must also be justified.
- (3) OC spray is not appropriate in an enclosed, highly populated space where there is a likelihood of impacting uninvolved persons, except where OC spray is the only available and appropriate force option. Officers deploying OC will attempt to avoid or minimize incidental exposure to non-involved persons.

## IMPACT WEAPONS

- (1) Agency-issued and authorized impact weapons typically include batons.
- (2) Officers shall not intentionally strike vital areas, including the head, neck, face, throat, spine, groin, or kidney unless deadly force is authorized.
- (3) Officers shall not use an impact weapon to intimidate a person when an impact weapon warning is not justified by the threat presented.
- (4) Officers shall reassess the effectiveness of impact weapon strikes as soon as safe and feasible, and if not effective, move to another appropriate target or to another tactical or physical force option.

## PROJECTILE IMPACT WEAPONS (ALSO KNOWN AS EXTENDED RANGE IMPACT WEAPONS)

- (1) A Projectile Impact Weapon (PIW) fires less-lethal ammunition and is designed to stun, temporarily incapacitate, or cause temporary discomfort to a person without penetrating the person's body.
- (2) Officers must be trained to use a PIW before deploying one during the course of law enforcement operations.
- (3) When safe and feasible, an officer about to discharge a PIW should advise other officers at the scene prior to the discharge.
- (4) An officer should target the buttocks, thigh, calf, and large muscle groups.
- (5) Officers deploying a PIW shall assess the effectiveness of the PIW after each shot. If subsequent PIW rounds are needed, officers should consider aiming at a different targeted area.
- (6) Restricted Uses. The PIW should not be used in the following circumstances unless the use of deadly force is justified:
  - (a) Intentionally aiming a PIW at the head, neck, chest, or groin unless deadly force is authorized.
  - (b) At ranges that are inconsistent with the PIW manufacturer's guidelines.
  - (c) At a person who is situated on an elevated surface (e.g., a ledge, scaffold, near a precipice, etc.) unless reasonable efforts have been made to prevent or minimize a fall-related injury (e.g., deploying a safety net).

## ELECTRONIC CONTROL WEAPONS (ALSO KNOWN AS CONDUCTED ENERGY WEAPONS)

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- (1) An electronic control weapon (ECW) is a portable device that fires darts/electrodes that transmit an electrical charge or current intended to temporarily immobilize a person.
  - (2) Issuance and Carrying an ECW:
    - (a) An approved ECW may only be used by officers who have been certified in its use and are recertified on a yearly basis.
    - (b) Officers issued an ECW are expected to carry them as a less lethal option.
    - (c) When consistent with training, officers carrying an ECW will perform a function check on the weapon and check remaining battery life prior to every shift. Officers should report any malfunction to a supervisor or other appropriate personnel.
  - (3) Standards of Use:
    - (a) Officers shall carry an ECW on the support side of the body, and in all but extreme circumstances, shall draw, exhibit and use the device with the support (non-pistol fi ring) hand.
    - (b) Officers should not hold an ECW and firearm simultaneously unless exigent circumstances exist.
    - (c) Officers should target areas that do not include the head, neck, chest, or genitals.
    - (d) Officers should not intentionally deploy multiple ECWs at the same person, unless the first deployed weapon clearly fails.
    - (e) Officers should be aware that the primary use of an ECW is not as a pain compliance tool. Drive-stun mode should only be used when necessary to complete the incapacitation circuit where only one probe has attached to the person, where both probes attached in close proximity, or when no other less lethal options are available and appropriate.
    - (f) Officers should be aware that multiple applications of the ECW increase the risk of serious bodily injury or death.
    - (g) An ECW shall be used for one standard discharge cycle of five seconds or less, after which the officer shall reassess the situation. An officer shall use only the minimum number of cycles necessary to control the person.
    - (h) Officers will assume that if they have used an ECW three times against a person and the person continues to aggress, the ECW may not be effective against that person and the officer shall consider other options.
    - (i) Officers must be able to clearly articulate and document the justification for each individual application of the ECW.
  - (4) Restricted Uses. An ECW should not be used in the following circumstances:
    - (a) On a person who is fleeing the scene, absent other factors.
    - (b) On a person who is handcuffed or otherwise restrained unless deadly force is authorized.
    - (c) On a person who is situated on an elevated surface (e.g., a ledge, scaffold, near a precipice, etc.) unless reasonable efforts have been made to prevent or minimize a fall -related injury (e.g., deploying a safety net).
    - (d) On an operator in physical control of a vehicle in motion, including automobiles,
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trucks, motorcycles, ATVs, bicycles, and scooters unless deadly force is authorized.

- (e) In any environment where an officer knows or has reason to believe that a potentially flammable, volatile, or explosive material is present that might be ignited by an open spark, including but not limited to OC spray with a volatile propellant, gasoline, natural gas, or propane.

## FIREARMS

- (1) A firearm is a weapon with lethal ammunition carried by an officer that meets the firearm specifications of the agency or that has been authorized as a specialty firearm by the leadership of the law enforcement agency.
- (2) Officers are only permitted to discharge a firearm at a person in situations where deadly force is authorized. Each discharge of the firearm must be justified.
- (3) Pointing and Drawing a Firearm:
- (a) Officers should only point a firearm at a person when deadly force is authorized.
  - (b) Officers should only draw a firearm in the low ready position (i.e., unholstered but out of the officer's visual field) when the officer makes reasonable observations based on the totality of the circumstances that the situation may evolve to the point where deadly force would be authorized.
  - (c) When it is determined that the use of deadly force is not necessary, officers should, as soon as safe and feasible, lower, holster, or secure their firearm.
  - (d) Pointing a firearm at a person is a reportable use of force and its justification and circumstances shall be documented in accordance with procedures set by the statewide use of force data collection program. (RCW 10.118.030).
- (4) When feasible, officers shall give a verbal warning that a firearm will be discharged.
- (5) Prior to the decision to use a firearm, officers should consider field of fire, backdrop, bystanders, potential for ricochet, and other risks of life.
- (6) Restricted Uses:
- (a) Officers shall not use firearms as impact weapons except when deadly force is permitted
  - (b) Discharging a Firearm at or from a Moving Vehicle:
    - (i) Officers may not fire a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious physical harm resulting from the operator's or a passenger's use of a deadly weapon. A vehicle is not considered a deadly weapon unless the operator is using the vehicle as a deadly weapon and no other reasonable means to avoid potential serious harm are immediately available to the officer. (RCW 10.116.060).
    - (ii) When feasible, officers shall attempt to move out of the path of a moving vehicle rather than discharge their weapon at the operator.
    - (iii) Officers shall not shoot at any part of a vehicle in an attempt to disable the vehicle.
    - (iv) Officers shall not discharge a firearm from a moving vehicle, unless a person is immediately threatening the officer or another person with deadly force.
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(7) Prohibited Uses. Officers shall not use a firearm in the following circumstances:

- (a) When it appears likely that an innocent person may be injured.
- (b) Firing a "warning shot?"
- (c) Discharging or pointing a firearm at a person who presents a danger only to themselves and does not have the apparent ability, opportunity, and intent to immediately cause death or serious bodily injury to the officer or another person.
- (d) Discharging or pointing a firearm at a person who presents a danger only to property and does not have the apparent opportunity or intent to immediately cause death or serious bodily injury to the officer or another person.

#### SPIT GUARDS

(1) A spit guard (sometimes referred to as "spit hood," "spit mask," or "spit sock,") is a woven mesh device which can be placed over a person's head and face with the intent of preventing or reducing the transmission of infectious disease through saliva, mucous, and blood.

(2) Standard of Use:

- (a) An officer may apply a spit guard when lawfully restraining or attempting to restrain an individual who is spitting or biting.
- (b) Officers applying spit guards must ensure that the spit guard is fastened properly according to the manufacturer's instructions to allow for adequate ventilation so that the restrained person can breathe normally.
- (c) Only officers who have successfully completed agency-approved training on application of a spit guard are authorized to use one.
- (d) Officers shall only use agency-issued spit guards.

(3) Restricted Uses:

- (a) Persons who have been sprayed with OC spray should be decontaminated so their breathing is not distressed prior to application of a spit guard.
- (b) For individuals in mental health crisis, application of a spit guard may provoke an elevated level of distress. Officers should provide verbal reassurance and dynamically assess the situation to remove the spit guard as soon as appropriate.

(4) Prohibited Uses. Officers shall not apply spit guards in the following situations because of higher risks:

- (a) Where the restrained person is bleeding profusely from the area around the mouth or nose.
- (b) On an individual who is actively vomiting. If a person vomits while wearing a spit guard, the spit guard should be promptly removed and discarded.
- (c) On an individual who states that they have a medical condition that affects their breathing, or who demonstrates symptoms of labored or distressed breathing.

(5) In the event of a medical emergency, spit guards should be removed immediately.

(6) Prior to application of a spit guard, an officer shall warn the individual and provide a reasonable time for the person to comply with the officer's commands. If applied, the officer

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shall remove the spit guard as soon as the threat of spitting or biting has ended, or the officer observes that the spit guard is no longer necessary.

- (7) After application of a spit guard and when safe to do so, officers shall move the individual into a seated or side recovery position and shall monitor the individual until the spit guard is removed. Officers shall assist when escorting the individual due to the potential for impaired or distorted vision.
- (8) Application of a spit guard must be documented.
- (9) Spit guards shall be discarded after each use.

#### HOBBLE RESTRAINT

- (1) A hobble restraint is a strap designed to restrain a person's feet in order to control an assaultive person.
- (2) Officers shall only use department issued hobble restraints.
- (3) Prohibited Use: Officers shall not connect a hobble restraint to handcuffs or other types of restraints (i.e., "hog tie" an individual).
- (4) Once a hobble restraint is applied, officers shall not place the person face down.
- (5) Officers shall monitor individuals who have been placed in a hobble restraint and take immediate action, if necessary, to protect the person's health and safety.
- (6) Officers shall discontinue use of a hobble restraint once the necessity for its use ceases.

#### **300.5 USE OF FORCE REPORTING**

The officer shall notify a supervisor as soon as practical following a force response incident. All force response incidents by a member of this department shall be documented promptly in a case report of the officer(s). The officer(s) must articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

De Minimus Force: physical interaction meant to separate, guide, and/or control that does not cause pain or injury such as using hands or equipment to stop, push back, separate or escort, the use of compliance holds without the use of sufficient force to cause pain, injury and unresisted handcuffing.

Examples of situations that are not reportable as use of force are:

- (a) The use of a firm grip only, which does not result in injury or the appearance of injury (e.g., the use of a grip to control the suspects hands while searching or handcuffing); or,
  - (b) That force necessary to overcome the passive resistance due to physical disability or intoxication which does not result in injury or the appearance of injury (e.g.- lift an intoxicated person to a standing position); or,
  - (c) An incident investigated by a department authorized investigator in which the officer's statement is taken and a report is prepared by that investigator (e.g., the investigation is part of a SMART Investigation). If the reportable use of force occurs while officer(s)
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are part of a regional task force or SWAT, the supervisor will work with the Task Force Supervisor or SWAT Commander to complete the Force Response Review. For the Violent Offender Task Force, the on-scene VOTF supervisor will start the use of force documentation in the event a department supervisor is not able to respond to the scene. The VOTF supervisor will gather statements, photographs, documentation and officer(s) reports and forward them to the member(s) supervisor, who will complete the Blue Team entry. For SWAT, the SWAT Commander will conduct the Force Response Review in consultation with the Shift Supervisor and the Force Response Review will be retained with the SWAT Commander's Agency.

Reportable uses of force will require the completion of a Force Response Review in Blue Team by a Shift Supervisor. A reportable use of force is defined as any incident in which an on-duty department employee, or off duty employee whose occupation is a factor, uses any deadly force, any less-lethal control device, or any physical force to compel a person to comply with the employee's directions or to prevent escape or overcoming resistance by a suspect during an arrest or detention or defend any person from an aggressive action by a suspect, except De Minimus.

To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law.

### **300.5.1 NOTIFICATION TO SUPERVISORS**

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The 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 (TM) device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (j) An individual alleges unreasonable force was used or that any of the above has occurred.

### **300.5.2 NOTIFICATION TO INDIAN AFFAIRS**

When the use of force by an officer results in the death of a person who is an enrolled member of a federally recognized Indian tribe, notification shall be made to the Governor's Office of Indian Affairs within a reasonable period of time, but not more than 24 hours after the department has good reason to believe the person was an enrolled member. Notice shall include sufficient information for the Governor's Office of Indian Affairs to attempt to identify the deceased person

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and tribal affiliation (RCW 10.114.021 ).

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

Notification shall be made to CJTC within 15 days of learning of the occurrence of any death or serious injury caused by the use of force by an officer (RCW 43.101.135).

### **300.5.4 REPORTING TO WASHINGTON STATEWIDE USE OF FORCE DATA PROGRAM**

The Department shall submit reports regarding use of force incidents as provided by RCW 10.118.030 to the Washington statewide use of force data program in the format and time frame established by the program (RCW 10.118.030).

### **300.6 MEDICAL CONSIDERATIONS**

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe (RCW 10.93.190).

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

### **300.7 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a

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reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain an interview with the individual upon whom force was applied. If possible, this interview should be audio or video recorded. If this interview is conducted without the individual having voluntarily waived the individual's *Miranda* rights, the following shall apply:
  - 1. The content of the interview should not be summarized or included in any related criminal charges.
  - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
  - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
  - 1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

When an incident results in death, serious bodily harm, or great bodily harm, the supervisor shall immediately contact the Office of Independent Investigations (OII) pursuant to the procedures established by the Office of Independent Investigation (RCW 43.102.120). Until procedures are in place from OII, supervisors will work with the county's independent investigations team (IE: SMART).

### **300.7.1 SHIFT SERGEANT RESPONSIBILITY**

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.

## **300.8 TRAINING**

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Officers will receive periodic training on this policy (at least annually) and demonstrate their knowledge and understanding.

- (a) Be a combination of classroom and scenario-based learning,
- (b) Include community partners, when relevant and feasible,
- (c) Incorporate cultural competency to understand disproportionately impacted communities, and how racialized experiences of policing and the criminal justice system may impact interactions with police.

Officers shall receive training and subsequent periodic training on (RCW 43.101.450; RCW 43.101.495; RCW 10.120.010; RCW 10.120.020):

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force and legal requirements.
- (c) Duty to intercede.

### **300.9 USE OF FORCE RESPONSE ANALYSIS**

At least annually, the Deputy Chief shall prepare an analysis report on force response incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

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

### **300.10 WASHINGTON STATE LAW - REASONABLE CARE**

Officers shall use reasonable care when determining whether to use and when using any physical force or deadly force against another person. The least amount of physical force necessary shall be used to overcome resistance under the circumstances (RCW 10.120.020)

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