

6.00.000 USE OF FORCE

6.00.005

PURPOSE AND SCOPE: 11/23

Establishes policy, requirements, limits, and expectations related to the use of force by commissioned personnel.

6.00.010

DEFINITIONS: 04/26

For purposes of this policy, the following definitions are provided:

Deadly Force: The intentional application of force through the use of firearms (other than less lethal) or any other means reasonably likely to cause death or serious physical injury.

De-escalation: Refers to actions used by a peace officer that are intended to minimize the likelihood of the need to use force during an incident through communication, tactics, and actions. The goals of De-escalation include calming agitated subjects, providing additional time for responses, and positioning to reduce risk. De-escalation tactics include but are not limited to:

1. Presence - physical presence and placement.
2. Communication – using clear instructions and verbal persuasion.
3. Time – slowing or stabilizing the situation to allow for more time, options and resources to resolve the incident without using physical force.
4. Distance – positioning to decrease exposure by using time, distance, and cover.
5. Shielding – using cover, concealment and barriers;
6. Designating one deputy to communicate in order to avoid competing commands;
7. 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 deputies.

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: Alternatives to the use of lethal force. Includes, but is not limited to; verbal warnings, de-escalation tactics, Taser energy weapons, devices that deploy oleoresin capsicum, batons, less lethal munitions including, but not limited to, rubber, soft nose, sponge, or other nonpenetrating impact rounds.

Less Lethal Weapons: Tools designed and intended to assist deputies in gaining control of a physically resistant, aggressive, or violent subject who poses a threat of physical harm to themselves, deputies, or others. These tools are deployed with the objective of minimizing the likelihood of serious injury or death while enabling a lawful and safe resolution of the incident.

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.

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.

Proportional: 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.

Reasonable: Reasonableness shall be evaluated based on the totality of circumstances known to the officer 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 unnecessary 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.

Totality of the Circumstances: Are 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.

6.00.015

POLICY: 11/23

The King County Sheriff's Office believes that it is the fundamental duty of law enforcement to preserve and protect all human life. Deputies shall respect and uphold the dignity of all persons and use their authority in a bias-free manner. They shall act with reasonable care when carrying out their duties, including using de-escalation tactics and alternatives to force. Clear direction and verbal commands shall be given when feasible. Deputies shall use the least amount of physical force necessary to overcome actual resistance under the circumstances.

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

The use of force has long been analyzed under the constitutional lens set forth in Graham v. Connor, 490 U.S. 386 (1989), which holds that all use of force must be objectively reasonable. Under Graham, force is adjudged by balancing the "nature and quality of the intrusion" with an individual's "Fourth Amendment interests", considering the severity of the crime at issue; whether the suspect poses an imminent threat to the safety of the officers or others; whether they are actively resisting arrest or attempting to evade arrest by flight; and the totality of the circumstances.

These "Graham Factors" continue to serve as an important constitutional overlay in the decision to use force, but Washington law provides additional guidelines regarding when force is authorized and how it is to be carried out. These guidelines are consistent with Graham, but they set forth very specific statutory requirements for the use of force and are the foundation of this policy. Officers are required to abide by this policy.

6.00.020

CRITICAL DECISION MAKING: 11/23

Use of critical decision making can help deputies achieve the expectations outlined in this policy. When deciding whether to contact a member of the public, and throughout the contact, if safe and feasible deputies shall:

1. Begin assessment and planning using available facts before arriving at the scene;
2. Request available resources, as needed, such as a crisis intervention team or other appropriate specialty unit or professionals;
3. Continue collecting information while on scene;
4. Assess situations, threats, and risks;
5. Identify options for conflict resolution;
6. Determine a reasonable course of action;
7. Review and re-assess the situation as it evolves; and
8. 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:
 - 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.

Nothing in this policy precludes officers from taking quick action when faced with a life-threatening situation, such as an active shooter.

6.00.025

PHYSICAL FORCE, WHEN PERMISSABLE: 11/23

A deputy may use physical force against a person when necessary to:

1. Protect against criminal conduct when there is probable cause that the person has committed, is committing, or is about to commit the offense;
2. Effect an arrest;
3. Prevent an escape as defined in RCW [9A.76](#);
4. Prevent a person from fleeing, or stop a person who is actively fleeing, a lawful temporary investigative detention (Terry stop), provided that the person has been given notice that he or she is being detained and is not free to leave;
5. Take a person into custody when authorized or directed by statute;
6. Take a person into custody, transport a person for evaluation or treatment, or provide other assistance under RCW chapter [10.77](#), [71.05](#), or [71.34](#) (Involuntary Treatment Act);

7. Take a minor into protective custody when authorized or directed by statute;
8. Execute or enforce a court order authorizing or directing a peace officer to take a person into custody;
9. Execute a search warrant;
10. 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;
11. Execute any other community caretaking function, including but not limited to performing welfare checks, assisting other first responders and medical professionals, behavioral health professionals, social service providers, designated crisis responders, shelter or housing providers, or any member of the public; or
12. Protect against the imminent threat of bodily injury to:
 - a. the deputy;
 - b. another person; or
 - c. the person against whom force is being used.

6.00.030

DEADLY FORCE: 11/23

A deputy may use deadly force against another person only when necessary to protect against an immediate threat of serious physical injury or death to the officer or another person.

1. When possible, deputies shall use less lethal alternatives that are available and appropriate under the circumstances before using deadly force.
2. The department shall make less lethal alternatives reasonably available for use.
3. Deputies who are trained and equipped to use less lethal force alternatives shall ensure that those less lethal alternatives are reasonably available for their use while on duty.

6.00.035

COMMUNITY CARETAKING: 11/23

Nothing in this policy limits or restricts a deputy's authority to perform lifesaving measures, community caretaking functions, or to assist other first responders or medical professionals or 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. 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.

6.00.040

TYPES OF FORCE: 11/25

Deputies shall use only the type and amount of force that is a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the deputy or others. For the purposes of this policy, force is broken down into three categories (deputies are not required to exhaust one type of force before moving to greater force):

1. **Lower-Level Physical Force (Level I):** 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. Use of "The WRAP" restraint system.

2. **Intermediate Physical Force (Level II):** 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. Examples of intermediate force options include, but are not limited to:
 - a. Oleoresin Capsicum (OC) spray;
 - b. Taser Energy Weapons (EW);
 - 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 parts of a deputy's body.
 - i. Deputies shall only use striking techniques directed at a subject's head as a means of self-defense, or in the defense of others.
 - ii. Striking at a person's head using fists, elbows, knees, and feet, shall not be used as a means of pain compliance.

3. **Deadly Force (Level III):** The intentional application of force using firearms (other than less lethal) or any other means reasonably likely to cause death or serious physical injury. A deputy may use deadly force against another person only when deadly force is necessary to protect against an immediate threat of serious physical injury or death to the deputy or another person (RCW 10.120.020). deputies shall not use deadly force against persons who present a danger only to themselves and do not pose an immediate threat of death or serious bodily injury to another person or deputy. Deadly force includes, but is not limited to:
 - a. Impact weapon strikes to the head, neck, throat, or spine;
 - b. Striking a person's head onto a hard, fixed object;
 - c. Discharge of a firearm loaded with lethal ammunition at a person; or
 - d. Intentionally striking with a vehicle a person who is not inside a vehicle.

6.00.045

IDENTIFICATION, WARNING, & OPPORTUNITY TO COMPLY PRIOR TO USE OF FORCE: 11/23

If safe and feasible, members shall identify themselves as a police officer or sheriff's deputy, issue a verbal warning, and give the person a reasonable opportunity to comply before discharging their firearm or using other force options.

6.00.050

DE-ESCALATION AND DUTY TO USE REASONABLE CARE: 11/23

When possible, a deputy shall use all de-escalation tactics that are available and appropriate under the circumstances before using any force, such as:

1. Using time, distance, and shielding;
 - 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.
 - 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 so that more time, options, and resources become available to resolve the incident;
2. Calling for additional resources, including back-up officers and/or crisis intervention teams or mental health professionals;
3. Designating one officer to communicate with the subject;
4. Using clear instructions and verbal persuasion;
5. Employing verbal and non-verbal communication techniques to calm a person such as:
 - a. speaking slowly,
 - b. regulating tone and body language,
 - c. uncrossing one's arms,
 - d. minimizing hand gestures, and
 - e. reducing bright, flashing lights and sirens;
6. 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;
7. Communicating in a way that demonstrates respect for people's dignity such as:
 - a. clearly explaining the officer's actions and expectations;
 - b. listening to the person's questions and concerns and responding respectfully; and
 - c. being neutral and fair when making decisions;
8. 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.

6.00.055

CHARACTERISTICS AND CONSIDERATIONS WHEN USING FORCE: 11/23

When using any force, deputies shall use the least amount of force necessary to overcome resistance under the circumstances, in consideration of characteristics and conditions such as:

1. Medical condition;
2. Pregnancy;
3. Age;
4. Signs of mental, behavioral, or physical impairments or disabilities;
5. Perceptual or cognitive impairments related to drug or alcohol use;
6. Suicidal ideations;
7. Language barrier; or
8. The presence of children

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

6.00.060

MEDICAL TREATMENT AFTER USE OF FORCE: 11/23

At the earliest safe opportunity, commissioned members at the scene of a use of force shall provide first aid to injured persons when there is an obvious, suspected, or alleged injury.

At the earliest safe opportunity, deputies shall allow Emergency Medical Services personnel into the scene to administer first aid to injured persons. Deputies shall assist by providing first aid to injured persons if the EMS resources are inadequate.

Injured persons and restrained persons shall be monitored while in law enforcement custody.

Consistent with training, deputies shall take the following actions to reduce the risk of positional asphyxiation and compression asphyxiation:

1. As soon as 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 deputies shall place them in that position unless doing so poses a substantial risk of safety to the individual, officers, or others.
2. Do not put prolonged pressure on the chest, neck or back, including by sitting, kneeling, or standing.
3. Continuously monitor the person's condition while being restrained, as death can occur suddenly and develop beyond the point of viable resuscitation within seconds. Monitoring includes, but is not limited to, assessing the adequacy of the individual's breathing and any other signs of medical impairment.
4. Whenever possible during team restraint, when manpower limitations allow, the ranking deputy shall designate a "Safety Officer." The Safety Officer shall monitor the health and welfare of the person until:
 - a. Responsibility is transferred to a health care professional (e.g. EMT, paramedic); or
 - b. 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 the Safety Officer to be well and speaking normally.

5. If the Safety Officer becomes aware of an issue with the person's breathing, color, or any other health impairment, they shall inform the ranking officer.
6. Do not transport a restrained person in the prone position.
7. The details regarding injuries and first aid treatment provided shall be thoroughly documented in the incident report.

6.00.065

SHOW OF FORCE (DISPLAY OF A WEAPON): 11/23

1. A show of force is the intentional drawing or displaying of a pistol, rifle, or less lethal weapon, for the purpose of establishing constructive authority.
2. For firearms, display of the weapon is considered a show of force when not pointed or aimed at a person. For less lethal weapons, display constitutes a show of force even if aimed at a person.
3. A show of force as described above does not constitute a use of force but shall be documented with a CAD entry per GOM 6.01.015.

6.00.070

POINTING OR AIMING A FIREARM: 07/25

1. A firearm, for the purposes of this policy, is defined as 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. Pointing or aiming means to intentionally direct the muzzle of a firearm at a person.
3. Firearms shall not be pointed or aimed at a person unless a member has reason to believe there is an immediate threat of serious physical injury or death.
4. Pointing or aiming a firearm at person constitutes a use of force and must be reported.

6.00.075

PROHIBITED USES OF FORCE: 11/25

The following uses of force are prohibited:

1. Warning shots - Discharging a firearm as a warning is prohibited.
2. Shooting from a moving vehicle, except to protect the deputy's life or the life of another person from an immediate threat of serious physical injury or death.
3. Shooting at a moving vehicle, unless:
 - a. Necessary to protect against an immediate threat of serious physical harm resulting from the operator's or a passenger's use of a deadly weapon. For the purposes of this directive, 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.
 - b. Deputies shall attempt to move out of the path of an oncoming vehicle, if safe and feasible, rather than discharge their firearm; and

- c. Deputies shall not intentionally place themselves in the path of an oncoming vehicle nor attempt to disable the vehicle by discharging their firearms.
4. Any physical application or maneuver to the neck region that restricts blood or air flow (e.g., choke holds, sleeper holds, carotid submission holds, lateral vascular neck restraint, etc.) in accordance with RCW 10.116.020.

Deputies may use force tactics prohibited by departmental policy, or otherwise by law, only if necessary to protect their life or the life of another person from an imminent threat (RCW 10.120.020(4)).

6.00.080

DUTY TO INTERVENE: 11/23

Any member who witnesses another peace officer using or attempting to use force inconsistent with this policy shall, when in a position to do so, intervene to stop the use of force as outlined in GOM 3.00.035.

6.00.085

POLICY MODIFICATION OR REPEAL: 11/23

1. Any modification or repeal of this policy after December 1, 2022 shall be submitted to the Washington State Attorney General by the department legal advisor within 60 days of such modification or repeal.
2. The Inspectional Services Unit shall be responsible for ensuring that the notification takes place within 60 days and for maintaining a record of those notifications.

6.00.090

TRAINING: 11/23

All deputies and supervisors shall receive training consistent with this policy at least annually. Training should:

1. Be a combination of classroom and scenario-based learning.
2. Include community partners, when relevant and feasible.
3. Incorporate cultural competency to understand disproportionately impacted communities, and how racialized experiences of policing and the criminal justice system may impact interactions with police
4. This policy should be incorporated into defensive tactics curricula.

To the extent that Sheriff's Office policy may contain provisions more restrictive than the state law, such provisions are not intended, nor may they be construed or applied, to create a higher standard of care or duty toward any person or to provide a basis for criminal or civil liability against the County, the Sheriff's Office, or any of its officials or individual deputies.