USE OF FORCE **Effective Date: 04/01/2018**	**Chapter No. 4**
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4.1.0 DEPARTMENT USE OF FORCE 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.

A. 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:

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

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

4.1.1 USE OF REASONABLE FORCE

A. De-Escalation

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.

B. Types of Force

Officers are not required to exhaust one type of force before moving to greater force.

Lower-Level Physical Force

This type of force is not intended to and has a low probability of causing injury but may cause momentary discomfort or pain. Depending on the circumstances, including the characteristics and conditions of the person, lower-level force options may include:

- Officer presence;
- Verbal communications;

- Baton (as escort tool);
- Canine presence;
- 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.

Intermediate Physical Force

This type of physical force poses a foreseeable risk of significant injury or harm but is neither likely nor intended to cause death. Depending on the totality of the circumstances, intermediate 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;
- P.I.T.;
- 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.

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.

"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.

"Necessary" means that, 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.

"Totality of the circumstances" means all facts known to the peace officer leading up to, and at the time of the use of force, and includes the actions of the person against whom the peace officer uses such force, and the actions of the peace officer

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.

This policy is equally applicable to juveniles and adult suspects.

C. 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]).

D. Identification, Warning & Opportunity to Comply Prior to the Use of Physical Force

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

- Identify themselves as law enforcement officers;
- Attempt to determine whether the person has a special need, mental condition, physical limitation, developmental disability, language barrier, or other factor that may impact their ability to understand and comply with officer commands;
- Provide clear instructions and warnings;
- Warn a person that physical force will be used unless their resistance ceases; and
- Give the person a reasonable opportunity to comply with the warning that physical force may be used.

E. Reasonable Care

A peace officer shall use reasonable care when determining whether to use physical force or deadly force and when using any physical or deadly force against another person.

Reasonable care means that the officer shall:

- When possible, use all available and appropriate de-escalation tactics before using physical force. (RCW 10.120.010 [2022 c 4 §3].
- Consider 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. Such 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, intellectual, developmental 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;

g) Has limited English proficiency; or

h) Is in the presence of children. (RCW 10.120.020).

- Terminate the use of physical force as soon as the necessity for such force ends. (RCW 10.120.020)

Nothing in this policy limits or restricts an officer's ability to respond to a call for community caretaking or protection of health and safety, and to use the appropriate and least amount of physical force to execute those functions. (RCW 10.120.020 [2022 c 4 §3]). The same standards for using physical force apply. However, incidental touching, which may occur in the course of community caretaking, is not defined as physical force.

4.1.2 RENDERING AID FOLLOWING POLICE ACTIONS

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 of any police action.

- 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, of 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.

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.

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.

4.1.3 VASCULAR NECK RESTRAINT AND CHOKE HOLDS

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

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

4.2.1 REPORTING WEAPON DISCHARGE AND USES OF FORCE

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;
- Points a firearm at a subject; or
- Uses a vehicle to intentionally strike a person or vehicle, such as a Pursuit Intervention Technique.

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.

In addition to the internal reporting requirements set forth in this chapter, the Department will report all use-of-force incidents required by RCW 10.118 to the statewide use-of-force data program (Washington State Data Exchange for Public Safety – WADEPS). Reports will be submitted in the format and within the timeframes established by the statewide program.

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.

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.

4.2.2 WRITTEN USE OF FORCE REPORTS AND ADMINISTRATIVE REVIEW

Use of force reports are submitted in BlueTeam. The officer will complete a summary of the incident in BlueTeam and route to the chain of command. The supervising sergeant conducts a use of force investigation on scene and approves the use of force reports and then forwards them to the division captain. The division captain will have the final review of all use of force reports and may route the report to others, according to the findings. If it is determined that an officer's use of force was outside department policy, the division captain will notify the Deputy Chief and Chief of Police.

4.2.3 REMOVAL FROM ASSIGNMENT PENDING ADMINISTRATIVE REVIEW

Officers whose actions or use of force result in the serious injury or death of a person will be removed from their line duty assignment. The officer will return when cleared for regular duty by the Chief of Police.

Officers are placed on administrative leave to protect the officer and to protect the community interest.

When officers are involved in a situation where their actions result in somebody becoming seriously injured or killed, there is a tremendous amount of emotional strain. A period of leave from regular duty gives the officer time to deal with the emotions associated with the situation. Further, if there are people in the community who disagree with the use of force, the officer is protected from any possible confrontation until emotions subside.

A period of leave gives the administration time to review the officer's actions to determine if the officer acted within their scope of authority. By conducting this review, the police department demonstrates its willingness to serve the public interest.

Officers involved in situations that result in the serious injury or death of an individual will attend a critical incident stress debriefing arranged by the peer support team leader.

Officers may wish to seek counseling in addition to attending the critical incident debriefing. Officers may use the department psychologist or a counselor of their choosing. The department will pay for psychological counseling ordered or approved by the department.

4.2.4 ANALYZE REPORTS FROM USE OF FORCE

Employees are required to document the use of force in Blue Team. The Professional Standards Captain or designee will conduct an annual analysis of all use of force reports. The analysis is sent to the Chief of Police for review and will include:

- Date and time of incidents;
- Types of encounters resulting in use of force;
- Trends or patterns related to race, age, and gender of subjects involved;
- Trends or patterns resulting in injury to any person, including employees; and
- Impact of findings on policies, practices, equipment, and training.

4.2.5 ASSAULT ON SWORN OFFICER REVIEW

Annually, the Professional Standards Captain, or designee, conducts a review of all assaults on law enforcement officers to determine trends or patterns, with recommendations to enhance officer safety, revise policy, or address training issues. The annual review is documented in the Use of Force Analysis.

4.3.1 AUTHORIZATION: SELECT FORCE TOOLS

Only weapons and ammunition authorized by the agency are to be used by department personnel in the performance of their responsibilities. A list, approved by the Chief of Police, containing the types and specifications of all lethal, less lethal weapons, and ammunition approved for use is contained in the Weapons and Ammunition procedures located in the Procedures folder. The procedures for review, inspection, removal of unsafe weapons, approval of all weapons, and records are detailed in the Weapons and Ammunition procedures.

Pasco Police Department requires all agency personnel authorized to carry lethal and less-lethal weapons to receive all use of force policies and related instruction by a certified instructor before authorization to carry the weapons. Policy receipt and curriculum delivery will be documented.

Whenever Possible, Use Available and Appropriate Less Lethal Alternatives Before Using Deadly Force, (RCW 10.120.020).

- The agency must make less lethal alternatives reasonably available for officers use. (RCW 10.120.020 [2022 C 4 §3]).
- Officers shall use all tools in accordance with training and/or the equipment manufacturer's instructions.

A. Less-Lethal

A less-lethal weapon is any weapon other than a knife or firearm, used to control persons or defend officers and others from harm, that is less likely to cause death or serious bodily harm. Less-lethal weapons include:

- Batons
- Flashlights (if used as an impact weapon)
- Oleoresin Capsicum (OC) aerosols and pepper-ball system

- Conducted Electrical Weapons (Taser)
- Extended Range Impact Weapons

Batons

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

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 choking, gagging, and gasping for breath.

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

Conducted Energy Weapons

NOTE: While certain less lethal tools are considered firearms by definition, they are not considered firearms for use of force purposes or reporting. These tools are considered as such.

A conducted energy weapon (CEW) is a portable device that fires probes that transmit an electrical charge or current intended to temporarily immobilize a person.

Issuance and Carrying a 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.

Standards of Use:

- Officers shall carry a CEW on the support side of the body in a cross-draw configuration
- 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.
- Officers should be aware that the primary use of a CEW is not as a pain compliance tool.

- 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.
- Officers must be able to clearly articulate and document the justification for each individual application of the CEW.

Restricted Uses:

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.

Extended Range Impact Weapons

Extended Range Impact Weapons (ERIW) launch less-lethal ammunition and are designed to stun, temporarily incapacitate, or cause temporary discomfort to a person without penetrating the person's body.

NOTE: While certain less lethal tools are considered firearms by definition, they are not considered firearms for use of force purposes or reporting. These tools are considered as such.

- Officers must be trained to use a ERIW before deploying one during the course of law enforcement operations.
- When safe and feasible, an officer about to discharge a ERIW should advise other officers at the scene prior to the discharge.
- An officer should select target areas consistent with the training provided as well as manufacturer instruction.
- Officers deploying a ERIW should assess the effectiveness of the ERIW after each shot. If subsequent ERIW rounds are needed, officers should consider aiming at a different targeted area.

Restricted Uses:

The ERIW should not be used in the following circumstances unless the use of deadly force is justified, or unless such force is consistent with RCW 10.120.020.1(k).

- Intentionally aiming a ERIW at the head, neck, chest, or groin unless deadly force is authorized.
- At ranges that are inconsistent with the ERIW manufacturer's guidelines.

- 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).

B. Lethal

Firearms

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.

Officers are only permitted to discharge a firearm at a person in situations where deadly force is authorized. Each discharge of the firearm must be justified.

Pointing and Drawing a Firearm:

- Officers should only point a firearm at a person when deadly force is authorized, unless consistent with training practices and standard procedures, such as SWAT snipers during operations.
- Officers should draw a firearm in the low ready position (i.e., unholstered but out of the officer's visual field) when the officer makes reasonable observations based on the totality of the circumstances that the situation may evolve to the point where deadly force would be authorized.
- 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.
- 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).

When feasible, officers shall give a verbal warning that a firearm will be discharged.

Prior to the decision to use a firearm, officers should consider field of fire, backdrop, bystanders, potential for ricochet, and other risks of life.

Restricted Uses:

- Officers shall not use firearms as impact weapons except when deadly force is permitted.
- Discharging a Firearm at or from a moving vehicle (41.2.2):
    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 potential serious harm are immediately available to the officer. (RCW 10.116.060).
    b) When feasible, officers shall attempt to move out of the path of a moving vehicle rather than discharge their weapon at the operator.
    c) Officers shall not shoot at any part of a vehicle in an attempt to disable the vehicle.
    d) Officers shall not discharge a firearm from a moving vehicle unless a person is immediately threatening the officer or another person with deadly force (RCW 10.120.020).

Prohibited Uses:

Officers shall not use a firearm in the following circumstances:

- When it appears likely that an innocent person may be injured by such use.
- Firing a “warning shot.”
- Discharging or pointing a firearm at a person who presents a danger only to themselves and does not have the apparent ability, opportunity, and intent to immediately cause death or serious bodily injury to the officer or another person.
- Discharging or pointing a firearm at a person who presents a danger only to property and does not have the apparent opportunity or intent to immediately cause death or serious bodily injury to the officer or another person.

C. Specialized Equipment

Certain equipment is reserved for select applications and assigned to specific officers based on specialized positions in the department and the need for alternative force options. These specialized tools may only be utilized by officers trained and certified in their deployment.

Noise Flash Diversionary Devices

A diversionary device (NFDD) shall be defined as any device designed to emit a loud noise and dazzling light for the purpose of distracting or disorienting a suspect. NFDDs are not considered a use of force. in the manner they are normally used.

- Only personnel who have successfully completed a department-approved training course in the proper use and deployment of NFDDs shall be authorized to deploy them during actual operations.
- In order to remain authorized users, all personnel must successfully complete an annual refresher course.
- Due to the specialized nature of NFDD and the training required to deploy them, their use shall be restricted to trained members of the Tri-City Regional SWAT Team.
- Any personnel assigned to Tri-City Regional SWAT Team may deploy NFDDs during training.

Rubber Ball Blast Devices

A hand-delivered device is used as a crowd management tool designed to emit a loud report and a flash, with or without the chemical irritant OC. Its purpose is to distract and/or disorientate. The use of the rubber ball blast device is to minimize the risks to all parties through temporary distraction or disorientation of potentially violent or dangerous subjects.

- Only personnel who have successfully completed a department-approved training course in the proper use and deployment of rubber blast ball devices shall be authorized to deploy them during actual operations.
- Blast Ball devices may be thrown in the general direction of the crowd.
- At the discretion of the operator, it may be deployed for ground bursts or aerial bursts.

Canine (K9)

Pasco Police Department uses canine teams to assist patrol and detectives. The canine unit consists of canine teams that enhance public/officer safety and evidence recovery.

- 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.

D. Select Restraint Devices

Because restraint devices are designed to compel, control, constrain, or restrain a person's movement, use of these devices is physical force, and all considerations governing uses of physical force detailed in this policy apply to their use.

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:

- An officer may apply a spit guard when lawfully restraining or attempting to restrain an individual who is spitting or biting.
- 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.
- Only officers who have successfully completed agency-approved training on application of a spit guard are authorized to use one.
- Officers shall only use agency-issued spit guards.
- Individuals wearing a spit guard should be monitored by a safety officer.

Restricted Uses:

- Persons who have been sprayed with OC spray should be, if feasible, decontaminated so their breathing is not distressed prior to application of a spit guard.
- For individuals in mental health crisis, application of a spit guard may provoke an elevated level of distress. Officers should provide verbal reassurance and dynamically assess the situation to remove the spit guard as soon as appropriate.

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.

WRAP Restraint System (70.2.1)

The WRAP is a restraint system designed to control and restrain an aggressive subject and provide rapid recovery for both subject & personnel. With fast control achieved, the subject can be restrained in an upright and seated position for respiratory recovery. The WRAP reduces injuries and minimizes risks for all involved.

- Officers shall only use agency-issued WRAP restraints.
- Once a WRAP restraint is applied, officers shall not place the person face down for an extended period.
- Officers shall monitor individuals who have been placed in the WRAP restraint and take immediate action, if necessary, to protect the person's health and safety.
- Officers should discontinue use of the WRAP restraint once the necessity for its use ceases.

E. Weapons Security

All authorized firearms shall be secured in the following manner:

Police Department Vehicles

Patrol Rifles: Whenever a patrol rifle is carried in a Police Department vehicle, the weapons shall be secured into a mounted gunlock system or secured in a location out of view and with a locking mechanism that allows the weapon to be locked.

The primary storage location for issued patrol rifles is the police officer's locker inside the police station. Lockers containing any weapons shall be locked at all times. Except for take-home vehicles, issued patrol rifles will not be stored in a police vehicle when a police officer is off duty. Police officers will remove their patrol rifle and other weapons from their police vehicles at the end of each work shift and store them inside their assigned locker.

Police officers with a take-home patrol vehicle may leave the weapon locked inside the vehicle if the weapon is in an approved locking system. Police officers with an unmarked take-home vehicle may leave the weapon locked inside the vehicle if the weapon is in an approved locking system, the weapon is out of view from outside the vehicle, and the vehicle is locked. For any take-home vehicle (marked and

unmarked), when the criteria in this paragraph cannot be met, the weapon must be stored in a locked gun safe inside their residence or in their locker at the police station.

Unattended sidearms: While on duty, if it becomes necessary to secure an authorized sidearm in a department vehicle, the police officer should first ensure the vehicle is in a secure location and then place the sidearm out of view and lock the vehicle.

Unmarked Vehicles

Police officers shall not store an authorized firearm in an unattended vehicle unless a locking system is used in an area of the vehicle not visible to the outside and that secures the weapon.

Less-Lethal Weapons: Generally, department-issued tasers and other less-lethal weapons are to be stored in the officer's assigned locker at the police station between work shifts. Officers who commute to work in full uniform may take their issued less-lethal weapons with them between shifts, provided the following security requirements are followed:

- All department-issued weapons and the police radio are never left inside an unattended vehicle; and
- When the officer is not in uniform, these items must be stored in a secure location in the officer's residence.

Police Facility

All authorized firearms being stored at the police facility must be secured in a police officer's assigned locker or stored in another authorized and locked weapons storage area.

Off-duty Security/Storage of Authorized Firearms: Police officers have the option of taking their issued service sidearm with them between work shifts, provided the listed security measures are followed. When authorized firearms are secured at any other location, they must use a secure gun storage device, trigger lock, or similar device that prevents unwanted access to the weapon.

Any time an employee takes a department weapon with them between work shifts, the employee must adhere to all standards regarding the use of force and the weapon's use and care. In addition to potential discipline, the responsible employee will be financially liable for department weapons that are lost, stolen, or damaged as a result of not following these requirements.

Unsecured Firearms

Any member of the Pasco Police Department who finds a firearm that is not properly secured as this standard instructs shall attempt to identify the police officer authorized to carry the firearm. If unable to identify the owner, they shall notify a supervisor. The supervisor will generate a memorandum explaining the circumstance and provide it to their supervisor.

Security Specifications

If a hard-mounted gunlock system is not in place inside a vehicle, the following is an alternative lock-up system required to secure a weapon inside any vehicle – police or private. This locking system will be used in an area of the vehicle not visible to the outside.

- A padlock
- The issued safety cable and padlock

4.3.2 DEMONSTRATING PROFICIENCY WITH WEAPONS

All commissioned personnel shall be proficient in the use of weapons they carry on duty, both lethal and less-lethal weapons. A department weapons instructor will conduct all proficiency training, including policy training outlined in standard 4.3.3. Weapons proficiency is an essential job function of a police officer. Failure to meet department standards in using primary weapons shall constitute cause for dismissal.

An officer who fails to meet department primary weapons (i.e., service handgun or rifle) standards must immediately enter remedial training. Initially, the range master identifies the officer's problem and provides correction training. After this corrective training, the officer is required to pass the failed qualification course of fire and that of the previous qualification.

After appropriate remedial training, officers who fail to meet department standards in the use of primary weapons (i.e., service handgun or rifle) will be removed from duty pending administrative action.

Weapons proficiency training and demonstration is conducted as follows:

Less-Lethal Weapons

Officers receive training in the use of all impact weapons and OC spray annually. The training coordinator documents this training as part of mandatory in-service training. Officers are required to have a one-time direct exposure to OC spray either at the CJTC Basic Law Enforcement Academy or at a in-service training session. Officers who cannot demonstrate proficiency with assigned less-lethal weapons will have their authorization to carry them restricted by the assigned instructor until remedial training is successfully completed. Remedial training will be documented by the Training Sergeant.

Handguns

Officers are required to qualify with their service pistol at least once a year. Notice from the training coordinator of qualification periods are through electronic mail and/or training announcements posted in the briefing room. All commissioned personnel will attend during those time frames. Officers who choose to carry a secondary gun must qualify with it at least once a year. The range master determines the course of fire.

- Officers who qualify with their service pistols and approved secondary guns are authorized to carry them, whether on or off duty. When choosing secondary guns, officers should consider the need to use these guns for law enforcement purposes on and off duty. As a practical matter, if an officer identifies themselves as law enforcement and acts under that authority, they are now “on duty.”
- Each officer has three opportunities to pass the service pistol qualification. The first two may be under the direction of a department firearms instructor or range safety officer. If a third attempt is needed, it only takes place under the direction of the department range master or a designated firearms instructor. The third attempt is made only after the officer receives specific training to increase skill level.
- Officers who do not attend or fail to meet qualification standards during the allotted time (unless excused by the Division Captain or Chief of Police) are no longer authorized to carry that service pistol. A written notice of this is immediately forwarded through the chain of command to the Chief of Police.

- Service pistol qualifications consist of accuracy standards and manipulation skills. A passing accuracy score is 75%. Manipulation skills are observed and documented. Poor pistol manipulation skills or unsafe gun handling can result in a qualification failure, even with a score above 75%. Officers may not practice or "warm up" on the day they attend qualification.
- Additional combat/judgment/handling skills training may be added to the qualification or be included in other in-service training. These courses are evaluated as either "pass" or "needs improvement" at the discretion of the range master or other firearms instructors.
- Officers who fail to meet department standards in the use of backup handguns will have their authorization to use these firearms restricted by the range master. Authorization is restored when department standards are met.

Rifles

AR-15 rifle qualification is conducted once a year. The qualification standard is 80%. Additional combat/judgment/handling skills training may be added to the qualification or be included in other in-service training. These courses are evaluated as either "pass" or "needs improvement" in accordance with the performance objectives outlined in the lesson plan.

Special Purpose Weapons

Tri-City Regional SWAT Team personnel will conduct qualification courses specific to the officer's assigned weapon(s).

4.3.3 ANNUAL/BIENNIAL PROFICIENCY TRAINING

Prior to being authorized to carry any weapon, officers are properly trained in the use of that weapon. At least annually, all agency personnel authorized to carry weapons are required to receive in-service training on Pasco Police Department use of force policies and demonstrate proficiency with all approved lethal weapons and conducted electronic weapons that the employee is authorized to use.

- Proficiency training must be monitored by a certified weapons or tactics instructor;
- Training and proficiency must be documented; and
- Remedial training will be provided for those employees who are unable to qualify with an authorized weapon prior to resuming official duties as outlined in 4.3.2

The content of this training includes, but is not limited to:

- Instruction on federal, state, and local laws as they pertain to the use of force.
- Explanation of Pasco Police Department policies regarding the use of force. Specifically, the use of deadly force.
- Safe handling techniques for each of the weapons issued or authorized by the Pasco Police Department.
- Include community partners, when relevant and feasible.
- Incorporate cultural competency to understand disproportionately impacted communities, and how racialized experiences of policing and the criminal justice system may impact interactions with police, when relevant and feasible.
- Scenario-Based Training - live and video training scenarios that require decision-making and proper police tactics. The live training scenarios are incorporated into the force options training.

An Ultimate Training Munition (UTM) type weapon replaces the duty firearm during the training exercises. Training scenarios will include escalation and de-escalation force options.

A defensive tactics instructor is responsible for both classroom lecture and hands-on training for most less-lethal weapons. This includes training in the use of impact weapons such as flashlights, batons, and OC spray. Certified Extended Range Impact Weapon instructors are responsible for all training related to the use of PepperBall and baton rounds.

A firearms instructor is responsible for the classroom lecture and proficiency training in the use of firearms. Department range safety officers may monitor proficiency demonstrations such as weapons qualifications. Demonstrating proficiency includes safe handling of the firearm and minimum qualification scores as defined in standard 4.3.2.

Authorization to carry and use department-issued weapons applies to officers while either on or off duty. Nothing in this policy shall limit the authority of police officers to carry firearms as defined in RCW 9.41.050 and RCW 9.41.060 (1).

The range master records all firearms training. The range master, or range safety officers, record all firearms proficiency demonstrations and qualifications. The range master or training coordinator is responsible for ensuring that these records are entered into the training database.

In the event an officer becomes pregnant, an exemption from qualifications will be enacted after the 4th month, or at the direction from a doctor. Upon return to work, the officer will be required to qualify before returning to full duty.

4.3.4 PREREQUISITES TO CARRYING ALL DEPARTMENT AUTHORIZED WEAPONS

Pasco Police Department requires all agency personnel authorized to carry lethal and less-lethal weapons to receive all use of force policies and related instruction before authorization to carry a weapon. Policy receipt and curriculum delivery will be documented.

4.3.5 FIREARMS RANGE

a. The purpose of utilizing the firearms range is to provide firearms training to the Pasco Police Department's commissioned officers. The selected firearms range will be used for approved law enforcement training and qualifications.

b. Range rules and a safety briefing will be reviewed prior to every training. Officers failing to comply with range rules could be requested by the firearms instructor(s) to leave the range and be subject to disciplinary action.

c. The range will be under the exclusive control of the firearms instructor(s). All members attending will follow the directions of the firearms instructor(s). The firearms instructor(s) has the responsibility for ensuring each member meets the minimum requirements during training shoots at least once a year and can demonstrate proficiency in the care, cleaning, and safety of all firearms personnel are authorized to carry. Also, keep accurate records of all training, qualifications, rosters, repairs, maintenance, or other records directed by the training coordinator/training sergeant.

d. Only PPD approved weapons, targets, ammunition, and equipment will be used during firearms qualifications and training.

e. All personnel on the range shall wear hearing protection. All shooters on the line shall wear hearing and eye protection, as well as a ballistic vest. A first aid kit, fire extinguisher, portable radio, and cell phone will remain readily accessible at all times while there is training at the range. Any injuries

sustained during training at the range shall be immediately reported to the firearms instructor(s) or range staff. Written notification will then be provided to supervisory personnel.

f. All personnel working in the capacity of a firearms instructor shall complete training to be a certified firearms instructor. Firearms instructors shall receive emergency medical response training and/or first aid training.

g. All personnel are responsible for the weapons and ammunition issued to them. Firearms and ammunition shall be worn or stored appropriately and safely at all times. All authorized ammunition being stored at the police facility must be secured in a police officer's assigned locker, office, or be stored in the ammunition storage room. Ammunition being stored at the firearms range is to be secured in the storage locker within the range building.