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USE OF FORCE

A. Policy

The Pasco Police Department is committed to protecting people, property, and rights while providing the best in public safety and service. It is the policy of this department that officers hold the highest regard for the dignity and liberty of all persons and place minimal reliance upon the use of force. The department respects the value of every human life and requires its officers to use deadly force only in the most extreme circumstances.

The proper use of force is essential for policing. There are circumstances where individuals will not comply with the law unless compelled or controlled by the use of force. In a use of force incident, the governmental interest must match the level of force and intrusion upon an individual's constitutional rights. The decision to use force requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer or others, and whether he is actively resisting arrest or attempting to evade arrest by flight. Pursuant to HB 1310, officers will use the least amount of physical force necessary to overcome actual resistance under the circumstances.

Pasco Police Department reserves the right to hold its officers to standards that exceed what is legally required.

This policy is intended to provide clarity to officers and promote safety for all by ensuring that all available and appropriate de-escalation techniques are used, when possible, physical force is used appropriately only when necessary, and the amount of physical force used is proportional to the threat or resistance the officer encounters as well as the seriousness of the law enforcement objective that is being served.

B. Definitions

Approved Weapons: Approved weapons are those weapons meeting department specifications for which officers receive proficiency and safety training.

Chokehold: The intentional application of direct pressure to a person's trachea or windpipe for the purpose of restricting another person's airway.

Conducted Energy Weapons (CEW): The CEW is a Neuro-Muscular Incapacitation (NMI) device that stimulates the motor neurons to contract to disrupt communication from the brain to the muscles thereby causing temporary motor skill dysfunction.

- **Spark Display:** A non-contact demonstration of the CEW's ability to discharge electricity.
- **Drive Stun:** A secondary function of the CEW intended to administer pain to a subject by making direct contact with the body after the air cartridge has been expended or removed.
- **Probe Mode:** The primary function of the CEW where the CEW cartridge is deployed firing probes at the subject. The intent is that the subject be temporarily immobilized for the period of time the CEW is cycled.

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.

Cuffing Under Power: Cuffing under power is a tactic where a secondary officer handcuffs a subject while the CEW (being deployed by the primary officer) is cycling, and the subject is in Neuro-Muscular Incapacitation (NMI).

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 physical force is not a de-escalation tactic. De-escalation tactics are detailed in the section “[De-escalation](#).”

Exigent Circumstances: Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.

Force Transitions: The movement, escalation/de-escalation, from the application of one force type to another in conjunction with the “objectively reasonable” standard from [Graham v. Connor](#), 490 U.S. 386 (1989). The officer must consider all the factors before using force and choose a reasonable option based on the “totality of the circumstances” present.

Great Bodily Harm: A 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](#) 4.c).

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.

Involved Officer: A commissioned officer or supervisor, who participated in, directed, or influenced the application of the use of force.

Less-Lethal Alternatives: Include, but are not limited to, verbal warnings, de-escalation tactics, conducted energy weapons, devices that deploy oleoresin capsicum, batons, and impact munitions.

Levels of Control: Levels of Control are broad categories of influence and/or force in identifiable, escalating stages of intensity. They are identified as low-level force, intermediate force, and deadly force.

- **Low-Level Force:** Low-level force is a level of force or control that is neither likely nor intended to cause injury.
- **Intermediate Force:** A level of force that has the potential to cause injury or substantial pain and is greater than low-level force.
- **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.16.010.2](#)).

Necessary: Under the totality of the circumstances, a reasonably effective alternative to the use of deadly force does not exist, and that the amount of force used was a reasonable and proportional response to the threat posed to the officer and others.

Neck Restraint: Refers to 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)

Non-Deadly Force: The level of force required to compel compliance, which is not intended to and is not known to create a substantial risk of causing death or serious bodily harm.

Officer Witness Monitor: A designated officer who is not involved in the use of deadly force. The responsibilities of the Officer Witness Monitor are to observe and prevent discussions regarding the incident among involved officer(s) and witness(s).

Officer-Involved Shooting: An officer’s discharge of a firearm at a person, with or without physical injury or the death of the person.

Other Firearm Discharge: An unintentional discharge of a firearm that does not cause injury or death to a person or the intentional shooting at, injuring, or killing animals.

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](#).

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 breath freely.

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

Public Safety Statement (PSS): A series of questions to obtain information to determine if there is an immediate threat to public safety and must be taken in a timely manner. (An example would be shots fired by an officer or a subject in the direction where the public may be in immediate danger.) The supervisor must take appropriate action to ensure public safety, based on the information received from the PSS.

Pursuit Intervention Technique (PIT): The PIT is a specific manner of intentional contact using a police vehicle against a fleeing vehicle to cause the fleeing vehicle to come to a stop; this technique is used only in accordance with official department training and policy.

Ramming: The use of a vehicle to intentionally hit another vehicle, outside the approved PIT, blocking and stationary vehicle immobilization policies. Ramming is prohibited unless it is a deadly force situation which can be clearly articulated.

Reasonable Force: Reasonable force is an objective standard of force viewed from the perspective of a reasonable officer, without the benefit of 20/20 hindsight, and based on the totality of the circumstances presented at the moment the force is used. See “[Determining Objectively Reasonable Force.](#)”

Reportable Force: Reportable force is any use of force which is required to overcome subject resistance to gain compliance that results in injury or complaint of injury, complaint of continuing pain, or any use of force greater than low-level force (see [Levels of Control](#)).

Significant Force: Any force which results in treatment at a medical facility due to injuries or alleged injuries caused by any officer. Examples include but are not limited to skeletal fractures, serious bodily injury, or complaint of injury to a person's head or sternum area. All significant force is reportable force.

Special Investigative Unit (SIU): A team put in place to investigate officer-involved incidents that occur within Benton, Franklin, and Walla Walla Counties, which involve great bodily harm or death. The SIU will conduct a criminal investigation to develop relevant information to allow a determination of the presence or absence of criminal liability on the part of those involved in the incident.

Substantial Bodily Harm: A 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](#) 4.b).

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 officer.

Vascular Neck Restraint (VNR): VNR is a specific method of applying pressure to the side of a subject's neck to overcome resistance and allow safe control.

Witness Officer: A commissioned officer or supervisor who did not participate in or directly influence the application of the use of force.

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](#))

C. Determining Objectively Reasonable Force

The United States Supreme Court decisions and interpretations of the Fourth Amendment to the United States Constitution direct that a police officer may only use such force as is *objectively reasonable* under all of the circumstances. The standard that courts will use to examine whether a use of force is constitutional was first outlined in Graham v. Connor, 490 U.S. 386 (1989) and expanded by subsequent court cases. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with 20/20 vision of hindsight. The reasonableness must account for the fact that officers are often forced to make split-second judgments - in circumstances that are tense, uncertain, and rapidly evolve.

The reasonableness inquiry for reviewing use of force is an objective one: The reasonableness of a particular use of force is based on the totality of circumstances known by the officer at the time of the use of force and must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. When using force, use the least amount of physical force necessary to overcome resistance under the circumstances. These factors may include but are not limited to:

1. The severity of the crime(s) at issue
2. Whether the subject poses an immediate threat to the safety of the officer(s) or others
3. Whether the subject is actively resisting arrest or attempting to evade arrest by flight
4. The influence of drugs/alcohol or the mental capacity of the subject
5. The time available to an officer to make a decision
6. The availability of officers/resources to de-escalate the situation
7. The proximity or access to weapons to the subject
8. The environmental factors and/or other exigent circumstances.
9. Additional considerations of the characteristics and conditions of a suspect
 - Visibly pregnant, or states that they are pregnant
 - Minor or vulnerable adult
 - Signs of mental, behavioral, or physical impairments or disabilities
 - Suicidal
 - Has limited English proficiency
 - Is in the presence of children

The officer shall use reasonable care when determining whether to use physical force and when using any physical force against another person.

Officers will, when possible, use all de-escalation tactics that are available and appropriate under the circumstances before using physical force.

Reasonable and sound judgment will dictate the force option to be employed. Therefore, the department examines all uses of force from an objective standard rather than a subjective standard.

D. Medical Attention

Medical attention will be summoned for the following use of force applications regardless of visible injury or complaint of injury and render first aid/or life-saving measures once the scene is safe and under the control of law enforcement. All potential injuries will be photographed and noted in the officer's report:

- Baton/Impact Weapons - including any strikes to the head, neck, or groin area;
- OC Spray - Direct exposure to the facial area;
- CEW - Probe strikes to the head, neck, groin area or pregnant women (if the officer is aware of her pregnancy);
- Use of Canine - All bites;
- Use of force with a vehicle, including all ramming; and
- Use of force with a firearm.

At the earliest safe opportunity, officers shall recognize and act with urgency to provide first aid and take life saving measures to preserve human life for all persons at the scene.

- Remove or control any human, environmental, and/or physical threats.
- Request Emergency Medical Services.
- If there are multiple injured parties at the scene, triage and treat those with the most urgent need for life-saving measures, including maintaining a pulse, controlling bleeding, and maintaining breathing.
- Provide appropriate first aid at the level of the officer's training until relieved by emergency medical personnel, a health care professional, or any other person on the scene with a higher level of skills and medical training.
- Identify and utilize available medical resources, such as first aid kits, AEDs, tourniquets, etc.
- Utilize Personal Protective Equipment (PPE) to ensure the safety of everyone at the scene.

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

Consistent with training, officers should 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 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.

Exception: If the person is conscious and expresses a desire to be placed in a different position the officers should place them in that position unless doing so poses a substantial risk of safety to the individual, officers, or others.
- Do not put prolonged pressure on the chest, neck or back, including by sitting, kneeling, or standing.
- 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, color, and any impairment as verbalized by the individual.

- Whenever possible during team restraint when manpower limitations allow, the ranking officer shall designate a "Safety Officer." A Safety Officer shall monitor the health and welfare of the person until responsibility is transferred to a health care professional (e.g., EMT, paramedic); or
- If the Safety Officer becomes aware of an issue with the person's breathing, color, or any impairment, they should inform the ranking officer. Render aid as soon as reasonably possible and notify personnel on scene.
- Do not transport a restrained person in the prone position.

Officers must provide or facilitate first aid specific to particular force tools.

- Oleoresin Capsicum (OC) spray: At the earliest safe opportunity at a scene controlled by law enforcement, an officer should take action to address the effects of the OC, such as providing access to fresh air or medical assessment if possible.
- Conducted Energy Weapons (CEW): At the earliest safe opportunity and when appropriate, at a scene controlled by law enforcement, officers should remove CEW probes, unless probes are in a sensitive area, such as the head, breast, or groin.
 - a) Probes in sensitive areas shall be removed by an EMT, paramedic or other health care professional.
 - b) Probes should be treated as a biohazard.

USE OF FORCE PROCEDURE

Use of Physical Force Shall be Necessary and for a Lawful Purpose

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.

When using physical force, use the least amount of physical force necessary to overcome resistance under the circumstances. (RCW 10.120.020)

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.

- 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.
- Proportionality should 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.

Use of Physical Force Must Be for a Lawful Purpose. An officer may use physical force against a person to the extent necessary to:

- Protect against an imminent threat of bodily injury to the officer, another person, or the person against whom physical force is being used (RCW 10.120.020);
- Protect against a criminal offense when there is probable cause that the person has committed, is committing, or is about to commit the offense (RCW 10.120.020 [2022 c 80 §3]);
- Effect an arrest (RCW 10.120.020);
- Take a person into custody when authorized or directed by statute (RCW 10.120.020 [2022 c 80 §3]);
- Prevent an escape as defined under chapter 9A.76 RCW (RCW 10.120.020);
- 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 [2022 c 80 §3]);
- 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 (RCW 10.120.020 [2022 c 4 §3]);
- Take a minor into protective custody when authorized or directed by statute (RCW 10.120.020 [2022 c 4 §3]);
- Execute or enforce a court order authorizing or directing an officer to take a person into custody (RCW 10.120.020 [2022 c 4 §3]);
- Execute a search warrant (RCW 10.120.020 [2022 c 4 §3]);
- Execute or enforce an oral directive issued by a judicial officer in the courtroom or a written order where the court expressly authorizes an officer to use physical force to execute or enforce the directive or order (RCW 10.120.020 [2022 c 4 §3]); or
- 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 (RCW 10.120.020 [2022 c 4 §3]).

A. Duty to Intervene

Any identifiable on-duty peace officer present and observing any identifiable on-duty peace officer using excessive force in violation of the Pasco Police Department's policies and procedures, when in a position to do so, shall safely intercede to prevent the use of such excessive force. Officers who are involved in an intervention, who witness excessive force by another peace officer, or who have good faith belief that another officer used excessive force, shall report the incident to a supervisor immediately and/or when feasible. Refer to [Chapter 1.2.10](#) Duty to Intervene for additional information.

B. Levels of Resistance

It is important for officers to bear in mind that there are many reasons a suspect may be resisting arrest or may be unresponsive. The person in question may not be capable of understanding the gravity of the situation. Officers must consider several factors when dealing with a non-compliant subject. A subject may be non-compliant due to a medical condition, mental, physical, or hearing impairment, language barrier, drug interaction, or emotional crisis and have no criminal intent. This may not make the subject any less dangerous, but it may require a change in tactics that will be more effective while maintaining officer safety once these circumstances are known to the officer. The levels of resistance are as follows:

1. **Compliant:** A person contacted by an officer who acknowledges direction or lawful order given and offers no passive/active, aggressive, or aggravated aggressive resistance.
2. **Passive Resistance:** The subject is not complying with an officer's commands and is uncooperative but is taking only minimal physical action to prevent an officer from placing the subject in custody and taking control. Examples include standing stationary and not moving upon lawful direction, falling limply and refusing to use their own power to move (becoming "dead weight"), holding onto a fixed object, or locking arms to another during a protest or demonstration.
3. **Active Resistance:** The subject's verbal or physical actions are intended to prevent an officer from placing the subject in custody and taking control but are not directed at harming the officer. Examples include walking or running away, breaking the officer's grip.

----- SUBJECT'S INTENT TO DO HARM -----

4. **Aggressive Resistance:** The subject displays the intent to harm the officer, themselves, or another person and prevent an officer from placing the subject in custody and taking control. The aggression may manifest itself through a subject taking a fighting stance, punching, kicking, striking, attacks with weapons or other actions which present an imminent threat of physical harm to the officer or another.
5. **Aggravated Aggressive Resistance:** The subject's actions are likely to result in death or serious bodily harm to the officer, themselves, or another. These actions may include a firearm, use of a blunt or bladed weapon, and extreme physical force.

C. Levels of Control

When the use of force is needed, officers will assess each incident to determine, based on policy, training, and experience, which use of force option is believed to be objectively reasonable for the situation and bring it under control in a safe and prudent manner. The three levels of control are low, intermediate, and deadly force.

1. **Low-Level 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:
 - Officer presence;
 - Verbal communications;
 - Baton (as escort tool);
 - Canine presence;
 - P.I.T.;
 - Techniques to direct movement (e.g., push back, escort, lift, carry);
 - Control holds (e.g., wrist locks, finger locks, joint manipulation);
 - Open hand techniques;
 - Takedowns; or
 - Use of a WRAP restraint and handcuffs.
2. **Intermediate Force:** This type of physical force poses a foreseeable risk of significant injury or harm but is neither likely nor intended to cause death. Depending on the totality of the circumstances, intermediate physical force may be reasonable when a person threatens imminent

assault upon the officer or others. Intermediate force options may include:

- Oleoresin Capsicum (OC) spray;
 - Conducted Energy Weapons;
 - Extended Range Impact Weapons;
 - Canine bite or injury caused by physical contact between a canine and a subject;
 - Impact weapon strikes (except impact weapon strikes to the head, neck, throat, or spine); or
 - Punches, kicks, or other strikes with an officer's body.
3. **Deadly Force:** An officer 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 officer or another person. ([RCW 10.120.020](#)). 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. Deadly force may include:
- Vehicle Ramming;
 - Impact weapon strikes intentionally directed to the head, neck, throat, or spine;
 - Discharge of a firearm loaded with lethal ammunition at a person; or
 - Intentionally striking with a vehicle a person who is not inside a vehicle.

In order for the deadly force to be justified, parameters and all elements must be present.

Parameters for Use of Deadly Force

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

Elements of Deadly Force

The objective of an officer's use of deadly force is to stop a suspect from completing a potentially deadly act. When firearms are used, the officer should only fire and strike the suspect as many times as necessary to stop the suspect's dangerous actions.

Ability - Ability exists when a person has the means or capability to cause grave injury, serious bodily harm or death to an officer or another. This may include but is not limited to the subject's physical ability, size, age, strength, combative skill, level of aggression, and any weapons in their immediate control.

Opportunity - Opportunity exists when a person is in a position to effectively resist an officer's control or to use force or violence upon the officer or another. Examples that may affect opportunity include relative distance to the officer or others and physical barriers between the subject and the officer.

Immediate Jeopardy - Based upon all the facts and circumstance confronting the officer, the officer reasonably believes the subject poses an immediate threat to the life of the officer(s) or other third parties and the officer must act immediately to prevent death or serious bodily injury.

Preclusion - Lesser alternatives have been reasonably considered and exhausted prior to the use of deadly force, to include disengagement. Deadly force in response to the subject's actions

must remain reasonable, based upon the totality of the circumstances known to the officer at the time force was applied.

D. De-Escalation

When reasonable under the totality of circumstances, officers should gather information about the incident, assess the risks, assemble resources, attempt to slow momentum, and communicate and coordinate a response. In their interaction with subjects, officers should use advisements, warnings, verbal persuasion, and other tactics and alternatives to higher levels of force. Officers should recognize that they may withdraw to a position that is tactically more secure or allows them greater distance in order to consider or deploy a greater variety of force options. Officers shall perform their work in a manner that avoids unduly jeopardizing their own safety or the safety of others through poor tactical decisions.

As a good practice, supervisors will acknowledge and respond to incidents in a timely manner where law enforcement use of force is probable. Supervisors should possess a good knowledge of tactics and ensure that officers under their supervision perform in accordance with their training and use of force policy.

When possible, officers will 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:

- 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;
- Placing barriers or using existing structures to provide a shield or other protection between officers and a person;
- 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;
- Requesting and using reasonably available support and resources;
- Using clear instructions and verbal persuasion;
- 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);
- 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);
- 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);
- When there are multiple officers, designating one officer to communicate in order to avoid competing or confusing commands.

AUTHORIZED FORCE: Tools, Requirements, Uses and Considerations

With few exceptions only department-approved weapons and training techniques shall be used. Uniformed officers will carry or have access to all issued tools and equipment required by the policies of this agency. Officers should note that less-lethal tools may result in a lethal outcome or be ineffective

even when used appropriately.

- Non-uniformed commissioned personnel the rank of sergeant and below are required to carry at least one intermediate force option - baton, OC spray, or CEW – on their person when on-duty.
- Uniformed commissioned personnel the rank of sergeant and below are required to carry a CEW while on patrol. Uniformed commissioned personnel not assigned to patrol, such as in an administrative function or attending a special event, shall be equipped as non-uniformed commissioned personnel.
- Supervisors of commissioned personnel will ensure their subordinates complete their minimum required hours of training within the calendar year. Officers completing an academy during the calendar year are exempt from the minimum hour requirement.

The following are authorized force tools/restraints and techniques which may be used when objectively reasonable and otherwise permitted under policy. Specialized units may have additional tools that are not covered in this document.

A. Presence and Verbal Communication

Level of Control: Low-Level Force

Approved Use: Officers will, when and to the extent reasonably possible, attempt to use verbal communication skills to control subjects before resorting to physical control methods.

B. Control Tactics

Officers should only use tactics appropriate to the situation which have been taught by department defensive tactics instructors.

Levels of Control:

1. Low-Level Force – Verbal communication, de-escalation tactics, escorts, takedowns
2. Intermediate Level Force – Strikes, OC, K9, CEW
3. Deadly Force – Firearms, ramming, impact munitions under 5 yards

C. Restraints: Handcuffs, Spit Guard, WRAP, and Other

Officers will only use department-authorized or issued handcuffs maintained in clean and working order. Approved restraint devices include handcuffs, flex-cuffs, spit guards, WRAP and other soft restraints.

Level of Control: Low-Level Force

Approved Use:

- Tools will be used only in accordance with policy and department training.
- In an attempt to minimize the risk of injury to officers and others during arrest situations, officers will handcuff all persons arrested as soon as possible.
- During investigative detentions, in accordance with policy and department training; or
- Whenever physical force is authorized.

Disapproved Use: Transported detainees will be restrained with only very few exceptions.

- If medical circumstances make it unreasonable to handcuff an arrestee, officers will refrain

from handcuffing.

- When responding to a security office where a subject has already been placed in handcuffs prior to arriving at the scene, officers shall not place handcuffs on the subject until they have probable cause based on their independent investigation and/or findings.

Additional Considerations:

- Any incident where a subject is injured or complains of injury is a reportable use of force.

Spit Guard Considerations:

Officers should consider the following before applying a spit guard in the following situations due to increased risk.

- Where the restrained person is bleeding profusely from the area around the mouth or nose.
- On an individual who is actively vomiting. If a person vomits while wearing a spit guard, the spit guard should be promptly removed and discarded.
- On an individual who states that they have a medical condition that affects their breathing, or who demonstrates symptoms of labored or distressed breathing.
- In the event of a medical emergency, spit guards should be removed immediately.
- Prior to application of a spit guard, an officer should, if feasible, warn the individual and provide a reasonable time for the person to comply with the officer's commands. If applied, the officer should 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.
- After application of a spit guard and when safe to do so, officers shall move the individual into a seated or side recovery position and shall monitor the individual until the spit guard is removed. Officers shall assist when escorting the individual due to the potential for impaired or distorted vision.
- Application of a spit guard must be documented in a police report.
- Spit guards shall be discarded after each use.

D. Baton/Impact Weapons

A baton is a department-authorized expandable straight baton or department-issued straight baton. Batons will be maintained in clean and working order by officer.

Level of Control:

1. Low-Level Force - when used as an escort tool
2. Intermediate Force - when used for jabbing or striking
3. Deadly Force - striking subjects on the head, neck, sternum, spine, groin, or kidneys

Deployment:

When deploying, an officer will, if practical, announce a warning to the subject and other officers of the intent to deploy a baton/impact weapon if the subject does not comply with commands.

- This tool will be used only in accordance with policy and department training.
- Officer shall give the subject a reasonable opportunity to voluntarily comply.

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

Disapproved Use:

- Officers shall not intentionally strike vital areas, including the head, neck, face, throat, spine, groin, or kidney unless deadly force is authorized.
- A compliant subject who poses no imminent threat will not be struck with a baton or impact tool.
- Officers are discouraged from using their firearm as an impact tool due to the possibility of an unintentional discharge.
- During non-deadly force incidents, officers will use reasonable care to avoid striking subjects on the head, neck, sternum, spine, groin, or kidneys, as these strikes may constitute deadly force.
- Officers must be able to articulate a compelling need to use any other device or object other than an authorized baton as an impact weapon.

Additional Considerations:

- Notify a supervisor when a Baton/Impact weapon has been used.
- Use of the baton for escort/control or display only is non-reportable.
- All strikes or any incident where a subject is injured and/or complains of injury is a reportable use of force.

E. Oleoresin Capsicum (OC) Spray

OC spray is a non-lethal agent which causes inflammation of the skin and mucus membranes of a subject and has a natural base as opposed to a chemical base. OC spray expiration date and serviceability will be checked by the officer.

Level of Control: Intermediate Force

Deployment: When deploying, an officer will, if practical and tactically appropriate, announce a warning to the subject and other officers of the intent to deploy the OC spray if the subject does not comply with commands. Officer should provide the subject a reasonable opportunity to voluntarily comply.

Approved Use:

- After the initial application of OC spray, each subsequent application must also be justified.
- OC spray will be used only in accordance with policy and department training.
- OC spray may be used when the subject is engaging or displays the intent to engage in the aggressive resistant behavior.
- OC spray may be used on vicious or aggressive animals when those animals interfere with the safety of the officers or citizens.
- OC spray may only be used in a protest or demonstration situation when authorized by an incident commander in response to the imminent threat of harm.

Disapproved Use:

- Shall not be used on a subject inside a closed vehicle unless an officer is attempting to secure an aggressive resistant subject in a patrol vehicle or working through a progression of force where a lesser use of force would not be reasonable or puts officers at unnecessary risks.
- Shall not be used on passive resistant protestors.
- Shall not be used on a handcuffed subject unless the subject is displaying aggressive resistance.

Tactical Considerations:

- OC spray is not appropriate in an enclosed, highly populated space where there is a likelihood of impacting uninvolved persons, except where OC spray is the only available and appropriate force option. Officers deploying OC will attempt to avoid or minimize incidental exposure to non-involved persons.
- Whenever possible, should be used upwind and relatively close to the subject.
- High-capacity OC spray may be used as an intermediate level of control; however, officers will assess the effect the device will have on subjects in the general area due to the volume of agent dispersed.

Additional Considerations:

- Summon medical attention on uses of OC Spray, excluding use on animals.
- Notify a supervisor when OC Spray has been used.
- Inform corrections personnel the subject has been exposed to OC Spray.
- The use of OC Spray on a subject is a reportable use of force.

F. Conducted Energy Weapon (Taser)

Pasco Police Department currently issues the TASER 7. The CEW (Taser) is a Neuro-Muscular Incapacitation (NMI) device that disrupts the body's ability to communicate messages from the brain to the muscles thereby causing temporary NMI. An air cartridge is a replaceable cartridge for the CEW which uses compressed nitrogen to fire two barbed probes on thin connecting wires, sending a high voltage/low current signal into a subject.

Level of Control: Intermediate Force

Deployment: When displaying a CEW, officers will give a warning, when practical and tactically appropriate, to the subject and other officers before firing the CEW. Officer should provide the subject a reasonable opportunity to voluntarily comply.

Note: Officers should be aware of the higher risk of sudden death, which may exist in subjects under the influence of illicit drugs. In addition, once a subject has received a CEW application, officers should be aware of the potential for impaired breathing during restraint procedures. If the subject is thought to be experiencing impaired breathing, they should be placed on their side to reduce the risk of aspiration. Severely impaired breathing could result in death.

There are three types of CEW applications:

1. **Spark Display:** A non-contact test of the CEW's ability to discharge electricity

2. **Touch Stun:** Used to complete a circuit by making direct contact with the body after the air cartridge has been expended or removed.
3. **Probe Mode:** When the CEW cartridge is fired at a subject with the intent that the subject be temporarily immobilized for the period of time the CEW is cycled. Proper application may result in temporary immobilization of the subject and provide the officer a “window of opportunity” in which to take the subject safely into custody.

For a frontal shot, reasonable effort should be made to target lower center mass and avoid intentionally targeting the head, neck, groin, and chest. It is recognized that the dynamics of each situation and officer safety may not permit the officer to limit the application of the CEW probes to a precise target area. Back shots are the preferred target area when practical.

When deploying a CEW, officers will:

- Begin control and restraint procedures, including cuffing under power as soon as it is reasonably safe and practical to do so in order to minimize the total duration of CEW exposure(s). The device user and those assisting the user should avoid touching the probes, wires, and the areas between the probes to avoid accidental shock during the electrical discharge.
 - The use of “touch stun” mode should only be used to supplement Probe Mode to complete the Neuro-Muscular Incapacitation (NMI) effect. The CEW “touch stun” mode requires the same level of justification as probe deployment.
- Notify a supervisor when CEW has been used (Probe or Drive Stun).
- Inform detention/corrections personnel a CEW has been used on the subject (Probe or Touch Stun).
- Any use of CEW on a subject is a reportable use of force.

Approved Use:

- Officers shall carry a CEW on the support side of the body in a cross-draw configuration
- Officers should be aware that the primary use of a CEW is not as a pain compliance tool. Drive-stun mode should only be used when necessary to complete the incapacitation circuit where only one probe has attached to the person, where both probes attached in close proximity, or when no other less lethal options are available and appropriate.
- Officers should be aware that multiple applications of the CEW increase the risk of serious bodily injury or death.
- A CEW shall be used for one standard discharge cycle of five seconds or less, after which the officer shall reassess the situation as the situation reasonably allows. An officer shall use only the minimum number of cycles necessary to control the person. Each subsequent five-second cycle requires separate justification based on the objectively reasonable standard of Graham v. Connor, 490 U.S. 386 (1989). Once the subject has been exposed to three cycles, the CEW may be deemed ineffective, and another use of force option should be considered unless exigent circumstances exist.
- Officers must be able to clearly articulate and document the justification for each individual application of the CEW.
- An approved CEW may only be used by officers who have been certified in its use and are recertified on a yearly basis.

- Officers and sergeants issued a CEW are expected to carry them as a less lethal option while on patrol.
- When consistent with training, officers carrying a CEW should perform a function check on the weapon and check remaining battery life prior to every shift. Officers should report any malfunction to supervisor or other appropriate personnel.
- Officers will use only authorized CEW equipment issued by the PPD. The CEW will be inspected for damage and cleanliness, and batteries and cartridges replaced by the officer when required. The CEW will be inspected and maintained in accordance with training protocols. When off duty, CEWs must be stored and secured in a climate-controlled area (i.e., locker), not in a vehicle.

Disapproved Use: Officers are not authorized to draw or display the CEW except for training and inspection, unless the circumstances create a reasonable belief that use may be necessary. The CEW will be handled in the same manner as a firearm and will be secured prior to entering any detention facility.

A CEW should not be used in the following circumstances:

- On a person who is solely fleeing the scene, absent other factors.
- On a person who is handcuffed or otherwise restrained unless deadly force is authorized.
- On a person who is situated on an elevated surface (e.g., a ledge, scaffold, near a precipice, etc.) unless reasonable efforts have been made to prevent or minimize a fall-related injury (e.g., deploying a safety net), or protect against an imminent threat of bodily injury to the peace officer, another person, or the person against whom force is being used (RCW 10.120.020.1(k)).
- On an operator in physical control of a vehicle in motion, including automobiles, trucks, motorcycles, ATVs, bicycles, and scooters unless deadly force is authorized.
- In any environment where an officer knows or has reason to believe that a potentially flammable, volatile, or explosive material is present that might be ignited by an open spark, including but not limited to OC spray with a volatile propellant, gasoline, natural gas, or propane.
- Officers should not hold a CEW and firearm simultaneously unless exigent circumstances exist.
- Officers should not intentionally target areas that include the head, neck, chest, or genitals
- Officers should not intentionally deploy multiple CEWs at the same person, unless the first deployment is ineffective.
- To escort or jab individuals
- To awaken unconscious or intoxicated individuals
- When a subject displays solely Passive Resistance (i.e., peaceful protest, refusal to stand, non-aggressive verbal resistance, etc.)

The CEW should not be used in the following circumstances unless there are compelling reasons to do so which can be clearly articulated:

- When the subject is holding a firearm
- When the subject is at the extremes of age (elderly and young children) or physically disabled

- When the subject is visibly pregnant
- In a situation where deadly force is clearly justifiable, unless another officer is present and capable of providing deadly force to protect the officers and/or others as necessary, the CEW should not be deployed as the primary tool.

G. Use of Canine

Maintenance training by the handler and the canine should occur on a regular basis to ensure the training standards are maintained.

Level of Control:

- Low Level Force: Visual presence of the canine, bark alert
- Intermediate Force: Canine bites a person

Deployment Requirement: Canine teams can be requested through Communications, 24 hours a day, 7 days a week. A canine team should gain approval of a PPD supervisor when requested outside our jurisdiction.

Approved Use: Canine response is approved when there is probable cause to believe a subject has committed a crime or is a danger to others, the subject is actively evading efforts to take them into custody, and the use of a canine would reduce risk to officers or the public. Canines will be used only in accordance with policy, department training, and *Graham v. Connor*, 490 U.S. 386 (1989).

- Only department-approved handlers are authorized to apply a department police canine.
- The canine handler reports to their shift supervisor on any canine matters.
- Canine application is governed under the Canine Procedures & Program Manual.

Disapproved Use: Since the use of police dogs may intensify an already volatile situation, it is the policy of this department to place limitations on the use of police dogs in crowd control, civil disorders, or riot situations. In the event of such an occurrence, canine teams may be dispatched to the problem area in standby status. They would only be utilized when authorized by the supervisor/commander in charge of the scene in a dire emergency. Such an emergency would be for crowd control in conjunction with an all-out police effort to rescue isolated officers or citizens in danger of being injured or killed.

Tactical Considerations:

- In police operations, canine handlers are in charge and responsible for their dogs' deployment.
- When it is believed a subject may be armed with a weapon likely to cause injury or death to the police service dog, the handler may exercise their discretion before deploying the dog.
- Risk to third parties: In using police service dogs, the canine handler shall exercise reasonable care to avoid unnecessary risk of injury to persons who are not the subject of a search or apprehension.
- When cover officers accompany canine handlers during searches, they should stay with the handler during a search and not move or run past the canine team unless directed to do so. Cover officers should watch for dangers, make citizen contacts, and let canine handlers issue commands to a subject. The canine handlers will let the cover officers know when it is safe to apprehend a subject.

NOTE: Any injury caused by a police service dog to a person who was not the subject of the search will be documented in an officer's report and not a Use of Force Report. Canine use of force reporting falls under requirements set forth in RCW 10.118.030.

H. Use of Force with Vehicle

Level of Control:

PIT: Low-Level Force

Deadly Force: In the following instances:

- When used on motorcycles
- When used on high center of gravity vehicles likely to roll over, such as vans, SUVs, and jeeps.
- In circumstances creating a substantial risk of death or serious bodily injury (Example: Passengers in the bed of a pickup).

Pinning: Low-Level Force

Ramming: Deadly Force

Forcible Stopping Techniques:

1. **Pinning:** Pinning is the positioning of a police vehicle in the path of an occupied subject vehicle where contact between the vehicles is not anticipated or is anticipated to be minimal.

In circumstances where the officer initiates contact it is a reportable use of force. In the use of blocking, the potential for injuries and vehicle damages are low.

A police vehicle is used to block the path of the occupied subject vehicle when contact is not anticipated or probable.

2. **PIT:** Pursuit Intervention Technique (PIT) is a specific manner of intentional contact using a police vehicle against a fleeing vehicle to cause the fleeing vehicle to come to a stop.

Prior to initiating a PIT, officers will use their emergency equipment (red and blue lights and sirens) and will give the operator of the subject vehicle a reasonable opportunity to stop.

Officers will broadcast through dispatch the intent to use PIT if circumstances permit. Otherwise, notification will be made immediately after.

Approved Use:

- If continued movement of the pursued vehicle would place others in danger of serious bodily injury or death; and/or
- Apparent risk of harm, to other than the occupants of the pursued vehicle, is so great as to outweigh the risk of harm in making the forcible stop; and
- Other means of apprehension have been considered and rejected as impractical.

Disapproved Use:

- PIT will not be used unless the subject demonstrates their attempt to evade police and the elements necessary for an approved vehicular pursuit are present.

3. **Ramming:** Ramming is the use of one or more vehicles to force another vehicle to stop by physically striking the subject vehicle as to cause the subject to stop.

Vehicle ramming should not be used to end a pursuit and is authorized only when necessary to protect against an immediate threat of serious physical injury or death to the officer or another person.

Tactical Considerations:

Officers will consider the safety of the public and subjects before utilizing these techniques.

Environmental factors:

- Areas with pedestrians
- Other vehicle traffic
- Parked vehicles
- Telephone/utility poles
- Bridges/overpasses
- Areas adjacent to paved roads with a large elevation change

Subject factors:

- Seriousness of the crime
- Number of subjects
- Subject(s) known to have or has access to firearms
- Potential of the subject to use the vehicle as a weapon
- Potential of a tactical disadvantage due to close proximity of the subject(s)
- Potential of creating a crossfire situation
- Size/weight of the subject's vehicle compared to the police vehicle

Supervisory Consideration:

- Acknowledge the officer's notification over the radio, and approve or disapprove PIT over 40 mph
- Order discontinuation of the PIT when the necessity for apprehension is outweighed by the dangers of the PIT
- Consider use of other options

Additional Considerations:

- Summon medical attention on all incidents involving use of force with a vehicle when the level of force is greater than a low level of force (pinning & PIT), or any incident where a subject is injured and/or complains of injury.
- Notify a supervisor on any use of force with a vehicle.

I. Use of Force with Firearm

Level of Control: Deadly force when shots fired.

Handgun/Rifle Requirements

- Ensure weapon is loaded with department duty ammunition and not mixed with practice ammunition.
- Officer is responsible to know how many rounds are loaded in the firearm and each magazine(s).
- Before using a firearm, officers will, whenever feasible, identify themselves and state their intention to shoot.

Example: "Police! Stop or I'll shoot!"

- Officer shall give the subject a reasonable opportunity to voluntarily comply.

Approved Use: All firearms will be used only in accordance with policy and department training.

Officers are to fire their weapons only:

- To stop and incapacitate a subject from completing a potentially deadly act.
- When the officer has probable cause to believe that the subject poses an immediate threat of serious physical harm, either to the officer or to others.

Note: A seriously wounded or injured animal may be destroyed only after attempts have been made to request assistance from the agency (Humane Society, Animal Control, Game Warden, etc.) responsible for the disposal of animals.

Disapproved Use: Officers are not authorized to draw or display their firearms, except for training at an approved firearms range, unless the circumstances create reasonable belief that it may be necessary to use the firearm in the performance of their duty.

Officers are not authorized to discharge their firearm:

- As warning shots
- If it appears likely that an innocent person may be injured
- Either at or from a moving vehicle unless it is necessary to do so to protect against immediate threat to the life of the officer or others.
 - a person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle.
 - the vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been considered (or are not present or practical), which includes moving out of the path of the vehicle

Firearms shall not be discharged from a moving vehicle except in exigent circumstances. In these situations, an officer must have an articulable reason for this use of deadly force.

Tactical Considerations:

Handgun

An officer's decision to draw or exhibit a firearm should be based on the tactical situation at hand and the officer's reasonable belief there is a substantial risk that the situation will escalate to the point where deadly force may be justified. Unnecessarily drawing or exhibiting a firearm may limit an officer's alternatives in controlling a situation, create unnecessary anxiety on the part of citizens, and

result in an unwarranted or accidental discharge of the firearm.

Flashlights mounted to firearms will be used only for the purposes authorized and intended and will not be used routinely in the place of a hand-held flashlight.

Rifle

If there is a potential for deadly force an officer may deem an approved rifle is appropriate based on distance, available cover, and tactical situation presented. It is important for an officer to understand the capabilities and limitations of the rifle to be deployed.

It is incumbent on the officer to use discretion when deploying and displaying the rifle, and to only deploy the rifle when the situation dictates.

Supervisor responsibilities

- Ensure that rifle deployment is appropriate for the incident;
- If rifle deployment is inappropriate for the incident, modify or cancel deployment.

REPORTABLE USE OF FORCE (UOF)

A use of force entry will be completed in BlueTeam in the following situations where an officer:

- Discharges a firearm, for other than training or recreational purposes;
- Applies force through the use of lethal or less lethal weapons;
- Applies weaponless physical force at an intermediate force level as defined by the agency;
- Takes an action that results in, or is alleged to have resulted in, injury of another person; or
- Points a firearm at a subject.
- Handgun/Rifle deployments alone are not considered a reportable use of force

Supervisors will respond without unnecessary delay to all reportable uses of force.

This policy does not require the reporting of shots that relate to recreation, department-authorized training or hunting.

Nothing in this policy is intended to deny officers the rights given to them by law or by labor agreement.

A. Weapons Discharge

Officers are required to report any deliberate or unintentional discharge of their department-issued firearms other than for training or recreational purposes. Any intentional use of a firearm on a subject is a reportable use of force.

Intentional Discharge

If no injury or death, and an officer intentionally discharges a firearm while performing any police function, on or off duty, that officer reports the facts of the incident verbally to the Shift Sergeant as soon as possible. The officer then submits a written report prior to the end of shift. The report is then forwarded through the chain of command to the Field Operations Captain for review. If a firearm discharge occurs while off duty, the officer completes a written report by the end of their next duty shift. The report is then forwarded through the chain of command to the Field Operations Captain for review.

If a Pasco officer is on or off duty and a discharge of a department-authorized firearm occurs outside the city, the officer immediately notifies the agency of jurisdiction. The officer then contacts the on-duty Pasco sergeant.

Unintentional Discharge

Unintentional discharges at any firearms training/function will be reported to the Range Master and the Training Sergeant as soon as possible. Prior to the end of shift the Training Sergeant or designee will submit a written report concerning the incident. The report is then forwarded through the chain of command for review. If the Training Sergeant or Range Master is unavailable, the unintentional discharge will be reported to the Shift Sergeant and a report will be generated before the end of the duty shift.

If the officer is injured or unable to make the report, the officer's immediate supervisor submits a supplemental report prior to the end of the shift. This report is sent to the Chief of Police through the chain of command.

B. Injury or Death

When the use of force results in serious injury or death, investigators (Special Investigative Unit) and internal affairs will conduct an investigation. In these situations, the investigative authority will be responsible for providing a final written report to Pasco Police Department.

A. Reportable UOF Incidents

Reportable force incidents which require the completion of a Use of Force Report, but not limited to:

- Control Tactics/ Impact Tactics (Takedown with injury, Strikes, Kicks)
- Baton/Impact Weapons (Jabs, Strikes)
- OC Spray
- Pepper Ball Launcher
- CEW
- Canine (With bites)
- Use of Force with a vehicle: Ramming
- Use of Force with a Firearm
 - a. Discharge of firearm unless SIU is deployed
 - b. Pointing the firearm at a person
- Any use of force with injury or complaint of injury

B. Post UOF Procedures

The department investigates all reportable use of force incidents to determine their justification, as well as to correct any identifiable training deficiencies. Officers involved in reportable use of force or alleged use of force incidents will immediately notify their supervisor. If unavailable, the officer will notify another supervisor, and complete the Use of Force Report in BlueTeam prior to the end of shift. Any exceptions to this must be approved by the supervisor. The report should include a detailed description on the level of force, tool and/or tactic used, to include its effectiveness or ineffectiveness. Each application of reportable use of force tool/tactic, must be separately justified and documented. A supervisor will complete a BlueTeam entry to the division captain.

C. Investigative Responsibilities: Use of Non-Deadly Force

Non-deadly force requiring a use of force report, but not resulting in death or serious bodily injury, will be investigated by the officer's chain of command.

All reportable uses of force on a subject, regardless of visible injury, will include photographs and documentation of injuries. If, for some reason, photos cannot be taken, articulate why in the report.

Officer Responsibilities

- Immediately notify a supervisor when a reportable non-deadly use of force occurs.
- Complete the use of force report and any other required reports connected to the incident. Include a synopsis of the incident and ensure the 3 prong requirements of Graham v. Connor, 490 U.S. 386 (1989), the five additional 9th circuit factors, and the reasonable care characteristics are each addressed.

Additional Tool/Tactic Requirements:

CEW

- Handle the probes in the same manner as contaminated needles and sharps in accordance with department bio-hazard disposal procedures and impound all probes, wires and cartridges as evidence. In cases of deadly force or in-custody death SIU will impound the probes and fired cartridges.
- Ensure the CEW data is uploaded to the evidence collection system prior to the end of shift.

Supervisor Responsibilities

Supervisors will respond without necessary delay to all potential reportable uses of force. If unable to respond, request an alternate supervisor to the scene.

1. Ensure medical assistance has been rendered or requested when applicable
2. Document investigation when alleged use of force is determined to be unfounded
3. Ensure the level of force used is a use of non-deadly force
4. Interview the subject, officer(s), medical personnel, and witnesses who claim to have firsthand knowledge of the incident. Witness statements should be documented on a voluntary statement or recorded and are obtained by an uninvolved party.
5. Ensure photographs are taken of the subject(s), the scene and officer(s) involved and collect any evidence related to the use of force
6. Check the surrounding area for any video surveillance, ensure a copy of any dash camera or body camera videos are properly retained
7. Review all applicable reports to ensure accuracy and completeness, compliance with procedure and policies, and to ensure officers performed as trained.
8. Document if misconduct or deviation from policy or procedure is identified.
9. When a CEW has been used:
 - Ensure the data record of the CEW has been uploaded into evidence.com prior to the end of shift

- Verify the probes, wires and cartridges are properly collected and arrange for replacement cartridges. Accidental discharges will not require impounding of the probes, wires and cartridges unless there has been an injury.

10. Notify Division Commander if significant force is used (Examples include but are not limited to: skeletal fractures; serious bodily injury or complaint of injury to a person's head or sternum area.

Division Captain Responsibilities

- Complete the use of force administrative review.
- Forward use of force reports to the Chief of Police if a use of force is determined to be inappropriate.

D. Investigative Responsibilities:

Use of Deadly Force or Force Involving Serious Bodily Injury

It is the policy of this department to conduct a fair, impartial, and thorough investigation of all uses of deadly force for the interest of the officer, the department, and the community alike.

Primary Responsibilities in a Deadly Force Investigation

Special Investigations Unit (SIU) has primary investigative responsibility to investigate officer-involved incidents occurring within Benton, Franklin and Walla Walla Counties that result in death, substantial harm, or great bodily harm.

The SIU will conduct a criminal investigation and provide findings to the venue agency County Prosecutor.

Any incident under the jurisdiction of the Office of Independent Investigations, including any incident involving substantial bodily harm, great bodily harm, or death, is immediately reported to the Office of Independent Investigations according to their procedures for reporting at the time of the incident.

Involved/Witness Officer(s)

When an officer intentionally discharges a firearm at a human being, uses deadly force, has an unintentional discharge of a firearm during a police operation, causes serious bodily injury or becomes aware of an in-custody death, the officer will:

- Ensure life safety of others;
- Ensure the scene is safe and secure;
- Notify both dispatch (via radio if on-duty) and a supervisor without delay;
- If needed, will request medical assistance and provide information on injuries;
 - Include suspect description and location

In addition, off-duty officers or plain-clothes personnel will:

- Be aware of the particular danger of a potential police-on-police confrontation when first-responding officers arrive to the scene;
- Make certain they are readily identifiable as officers; Off-duty officers or plain-clothes personnel should display their badges and/or identification prominently and identify themselves frequently;
- Inform Communications via radio (or if off-duty and no radio available, they should call 9-1-1) if they have taken action, are armed or are wearing plain clothes;

- When confronted by first-responding officers, off-duty officers or plain-clothes personnel should be aware of and obey first-responding officers' verbal commands.

Witness Officer Monitor(s) will:

- Ensure that involved officers and witness officers do not discuss the incident being investigated with anyone.
- Allow the officer's attorney and association representative to communicate privately with the officer.
- Will not talk to the officer about the facts and circumstances of the incident.
- Remain with the officer until relieved by the supervisor in charge.

In deadly force investigations, SIU detectives shall be briefed, by the first-responding supervisor or supervisor in charge of the event, on the names and locations of the Involved Officer and potential witness officers.

Officer statements

- Involved Officer: An officer or supervisor, who participated in, directed, or influenced the application of the use of force.
- Involved Officers may provide a statement to SIU Investigators following SIU investigative protocol.
- Witness Officer: An officer or supervisor who did not participate in or directly influence the application of the use of force. Witness officers may provide statements per the SIU protocol.

Incident Commander Responsibilities

1. Any officer or supervisor assigned, involved, or arrived on the scene of a use of force investigation shall not leave until released by the supervisor in charge of the event.
2. The supervisor first on scene will act as Incident Commander until relieved by a Division Commander or designee:
 - Ensure medical attention is provided for those in need;
 - Coordinate the search for outstanding suspects;
 - Ensure the immediate crime scene is secured and protected;
 - Oversee the identification and isolation of witnesses;
 - Ensure witness officer(s) and involved officer(s) are separated and placed in a secure and safe environment, with a witness monitor.
 - Contact Communications and advise the type of incident and request that Command notifications be made or make the notifications.

When practical, only the involved officer and a supervisor should be present during the Public Safety Statement (PSS). If multiple officers are involved, the PSS should be done separately with each involved officer, by the same supervisor. The questions below will be read directly from the PSS card to the officer. A supervisor will write down the officer's response. The PSS will be documented and maintained by the supervisor until provided to a SIU detective. No unauthorized card or form will be used for the PSS documentation. All PSSs by employees are considered compelled. Failing to provide the requested information to a supervisor will be grounds for discipline, to include termination.

1. Did you discharge your firearm?
 - If so, in what direction?
 - Approximately where were you located when you fired?
 - How many shots do you think you fired?
2. Is anyone injured?
 - If so, where are they located?
3. Are there any outstanding suspects?
 - If so, what is their description?
 - What direction and mode of travel?
 - How long have they been gone?
 - What crime(s) do you believe they committed?
 - What type of weapon do they have?
4. Is it possible the suspect fired rounds at you?
 - If so, what direction were the rounds fired from?
 - How many shots do you think the suspect fired?
 - Approximately where was the suspect located when they fired?
5. Do you know if any other officer(s) discharged their firearms?
 - If so, who are they?
 - Approximately where were the officers(s) located when they fired?
6. Are there any weapons or evidence that needs to be secured/protected?
 - If so, where are they located?
7. Are you aware of any witnesses?
 - If so, what is their location?

Note: The PSS is a series of questions to obtain information to determine an immediate threat to public safety. The PSS must be taken in a timely manner and under a condition which has demonstrated an immediate threat to the public. (An example would be shots fired by an officer or a subject in the direction where the public may be in immediate danger.) The supervisor must take appropriate action based on the information received from the PSS.

Watch Commander (or designee) Responsibilities

- Respond immediately to the scene of the use of deadly force
- Designate a Command Post
- Establish the outer perimeter, the staging area, and the media staging area
- Identify and separate civilian witnesses
- Identify and separate officer witnesses.
- Assign an Officer Witness Monitor(s) and explain their duties to them
- Ensure the *Major Crime Scene Log* has been assigned and is being completed.

- Assist in the early management of the crime scene, the identification and separation of witnesses, and the canvass.

Media Release

Media inquiries shall be referred to the on-scene PIO or their designee.

- The identity of officers involved in deadly force incidents will not be released to the public or media until approved by the Chief of Police.
- The PIO will construct a formal media release to the general public as soon as possible.
- Social Media may be used to broadcast details of the incident.

ADMINISTRATIVE REVIEW

All use of force reports should be completed and coordinated through the officer's chain of command within 30 calendar days of the event.

During the administrative review if a training deficiency is identified remedial training will be scheduled.

If an inappropriate use of force is identified the Chief of Police may order an internal investigation.