

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 are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

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.

The department recognizes and respects the value and preservation of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

DEFINITIONS

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

Deadly Force- has the same meaning as provided in RCW 9A.16.010.

De-escalation tactics- refer to actions used by a peace officer that are intended to minimize the likelihood of the need to use force during an incident. Depending on the circumstances, "de-escalation tactics" may include, but are not limited to: Using clear instructions and verbal persuasion; attempting to slow down or stabilize the situation so that more time, options, and resources are available to resolve the incident; creating physical distance by employing tactical repositioning 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; requesting and using available support and resources, such as a crisis intervention team, a designated crisis responder or other behavioral health professional, or back-up officers.

De Minimis Force- physical force meant to separate, guide, or control a person that does not include the use of formal control techniques that are intended to, or reasonably likely to, cause physical pain or injury.

Feasible- reasonably capable of being done or carried out under the circumstances to successfully achieve an arrest or other lawful objective without increasing risk to the officer or another person.

Immediate threat of serious physical 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.

Less lethal alternatives- include, but are not limited to, verbal warnings, de-escalation tactics, conducted energy weapons, less lethal impact/control/capture devices.

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.

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.

Proportional- the level of force that reflects the totality of the circumstances known to, or perceived by, the officer at the time that balances the severity of the offense committed, the immediacy of the threat to the officer or others, and the level of appropriate force needed to overcome resistance and safely achieve the lawful objective.

Reportable Force- physical force greater than “de minimis force” and requires notification of a supervisor. Reportable force also includes any physical force that results in physical pain or injury.

Serious Bodily Injury or Serious Physical Injury- Bodily injury involving a substantial risk of death; or an injury that causes serious, permanent disfigurement or results in long-term loss or impairment of the functioning of any bodily member or organ.

Special Firearms and Weapons- Firearms and weapons other than department standard issue service pistols, rifles, and impact/control/capture devices authorized to be used only by officers specifically trained in their use.

Totality of the circumstances- all facts known to the officer leading up to, and at the time of, the use of force, including the actions of the person against whom the officer uses such force, and the actions of the officer.

DEPARTMENT STANDARD

Officers shall use reasonable care when determining whether and when to use physical force against another. 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. To that end, officers shall:

1. **De-Escalate.** When feasible, use all de-escalation tactics that are available and appropriate under the circumstances before using physical force;
2. **Consider the Type of Force.** 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;
3. **Use Necessary Force.** Terminate the use of physical force as soon as the necessity for such force ends;
4. **Use Less-Lethal Alternatives.** When feasible, use less lethal alternatives that are available and appropriate under the circumstances before using deadly force;
5. **Have Less-Lethal Alternatives Available.** Make sure the less lethal alternatives that were issued by the Department to the officer are available for use in line with chapter 2 (Firearms/Weapons) and chapter 18 (Uniforms) of this policy manual.

USE OF PHYSICAL FORCE

An officer may use physical force against a person to the extent necessary in one of the enumerated permissible use of force scenarios detailed in RCW 10.120.020.

Nothing in this section limits or restricts 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. If physical force is used in the course of lifesaving measures or community caretaking functions to ensure health and safety, the physical force shall not be used in a manner or under such circumstances that would violate the United States Constitution or state Constitution.

The limitation on the use of physical force does not prevent officers from responding to calls for service or requests for assistance from first responders, medical professionals, behavioral health professionals, social service providers, designated crisis responders, shelter or housing providers, or any member of the public. However, the use of physical force at such calls for service or requests will be governed by the above.

USE OF DEADLY FORCE

An officer 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.

In determining whether the use of deadly force is necessary, officers shall:

1. Evaluate each situation considering the totality of the circumstances to determine that no reasonably effective alternative to the use of deadly force exists to protect against an immediate threat of serious physical injury or death to the officer or another person;
2. Evaluate that the use of deadly force is a reasonable and proportional response to the immediate threat of death or serious physical injury posed to the officer and/or others;
3. When feasible, use all de-escalation tactics that are available and appropriate under the circumstances before using physical force;
4. When feasible, use less lethal alternatives that are available and appropriate under the circumstances before using deadly force;
5. If feasible, and if doing so would not increase the danger to the officer or others, the officer should give a verbal warning prior to using deadly force.

USE OF FORCE REVIEW

The "reasonableness" of force will be judged from the perspective of a reasonable officer on the scene at the moment force was used. Given no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion and rely on their training in determining the appropriate, and proportional, use of force in each incident.

In reviewing the use of deadly force, the "good faith" objective standard will also be considered, considering all of the facts, circumstances, and information known to the officer at the time to determine whether a similarly situated reasonable officer would have believed that the use of deadly force was necessary to prevent death or serious physical harm to the officer or another individual. Any evaluation of reasonableness must allow for the fact 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.

Officers may not use any force tactics prohibited by department policy or otherwise by law, except to protect his or her life or the life of another person from an imminent threat.

CJTC REPORTING

The Office of Accountability shall notify the Criminal Justice Training Center within fifteen (15) days of learning of the occurrence of any death or serious injury caused by the use of force by a commissioned officer.

USE OF FORCE TRAINING

Upon completion of recruit training and during in-service firearms training, all police and police support officers will be instructed in the Department Use of Force policies and be required to sign an acknowledgment form indicating he/she received, understands, and will abide by Department Use of Force policies.

MEDICAL ATTENTION

At the earliest safe opportunity, when feasible and safe to do so, officers shall provide or facilitate the provision of first aid to all persons involved in the use of force if needed or requested. If the officer is in doubt as to the necessity of medical attention, officers will summon aid and seek additional guidance from a supervisor.