

Use of Force

300.1 PURPOSE AND SCOPE

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, force is used appropriately only when necessary, and the amount of 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.

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

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

This policy incorporates the Washington State Office of the Attorney General Model Use of Force Policy.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Chokehold - The intentional application of direct pressure to a person's trachea or windpipe for the purpose of restricting another person's airway (RCW 10.116.020).

Deadly force - The intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury (RCW 9A.16.010).

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

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Flight - An act or instance of running away in an effort to leave and intentionally evade law enforcement.

Immediate threat of serious bodily injury or death - Based on the totality of the circumstances, it is objectively reasonable to believe that a person has the present and apparent ability, opportunity, and intent to immediately cause death or serious body injury to the peace officer or another person (RCW 10.120.020).

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

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Necessary - Under the totality of the circumstances, a reasonably effective alternative to the use of force or deadly force does not appear to exist, and the type and amount of force or deadly force used is a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the officer or others (RCW 10.120.010).

Neck restraint - Any vascular compression or similar restraint, hold, or other tactic in which pressure is applied to the neck for the purpose of constricting blood flow (RCW 10.116.020).

Physical force (referred to as "force" in this policy) - 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).

Totality of the circumstances - All facts known to the officer leading up to, and at the time of, the use of force, and includes the actions of the person against whom the officer uses such force, and the actions of the officer (RCW 10.120.010).

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

It is the fundamental duty of law enforcement to preserve and protect all human life (RCW 10.120.010). Officers shall respect and uphold the dignity of all persons and use their authority in a bias-free manner.

The proper use of force is essential to ensure impartial policing and build trust in the community. While there are circumstances where individuals will not comply with the law unless compelled or controlled by officers through the use of force, officers must remain mindful that they derive their authority from the community and that unreasonable force degrades the legitimacy of that authority (Washington State Office of the Attorney General Model Use of Force Policy).

Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

Nothing in this policy limits or restricts an officer's authority or responsibility to perform lifesaving measures or community caretaking functions or prevents an officer from responding to requests for assistance or service (RCW 10.120.020).

300.2.1 DUTY TO INTERVENE AND REPORT

Any officer present and observing another law enforcement officer or a member attempting to use or using force that is clearly beyond that which is objectively reasonable under the circumstances

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shall, when in a position to do so, intervene to prevent the use of unreasonable force (RCW 10.93.190).

Any officer who observes another law enforcement officer or a member attempting to use or using force that is potentially beyond that which is objectively reasonable under the circumstances shall report these observations to a supervisor as soon as feasible (RCW 10.93.190).

300.2.2 LEGISLATIVE INTENT

The legislature intends to address excessive force and discriminatory policing by establishing a requirement for law enforcement and community corrections officers to act with reasonable care when carrying out their duties, including using de-escalation tactics and alternatives to deadly force. Further, the legislature intends to address public safety concerns by limiting the use of deadly force to very narrow circumstances where there is an imminent threat of serious physical injury or death. It is the intent of the legislature that when practicable, peace officers will use the least amount of physical force necessary to overcome actual resistance under the circumstances.

It is the fundamental duty of law enforcement to preserve and protect all human life. (2021 Legislation HB1310) [Officers shall respect and uphold the dignity of all persons and use their authority in a bias-free manner. \(AG2022\)](#)

The legislature intends to provide clear authority for officers to use physical force to prevent persons from fleeing lawful temporary investigative detentions, also known as Terry stops, and to take persons into custody when authorized or directed by state law. Yet this authority is not without limits. Officers must exercise reasonable care when determining whether to use physical force and when using any physical force against another person. Officers must, when possible and appropriate, use de-escalation tactics before using physical force. Officers may only use force to the extent necessary and reasonable under the totality of the circumstances. (2022 Legislation HB2037)

300.2.3 CRITICAL DECISION MAKING

Use of critical decision making can help officers achieve the expectations outlined in this manual. When safe and feasible, when making or considering whether to make contact with a member of the public, officers shall (Washington State Office of the Attorney General Model Use of Force Policy):

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

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

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

300.3 DE-ESCALATION

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

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

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

b) Placing barriers or using existing structures to provide a shield or other protection between officers and a person;

c) Attempting to slow down or stabilize the situation to allow for the consideration and arrival of additional resources that may increase the likelihood of a safe resolution;

d) Request and using available support and resources, such as a crisis intervention team, a designated crisis responder, other behavioral health providers, or back-up officers, including more experienced officers or supervisors;

e) Using clear instructions and verbal persuasion;

f) Employing verbal and non-verbal communication techniques to calm a person (such as speaking slowly, regulating tone and body language, not crossing one's arms, minimizing hand gestures, and reducing bright flashing lights and sirens);

g) Attempting to communicate in non-verbal ways when verbal instructions would be inadequate (such as when a person and officer speak different languages, or the person is clearly unable to hear or understand instructions);

h) When there are multiple officers, designating one officer to communicate in order to avoid competing or confusing commands; or

i) Exhibiting patience while using all available and appropriate tactics and resources without using physical force. (AG2022)

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300.4 REASONABLENESS, PROPORTIONALITY, AND NECESSITY

Law enforcement encounters rapidly evolve and are not static. Thus, officers must continually assess the necessity and effectiveness of their actions, including their tactical positioning, to decrease the likelihood of needing to use physical force.

1) 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.

a) 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 crime. Officers should use all available and appropriate de-escalation tactics when possible prior to using physical force and exercise reasonable care when using physical force.

b) Proportionality shall be evaluated based on whether the use of physical force corresponds to the immediacy and severity of the threat or resistance the officer encounters at the time force is applied, as well as the seriousness of the crime. 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 force 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. (AG2022)

300.5 IDENTIFICATION, WARNING, AND OPPORTUNITY TO COMPLY

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

1) Identify themselves as law enforcement officers;

2) 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;

3) Provide clear instructions and warnings;

4) Warn the person that physical force may be used;

5) Give the person a reasonable opportunity to comply with the warning that physical force may be used. (AG2022)

300.6 USE OF FORCE

1. Physical Force

An officer may use physical force against a person to the extent necessary to:

a) Protect against a criminal offense when there is probable cause that the person has committed, is committing, or is about to commit the offense;

b) Effect an arrest

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- c) Prevent an escape as defined under chapter 9A.76 RCW;
- d) Prevent a person from fleeing or stop a person who is actively fleeing a lawful temporary investigative detention, provided that the person has been given notice that he or she is being detained and is not free to leave;
- e) 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;
- f) Take a person into custody when authorized or directed by statute;
- g) Execute or enforce a court order authorizing or directing an officer to take a person into custody;
- h) Execute a search warrant;
- i) 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; or
- j) Protect against an imminent threat of bodily injury to the officer, another person, or the person against whom force is being used.
- k) [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. \(AG2022\) ~~\(2022 Legislation- SHB1735 and ESHB2037 \)~~](#)

2. 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.

"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.

3. Reasonable Care

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

- (a) When possible, use all de-escalation tactics that are available and appropriate under the circumstances before using physical force;
- (b) When using physical force, use the least amount of physical force necessary to overcome resistance under the circumstances. This includes a consideration of

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the characteristics and conditions of a person ([including children, elderly persons, pregnant individuals, limited English proficiency speakers and those demonstrating mental, behavioral, physical, cognitive and perceptual impairments or disabilities](#)) for the purposes of determining whether to use force against that person and, if force is necessary, determining the appropriate and least amount of force possible to effect a lawful purpose. Such characteristics and conditions may include, for example, whether the person:

- Is visibly pregnant, or states that they are pregnant;
 - Is known to be a minor, objectively appears to be a minor, or states that they are a minor;
 - Is known to be a vulnerable adult, or objectively appears to be a vulnerable adult as defined in RCW 3074.34.020;
 - Displays signs of mental, behavioral, or physical impairments or disabilities;
 - Is experiencing perceptual or cognitive impairments typically related to the use of alcohol, narcotics, hallucinogens, or other drugs;
 - Is suicidal;
 - Has limited English proficiency; or
 - Is in the presence of children.
- (c) Terminate the use of physical force as soon as the necessity for such force ends;
- (d) When possible, use less lethal alternatives that are available and appropriate under the circumstances before using deadly force; and
- (e) Make less lethal alternatives issued to the officer reasonably available for their use. ▮

[4\) 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. \(RCW 10.120.020\)](#)

5 3) An officer may not use any force tactics prohibited by applicable departmental policy, this chapter, or otherwise by law, except to protect his or her life or the life of another person from an imminent threat. (2021 Legislation HB1310; 2022 Legislation HB1735)

300.6.1 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to (RCW 10.120.020):

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).

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- (d) The effects of suspected drug or alcohol use.
- (e) The individual displays signs of mental, behavioral, intellectual, developmental, or physical impairments or disabilities, including individuals who reasonably appear suicidal.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and the individual's ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) The individual is visibly pregnant or claims to be pregnant.
- (s) The individual is a minor, appears to be a minor, or claims to be a minor.
- (t) The individual is known to be a vulnerable adult or appears to be a vulnerable adult as defined by RCW 74.34.020.
- (u) The individual has limited English proficiency.
- (v) The individual is in the presence of a child.
- (w) Any other exigent circumstances.

300.6.2 TYPES OF FORCE

~~Pain compliance techniques may be effective in controlling a physically or actively resisting individual. may only apply those pain compliance techniques for which they have successfully completed approved training. utilizing any pain compliance technique should consider:~~

- (a) ~~The degree to which the application of the technique may be controlled given the level of resistance.~~
- (b) ~~Whether the individual can comply with the direction or orders of the :~~
- (c) ~~Whether the individual has been given sufficient opportunity to comply.~~

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~~The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.~~

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

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

a) Techniques to direct movement (e.g., push back, escort, lift, carry);

b) Control holds (e.g., wrist locks, finger locks, joint manipulation);

c) Open hand techniques;

d) Takedowns; or

e) Use of the WRAP or department approved hobble restraint.

2) 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 circumstances, intermediate physical force may be reasonable when a person threatens imminent assault upon an officer or others. Intermediate force options include:

a) OC-10 spray

b) Electronic control weapons (e.g. Taser)

c) Projectile impact weapons (e.g. 40mm)

d) Canine bite or injury caused by physical contact between a canine and a subject;

e) Impact weapon strikes (except impact weapon strikes to the head, neck, throat, or spine); or

f) Punches, kicks, or other strikes with an officer's body.

1. Officers shall only use striking techniques directed at a subject's head as a means of self-defense, or in the defense of others. Striking a person's head using fists, elbows, knees, and feet shall not be used as a means of pain compliance.

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) Deadly force includes:

a) Impact weapon strikes to the head, neck, throat, or spine;

b) Striking a person's head onto a hard, fixed object;

c) Discharge a firearm loaded with lethal ammunition at a person; or

d) Intentionally striking with a vehicle a person who is not inside a vehicle. (AG2022)

Also see 300.8 Deadly Force Applications.

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300.6.3 NECK RESTRAINTS AND CHOKE HOLDS

All neck restraint and choke hold techniques are prohibited. (2021 Legislation HB1054)

300.6.4 STATE REPORTING

Supervisors completing use of force reports must be aware that each law enforcement agency in the state is required to report each incident where a law enforcement officer employed by the agency used force and:

- (a) A fatality occurred in connection with the use of force;
- (b) Great bodily harm occurred in connection with the use of force;
- (c) Substantial bodily harm occurred in connection with the use of force; or
- (d) A law enforcement officer:
 - (i) Discharged a firearm at or in the direction of a person;
 - (ii) Pointed a firearm at a person;
 - (iii) Used a chokehold or vascular neck restraint;
 - (iv) Used an electronic control weapon including, but not limited to, a taser, against a person;
 - (v) Used oleoresin capsicum spray against a person;
 - (vi) Discharged a less lethal shotgun or other impact munitions at or in the direction of a person;
 - (vii) Struck a person using an impact weapon or instrument including, but not limited to, a club, baton, or flashlight;
 - (viii) Used any part of their body to physically strike a person including, but not limited to, punching, kicking, slapping, or using closed fists or feet;
 - (ix) Used a vehicle to intentionally strike a person or vehicle;
 - (x) Deployed a canine by releasing it from the physical control of the law enforcement officer or had under the law enforcement officer's control a canine that bites a person.

Supervisors must capture pertinent data regarding each use of force event to include the below elements which are required in each report:

- (a) The date and time of the incident;
- (b) The location of the incident;
- (c) The agency or agencies employing the law enforcement officers;
- (d) The type of force used by the law enforcement officer;
- (e) The type of injury to the person against whom force was used, if any;
- (f) The type of injury to the law enforcement officer, if any;
- (g) Whether the person against whom force was used was armed or unarmed;
- (h) Whether the person against whom force was used was believed to be armed;
- (i) The type of weapon the person against whom force was used was armed with, if any;
- (j) The age, gender, race, and ethnicity of the person against whom force was used, if known;
- (k) The tribal affiliation of the person against whom force was used, if applicable and known;
- (l) Whether the person against whom force was used exhibited any signs associated with a potential mental health condition or use of a controlled substance or alcohol based on the observation of the law enforcement officer;
- (m) The name, age, gender, race, and ethnicity of the law enforcement officer, if known;

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- (n) The law enforcement officer's years of service;
- (o) The reason for the initial contact between the person against whom force was used and the law enforcement officer;
- (p) Whether any minors were present at the scene of the incident, if known;
- (q) The entity conducting the independent investigation of the incident, if applicable;
- (r) Whether dashboard or body worn camera footage was recorded for an incident;
- (s) The number of officers who were present when force was used; and
- (t) The number of suspects who were present when force was used. (2021 Legislation SB5259)

300.6.5 ALTERNATIVE TACTICS - DE-ESCALATION

When possible, officers shall use all reasonably available and appropriate de-escalation tactics prior to using force (RCW 10.120.020).

Depending on the circumstances, officers have a number of de-escalation tactics to choose from which include but are not limited to (Washington State Office of the Attorney General Model Use of Force Policy):

- (a) Employing tactical positioning and repositioning to maintain the benefit of distance and cover, such as backing away from the person to re-assess and determine which tactics to use.
- (b) Placing barriers or using existing structures to provide a shield or other protection between officers and a person.
- (c) Attempting to slow down or stabilize the situation to allow for the consideration and arrival of additional resources that may increase the likelihood of a safe resolution.
- (d) Requesting and using available support and resources, such as a crisis intervention team, a designated crisis responder, other behavioral health providers, or back-up officers, including more experienced officers or supervisors.
- (e) Using clear instructions and verbal persuasion.
- (f) Employing verbal and non-verbal communication techniques to calm a person (e.g., speaking slowly, regulating tone and body language, uncrossing one's arms, minimizing hand gestures, reducing bright, flashing lights and sirens).
- (g) Attempting to communicate in non-verbal ways when verbal instructions would be inadequate (e.g., when the person and officer speak different languages, the person is unable to hear or understand instructions).
- (h) Communicating in a way that demonstrates respect for people's dignity (e.g., clearly explaining the officer's actions and expectations, listening to the person's questions and concerns and responding respectfully, being neutral and fair when making decisions).
- (i) When there are multiple officers, designating one officer to communicate in order to avoid competing or confusing commands.
- (j) Exhibiting patience while using all available and appropriate tactics and resources to provide as much time as needed to resolve the incident without using force.

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300.6.6 IDENTIFICATION, WARNING, AND OPPORTUNITY TO COMPLY PRIOR TO THE USE OF FORCE

When safe and feasible, prior to the use of force, officers shall (Washington State Office of the Attorney General Model Use of Force Policy):

- (a) Identify themselves as law enforcement officers.
 1. Identification is unnecessary when the officer has objectively reasonable grounds to believe the person is aware of this fact.
- (b) Attempt to determine whether the person has a special need, mental condition, physical limitation, developmental disability, language barrier, or other factor that may impact the person's ability to understand and comply with officer commands.
- (c) Provide clear instructions and warnings.
- (d) Warn a person that force will be used unless the person's resistance ceases.
- (e) Give the person a reasonable opportunity to comply with the warning that force may be used.

300.7 OC, IMPACT WEAPONS, PROJECTILE IMPACT WEAPONS, AND FIREARMS (ALSO SEE POLICIES 302, 303 AND 304)

Whenever possible, officers should use available and appropriate less lethal alternatives before using deadly force. The agency must make less lethal alternatives reasonably available for officers' use. (RCW 10.120.020) Officer shall use all tools in accordance with training and equipment manufacturer's instructions.

Oleoresin Capsicum (OC) Spray

- 1) After the initial application of OC spray, any subsequent application must also be justified.
- 2) 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.

Impact Weapons

- 1) Officers should not intentionally strike vital areas, including the head, neck, face, throat, spine, groin, or kidney unless deadly force is authorized.
- 2) Officer should not use an impact weapon to intimidate a person when an impact weapon warning is not justified by the threat presented.
- 3) 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 another tactical or physical force option.

Projectile Impact Weapons (PIW)

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- 1) Officers must be trained to use a PIW before deploying one during the course of law enforcement operations.
- 2) When safe and feasible, an officer about to discharge a PIW should advise other officers at the scene prior to the discharge.
- 3) An officer should target buttocks, thigh, calf, and large muscle groups.
- 4) Officers deploying a PIW should assess the effectiveness if the PIW after each round. If subsequent PIW rounds are needed, officers should consider targeting different areas.
- 5) Restricted Uses. The PIW should not be used in the following circumstances unless the use of deadly force is justified:
 - a) Intentionally aiming a PIW at the head, neck, chest, or groin unless deadly force is authorized.
 - b) At ranges inconsistent with the PIW manufacturer's guidelines.
 - c) At a person on an elevated surface unless reasonable efforts have been made to prevent or minimize a fall-related injury (e.g. deploying a safety net.)

Firearms

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:

- a) Officers should only point a firearm at a person when deadly force is authorized.
- b) Officers should only draw a firearm in the low ready position or sul 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.
- c) 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.
- d) 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).
- e) When feasible, officers shall give a verbal warning that a firearm will be discharged.
- f) 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:

- a) Officers shall not use firearms as impact weapons except when deadly force is permitted.

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b) Discharging a Firearm at or from a Moving Vehicle:

1) 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).

2) When feasible, officers shall attempt to move out of the path of a moving vehicle rather than discharge their weapon at the operator.

3) Officers shall not shoot at any part of a vehicle in an attempt to disable the vehicle.

4) Officers shall not discharge a firearm from a moving vehicle, unless a person is immediately threatening the officer or another person with deadly force.

Prohibited Uses.

Officers shall not use a firearm in the following circumstances:

a) When it appears likely that an innocent person may be injured.

b) Firing a "warning shot."

c) 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.

d) 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. (AG2022)

300.8 FIRST AID

All law enforcement personnel must provide or facilitate first aid such that it is rendered at the earliest safe opportunity to injured persons at a scene controlled by law enforcement (RCW 36.28A.455)

At the earliest safe opportunity, officers shall recognize and act in accordance with the urgency of providing first aid to preserve human life for all persons at the scene. Officers should:

a) remove or control any known human, environmental, and/or physical threats.

b) Request Emergency Medical Services (EMS) personnel.

c) If there are multiple injured parties at the scene, triage and treat those with the most urgent need for life-saving measures including 1) controlling bleeding, 2) maintaining a heartbeat, and 3) maintaining breathing.

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[d\) Provide first aid at the level of their training, until relieved by emergency medical personnel, a health care professional or someone that arrives on the scene with more medical training than the officer.](#)

[e\) Identify and utilize available medical resources \(i.e., first aid kits, AEDs, tourniquets, etc.\)](#)

[f\) Utilize Personal Protective Equipment \(PPE\) to ensure the safety of everyone at the scene. \(CJTC LETCSA First Aid Guidelines\)](#)

300.9 DEADLY FORCE APPLICATIONS

When feasible, the officer shall, prior to the use of deadly force, identify him/herself as a peace officer and to warn that deadly force may be used.

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.

An immediate threat of serious physical injury or death exists when, 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 (Chapter 324 § 3, 2021 Laws).

[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. \(AG2022\)](#)

300.9.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

An officer may not fire a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious bodily injury 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).

When feasible, officers shall attempt to move out of the path of a moving vehicle rather than discharge their weapon at the operator.

Officers shall not shoot at any part of a vehicle in an attempt to disable the vehicle.

An officer shall not discharge a firearm from a moving vehicle, unless a person is immediately threatening the officer or another person with deadly force.

300.9.2 DRAWING AND POINTING A FIREARM

- (a) An officer should only 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 justified.

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- (b) An officer should only point a firearm at a person when deadly force is justified.
- (c) When it is determined that the use of deadly force is not necessary, the officer should, as soon as safe and feasible, lower, holster, or secure the firearm.
- (d) 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).

300.9.3 RESTRICTED USE

Officers shall not use a firearm in the following circumstances (Washington State Office of the Attorney General Model Use of Force Policy):

- (a) As an impact weapon except when deadly force is justified.
- (b) When it appears likely that an innocent person may be injured by the officer discharging the firearm in the direction of an innocent person.
- (c) When 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.
- (d) When 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.

300.9.4 DISCHARGE OF FIREARMS

Officers are only permitted to discharge a firearm at a person in situations where deadly force is justified. Each discharge of the firearm must be justified. 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 (Washington State Office of the Attorney General Model Use of Force Policy).

300.10 REPORTING THE USE OF FORCE

Each officer who uses force upon another person at or above Level I control tactics, or capable of producing injury, while actively engaged in providing police services or who witnesses such a use of force shall write a police report that details the use of force. The employee's supervisor will then complete a separate Use of Force Report for each person upon whom force is used. Any force used at or above Level I control tactics and/or the below types force will be reported:

- Physical take-downs, leg sweeps, or tackles
- Any technique which forcibly requires the subject to end up on the ground.
- Application of the WRAP.
- Pointing a firearm "on target" at a person.
- Punches, kicks, elbow strikes, etc.
- Any use of Aerosol/Mechanical/Electrical restraint products.

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- Canine Bite.
- Any impact device used to deliver force whether designed for that function or not.
- Any use of less lethal extended range devices.
- Any action which results in a complained, suspected, or visible injury to a subject.

In the rare occasion where a case number is not associated with the incident, at a minimum, a memo will be completed documenting the below officer report writing factors and upon whom the force was used. A supervisor will be notified who will complete a use of force report.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

Officer Report Writing for Use of Force Incidents:

The use of force factors established in this policy and current case law should guide the reporting of every use of force incident. Officer Reports should answer these questions:

- Who did you perceive you were dealing with? (juvenile/adult, under influence of drugs/ alcohol, criminal suspect or EDP (Emotionally Disturbed Person), etc.
- Could you de-escalate the situation?
- Specify all attempts and techniques used to de-escalate.
- If a de-escalation tactic was not feasible, or was ineffective, provide the reasons why.
- Was there probable cause to believe a crime had been committed?
- What was the severity of the crime? Why?
- Did the suspect or EDP pose an imminent threat of physical harm? To whom?
- Was the suspect or EDP attempting to flee or forcefully resist?
- What specific verbal warnings were given before force was applied?
- What other factors were considered in making the decision to use physical force?

300.10.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the Conducted Energy Weapon or control device.

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- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual was forced to the ground
- (j) Any technique capable of producing an injury was utilized
- (k) An individual alleges unreasonable force was used or that any of the above has occurred.

300.10.2 NOTIFICATION TO INDIAN AFFAIRS

When the use of force by an officer results in the death of a person who is an enrolled member of a federally recognized Indian tribe, notification shall be made to the Governor's Office of Indian Affairs within a reasonable period of time, but not more than 24 hours after the department has good reason to believe the person was an enrolled member. Notice shall include sufficient information for the Governor's Office of Indian Affairs to attempt to identify the deceased person and tribal affiliation (RCW 10.114.021).

300.10.3 NOTIFICATION TO CRIMINAL JUSTICE TRAINING COMMISSION (CJTC)

Notification shall be made to CJTC within 15 days of learning of the occurrence of any death or serious injury caused by the use of force by an officer (RCW 43.101.135).

300.10.4 REPORTING TO WASHINGTON STATEWIDE USE OF FORCE DATA PROGRAM

The Department shall submit reports regarding use of force incidents as provided by RCW 10.118.030 to the Washington statewide use of force data program in the format and time frame established by the program (RCW 10.118.030).

300.11 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe (RCW 10.93.190).

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a

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description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain, or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.12 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived the individual's *Miranda* rights, the following shall apply:
 1. The content of the interview should not be summarized or included in any related criminal charges.
 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

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- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

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

When an incident results in death, serious bodily harm, or great bodily harm, the supervisor shall immediately contact the Office of Independent Investigations pursuant to the procedures established by the Office of Independent Investigation (RCW 43.102.120).

300.12.1 COMMANDER RESPONSIBILITY

The Commander shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.13 TRAINING

All officers and supervisors shall receive training consistent with this policy and related use of force policies at least annually. Training should (Washington State Office of the Attorney General Model Use of Force Policy):

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

This policy should be incorporated into defensive tactics curricula.

Officers shall receive training and subsequent periodic training on (RCW 43.101.450; RCW 43.101.495; RCW 10.120.010; RCW 10.120.020):

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including reasonably effective alternatives to force including applicable legal requirements.
- (c) Duty to intervene.
- (d) Exercising reasonable care in determining when to use force.
- (e) Evaluation of whether certain applications of force are reasonable and proportional to the threat or resistance.
- (f) The Washington State Office of the Attorney General Model Use of Force Policy.

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300.14 USE OF FORCE ANALYSIS

At least annually, the Operations Division Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects, or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.