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	<b>Effective Date:</b> 2/20/2026	<b>Amends/Rescinds:</b> v. 12/01/2022
	<b>Review:</b> Annually	
	<b>Approving Authority:</b> Chief Kenneth Seuberlich	
<b>WASPC Standard(s): 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.8, 3.9, 3.10, 4.3</b>		<b>Subject: Use of Force and Duty to Intervene</b>

## 200.1 PURPOSE AND SCOPE

It is the fundamental duty of law enforcement to preserve and protect all human life. Proper use of force is essential to ensuring impartial policing and maintaining public trust.

This policy provides guidelines on the reasonable use of force and to establish clear guidelines, provisions, and actions for any on-duty peace officer to intervene in the event there is knowledge of or witnessed excessive use of force or wrongdoing committed by another peace officer. The intent of this policy is to provide clarity to officers and to assist peace officers in making sound decisions regarding the use of force, the duty to intervene, and to prevent misconduct and excessive use of force.

While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

Nothing in this policy permits a peace officer to use physical force or deadly force in a manner or under such circumstances that would violate the United States Constitution.

## 200.2 DEFINITIONS

Definitions related to this policy include:

**Barricaded Subject** – An individual who is the focus of a law enforcement intervention effort has taken a position in a physical location that does not allow immediate law enforcement access and is refusing law enforcement orders to exit.

**Bodily Injury** - "Bodily injury," "physical injury," or "bodily harm" means physical pain or injury, illness, or an impairment of physical condition.

**Choke Hold** – 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 inadequate oxygen level in the blood and/or an increase of carbon dioxide in the blood causing unconsciousness or death brought on by mechanically limiting the expansion of the lungs through compressing of the chest and/or abdomen, interfering with breathing.

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**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, as governed by RCW 9A.16.010 and RCW 10.120.020. Deadly force includes, but is not limited to, the use of firearms, intentional strikes to the head, neck, throat, or spine with an impact weapon, and the intentional ramming of a vehicle into a person.

**De-Escalation Tactics** – Actions used by a peace officer that are intended to minimize the likelihood of the need to use force during an incident (RCW 10.20.010). The action of de-escalation should be taken to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources are available to resolve the situation. The goal of de-escalation is to gain voluntary compliance of subjects, when feasible, and thereby reduce or eliminate the necessity to use physical force.

**Feasible** – Reasonably capable of being done or carried out to achieve the arrest or lawful objective without increasing risk of harm to the officer or another person.

**Flight** – An actor or instance of running away in an effort to leave and intentionally evade law enforcement.

**Excessive Force** – Force that exceeds the degree of force permitted by law or policy of the witnessing officer's agency.

**Highest Elected Official** – the county executive in those charter counties with an elective office of county executive, however designated, and in the case of other counties, the chair of the county legislative authority. In the case of cities and towns, it means the mayor, regardless of whether the mayor is directly elected, selected by the council or legislative body pursuant to RCW 35.18.190 or 35A.13.030, or selected according to a process in an established city charter. In the case of actions by the Washington state patrol, it means the governor.

**Hostage Situation** – A scenario in which a person is being held against his or her will by an armed, potentially armed, or otherwise dangerous suspect.

**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 (RCW 10.120.020).

**Law Enforcement Agency** – Includes any general authority Washington law enforcement agency and any limited authority Washington law enforcement agency as defined by RCW 10.93.020.

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**Less Lethal Alternatives** – Actions that include, but are not limited to, verbal warnings, de-escalation tactics, conducted energy weapons, devices that deploy oleoresin capsicum, batons, and beanbag/direct impact rounds (RCW 10.120.010).

**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).

**Peace Officer** – Any general authority Washington peace officer, any limited authority Washington peace officer, and any specially commissioned Washington peace officer and those terms are defined in RCW 10.93.020. Peace officer does not include any corrections officer or employee of a jail, correctional, or detention facility but does include any community corrections officer.

**Projectile Impact Weapon** – A less lethal weapon that fires projectiles such as 40mm sponge or foam rounds, Pepper Ball or similar projectile, blast balls, or bean bags designed to temporarily incapacitate a person.

**Pepper Ball** – A small projectile propelled by compressed air that causes oleoresin capsicum to be dispersed upon contact.

**Physical Force** – Any act 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).

**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 that compresses their airway and does not allow them to breathe freely.

**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 or permanent Injury, except "tear gas" does not include oleoresin capsicum (OC) (RCW 10.116.030).

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**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 a technical in nature (RCW 10.93.190).

### **200.3 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 understand and have a 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 and use their authority in a bias-free manner.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone, and it is the fundamental duty of law enforcement to preserve and protect all human life (RCW 10.120.010). 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.

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.

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 same standards for using physical force apply. However, incidental touching, which may occur in the course of community caretaking, is not defined as physical force.

Officers shall use the least amount of physical force necessary to achieve a lawful purpose, consistent with RCW 10.120.020.

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## **200.4 CRITICAL DECISION MAKING**

The 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, officers shall:

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

Nothing in this policy precludes officers from taking quick action when faced with a life-threatening situation, such as an active shooter. When safe and feasible, officers shall not unnecessarily jeopardize their own safety or the safety of others through tactical decisions that unreasonably place themselves or others at risk, including, but not limited to:

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

## **200.5 DE-ESCALATION**

Officers shall use reasonable care when determining whether to use physical force and when using any physical force against another person. When possible, officers shall exhaust available and appropriate de-escalation tactics prior to using any physical force (RCW 10.120.020).

Depending on the circumstances, officers may have a number of de-escalation tactics to choose from, which include, but are not limited to:

- (a) Employing tactical positioning and repositioning to maintain the benefit of distance and cover, such as backing away from the person to re-assess and determine which tactics to use;

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- (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;
- (d) Requesting and using available support and resources, such as a crisis intervention team, and designated crisis responder, other behavioral health providers, or back-up officers, including more experienced officers or supervisors;
- (e) Exhibiting patience while using all available and appropriate tactics and resources to provide as much time as needed to resolve the incident without using force;
- (f) Using clear instructions and verbal persuasion;
- (g) Employing verbal and non-verbal communication techniques to calm a person (such as, speaking slowly, regulating tone and body language, uncrossing one's arms, minimizing hand gestures, and reducing bright, flashing lights and sirens);
- (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) When there are multiple officers, designate one officer to communicate in order to avoid competing or confusing commands; or
- (k) Leaving the area if there is no threat or imminent harm and no crime has been committed, is being committed, or is about to be committed.

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

A peace officer shall use reasonable care when determining whether to use physical force or deadly force and when using any physical force or deadly force against another person. To that end, a peace officer shall:

- When possible, use all de-escalation tactics that are available and appropriate under the circumstances before using physical force;
- When using physical force, use the least amount of physical force necessary to overcome resistance under the circumstances.
- Terminate the use of physical force as soon as the necessity for such force ends (RCW 10.120.020);
- When possible, use less lethal alternatives that are available and appropriate under the circumstances before using deadly force; and
- Make less lethal alternatives issued to the officer reasonably available for their use.

When determining if force is necessary and evaluating whether an officer has used the appropriate and least amount of force reasonable to effect a lawful purpose, 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 (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The person is experiencing perceptual or cognitive impairments typically related to the use of alcohol, narcotics, hallucinogens, or other drugs.
- (e) The person displays signs of mental, behavioral, intellectual, developmental or physical impairments or disabilities.
- (f) Proximity of weapons or dangerous improvised devices.
- (g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (h) The availability of other options and their possible effectiveness.

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- (i) Seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the officer.
- (k) Potential for Injury to officers, suspects and others.
- (l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
- (m) The risk and reasonably foreseeable consequences of escape.
- (n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (p) Prior contacts with the subject or awareness of any propensity for violence.
- (q) Whether the person is visibly pregnant, or states they are pregnant.
- (r) The person known to be a minor, objectively appears to be a minor, or states that they are a minor.
- (s) The person is known to be a vulnerable adult, or objectively appears to be a vulnerable adult as defined in RCW 74.34.020.
- (t) The person is suicidal.
- (u) The person has limited English proficiency.
- (v) There is a presence of children.
- (w) Any other exigent circumstances.

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## **200.7 USE OF FORCE**

Law enforcement officers are required to act with reasonable care when carrying out their duties, including using de-escalation tactics and alternatives to deadly force. An officer will use a proportional amount of physical force necessary to overcome actual resistance under the circumstances. Law enforcement encounters rapidly evolve and are not static. Thus, officers must continuously assess the necessity and effectiveness of their actions, including their tactical positioning, to decrease the likelihood of needing to use force.

For physical force to be necessary, a reasonably effective alternative does not appear to exist, and the use of force must be a reasonable and proportional response to effect the legal purpose intended or the protect against the threat posed to the officer and others.

Reasonableness shall be evaluated based on the totality of the circumstances known to the officers leading up to, and at the time of, the use of physical force, including the immediacy of the threat, the actions of the person against whom force is used, the actions of the officer, and the seriousness of the law enforcement purpose. Determining whether physical force is reasonable includes assessing whether the officer made tactical decisions to minimize risk to themselves and others, used all available and appropriate de-escalation tactics when possible, prior to using physical force and exercised reasonable care when using physical force.

Proportionality shall be evaluated based on whether the use of physical force corresponds to the immediacy and severity of the threat or resistance the officer encounters at the time force is applied, as well as the seriousness of the law enforcement objective that is being served. The threat or resistance may change over the course of the incident. Proportional force does not require officers to use the same type or amount of physical force as the subject. 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 proportional.

Except as otherwise provided in this policy, an officer may use physical force against a person to the extent necessary to:

- (a) Protect against a criminal offense or conduct when there is probable cause that the person has committed, is committing, or is about to commit the offense (RCW 10.120.020);
- (b) Effect an arrest (RCW 10.120.020);
- (c) Prevent an escape as defined under chapter 9A.76 RCW (RCW 10.120.020);

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- (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 (RCW 10.120.020);
- (e) Take a person into custody, transport a person for evaluation or treatment, or provide other assistance under chapter 10.77, 71.02, or 71.34 RCW (RCW 10.120.020);
- (f) Take a minor into protective custody when authorized or directed by statute (RCW 10.120.020);
- (g) Execute or enforce a court order authorizing or directing a peace officer to take a person into custody (RCW 10.120.020);
- (h) Execute a search warrant (RCW 10.120.020);
- (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 (RCW 10.120.020);
- (j) Take a person into custody when authorized or directed by statute (RCW 10.120.020);  
or
- (k) Protect against an imminent threat of bodily injury to the peace officer, another person, or the person against whom force is being used (RCW 10.120.020).

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 the 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.

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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.

## **200.8 IDENTIFICATION, WARNING, AND OPPORTUNITY TO COMPLY**

When safe and feasible, prior to the use of physical force the officer shall:

- Identify themselves as law enforcement officers;
- 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 officer commands;
- Provide clear instructions and warnings;
- Warn a person that physical force will be used unless their resistance ceases; and
- Give the person a reasonable opportunity to comply with the warning that physical force may be used.

## **200.9 DUTY TO INTERVENE AND RESPONSE TO WRONGDOING**

Any on-duty officer who witnesses another peace officer engaging or attempting to engage in the use of excessive force against another person shall intervene when in a position to do so to end the use of excessive force or attempted use of excessive force, or to prevent further use of excessive force and in accordance with RCW 10.93.190.

Any on-duty officer who witnesses any wrongdoing committed by another peace officer or has a good faith reasonable belief that another peace officer committed wrongdoing, shall promptly report such wrongdoing to the witnessing officer's supervisor or other supervisor promptly and when in a position to do so safely. This notification should occur as close as possible to the incident but shall be no later than the conclusion of the current shift that the witness officer is working.

Any actions taken regarding intervention or observations shall also be documented in the officer's report. The officer's supervisor is required to notify the Division Commander of the notification as close as possible to the notification given to them. It is the responsibility of the Division Commander to notify any outside agency of the potential wrongdoing by their officers. This notification shall occur no later than 24 hours after they are made aware of the incident.

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The report is required if the following occurs:

- The officer is involved in the intervention.
- The officer witnesses excessive force by another peace officer.
- The officer witnesses any wrongdoing committed by another peace officer.
- The officer has good faith belief that the wrongdoing was committed by another peace officer.

The officer must also intervene if witnessing a fellow officer engaging in any act that is unethical, violates law or policy, or when force is being inappropriately applied or applied when it is no longer required.

An officer shall not be disciplined or face retaliation in any way for intervening in good faith or for reporting wrongdoing in good faith, but it is the responsibility of our agency to notify the Criminal Justice Training Commission of any disciplinary decision resulting from an officer's failure to intervene or failure to report any wrongdoing. Failing to intervene or to report wrongdoing may be grounds for suspension or revocation of that officer's peace officer certification.

This department is also required to send notice to the Washington State Criminal Justice Training Commission of any disciplinary action resulting from a peace officer's failure to intervene or failure to report as required by this policy. This information will be used by the training commission to determine whether the officer's conduct may be grounds for suspension or revocation of certification under RCW 43.101.105.

## **200.10 TYPES OF FORCE**

There are three levels of force outlined in this policy. Officers are not required to exhaust one type of force before moving to a greater level of force. Officers shall reassess the effectiveness and necessity of force after each application. Force shall be used only for a lawful purpose as defined in RCW 10.120.020 and discontinued when resistance ceases or the objective is achieved. The level of forces and typical force applications are as follows:

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(a) **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;
- d. Takedowns; or
- e. Full-body Restraint Device (The WRAP™).

(b) **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 force may be reasonable when a person threatens imminent assault upon the officer or others. Intermediate force options include:

- a. Oleoresin Capsicum (OC) spray or pepper ball;
- b. Electronic control weapons (TASER);
- c. Projectile impact weapons (direct impact munition);
- d. Canine bite or Injury caused by physical contact between a canine and a subject;
- e. Impact weapon strikes (except intentional impact weapon strikes to the head, neck, throat, or spine); or
- f. Punches, kicks or other strikes with an officer's body.
  - 1. 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, should not be used as a means of pain compliance.

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(c) **Deadly Force:** An officer may use deadly force only when deadly force is necessary to protect against an immediate threat of serious physical injury or death to the officer or another person, as defined in RCW 10.120.020. Deadly force includes:

- a. Intentional impact weapon strikes to the head, neck, throat, or spine;
- b. Intentionally striking a person's head into a hard, fixed object;
- c. Discharge of a firearm with lethal ammunition at a person; or
- d. Intentionally striking with a vehicle a person who is not inside a vehicle.

## **200.11 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 Person can comply with the direction or orders of the officer.
- (c) Whether the Person 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. Use of force reporting is required when pain compliance techniques are utilized.

## **200.12 USE OF TEAR GAS**

The Bothell Police shall not use or authorize its officers to use tear gas unless necessary to alleviate the present risk of serious harm posed by a riot, barricaded subject, or hostage situation. Prior to using tear gas, the officer shall:

- (a) Exhaust alternatives to the use of tear gas that are available and appropriate under the circumstances.
- (b) In situations of a barricaded subject or hostage situation, obtain authorization to use tear gas from a commanding officer, who must determine whether the present

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circumstances warrant the use of tear gas and whether available and appropriate alternatives have been exhausted.

(c) Announce to the subject or subjects the intent to use tear gas and,

(d) Allow sufficient time and space for the subject or subjects to comply with the officer's directives.

In the case of a riot, the officer may use tear gas only after receiving authorization from the highest elected official of the jurisdiction in which the tear gas is to be used and after meeting the criteria listed above.

When practicable, fire or aid personnel should be alerted or summoned to the scene, prior to the deployment of tear gas to control any fires or provide medical attention if needed.

### **200.13 DEADLY FORCE APPLICATIONS**

An officer may use deadly force only when necessary to protect against an immediate threat of serious physical injury or death to the officer or another person. A verbal warning should precede the use of deadly force, where feasible.

Officers shall not use deadly force against persons who present a danger only to themselves and who do not pose an immediate threat of death or serious physical injury to others.

An officer may use force or tactics otherwise prohibited by department policy or law when necessary to protect the officer's life or the life of another person from an imminent threat.

All incidents involving the use of deadly force shall be investigated pursuant to BPD-216, Officer Involved Critical Incidents – Criminal Investigations, which provides for independent criminal investigation in accordance with Washington law.

### **200.14 SHOOTING AT OR FROM MOVING VEHICLES**

The use of firearms to disable a vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. 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 passenger's use of a deadly weapon. For purposes of this section, 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).

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- (a) This is not intended to restrict an officer's right to use deadly force directed at the operator of a vehicle when it is reasonably perceived that the vehicle is being used as a weapon against the officer or others.
- (b) Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.
- (c) When feasible, officers should attempt to move out of the path of a moving vehicle rather than discharge their weapon at the operator.
- (d) Officers should not discharge a firearm from a moving vehicle, unless a person is immediately threatening the officer or another person with deadly force.

## **200.15      ADDITIONAL CONSIDERATIONS FOR FORCE APPLICATIONS**

The Bothell Police Department has additional policies regarding use of force. Those policies pertain to additional restrictions of force application for the use of FIREARMS (BPD – 210), CONTROL DEVICES AND LESS LETHAL WEAPONS (BPD – 204), NECK RESTRAINT HOLDS (BPD – 208), and CONDUCTIVE ENERGY DEVICES OR ELECTRONIC CONTROL WEAPONS (BPD – 206).

## **200.16      REPORTING THE USE OF FORCE**

All uses of force shall be documented in the related crime/arrest report. Additionally, employees shall complete and submit a separate Use of Force Report in the following circumstances:

- (a) Discharge of a firearm in an official capacity, for other than department approved training purposes and animal euthanization.
- (b) Firearm draw and direct. This applies when a firearm is drawn and pointed at a specific person. This does not apply when a firearm is drawn but not directed at a person, such as during building searches.
- (c) Application of force through the use of lethal weapons, less lethal weapons, and control devices (e.g. impact weapons, OC Spray, pepper ball, ramming or blocking vehicles, canine, or other weapons).
- (d) Use of any implement for defensive purposes.
- (e) Use of three-point restraint straps and/or leg restraints.

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- (f) Application of physical force involving strikes, kicks, or punches.
- (g) Application of physical force, other than routine handcuffing, capable of causing pain or injury (e.g. pain compliance technique, counter-joint technique, arm-bar take down, tackling subject or other pain compliance technique).
- (h) Instances/observations of injuries to an employee and/or subject following any use of force application.
- (i) Claims of pain or Injury following any use of force.
- (j) Complaints of excessive force.

Use of Force Reports should be completed and submitted prior to the end of the shift when the force is applied unless a delay is approved by a supervisor. If a delay is approved, it should be completed no later than the conclusion of the officer's next workday or prior to the end of their work week (whichever comes first).

In the case of an officer involved critical incident, completion of a Use of Force Report by the involved officer(s) may be delayed pending a criminal investigation.

### **200.17 NOTIFICATION TO SUPERVISORS**

Supervisory notification shall be made as soon as practicable following the application of force, under any circumstance requiring the completion of a Use of Force Report pursuant to this policy.

### **200.18 MEDICAL CONSIDERATION AND DUTY TO PROVIDE OR FACILITATE FIRST AID**

Officers shall render aid at the earliest safe opportunity in accordance with RCW 36.28A.445, to any person injured as a result of the use of force at a scene controlled by law enforcement. Officers shall monitor injured and restrained persons while in law enforcement custody. When feasible, one responding officer should be designated to monitor the restrained person's condition until medical personnel arrive or the person is safely transferred.

Consistent with training, officers shall take the following actions to reduce the risk of positional asphyxia and compressions asphyxia:

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- (a) As soon as possible, safe and feasible after handcuffing or otherwise restraining a person taken to the ground, roll the person to the side and move them to an upright position that does not impede the mechanism of normal breathing, except if they are unconscious. This requirement is especially important when the person is handcuffed in the prone position.
- a. Exception: If the Person is conscious and expresses a desire to be placed in a different position, the officer should place them in that position unless doing so poses a substantial risk of safety to the individual, officers, or others.
- (b) Officers shall avoid prolonged pressure on a person’s chest, back, or neck, including sitting, kneeling, or standing on a person, once the person is under control.
- (c) Officers shall continuously monitor any restrained person for signs of medical distress, including breathing difficulties, changes in skin color, or complaints of pain, until the person is transferred to medical personnel or safely secured.
- (d) If any Officer becomes aware of an issue with the person's breathing, color, or any impairment, they shall inform the ranking officer.
- (e) Whenever possible during team restraint when manpower limitations allow, the ranking officer shall designate a Safety officer. The Safety Officer shall monitor the health and welfare of the person until:
- b. Responsibility is transferred to a health professional (e.g. EMT, paramedic); or
  - c. The person is placed in a seated position in a transport vehicle and verbalizes to the Safety Officer that they feel okay, and the person appears to be well and speaks normally.
- (f) Restrained persons shall not be transported in the prone position.
- (g) When force tools are used, officers shall provide or facilitate appropriate aftercare. This includes, at a minimum:
- d. For oleoresin capsicum (OC), flushing the affected area with clean water and providing fresh air as soon as safe and feasible;
  - e. For electronic control weapons (ECWs), probe removal consistent with training and medical guidelines, and summoning medical personnel for probe removal from sensitive areas (e.g., head, neck, groin) or when medical concerns are present.

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Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible Injury, expresses a complaint of Injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the 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 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).

Persons 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 if appropriate.

## **200.19 SUPERVISOR RESPONSIBILITY**

The supervisor shall respond to incidents involving applications of force by officers. In cases where a supervisor is involved in the use of force, the division commander or on-call commander for that officer shall be notified. The commander will determine who will respond to the scene and who will be responsible for investigating the use of force.

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The supervisor is responsible for the following:

- (a) Identify all of the officers who used force and obtain the basic facts from the involved officer(s). If the incident is an officer-involved critical incident, ask only public safety related information.
  - (b) Ensure that any injured parties are offered first aid treatment.
  - (c) Once any initial medical assessment has been completed or first aid has been rendered/refused, ensure that photographs have been taken of any areas involving visible Injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained with the use of force report until all potential for civil litigation has expired.
  - (d) Attempt to obtain medical release waivers from injured parties.
  - (e) Identify any witnesses not already included in related reports.
  - (f) Determine if there is any indication that the subject may pursue civil litigation.
  - (h) Review and approve all related reports.
  - (h) Evaluate the circumstances surrounding the incident and forward the Use of Force Report to the Division Commander for review.
- In the event the supervisor believes that the incident may give rise to potential civil litigation, written notification shall be made to the Division Commander as soon as practicable. If the supervisor believes there is a question of policy non-compliance or that further investigation may be appropriate, the supervisor will document the issue(s) in a separate supervisory review. The completed supervisory review shall be forwarded to the Division Commander for review.

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

## **200.20 DIVISION COMMANDER RESPONSIBILITY**

The Division Commander is expected to:

- (a) Review each Use of Force Report by personnel within their command to ensure compliance with this policy and to address any training issues.

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- (b) Evaluate the circumstances surrounding the incident, complete the Use of Force Incident-Commander Audit form ([PFA-0200A](#)), and forward the Use of Force Report and all associated documents to the Risk Management Division for review.
- (c) If the Division Commander believes there is a question of policy non-compliance or that further investigation may be appropriate, the Division Commander will outline these concerns in a memorandum or administrative review to the Office of Professional Standards.

## **200.21 RISK MANAGEMENT RESPONSIBILITY**

Risk Management will review each Use of Force Report and associated documentation forwarded to the division. Reports that are incomplete or raise questions regarding policy compliance will be returned to the appropriate Division Commander for review and follow-up.

Risk Management will conduct bi-annual audits of Use of Force reports and shall submit a memorandum summarizing the audit findings to the Chief of Police through the chain of command. These audits shall identify patterns, trends, or issues that may require corrective action, training, or policy review. As part of this audit process, Risk Management shall include review of de-escalation efforts and compliance with identification, warning, and opportunity-to-comply requirements where applicable.

## **200.22 TRAINING**

All officers and supervisors shall receive training on this policy annually. Training shall comply with RCW 10.120.020(1)(b). Training specific to defensive tactics, weapons, and use of force should include:

- Training that may incorporate a combination of classroom and scenario-based learning;
- Include community partners when relevant and feasible;
- Incorporate cultural competency to understand disproportionately impacted communities and how racialized experiences of policing and the criminal justice system may impact interactions with police.

This policy should also be incorporated into all force training when feasible.

**Links:** [PFA-0200A Commander Audit](#) / [PFA-0200B Use of Force Report Form](#)