

The Odessa Police Department is adopting the AGO Model Policy.

Table of Contents

Definitions.....	3
Overarching Principles.....	4
Considerations Governing All Uses of Physical Force	5
Critical Decision Making.....	5
De-Escalation.....	5
Reasonable Care.....	6
Use of Physical Force Shall be Necessary and for a Lawful Purpose	7
Identification, Warning, and Opportunity to Comply Prior to the Use of Physical Force	8
Use of Chokeholds and Neck Restraints Prohibited	8
Action in Response to Wrongdoing	8
First Aid	8
Types of Force	10
Select Force Tools	11
Oleoresin Capsicum (OC) Spray.....	11
Impact Weapons.....	11
Projectile Impact Weapons (also known as Extended Range Impact Weapons).....	11
Electronic Control Weapons (also known as Conducted Energy Weapons).....	12
Firearms.....	13
Select Restraint Devices.....	14
Spit Guards	14
Hobble Restraint	15
Training	15

Washington State Office of the Attorney General

Model Use of Force Policy

Purpose: 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.

Definitions

- (1) **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).
- (2) **Compression asphyxia:** an inadequate oxygen level in the blood and/or an excessive increase of carbon dioxide in the blood causing unconsciousness or death brought on by mechanically limiting expansion of the lungs through compressing of the chest and/or abdomen, interfering with breathing.
- (3) **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).
- (4) **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 [2022 c 4 §2]). Using physical force is not a de-escalation tactic. De-escalation tactics are detailed in the section "De-escalation."
- (5) **Feasible:** reasonably capable of being done or carried out to achieve the arrest or lawful objective without increasing risk of harm to the officer or another person.
- (6) **Flight:** an act or instance of running away in an effort to leave and intentionally evade law enforcement.
- (7) **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 [2022 c 80 §3]).
- (8) **Law enforcement agency:** includes any "general authority Washington law enforcement agency" and any "limited authority Washington law enforcement agency" as defined by RCW 10.93.020.
- (9) **Less lethal alternatives:** include, but are not limited to, verbal warnings, de-escalation tactics, conducted energy weapons, devices that deploy oleoresin capsicum, batons, and beanbag rounds. (RCW 10.120.010).
- (10) **Necessary:** under the totality of the circumstances, a reasonably effective alternative to the use of physical force or deadly force does not appear to exist, and the type and amount of physical force or deadly force used is a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the officer or others. (RCW 10.120.010 [2022 c 80 §2]).
- (11) **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).
- (12) **Peace officer:** includes any "general authority Washington peace officer," "limited authority Washington peace officer," and "specially commissioned Washington peace officer" as those terms are defined in RCW 10.93.020. "Peace officer" does not include any corrections officer or other employee of a jail, correctional, or detention facility, but does include any community corrections officer. (RCW 10.120.010). Peace officers are referred to as officers in this policy.
- (13) **Physical force:** any act reasonably likely to cause physical pain or injury or any other act exerted

upon a person's body to compel, control, constrain, or restrain the person's movement. Physical force does not include pat-downs, incidental touching, verbal commands, or compliant handcuffing where there is no physical pain or injury. (RCW 10.120.010).

- (14) **Projectile Impact Weapon:** a less lethal weapon that fires projectiles such as 40mm sponge or foam rounds, PepperBall or similar projectile, blast balls or bean bags designed to temporarily incapacitate a person.
- (15) **Positional asphyxia:** an inadequate oxygen level in the blood and/or an excessive increase of carbon dioxide in the blood causing unconsciousness or death brought on by a person being placed in a body position which compresses their airway and does not allow them to breathe freely.
- (16) **Tear gas:** Chloroacetophenone (CN), O-chlorobenzylidene malononitrile (CS), and any similar chemical irritant dispersed in the air for the purpose of producing temporary physical discomfort or permanent injury. "Tear gas" does not include oleoresin capsicum (OC). (RCW 10.116.030).
- (17) **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).
- (18) **Wrongdoing:** conduct that is contrary to law or contrary to the policies of the witnessing officer's agency, provided that the conduct is not de minimis or technical in nature. (RCW 10.93.190).

Overarching Principles

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.

Considerations Governing All Uses of Physical Force

Critical Decision Making

- (1) 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 shall:
 - (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; and
 - (g) Review and re-assess the situation as it evolves.
- (2) 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:
 - (a) Immediately approaching a person without proper evaluation of the situation;
 - (b) Leaving insufficient space between an officer and the person;
 - (c) Not providing time for a person to comply with commands; or
 - (d) Unnecessarily escalating a situation.

De-Escalation

Core Principle: Duty to De-Escalate

When possible, officers shall use all available and appropriate de-escalation tactics prior to using physical force. (RCW 10.120.020 [2022 c 4 §3]).

- (1) Depending on the circumstances, officers have a number of de-escalation tactics to choose from, which 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) 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 (such as, speaking slowly, regulating tone and body language, uncrossing 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 the person and officer speak different languages, or the person is unable to hear or understand instructions);
 - (h) 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);
 - (i) When there are multiple officers, designating one officer to communicate in order to avoid competing or confusing commands; or
 - (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 physical force.

Reasonable Care

Core Principle: Duty to Use Reasonable Care

Consider people's characteristics and conditions, including children, elderly persons, pregnant individuals, Limited English Proficiency speakers and those demonstrating mental, behavioral, physical, cognitive and perceptual impairments or disabilities, when determining whether to use physical force or deadly force, and if necessary, the appropriate and least amount of physical force possible to effect a lawful purpose. (RCW 10.120.020).

Core Principle: Perform Community Caretaking Functions

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.

Reasonable care means that the officer shall:

- (1) When possible, use all available and appropriate de-escalation tactics before using physical force. (RCW 10.120.010 [2022 c 4 §3].)
- (2) 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).
- (3) Terminate the use of physical force as soon as the necessity for such force ends. (RCW 10.120.020).

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

Core Principle: Use Only the Least Amount of Force Necessary to Safely Achieve a Legitimate Law Enforcement Objective Under the Circumstances. (RCW 10.120.020).

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.

- (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 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.
 - (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 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.
- (2) **Use of Physical Force Must Be for a Lawful Purpose.** An officer may use physical force against a person to the extent necessary to:
 - (a) 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);
 - (b) 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]);
 - (c) Effect an arrest (RCW 10.120.020);
 - (d) Take a person into custody when authorized or directed by statute (RCW 10.120.020 [2022 c 80 §3]);
 - (e) Prevent an escape as defined under chapter 9A.76 RCW (RCW 10.120.020);
 - (f) 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]);
 - (g) 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]);
 - (h) Take a minor into protective custody when authorized or directed by statute (RCW 10.120.020 [2022 c 4 §3]);
 - (i) 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]);
 - (j) Execute a search warrant (RCW 10.120.020 [2022 c 4 §3]);
 - (k) 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

- (1) 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]).

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

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

- (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 a person that physical force will be used unless their resistance ceases; and
- (5) Give the person a reasonable opportunity to comply with the warning that physical force may be used.

Use of Chokeholds and Neck Restraints Prohibited

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).¹

Action in Response to Wrongdoing

Core Principles: Duty to Intervene and Duty to Report Wrongdoing (RCW 10.93.190).

Any identifiable on-duty officer who witnesses another officer engaging or attempting to engage in the use of excessive force against another person shall intervene when in a position to do so to end the use of excessive force or attempted use of excessive force, or to prevent the further use of excessive force. Any identifiable on-duty officer who witnesses any wrongdoing committed by another officer, or has a good faith reasonable belief that another peace officer committed wrongdoing, shall report such wrongdoing to the witnessing officer's supervisor or other supervisory officer in accordance with the witnessing officer's employing agency's policies and procedures for reporting such acts committed by an officer. (See also Washington State Criminal Justice Training Commission's (CJTC) Duty to Intervene Model Policy.)

First Aid

Core Principle: Duty to Provide or Facilitate 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.445). (See also CJTC's First Aid Guidelines.)

¹ As of July 1, 2022, the Attorney General's Office is in the process of drafting a formal Opinion on this subject in response to a request from legislators. The question is whether RCW 10.120.020 (3) effectively authorizes a law enforcement officer to use a chokehold or neck restraint "to protect his or her life or the life of another person from an imminent threat" despite the specific prohibition of such tactics in RCW 10.116.020. Once finalized later in 2022, the Opinion will be published online at: <https://www.atg.wa.gov/ago-opinions/year/2022>.

- (1) Injured persons and restrained persons shall be monitored while in law enforcement custody.
- (2) Consistent with training, officers shall take the following actions to reduce the risk of positional asphyxiation and compression asphyxiation:
 - (a) 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.
 - (i) Exception: If the person is conscious and expresses a desire to be placed in a different position, the officers shall place them in that position unless doing so poses a substantial risk of safety to the individual, officers, or others.
 - (b) Do not put prolonged pressure on the chest, neck or back, including by sitting, kneeling, or standing.
 - (c) 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.
 - (d) Whenever possible during team restraint when manpower limitations allow, the ranking officer shall designate a "Safety Officer." The Safety Officer shall monitor the health and welfare of the person until:
 - (i) Responsibility is transferred to a health care professional (e.g. EMT, paramedic); or
 - (ii) The person is placed in a seated position in a transport vehicle and verbalizes to the Safety Officer that they feel okay, and the person appears to the Safety Officer to be well and speaking normally.
 - (e) If the Safety Officer becomes aware of an issue with the person's breathing, color, or any impairment, they shall inform the ranking officer.
 - (f) Do not transport a restrained person in the prone position.
- (3) Officers must provide or facilitate first aid specific to particular force tools.
 - (a) Oleoresin Capsicum (OC) spray: At the earliest safe opportunity at a scene controlled by law enforcement, an officer shall take action to address the effects of the OC by flushing the person's eyes out with clean water and ventilating with fresh air, if possible.
 - (b) Electronic Control Weapon (ECW): At the earliest safe opportunity at a scene controlled by law enforcement, officers shall remove ECW probes, unless probes are in a sensitive area, such as the head, breast, or groin.
 - (i) Probes in sensitive areas shall be removed by an EMT, paramedic or other health care professional.
 - (ii) ECW probes should be treated as a biohazard.

Types of Force

Core Principle: Use the Least Amount of Physical Force Necessary to Overcome Resistance Under the Circumstances. (RCW 10.120.020).

Core Principle: Use Deadly Force Only When Necessary to Protect Against an Immediate Threat of Serious Physical Injury or Death. (RCW 10.120.020 [2022 c 80 §3 and 2022 c 4 §3]).

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

- (a) Oleoresin Capsicum (OC) spray;
- (b) Electronic control weapons;
- (c) Projectile Impact Weapons;
- (d) Canine bite or injury caused by physical contact between a canine and a subject;
- (e) Impact weapon strikes (except impact weapon strikes to the head, neck, throat, or spine); or
- (f) Punches, kicks or other strikes with an officer's body.
 - (i) 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 at 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). 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 includes:

- (i) Impact weapon strikes to the head, neck, throat, or spine;
- (ii) Striking a person's head onto a hard, fixed object;
- (iii) Discharge of a firearm loaded with lethal ammunition at a person; or
- (iv) Intentionally striking with a vehicle a person who is not inside a vehicle.

Select Force Tools

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

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

Oleoresin Capsicum (OC) Spray

- (1) 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.
- (2) After the initial application of OC spray, each subsequent application must also be justified.
- (3) 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) Agency-issued and authorized impact weapons typically include batons.
- (2) Officers shall not intentionally strike vital areas, including the head, neck, face, throat, spine, groin, or kidney unless deadly force is authorized.
- (3) Officers shall not use an impact weapon to intimidate a person when an impact weapon warning is not justified by the threat presented.
- (4) Officers shall 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.

Projectile Impact Weapons (also known as Extended Range Impact Weapons)

- (1) A Projectile Impact Weapon (PIW) fires less-lethal ammunition and is designed to stun, temporarily incapacitate, or cause temporary discomfort to a person without penetrating the person's body.
- (2) Officers must be trained to use a PIW before deploying one during the course of law enforcement operations.
- (3) When safe and feasible, an officer about to discharge a PIW should advise other officers at the scene prior to the discharge.
- (4) An officer should target the buttocks, thigh, calf, and large muscle groups.
- (5) Officers deploying a PIW shall assess the effectiveness of the PIW after each shot. If subsequent PIW rounds are needed, officers should consider aiming at a different targeted area.
- (6) 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 that are inconsistent with the PIW manufacturer's guidelines.
 - (c) 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).

Electronic Control Weapons (also known as Conducted Energy Weapons)

- (1) An electronic control weapon (ECW) is a portable device that fires darts/electrodes that transmit an electrical charge or current intended to temporarily immobilize a person.
- (2) Issuance and Carrying an ECW:
 - (a) An approved ECW may only be used by officers who have been certified in its use and are recertified on a yearly basis.
 - (b) Officers issued an ECW are expected to carry them as a less lethal option.
 - (c) When consistent with training, officers carrying an ECW will perform a function check on the weapon and check remaining battery life prior to every shift. Officers should report any malfunction to a supervisor or other appropriate personnel.
- (3) Standards of Use:
 - (a) Officers shall carry an ECW on the support side of the body, and in all but extreme circumstances, shall draw, exhibit and use the device with the support (non-pistol firing) hand.
 - (b) Officers should not hold an ECW and firearm simultaneously unless exigent circumstances exist.
 - (c) Officers should target areas that do not include the head, neck, chest, or genitals.
 - (d) Officers should not intentionally deploy multiple ECWs at the same person, unless the first deployed weapon clearly fails.
 - (e) Officers should be aware that the primary use of an ECW is not as a pain compliance tool. Drive-stun mode should only be used when necessary to complete the incapacitation circuit where only one probe has attached to the person, where both probes attached in close proximity, or when no other less lethal options are available and appropriate.
 - (f) Officers should be aware that multiple applications of the ECW increase the risk of serious bodily injury or death.
 - (g) An ECW shall be used for one standard discharge cycle of five seconds or less, after which the officer shall reassess the situation. An officer shall use only the minimum number of cycles necessary to control the person.
 - (h) Officers will assume that if they have used an ECW three times against a person and the person continues to aggress, the ECW may not be effective against that person and the officer shall consider other options.
 - (i) Officers must be able to clearly articulate and document the justification for each individual application of the ECW.
- (4) Restricted Uses. An ECW should not be used in the following circumstances:
 - (a) On a person who is fleeing the scene, absent other factors.
 - (b) On a person who is handcuffed or otherwise restrained unless deadly force is authorized.
 - (c) 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).
 - (d) On an operator in physical control of a vehicle in motion, including automobiles, trucks, motorcycles, ATVs, bicycles, and scooters unless deadly force is authorized.
 - (e) 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.

Firearms

- (1) 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.
- (2) 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.
- (3) 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 (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).
- (4) When feasible, officers shall give a verbal warning that a firearm will be discharged.
- (5) Prior to the decision to use a firearm, officers should consider field of fire, backdrop, bystanders, potential for ricochet, and other risks of life.
- (6) Restricted Uses:
 - (a) Officers shall not use firearms as impact weapons except when deadly force is permitted
 - (b) Discharging a Firearm at or from a Moving Vehicle:
 - (i) 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).
 - (ii) When feasible, officers shall attempt to move out of the path of a moving vehicle rather than discharge their weapon at the operator.
 - (iii) Officers shall not shoot at any part of a vehicle in an attempt to disable the vehicle.
 - (iv) Officers shall not discharge a firearm from a moving vehicle, unless a person is immediately threatening the officer or another person with deadly force.
- (7) 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.

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

- (1) 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.
- (2) Standard of Use:
 - (a) An officer may apply a spit guard when lawfully restraining or attempting to restrain an individual who is spitting or biting.
 - (b) Officers applying spit guards must ensure that the spit guard is fastened properly according to the manufacturer's instructions to allow for adequate ventilation so that the restrained person can breathe normally.
 - (c) Only officers who have successfully completed agency-approved training on application of a spit guard are authorized to use one.
 - (d) Officers shall only use agency-issued spit guards.
- (3) Restricted Uses:
 - (a) Persons who have been sprayed with OC spray should be decontaminated so their breathing is not distressed prior to application of a spit guard.
 - (b) 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.
- (4) Prohibited Uses. Officers shall not apply spit guards in the following situations because of higher risks:
 - (a) Where the restrained person is bleeding profusely from the area around the mouth or nose.
 - (b) 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.
 - (c) On an individual who states that they have a medical condition that affects their breathing, or who demonstrates symptoms of labored or distressed breathing.
- (5) In the event of a medical emergency, spit guards should be removed immediately.
- (6) Prior to application of a spit guard, an officer shall warn the individual and provide a reasonable time for the person to comply with the officer's commands. If applied, the officer shall remove the spit guard as soon as the threat of spitting or biting has ended, or the officer observes that the spit guard is no longer necessary.
- (7) 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.
- (8) Application of a spit guard must be documented.
- (9) Spit guards shall be discarded after each use.

Hobble Restraint

- (1) A hobble restraint is a strap designed to restrain a person's feet in order to control an assaultive person.
- (2) Officers shall only use agency-issued hobble restraints.
- (3) Prohibited Use: Officers shall not connect a hobble restraint to handcuffs or other types of restraints (i.e., "hog tie" an individual).
- (4) Once a hobble restraint is applied, officers shall not place the person face down.
- (5) Officers shall monitor individuals who have been placed in a hobble restraint and take immediate action, if necessary, to protect the person's health and safety.
- (6) Officers shall discontinue use of a hobble restraint once the necessity for its use ceases.

Training

- (1) All officers and supervisors shall receive training consistent with this policy at least annually. Training should:
 - (a) Be a combination of classroom and scenario-based learning,
 - (b) Include community partners, when relevant and feasible,
 - (c) Incorporate cultural competency to understand disproportionately impacted communities, and how racialized experiences of policing and the criminal justice system may impact interactions with police.
- (2) This policy should be incorporated into defensive tactics curricula.