

Use of Force

300.1 PURPOSE

The purpose of this policy is to outline parameters for the use of force by peace officers when performing their duties.

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 inadequate 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 peace officer that are intended to minimize the likelihood of the need to use force during an incident (RCW 10.120.010). Using force is not a de-escalation tactic.

Excessive force - Means force that exceeds the force permitted by law or policy of the witnessing officer's agency (RCW 10.93.190)

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.

Great bodily harm - Bodily injury which creates a probability of death, or which causes significant serious permanent disfigurement, or which causes a significant permanent loss or impairment of the function of any bodily part or organ (RCW 9A.04.110).

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).

Imminent - Ready to take place; impending. Note that imminent does not generally mean immediate or instantaneous.

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. RCW 10.120.010

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Less lethal alternatives - Include, but are not limited to, verbal warnings, de-escalation tactics, conducted energy weapons, devices that deploy oleoresin capicum, batons, and beanbag rounds (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 neck restraint 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 - Includes any "general authority Washington peace officer," "limited authority Washington peace officer," and "specially commissioned Washington peace officer" as those terms are defined in RCW 10.93.020. "Peace officer" does not include any corrections officer or other employee of a jail, correctional, or detention facility, but does include any community corrections officer (RCW 10.120.010). Peace officers are referred to as officers in this policy.

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).

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.

Substantial bodily harm - Bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part (RCW 9A.04.110).

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. "Tear gas" does not include oleoresin capicum (OC) (RCW 10.116.030).

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

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Olympia peace officers recognize that it is a fundamental duty of law enforcement to preserve and protect all human life. Protection of life is generally more important than apprehension of criminal offenders or the protection of property. The responsibility to protect life includes an officer's own

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life. The department recognizes that the safety of innocent community members and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Peace officers may only use force to the extent necessary and reasonable under the totality of the circumstances. The intent of this standard is to strike the appropriate balance between two important interests: The safety of the public and the peace officers who serve to protect the public, and the right of the people to be secure in their persons against unreasonable searches and seizures (RCW 10.120.010, See Intent).

300.3 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, officers should:

- (a) Request additional resources, as needed and practical, such as crisis intervention team or other appropriate specialty units and/or professionals.
- (b) Begin assessment and planning with available facts before arriving at the scene.
- (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.
- (g) Review and re-assess the situation as it evolves.

Nothing in this policy precludes officers from taking quick action when faced with an imminent threat in a rapidly evolving situation.

300.4 COMMUNITY CARETAKING

Nothing in this policy is intended to limit or restrict a peace officer's authority or responsibility to perform life-saving 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, medical professionals, behavioral health professionals, social service providers, designated crisis responders, shelter or housing providers, or any member of the public (RCW 10.120.020(5)).

300.5 IDENTIFICATION, WARNING, AND OPPORTUNITY TO COMPLY PRIOR TO USE OF PHYSICAL FORCE

When safe and feasible, prior to the use of physical force, officers should attempt to:

- (a) Identify themselves as law enforcement officers.
- (b) 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.

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- (c) Provide clear instructions and warnings.
- (d) Warn a person that physical force will be used unless their resistance ceases.
- (e) Give the person a reasonable opportunity to comply with any warning.

300.6 REASONABLE CARE STANDARD

Peace officers 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:

- (a) When possible, use all de-escalation tactics that are available and appropriate under the circumstances before using physical force; and
- (b) When using physical force, use the least amount of physical force necessary to overcome resistance under the circumstances. This includes consideration of the characteristics and conditions of a person for the purposes of determining whether to use physical force or deadly force against that person and, if physical force is necessary, determine the appropriate and least amount of physical force possible to effect a lawful purpose.
- (c) Terminate the use of physical force as soon as the necessity for such force ends.
- (d) When possible, use less lethal alternatives that are available and appropriate under the circumstances before using deadly force (RCW 10.120.020(3)).

300.6.1 USE DE-ESCALATION TACTICS WHEN POSSIBLE

When possible, officers shall use all de-escalation tactics that are available and appropriate under the circumstances before using physical force (RCW 10.120.020 (3)(a)).

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

- (a) Using clear instruction and verbal persuasion.
- (b) Attempting to slow down or stabilize the situation so that more time, options, and resources are available to resolve the incident.
- (c) Creating physical distance by employing tactical repositioning to maintain the benefit of time, distance, and cover.
- (d) When there are multiple officers, designating one officer to communicate in order to avoid competing commands.
- (e) 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 (RCW 10.120.010, definitions).

300.6.2 CONSIDER CHARACTERISTICS AND CONDITIONS

Consider the characteristics and conditions of a person for the purposes of determining whether to use force against a person. When using physical force, use the least amount of physical force necessary to overcome resistance under the circumstances (RCW 10.120.020(3)(b)).

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Characteristics and conditions may include, for example, whether the person:

- (a) Is visibly pregnant, or states that they are pregnant.
- (b) Is known to be a minor, objectively appears to be a minor, or states that they are a minor.
- (c) Is known to be a vulnerable adult, or objectively appears to be a vulnerable adult as defined by RCW 74.34.020.
- (d) Displays signs of mental, behavioral, or physical impairments or disabilities.
- (e) Is experiencing perceptual or cognitive impairments typically related to the use of alcohol, narcotics, hallucinogens, or other drugs.
- (f) Is suicidal (see deadly force – shall not use 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.)
- (g) Has limited English proficiency.
- (h) Is in the presence of children (RCW 10.120.020).

300.6.3 TERMINATION OF FORCE

Peace officers shall terminate the use of physical force as soon as the necessity for such force ends (RCW 10.120.020(3)).

300.6.4 USE LESS LETHAL ALTERNATIVES WHEN POSSIBLE

Peace officers shall, when possible, use less lethal alternatives that are available and appropriate under the circumstances before using deadly force (RCW 10.120.020(3)).

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300.7.1 AMOUNT OF FORCE

When using physical force, peace officers shall 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 (RCW 10.120.020(3)).

300.7.2 LEVEL OF FORCE

Force can generally be categorized into lower level, intermediate, and deadly force. However, certain force tools may fall into more than one category depending on the situation and how a tool is deployed. Peace officers are not required to exhaust a lower level of force before moving to a greater level of force. The type of force a peace officer decides to use will depend on the totality of the circumstances.

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300.7.3 PHYSICAL FORCE (RCW 10.120.020(1))

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 physical 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 to protect against the threat posed to the officer or others.

Except as otherwise provided under this policy or by law, a peace officer may use physical force against a person to the extent necessary to:

- (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) Take a person into custody, transport a person for evaluation or treatment, or provide other assistance under chapter 10.77, 71.05, or 71.34 RCW.
- (e) Take a minor into protective custody when authorized or directed by statute.
- (f) Execute or enforce a court order authorizing or directing a peace officer to take a person into custody.
- (g) Execute a search warrant.
- (h) 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.
- (i) 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.
- (j) Take a person into custody when authorized or directed by statute.
- (k) Protect against an imminent threat of bodily injury to the peace officer, another person, or the person against whom force is being used.

300.7.4 DEADLY FORCE

Except as otherwise provided in this policy or by law, a peace 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. Officers 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 officer.

For purposes of this subsection: "Immediate threat of serious physical injury or death" means that, based on the totality of the circumstances, it is objectively reasonable to believe that a person has the present and apparent ability, opportunity, and intent to immediately cause death or serious bodily injury to the peace officer or another person (RCW 10.120.020(2)).

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300.8 SELECT FORCE TOOLS

A peace officer may not use any force tactics specifically prohibited by applicable departmental policy or law, except to protect his or her life or the life of another person from an imminent threat (RCW 10.120.020).

Tools and tactics that are not specifically addressed within this policy or within Department training may need to be employed in emergency circumstances, recognizing that confrontations often occur in environments that are unpredictable, uncertain, tense, and rapidly evolving. Any such departure from the tools and tactics outlined in policy may be permitted so long as the other requirements for use of force have been followed.

Force tools are to be carried in a department-approved holster or in accordance with training.

Peace officers may use Force Tools in accordance with this policy and consistent with training when:

- (a) The subject is actively aggressive or is actively resistant and creates an immediate threat of harm to officers, or others.
- (b) Lower-level force options have been ineffective or would reasonably appear to be unsafe or ineffective.
- (c) A verbal warning of the intended use of the force tool is given, when safe and feasible.

The following select Force Tools may be used only if:

- (a) The device has been issued by the Olympia Police Department and approved by the Chief of Police or the Chief's authorized designee.
- (b) The peace officer has successfully completed Olympia Police Department-approved training.
- (c) The peace officer has demonstrated satisfactory skill and proficiency in the use of the Force Tool.

300.8.1 OLEORESIN CAPSICUM (OC) SPRAY

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 gagging, and gasping for breath.

After the initial application of OC spray, each subsequent application must also be justified.

Officers deploying OC should attempt to avoid or minimize incidental exposure to non-involved persons.

At the earliest safe opportunity at a scene controlled by law enforcement, an officer should take action to address the effects of the OC by flushing the person's eyes out with water and ventilating with fresh air, if possible.

300.8.2 IMPACT WEAPONS

Department-issued and authorized impact weapons typically include batons.

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Officers should not intentionally strike vital areas, including the head, neck, face, throat, spine, groin, or kidney unless deadly force is justified.

Officers shall not use an impact weapon to intimidate a person when such a warning or display is not justified by the threat presented. The mere act of holding an impact weapon, absent other threatening behavior, does not constitute intimidation.

Officers should reassess the effectiveness of impact weapon strikes when safe and feasible, and if not effective, move to another appropriate target or to another tactical or physical force option.

Officers shall only use striking techniques directed at a subject's head as a means of self-defense or in 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.

300.8.3 PROJECTILE IMPACT WEAPONS

Also known as Extended Range Impact Weapons:

- (a) A Projectile Impact Weapon (PIW) fires less-lethal ammunition and is designed to stun, temporarily incapacitate, or cause temporary discomfort to a person without intentionally penetrating the person's body.
- (b) Officers must be trained to use a PIW before deploying one during the course of law enforcement operations and it should be used consistent with manufacturer guidelines.
- (c) When safe and feasible, an officer about to discharge a PIW should advise other officers at the scene prior to the discharge.
- (d) Officers should reassess the effectiveness of projectile impact weapon strikes after each shot and, if not effective, move to another appropriate target or to another tactical or physical force option.
- (e) Restricted Uses. The PIW should not be used in the following circumstances unless the use of deadly force is justified:
 - 1. Intentionally aiming a PIW at the head, neck, chest, or groin.
 - 2. At ranges that are inconsistent with the PIW manufacturer's guidelines.
 - 3. 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).
- (f) At the earliest safe opportunity, a person who is struck with a 12-gauge bean bag or 40 mm round shall be transported to the hospital and be medically cleared.

300.8.4 ELECTRONIC CONTROL WEAPON (ECW)

- (a) 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.
- (b) Issuance and carrying an ECW:

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1. An approved ECW may only be used by officers who have been certified in its use and are re-certified on a yearly basis.
 2. Officers issued an ECW are expected to carry it as a less lethal option.
 3. Consistent with training, officers carrying an ECW should perform a function check on the weapon and check remaining battery life prior to their shift. Officers should report any malfunction to a supervisor or other appropriate personnel.
- (c) Standards of Use:
1. Officers should carry an ECW in a weak-side holster on the side opposite the duty weapon. Weak-side draw and use is preferred but is not mandatory and may not be practical in all cases and during all events.
 2. Officers should not hold an ECW and firearm simultaneously unless exigent circumstances exist.
 3. Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest, and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the ECW probes to a precise target area, officers should, when safe and feasible, monitor the condition of the subject if one or more probes strikes the head, neck, chest, or groin until the subject is examined by medical personnel.
 4. Use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit. The drive-stun mode is not a lesser form of force, and all ECW deployment requirements must still be followed.
 5. An ECW shall be used for one standard discharge cycle of five seconds or less, after which the officer shall reassess the situation.
 6. An officer shall use only the minimum number of cycles necessary to control the person. 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 and the officer shall consider other options.
 7. Peace Officers may deploy the ECW in accordance with training.
 8. Each deployment (generally five seconds) must be independently justified.
- (d) Restricted Use. The use of the ECW on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer or others than if the ECW was not used. This could be due to the presence of a dangerous weapon, when the subject cannot be safely controlled with other available options, or there is some other strong government interest for stopping or capturing the subject. The officer must reasonably believe and articulate that the need to control the individual outweighs the risk of using the device. Typically, use of the device is not appropriate in the following situations:
1. When the individual is visibly pregnant, or the officer hears them state that they are pregnant.

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2. When the individual appears to be elderly or juvenile.
 3. When the individual is handcuffed or otherwise clearly restrained.
 4. When an individual has been recently sprayed with a flammable chemical agent or is otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capicum (OC) spray.
 5. When an officer clearly perceives that an individual's positioning or activity could result in collateral injury (e.g., falls from height, operating vehicles).
 6. On an operator in physical control of a vehicle in motion, including automobiles, trucks, motorcycles, ATVs, bicycles, and scooters unless deadly force is authorized.
 7. In an environment where an officer knows or has reason to believe that a potentially flammable, volatile, or explosive material is present.
 8. On individuals who are fleeing.
- (e) A peace officer may draw and direct the ECW (showing flashlight and/or laser) at a subject, or may display the electrical warning arc, as a de-escalation step. The aiming laser shall not be intentionally directed into the eyes of another. To minimize the risk of accidental ECW exposure/discharge, the ECW should be pointed in a safe direction during the warning arc if ranged use of the ECW is not imminent.
- (f) The ECW may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are unavailable or would likely be ineffective.
- (g) At the earliest safe opportunity at a scene controlled by law enforcement, if probes are not lodged in a sensitive area, Peace Officers, or aid units may remove them per training. Persons who have been struck by ECW probes or who have been subjected to the electric discharge of the device should be medically assessed when practicable. Hospital clearance is required and may not be refused for:
1. Three consecutive applications, or a one-time exposure of 15 seconds or more.
 2. When ECW probes are lodged in a sensitive area (e.g., groin, breast, head, face, neck).
 3. If a person is visibly pregnant, or reports to the officer that they are pregnant.

300.8.5 FIREARMS

- (a) 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.
- (b) Officers are only permitted to discharge a firearm at a person in situations where deadly force is justified. Each discharge of the firearm must be justified.
- (c) Pointing a Firearm:

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1. Officers should only point a firearm at a person when the officer makes reasonable observations based on the totality of the circumstances that the situation may evolve to the point where deadly force is justified.
 2. 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.
 3. 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(1)(d)(ii).
- (d) When safe and feasible, officers should attempt to give a verbal warning that a firearm will be discharged.
- (e) Prior to the decision to use a firearm, officers should consider field of fire, backdrop, bystanders, potential for ricochet, and other risks of life.
- (f) Restricted Use:
1. Officers should not use firearms as impact weapons.
 2. Discharging a Firearm at or from a Moving Vehicle:
 - (a) 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 potentially serious harm are immediately available to the officer (RCW 10.116.060(3).
 - (b) Officers should not intentionally place themselves in the path of an approaching vehicle.
 - (c) Officers shall not shoot at any part of a vehicle in an attempt to disable the vehicle.
 - (d) Officers should not fire from a moving vehicle unless it's an extreme circumstance involving the immediate threat of death or serious physical injury to a person.
- (g) Prohibited Use. Officers shall not use a firearm in the following circumstances:
1. When it appears likely that an innocent person may be injured.
 2. Firing a "warning shot."
 3. Discharging a firearm at a person who presents a danger only to themselves or who presents a danger only to property and does not have the apparent ability, opportunity, and intent to immediately cause death or serious bodily injury to the officer or another person.
 4. Pointing a firearm at a person after the Peace Officer has determined that the person presents a danger only to themselves and/or property and does not have the apparent ability, opportunity, and intent to immediately cause death or serious bodily injury to the officer or another person.

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300.9 SELECT RESTRAINT DEVICES

300.9.1 SPIT GUARDS

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.

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 or threatening to spit or bite.
- (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) Officers shall only use department-issued spit guards.
- (d) Officers 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.
- (e) In the event of an obvious medical emergency, spit guards should be removed immediately.
- (f) Officers shall not apply spit guards in the following situations because of higher risks:
 - 1. Where the restrained person is bleeding profusely from the area around the mouth and nose.
 - 2. On an individual who is actively vomiting.
 - 3. On an individual who states that they have a medical condition that affects their breathing, or who demonstrates symptoms of labored or distressed breathing.
- (g) 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.
- (h) 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.
- (i) Officer shall assist when escorting the individual due to the potential for impaired or distorted vision.
- (j) Application of a spit guard must be documented.
- (k) Spit guards shall be discarded after each use.

300.9.2 BOLAWRAP

The BolaWrap restraint system is a device that fires a 6-foot Kevlar cord with a weighted hook on each side designed to wrap around a subject to inhibit movement. Officers shall only deploy the BolaWrap restraint system in accordance with training.

Standards of Use:

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The BolaWrap restraint system shall only be used where force is justified under (Use of Force) and the subject is non-compliant. A verbal warning of the intended use of the BolaWrap should be given if safe and feasible. Officers are not to intentionally target the head or neck.

Special Deployment Considerations:

The BolaWrap may not be used under the following circumstances, unless the subject is armed with a deadly weapon and is an imminent danger to officers, themselves, or others, or there is some other compelling government interest in stopping or capturing the subject:

- (a) Officers will not intentionally target the head or neck.
- (b) Officers will only intentionally target parts of the subject that are clothed.
- (c) Officers will not intentionally target subjects standing in close proximity (approximately 4-5 feet) of other people.
- (d) Officers will not intentionally target individuals whose position or activity significantly increases a risk of injury (e.g., falls from above standing height or standing in or near a body of water).

Post-Deployment Considerations:

If the BolaWrap hooks are not lodged in a sensitive area, Peace Officers, or aid units may remove them per training.

300.10 PROHIBITED TOOLS AND TACTICS/EXCEPTIONS

300.10.1 USE OF CHOKEHOLDS AND NECK RESTRAINTS PROHIBITED

Officers may not use a chokehold or neck restraint on another person in the course of their duties as a peace officer (RCW 10.116.020).

300.10.2 USE OF HOBBLE RESTRAINTS PROHIBITED

A hobble restraint is designed to restrain a person's feet in order to control an assaultive person. Officers may not use hobble restraints.

300.10.3 USE OF TEAR GAS PROHIBITED/EXCEPTION

Use of tear gas by Olympia peace officers is prohibited except in circumstances where another jurisdiction is acting as lead agency (for example, SWAT) and follows the statutory requirements as those apply to that lead agency's use, as set forth in RCW 10.116.030.

300.11 DUTY TO INTERVENE

Any identifiable on-duty peace 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 the further use of excessive force (RCW 10.93.190).

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Any identifiable on-duty peace officer who witnesses another peace officer engaging or attempting to engage in the use of excessive force or attempted use of excessive force shall report such conduct to their supervisor as soon as practicable.

300.12 PERSPECTIVE

When observing 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.

300.13 DUTY TO REPORT WRONGDOING

Any identifiable on-duty peace officer who witnesses any wrongdoing committed by another peace officer (from any agency) or has a good faith reasonable belief that another peace officer committed wrongdoing, shall report such wrongdoing to their supervisor as soon as practicable (RCW 10.93.190).

300.14 DISCIPLINE

This Department shall not discipline or retaliate in any way against a peace officer for intervening in good faith or for reporting wrongdoing in good faith as required by this Policy (RCW 10.93.190).

This Department shall send notice to the criminal justice training commission of any disciplinary decision resulting from a peace officer's failure to intervene or failure to report as required by law to determine whether the officer's conduct may be grounds for suspension or revocation of certification under RCW 43.101.105 (RCW 10.93.190).

300.15 FIRST AID

A peace officer shall administer or facilitate first aid at the earliest safe opportunity to any person injured as a result of the use of force, in accordance with the guidelines established by the Washington State Criminal Justice Training Commission pursuant to RCW 36.28A.445 (RCW 10.93.190).

300.15.1 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, 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 they can be medically assessed.

Consistent with training, officers shall take the following actions to reduce the risk of positional asphyxiation and compression asphyxiation: As soon as safe and feasible after handcuffing or otherwise restraining a person taken to the ground, roll the person to the side or 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.

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Based on the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If an individual refuses medical attention, such 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 should include a description of the force used and any other circumstances the officer reasonably believes would be a potential safety or medical risk 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 (now called "hyperactive 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.

300.16 DOCUMENTING THE USE OF FORCE

Any use of force by a peace officer of this department shall be documented as soon as practicable, completely, and accurately in an appropriate report. The officer who uses force or is present when force is used by any law enforcement agency, must complete a report that articulates what the officer perceived before, during, and after the incident. To collect data for purposes of training, resource allocation, analysis, and related purposes, the department may require the completion of additional report forms.

300.17 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made promptly following the application of force in any of the following circumstances:

- (a) When an individual subjected to the use of force:
 - 1. Is taken to the ground.
 - 2. Complains of injury or continuing pain.
 - 3. Sustains visible injury caused by physical force.
 - 4. Is rendered unconscious.
 - 5. Alleges that unreasonable force was used or indicates intent to pursue litigation.
- (b) Whenever an officer:
 - 1. Applied the BolaWrap restraint system.

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2. Discharged a firearm at or in the direction of a person.
3. Pointed a firearm at a person.
4. Used a chokehold or vascular neck restraint.
5. Used an electronic control weapon including, but not limited to, a taser, against a person.
6. Used oleoresin capicum spray against a person.
7. Discharged a less lethal shotgun or other impact munitions at or in the direction of a person.
8. Struck a person using an impact weapon or instrument including, but not limited to, a club, baton, or flashlight.
9. Used any part of their body to physically strike a person including, but not limited to, punching, kicking, slapping, or using closed fists or feet.
10. Used a vehicle to intentionally strike a person or vehicle.
11. Deployed a canine by releasing it from the physical control of the law enforcement officer or had under the law enforcement officer's control a canine that bites a person.

300.17.1 SUPERVISOR RESPONSIBILITIES

When available, a supervisor should respond to an incident in which there has been a reported application of force as described in NOTIFICATION TO SUPERVISOR. If a supervisor reasonably believes that an individual or officer has sustained an injury resulting in substantial bodily harm, great bodily harm, or death, the supervisor will notify their chain of command to determine whether the supervisor will be responsible for completing the following investigative duties. If the supervisor is completing the investigation, they are 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, obtain a video/audio (location and equipment dependent) recorded interview with the subject upon whom force was applied regarding the use of force event. This may be independent from any investigation of the criminal activity itself. The fact that a recorded interview was conducted should be documented in a report.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, and when safe for all involved, should 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 until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.

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- (f) Evaluate the circumstances surrounding the incident and initiate an administrative investigation.

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.

300.17.2 LIEUTENANT RESPONSIBILITIES

The appropriate Lieutenant shall review each reportable use of force to ensure compliance with this policy, to address any training issues, and to determine if for any reason further investigation may be appropriate.

300.18 NOTIFICATION TO INDIAN AFFAIRS

Whenever a peace officer's application of force results in the death of a person who is an enrolled member of a federally recognized Indian tribe, the department must notify the governor's office of Indian affairs. Notice by the department to the governor's office of Indian affairs must be made within a reasonable period of time, but not more than 24 hours after the department has good reason to believe that the person was an enrolled member of a federally recognized Indian tribe. Notice provided under this section must include sufficient information for the governor's office of Indian affairs to attempt to identify the deceased person and his or her tribal affiliation (RCW 10.114.021).

300.19 NOTIFICATION TO THE 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(2)(a)).

300.20 REPORTING TO THE STATEWIDE USE OF FORCE DATA PROGRAM

Each law enforcement agency in the state is required to report each incident where a law enforcement officer employed by the agency used force and:

- (a) A fatality occurred in connection with the use of force.
- (b) Great bodily harm occurred in connection with the use of force (RCW 9A.04.110).
- (c) Substantial bodily harm occurred in connection with the use of force (RCW 9A.04.110).
- (d) A law enforcement officer:
 - 1. Discharged a firearm at or in the direction of a person.
 - 2. Pointed a firearm at a person.
 - 3. Used a chokehold or vascular neck restraint.
 - 4. Used an electronic control weapon including, but not limited to, a taser, against a person.
 - 5. Used oleoresin capicum spray against a person.

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6. Discharged a less lethal shotgun or other impact munitions at or in the direction of a person.
7. Struck a person using an impact weapon or instrument including, but not limited to, a club, baton, or flashlight.
8. Used any part of their body to physically strike a person including, but not limited to, punching, kicking, slapping, or using closed fists or feet.
9. Used a vehicle to intentionally strike a person or vehicle.
10. Deployed a canine by releasing it from the physical control of the law enforcement officer or had under the law enforcement officer's control a canine that bites a person.

Each report required above of this section must include the following information:

- (a) The date and time of the incident.
- (b) The location of the incident.
- (c) The agency or agencies employing the law enforcement officers.
- (d) The type of force used by the law enforcement officer.
- (e) The type of injury to the person against whom force was used, if any.
- (f) The type of injury to the law enforcement officer, if any.
- (g) Whether the person against whom force was used was armed or unarmed.
- (h) Whether the person against whom force was used was believed to be armed.
- (i) The type of weapon the person against whom force was used was armed with, if any.
- (j) The age, gender, race, and ethnicity of the person against whom force was used, if known.
- (k) The tribal affiliation of the person against whom force was used, if applicable and known.
- (l) Whether the person against whom force was used exhibited any signs associated with a potential mental health condition or use of a controlled substance or alcohol based on the observation of the law enforcement officer.
- (m) The name, age, gender, race, and ethnicity of the law enforcement officer, if known.
- (n) The law enforcement officer's years of service.
- (o) The reason for the initial contact between the person against whom force was used and the law enforcement officer.
- (p) Whether any minors were present at the scene of the incident, if known.
- (q) The entity conducting the independent investigation of the incident, if applicable.
- (r) Whether dashboard or body worn camera footage was recorded for an incident.
- (s) The number of officers who were present when force was used.

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- (t) The number of suspects who were present when force was used.

Each law enforcement agency must also report any additional incidents and data required by the statewide use of force data program.

Reports shall be submitted in accordance with the requirements of the statewide use of force data program no later than three months after the office of the attorney general determines that the system procured in RCW 10.118.040 can accept law enforcement agency reports. Reports must be made in the format and time frame established in the statewide use of force data program (RCW 10.118.030(1-4)).

300.21 TRAINING

All officers and supervisors must receive regular training on this policy as consistent with the Criminal Justice Training Center pursuant to Chapter 43.101 RCW.

Training should include:

- (a) A combination of classroom and scenario-based learning,
- (b) Community partners, when relevant and feasible,
- (c) Incorporating cultural competency to understand disproportionately impacted communities, and how racialized experiences of policing and the criminal justice system may impact interactions with police.
- (d) Legal updates.
- (e) De-escalation tactics, including reasonably effective alternatives to force including applicable legal requirements (RCW 10.120.010).
- (f) The duty to intervene.
- (g) The duty to request and/or render medical aid.
- (h) Warning shots.
- (i) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (j) Exercising reasonable care in determining when to use force.
- (k) Evaluation of whether certain applications of force are reasonable and proportional to the threat or resistance.

This policy should be incorporated into defensive tactics and firearms curricula.