

Use of Force

300.1 PURPOSE AND SCOPE

State

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

Federal

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).

Omak Police Department

Policy Manual

Use of Force

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

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

State

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).

Omak Police Department

Policy Manual

Use of Force

300.2.1 DUTY TO INTERVENE AND REPORT

Federal

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 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 PERSPECTIVE

Best Practice

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.2.3 ADDITIONAL STATE REQUIREMENTS ON THE DUTY TO INTERVENE AND REPORT

State

An officer shall not be disciplined for or retaliated against in any way for intervening in good faith or for reporting in good faith the unreasonable use of force by another law enforcement officer (RCW 10.93.190) (see the Anti-Retaliation Policy).

300.2.4 CRITICAL DECISION MAKING

State

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.

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

Use of Force

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 USE OF FORCE

State

Officers shall use only the least amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose. Officers shall use reasonable care when determining whether to use and when using any physical force or deadly force against another person (RCW 10.120.020).

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 ALTERNATIVE TACTICS - DE-ESCALATION

State

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):

Use of Force

- (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.

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

Federal

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).
- (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.

Omak Police Department

Policy Manual

Use of Force

- (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.

300.3.3 PERMISSIBLE USES OF FORCE

State

An officer may use force upon another person to the extent necessary under these circumstances to (RCW 10.120.020):

- (a) Protect against a criminal offense when there is probable cause that the person has committed, is committing, or is about to commit the offense.
- (b) Effect an arrest.
- (c) Prevent an escape as defined under chapter 9A.76 RCW.
- (d) Take a person into custody, transport a person for evaluation or treatment, or provide other assistance under RCW 10.77; RCW 71.05; or RCW 71.34.
- (e) Take a minor into protective custody when authorized or directed by statute.

Omak Police Department

Policy Manual

Use of Force

- (f) Execute or enforce a court order authorizing or directing an officer to take a person into custody.
- (g) Execute a search warrant.
- (h) Execute or enforce an oral directive issued by a judicial officer in the courtroom or a written order where the court expressly authorizes an officer to use force to execute or enforce the directive or order.
- (i) Prevent a person from fleeing or stop a person who is actively fleeing a lawful temporary investigative detention, provided that the person has been given notice that the person is being detained and is not free to leave.
- (j) Take a person into custody when authorized or directed by statute.
- (k) Protect against an imminent threat of bodily injury to the officer, another person, or the person against whom force is being used.

Officers shall terminate the use of force as soon as the necessity for such force ends (RCW 10.120.020).

300.3.4 PAIN COMPLIANCE TECHNIQUES

Best Practice **MODIFIED**

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers 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 officer.
- (c) Whether the individual has been given sufficient opportunity to comply.

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

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

Best Practice

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Omak Police Department for this specific purpose.

300.3.6 RESTRICTIONS ON RESPIRATORY RESTRAINTS

State

Use of Force

Officers of this department are not authorized to use respiratory restraints, also known as chokeholds or neck restraints (RCW 10.116.020).

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

State

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.

300.4 DEADLY FORCE APPLICATIONS

Federal

When reasonable, officers shall, prior to the use of deadly force, make efforts to identify themselves as peace officers and to warn that deadly force may be used, unless an officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is only justified when the officer reasonably believes it is necessary in the following circumstances (RCW 10.120.020):

- (a) An officer may use deadly force to protect the officer or others from what the officer reasonably believes is an immediate threat of serious physical injury or death.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an immediate threat of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

300.4.1 MOVING VEHICLES

State

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

Omak Police Department

Policy Manual

Use of Force

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.

300.4.2 DRAWING AND POINTING A FIREARM

State

- (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.
- (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).

300.4.3 RESTRICTED USE

State

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.

300.4.4 DISCHARGE OF FIREARMS

State

Use of Force

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).

300.5 REPORTING THE USE OF FORCE

Best Practice **MODIFIED**

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

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.

Two forms are available in editable format located in the Training Drive (T:\~Omak Police Training Documents) Both forms are attached below in PDF format. Use the appropriate form for the reporting purpose.

[See attachment: Omak PD Use of Force Report Form daigle.pdf](#)

[See attachment: Omak PD use_of_force_taser_report.pdf](#)

300.5.1 NOTIFICATIONS TO SUPERVISORS

Best Practice

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 TASER (TM) device or control device.
- (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 alleges unreasonable force was used or that any of the above has occurred.

Use of Force

300.5.2 NOTIFICATION TO INDIAN AFFAIRS

State

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).

300.5.3 NOTIFICATION TO CRIMINAL JUSTICE TRAINING COMMISSION (CJTC)

State

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).

300.5.4 REPORTING TO WASHINGTON STATEWIDE USE OF FORCE DATA PROGRAM

State **MODIFIED**

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).

Beginning Tuesday, November 15, 2022, report all incidents where a law enforcement officer used force reasonably likely to cause death, great bodily harm or substantial bodily harm; and where that use of force resulted in death, great bodily harm or substantial bodily harm, per RCW 43.102.120.

[See attachment: Notifications to OII Memorandum.pdf](#)

300.6 MEDICAL CONSIDERATIONS

Best Practice

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

Use of Force

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.

300.7 SUPERVISOR RESPONSIBILITIES

State

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.

Use of Force

- (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).

300.7.1 SHIFT SERGEANT RESPONSIBILITY

Best Practice **MODIFIED**

The Shift Sergeant, or Squad Sergeant 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.

300.8 TRAINING

State

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.

Use of Force

300.9 USE OF FORCE ANALYSIS

Discretionary

At least annually, the Patrol Sergeant 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.

Attachments

Notifications to OII Memorandum.pdf



STATE OF WASHINGTON

OFFICE OF INDEPENDENT INVESTIGATIONS

Raad Building, PO Box 40270 • Olympia, Washington 98504-0270 • (564) 669-0707

MEMORANDUM

To: All Washington State Law Enforcement Agencies

From: Washington State Office of Independent Investigations (OII)

Date: October 31, 2022

Subject: Notifications to OII of use of deadly force incidents begins November 15, 2022

Effective November 15, 2022, the Washington State Office of Independent Investigations (OII) will accept notifications from law enforcement agencies when an agency uses deadly force.

OII is currently not operational, however, we are working diligently toward that goal. As a step towards this goal, OII is implementing its notification system and process. This provides law enforcement agencies in Washington State a means of complying with the requirements of [RCW 43.102.050\(2\)\(b\)](#) and [RCW 43.102.120\(1\)\(a\)](#).

This memorandum serves two purposes:

1. To ensure you receive this information and understand the need to call the Office of Independent Investigations (OII) if an incident should occur; and
2. To describe how you should notify OII upon responding to a situation where law enforcement has used deadly force.

Upon receipt of THIS memorandum, please email OII at ContactUs@oii.wa.gov to confirm that you are prepared to begin notifying OII of any law enforcement use of deadly force cases in your jurisdiction.

To report incidents of law enforcement use of deadly force, please follow the process described below:

Where to call

- Call (833) 819-0718 – this number will be staffed at all times. This is not a publicly available number and should not be disseminated beyond your agency.

When to call

- Beginning Tuesday, November 15, 2022, report all incidents where a law enforcement officer used force reasonably likely to cause death, great bodily harm or substantial bodily harm; and where that use of force resulted in death, great bodily harm or substantial bodily harm, per [RCW 43.102.120](#).

What to report

OII staff will request the following information:

- Name of the involved agency
- Name of the investigating agency
- Contact information for the incident commander
- Whether there is a concurrent, underlying criminal investigation and what agency is investigating
- Date and time of the incident
- Incident location
- A brief description of the incident
- Any necessary follow-up

What OII will do

Currently, OII will decline to respond to the scene because the agency does not yet have the resources or personnel to investigate cases. OII staff will provide a brief email to the reporting agency acknowledging receipt of the notification and explaining that we will be declining to respond.

Again, to ensure all law enforcement agencies have this information, please email ConactUs@oii.wa.gov to confirm receipt of this memorandum.

Once OII is operational and accepting cases, you will receive a second memorandum describing the final notification procedure.

Omak PD Use of Force Report Form daigle .pdf

OMAK POLICE DEPARTMENT

USE OF FORCE REPORT FORM

1) DATE / /	2) TIME	3) LOCATION	4) CASE #	
5) SUBJECT'S NAME	6) DATE OF BIRTH / /	7) HEIGHT ' "	8) WEIGHT LBS	9) PHONE NUMBER - -
10) REASON THE USE OF FORCE WAS NECESSARY (Check all that apply): <input type="checkbox"/> TO EFFECT AN ARREST <input type="checkbox"/> TO DEFEND SELF <input type="checkbox"/> PREVENT ESCAPE <input type="checkbox"/> TO DEFEND ANOTHER OFFICER / PERSON <input type="checkbox"/> PROTECTIVE CUSTODY / SUBJECT SAFETY <input type="checkbox"/> OTHER: <input type="checkbox"/> TO DISPATCH ANIMAL				
11) LIST MOST SERIOUS OFFENSE(S) AT TIME FORCE USED:				
12) WAS SUBJECT INJURED? <input type="checkbox"/> YES <input type="checkbox"/> NO DESCRIBE INJURIES:	13) WAS REPORTING OFFICER INJURED? <input type="checkbox"/> YES <input type="checkbox"/> NO DESCRIBE INJURIES:	14) MEDICAL TREATMENT PROVIDED TO/BY:	15) PHOTOS TAKEN BY:	
16) # SUBJECTS THAT RESISTED:	17) # OFFICERS PRESENT:	18) SUPERVISOR NOTIFIED / TIME / BY WHOM: / /		
19) AT THE TIME OF ARREST, THE SUBJECT WAS: <input type="checkbox"/> SUSPECTED TO BE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS <input type="checkbox"/> MENTALLY IMPAIRED/ EMOTIONALLY DISTURBED <input type="checkbox"/> UNDER THE INFLUENCE OF ALCOHOL OR DRUGS <input type="checkbox"/> OTHER: _____				
20) OFFICER'S PERCEPTION OF INDIVIDUAL'S ACTIONS (USE NARRATIVE TO DESCRIBE PERCEIVED THREAT(S) POSTED BY INDIVIDUAL): <input type="checkbox"/> PASSIVE RESISTANCE – (Dead weight or non-compliance to Officer's lawful verbal direction, but offering no actively resistive movement) <input type="checkbox"/> ACTIVE OR ESCAPE RESISTANCE – (Actions such as pushing, pulling, evasive arm movement, flailing, flight, muscle tension, etc. to avoid control. Does not include attempts to harm the Officer) <input type="checkbox"/> ASSAULTIVE / HIGH-RISK – (Agitated, combative state, physically assaultive actions and /or behavior that poses threat of injury to another (e.g., punching, kicking, clenching of fists, etc.) <input type="checkbox"/> LIFE THREATENING / SERIOUS BODILY INJURY: (Actions that may result in death or serious bodily injury)				
21) OFFICER'S RESPONSE OPTION(S) (PROVIDE FURTHER DETAILS IN ATTACHED NARRATIVE REPORT(S)): <input type="checkbox"/> PRESENCE: <input type="checkbox"/> FULL UNIFORM <input type="checkbox"/> PARTIAL UNIFORM <input type="checkbox"/> PLAINCLOTHES _____ NOTE: Officers not in full uniform, describe means of visual police identification (e.g., raid vest or jacket, displayed badge/ID, etc.) <input type="checkbox"/> VERBAL COMMANDS (Describe details in Narrative Report): <input type="checkbox"/> COMPLIANCE TECHNIQUES (Describe details in Narrative Report): (Force used to gain control - restraint, come-alongs, takedowns – use of hands, arms, feet, legs) <input type="checkbox"/> CHEMICAL SPRAY / CHEMICAL AGENT (Describe details in Narrative Report): Number of Bursts: Duration of Bursts: Distance from Subject: Impact Location: Time between application / decontamination: <input type="checkbox"/> IMPACT WEAPON / TEMP. INCAPACITATION (Describe details in Narrative Report): <input type="checkbox"/> ELECTRONIC CONTROL DEVICE (Describe details in Narrative Report): <input type="checkbox"/> Laser Only <input type="checkbox"/> Spark Check <input type="checkbox"/> Drive Stun <input type="checkbox"/> Probe Deployment Impact Location: Number of Cycles: Taser Unit #: Serial #: Cartridge Serial #: Distance from Subject: <input type="checkbox"/> POINT A FIREARM (Describe details in Narrative Report): <input type="checkbox"/> DEADLY FORCE – Firearm or other (Describe details in Narrative Report): <input type="checkbox"/> OTHER:				
22) RESTRAINT METHOD USED: <input type="checkbox"/> HAND or FLEX CUFFS <input type="checkbox"/> LEG RESTRAINTS <input type="checkbox"/> BODY GUARD <input type="checkbox"/> SPIT SHIELD <input type="checkbox"/> NONE <input type="checkbox"/> OTHER:				
23) OFFICERS PRESENT AT SCENE DURING FORCE APPLICATION:		24) SHIFT SUPERVISOR(S):		
25) OTHER WITNESS(ES) / PERSON(S) PRESENT AT SCENE:		26) SHIFT OFFICER(S):		
27) AUDIO-VISUAL EVIDENCE: <input type="checkbox"/> YES <input type="checkbox"/> NO If NO, explain: _____		28) SUPERVISOR(S) WHO RESPONDED TO SCENE:		

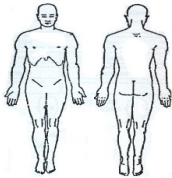
COMPLETING OFFICER(S): IF ADDITIONAL SPACE IS REQUIRED IN ANY BOX USE THE SUPPLEMENTAL REPORT;
ATTACH ALL RELATED NARRATIVE REPORTS, SUPPLEMENTS AND STATEMENTS AND
FORWARD TO SHIFT SUPERVISOR PRIOR TO END OF TOUR OF DUTY

OMAK POLICE DEPARTMENT

OFFICER NARRATIVE

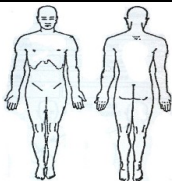
Case#

29) WAS SUBJECT(S) INJURED? * <input type="checkbox"/> YES <input type="checkbox"/> NO * (Complete Diagram Below)	30) OFFICER(S) TAKING PHOTOS	31) TOTAL # OF PHOTOS
---	-------------------------------------	------------------------------



32) DESCRIBE THE EXTENT OF SUBJECT'S INJURIES AND PLACE ON THE DIAGRAM: SUBJECT # 1 Name:

WAS OFFICERS(S) INJURED? * ☐ YES ☐ NO * (Complete Diagram Below)



33) DESCRIBE THE EXTENT OF OFFICER'S INJURIES AND PLACE ON THE DIAGRAM: OFFICER #1 NAME:

34) WITNESS(ES) OR PERSON(S) WITH KNOWLEDGE:	ADDRESS:	PHONE #:
1)		
2)		
3)		
4)		

35) Officers Narrative: Did officer prepare a detailed incident report describing the facts and circumstances leading to the use of force? ☐ YES ☐ NO

If no, explain:

SUPERVISORY / COMMAND REVIEW

36) REPORTING SUPERVISOR (Name and Badge#)	37) DATE AND TIME OF SUPERVISOR RESPONSE	38) LOCATION
39) OFFICER WHO USED FORCE (Name and Badge#)	40) WAS SUBJECT(S) INJURED? <input type="checkbox"/> YES <input type="checkbox"/> NO	41) WAS OFFICER(S) INJURED? <input type="checkbox"/> YES <input type="checkbox"/> NO

42) Supervisor's Narrative: (Document steps taken to review and evaluate Officer's use of force.)

43) A/V EVIDENCE AVAILABLE / REVIEWED BY SUPERVISOR: <input type="checkbox"/> YES <input type="checkbox"/> NO Date:	44) A/V EVIDENCE AVAILABLE / REVIEWED BY OFFICER: <input type="checkbox"/> YES <input type="checkbox"/> NO Date:	45) A/V EVIDENCE AVAILABLE / REVIEWED BY CHIEF: <input type="checkbox"/> YES <input type="checkbox"/> NO Date:
---	--	--

46) Chief Review Narrative: (Confirm proper and complete investigation was conducted)

OFFICER REVIEW (Print / Sign / Date):	SUPERVISORY REVIEW (Print / Sign / Date):	CHIEF REVIEW (Print / Sign / Date):
--	--	--

SUPERVISORY/ COMMAND: REVIEW & CRITIQUE USE OF FORCE WITH INVOLVED OFFICER(S).

NOTE FINDINGS ABOVE AND FORWARD COMPLETED PACKET TO CHIEF OF POLICE.

Use of force requires an ON-SCENE review, including a narrative report from the responding supervisor. This is REQUIRED for incidents involving- Chemical Spray, ECD Probe deployment or Drive Stun; any incident resulting in injury or complaint of injury; or any other time deemed appropriate by a supervisor.

Omak PD use_of_force_taser_report.pdf



Omak Police Department

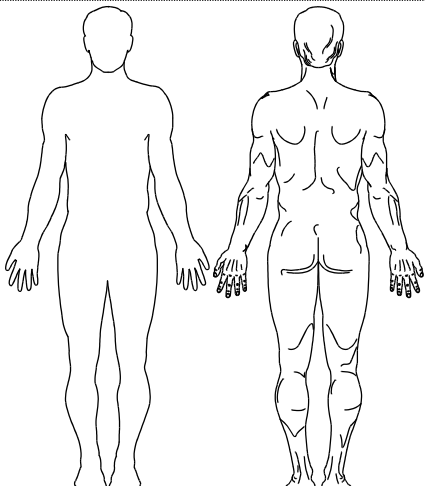
Use of Force Report

Omak Case Number	Other Involved Agency(s)	Other Agency Case Number(s)						
OFFICER INFORMATION								
Name	Badge #	Detachment	Supervisor					
SUSPECT INFORMATION								
Suspect No.	Name (Last, First, Middle)	DOB	Race	Sex	Ht	Wt	Eyes	Hair
INCIDENT INFORMATION								
Location	Date	Time	Topography	Available Light	Weather			
SUSPECT ACTIONS								
Suspect's Actions	Suspect Assaulted Officer (No Weapon)	Suspect Assaulted Officer (Weapon)	Original Crime Arrested For					
<input type="checkbox"/> Non-Verbal <input type="checkbox"/> Verbal <input type="checkbox"/> Pre-Aggressive (resistive muscle tension) <input type="checkbox"/> Egressive (attempting to pull away) <input type="checkbox"/> Aggressive (attempting to assault) <input type="checkbox"/> Aggravated Aggressive	<input type="checkbox"/> No <input type="checkbox"/> Yes (indicate below) <input type="checkbox"/> Hand/Fist <input type="checkbox"/> Elbows <input type="checkbox"/> Kick/Feet <input type="checkbox"/> Knee <input type="checkbox"/> Bite <input type="checkbox"/> Head-butt <input type="checkbox"/> Other:	<input type="checkbox"/> No <input type="checkbox"/> Yes (indicate below) <input type="checkbox"/> Firearm <input type="checkbox"/> Edged Weapon <input type="checkbox"/> Club, etc. <input type="checkbox"/> Chemical Agent <input type="checkbox"/> Pepper Spray <input type="checkbox"/> Incendiary Device <input type="checkbox"/> Other:	<input type="checkbox"/> BARRK Felony <input type="checkbox"/> Felony (other) <input type="checkbox"/> GM/Misdemeanor <input type="checkbox"/> Mental Health/Involuntary <input type="checkbox"/> Court Order/Warrant <input type="checkbox"/> Other					
OFFICER ACTIONS (If technique was effective mark +. If technique was ineffective mark –.)								
Level I Techniques	+ – <input type="checkbox"/> <input type="checkbox"/> Counter Joint <input type="checkbox"/> <input type="checkbox"/> Hair Hold	+ – <input type="checkbox"/> <input type="checkbox"/> Take Down <input type="checkbox"/> <input type="checkbox"/> Finger lock	+ – <input type="checkbox"/> <input type="checkbox"/> Pressure Point <input type="checkbox"/> <input type="checkbox"/> Pepper Spray	+ – Other: <input type="checkbox"/> <input type="checkbox"/>				
Level II Techniques	Technique	Target Areas	Primary Targets	Secondary Targets				
	<input type="checkbox"/> Open Hand Strike <input type="checkbox"/> Closed Hand Strike <input type="checkbox"/> Elbow <input type="checkbox"/> Kick <input type="checkbox"/> Knee <input type="checkbox"/> Head-butt <input type="checkbox"/> Lateral Vascular Neck Restraint <input type="checkbox"/> Other:	<input type="checkbox"/> Head <input type="checkbox"/> Thighs <input type="checkbox"/> Face <input type="checkbox"/> Shins <input type="checkbox"/> Arms <input type="checkbox"/> Feet <input type="checkbox"/> Chest <input type="checkbox"/> Other: <input type="checkbox"/> Groin	<input type="checkbox"/> Torso/Ribs <input type="checkbox"/> Arms <input type="checkbox"/> Shoulder <input type="checkbox"/> Forearm <input type="checkbox"/> Hands <input type="checkbox"/> Thigh <input type="checkbox"/> Shin Bone <input type="checkbox"/> Feet	<input type="checkbox"/> Clavicle <input type="checkbox"/> Solar Plexus <input type="checkbox"/> Elbows <input type="checkbox"/> Testicles <input type="checkbox"/> Knees <input type="checkbox"/> Kidneys				
		Impact Weapon						
		<input type="checkbox"/> ASP <input type="checkbox"/> Straight Stick <input type="checkbox"/> Flashlight <input type="checkbox"/> TASER <input type="checkbox"/> Other:						
PLEASE NOTE: If a TASER was deployed during a Use of Force, you must complete the TASER Deployment section on the back side of this form.								
Level III Techniques	<input type="checkbox"/> Weapon Discharged: Number of Times Type: <input type="checkbox"/> Pistol <input type="checkbox"/> Shotgun <input type="checkbox"/> Rifle							
	<input type="checkbox"/> Tertiary Baton Target: <input type="checkbox"/> Head <input type="checkbox"/> Neck <input type="checkbox"/> Spine <input type="checkbox"/> Other:							
	<input type="checkbox"/> Vehicle/Other (Describe):							

INJURIES AND TREATMENT

Officer Injuries	Officer Treatment	Suspect Injuries	Suspect Treatment
<input type="checkbox"/> No Apparent Injuries	<input type="checkbox"/> No Medical Attention	<input type="checkbox"/> No Apparent Injuries	<input type="checkbox"/> No Medical Attention
<input type="checkbox"/> Apparent Minor Injuries (Bruise / Contusion)	<input type="checkbox"/> Required Minor Treatment	<input type="checkbox"/> Apparent Minor Injuries (Bruise / Contusion)	<input type="checkbox"/> Required Minor Treatment
<input type="checkbox"/> Tendon/Ligament Damage	<input type="checkbox"/> Examined By Aid Crew	<input type="checkbox"/> Tendon/Ligament Damage	<input type="checkbox"/> Examined By Aid Crew
<input type="checkbox"/> Laceration	<input type="checkbox"/> Examined at Hospital	<input type="checkbox"/> Laceration	<input type="checkbox"/> Examined at Hospital
<input type="checkbox"/> Broken Bones	<input type="checkbox"/> Required Hospital Admission	<input type="checkbox"/> Broken Bones	<input type="checkbox"/> Required Hospital Admission
<input type="checkbox"/> Internal Injuries	<input type="checkbox"/> Refused	<input type="checkbox"/> Internal Injuries	<input type="checkbox"/> Refused
<input type="checkbox"/> Other:	<input type="checkbox"/> Other:	<input type="checkbox"/> Other:	<input type="checkbox"/> Other:

TASER DEPLOYMENT

TASER Model X26/ Model 7 Serial Number		An answer is required for each of the following questions:	
<input type="checkbox"/> Arc Display Only <input type="checkbox"/> Success <input type="checkbox"/> Fail <input type="checkbox"/> Laser Display Only <input type="checkbox"/> Success <input type="checkbox"/> Fail <input type="checkbox"/> TASER Application <input type="checkbox"/> Success <input type="checkbox"/> Fail		Was warning given prior to deployment? (explain/describe yes or no in additional notes below) <input type="checkbox"/> Yes <input type="checkbox"/> No	
Type of Contact: Approximate target distance at time of dart launch? ft. <input type="checkbox"/> Dart Probe Distance between two probes in. <input type="checkbox"/> Drive Stun Number of Cartridges Fired Number of Cycles Applied		Need for additional shot? <input type="checkbox"/> Yes <input type="checkbox"/> No Dart contacts penetrate subject's skin? <input type="checkbox"/> Yes <input type="checkbox"/> No Probes removed on scene? <input type="checkbox"/> Yes <input type="checkbox"/> No Need for additional applications? <input type="checkbox"/> Yes <input type="checkbox"/> No Did the device respond satisfactorily? <input type="checkbox"/> Yes <input type="checkbox"/> No If the TASER deployment was unsuccessful was a DRIVE STUN follow-up used? <input type="checkbox"/> Yes <input type="checkbox"/> No Did TASER application cause injury? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, was the subject treated for the injury? <input type="checkbox"/> Yes <input type="checkbox"/> No Was subject admitted to hospital for injuries? <input type="checkbox"/> Yes <input type="checkbox"/> No Was subject admitted to hospital for psychiatric eval? <input type="checkbox"/> Yes <input type="checkbox"/> No Was subject under the influence of alcohol or drugs? <input type="checkbox"/> Yes <input type="checkbox"/> No Was subject wearing heavy or loose clothing? <input type="checkbox"/> Yes <input type="checkbox"/> No Were photographs taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	
APPLICATION AREAS Place Xs where probes hit suspect. Place Os where stunned.		Description of injury(s) and medical treatment required:	
		Synopsis:	
Describe subject's demeanor after device was used or displayed:		Additional notes:	

SIGNATURES

Name (Print)	Signature	Badge No.	Date
Officer:			
Sergeant:			
Chief:			

Control Devices and Techniques

302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

302.1.1 DEFINITIONS

Definitions related to this policy include (Washington State Office of the Attorney General Model Use of Force Policy):

Oleoresin capsicum (OC) - 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.

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 (RCW 10.116.030).

302.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Omak Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

302.3 ISSUING, CARRYING, AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

Only officers who have successfully completed department-approved training and have demonstrated satisfactory skill and proficiency in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain, or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

302.4 RESPONSIBILITIES

302.4.1 SHIFT SERGEANT RESPONSIBILITIES

The Shift Sergeant may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

Control Devices and Techniques

302.4.2 FIREARMS INSTRUCTOR RESPONSIBILITIES

The Firearms Instructor shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Firearms Instructor or the designated instructor for a particular control device. The inspection shall be documented.

302.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Firearms Instructor for disposition. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

302.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. Officers shall not intentionally strike vital areas, including the head, neck, face, throat, spine, groin, or kidney unless deadly force is justified. Officers shall reassess the effectiveness of baton strikes as soon as safe and feasible, and if not effective, move to another appropriate target or to another tactical or physical force option. Officers shall not use a baton to intimidate a person when a baton warning is not justified by the threat presented (see the Use of Force Policy) (Washington State Office of the Attorney General Model Use of Force Policy).

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

302.6 TEAR GAS GUIDELINES

Officers or other members are not authorized to use tear gas unless necessary to alleviate a present risk of serious harm posed by a (RCW 10.116.030):

- (a) Riot.
- (b) Barricaded subject.
- (c) Hostage situation.

Only the Shift Sergeant, Incident Commander, or North Central Washington Special Response Team Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary, and other alternatives to the use of tear gas have been exhausted (RCW 10.116.030).

Control Devices and Techniques

If tear gas is to be used outside a correctional, jail, or detention facility, authorization shall be obtained from the highest elected official of the jurisdiction in which the tear gas is to be used (RCW 10.116.030).

Prior to any use, an announcement shall be made of the intent to use tear gas. Sufficient time and space shall be allowed for compliance with the announcement (RCW 10.116.030).

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

302.7 OLEORESIN CAPSICUM GUIDELINES

As with other control devices, oleoresin capsicum spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

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 (Washington State Office of the Attorney General Model Use of Force Policy).

302.7.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

302.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine, or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the use of deadly force is justified (see the Use of Force Policy).

Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the

Control Devices and Techniques

appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

302.7.3 TREATMENT FOR OC SPRAY EXPOSURE

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 (Washington State Office of the Attorney General Model Use of Force Policy). Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

302.8 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

302.9 KINETIC ENERGY PROJECTILE GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles are designed to stun, temporarily incapacitate, or cause temporary discomfort without penetrating the person's body (Washington State Office of the Attorney General Model Use of Force Policy). When used properly, kinetic energy projectiles are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

302.9.1 DEPLOYMENT AND USE

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.

Control Devices and Techniques

- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

302.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

An officer should target the buttocks, thigh, calf, and large muscle groups (Washington State Office of the Attorney General Model Use of Force Policy). Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. Officers should not use kinetic energy projectiles in the following circumstances unless the use of deadly force is justified (see the Use of Force Policy) (Washington State Office of the Attorney General Model Use of Force Policy):

- (a) When intentionally aiming kinetic energy projectiles at the head, neck, chest, or groin.
- (b) At ranges that are inconsistent with the projectile manufacturer's guidelines.
- (c) Directed at a person who is situated on an elevated surface (e.g., a ledge, scaffold, near a precipice) unless reasonable efforts have been made to prevent or minimize a fall-related injury (e.g., deploying a safety net).

An officer deploying kinetic energy projectiles shall assess the effectiveness of the projectiles after each shot. If subsequent projectiles are needed, the officer should consider aiming at a different targeted area.

302.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Control Devices and Techniques

Officers will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

302.10 TRAINING FOR CONTROL DEVICES

The Training Sergeant shall ensure that all personnel who are authorized to carry a control device have been properly trained, have demonstrated satisfactory skill and proficiency, are certified to carry the specific control device, and are retrained or recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the officer's training file.
- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

302.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

Conducted Energy Device

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of TASER (TM) devices.

303.1.1 DEFINITIONS

Definitions related to this policy include (Washington State Office of the Attorney General Model Use of Force Policy):

Conducted energy device - A portable device that fires darts/electrodes that transmit an electrical charge or current intended to temporarily immobilize a person (e.g., TASER device).

303.2 POLICY

The TASER device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

303.3 ISSUANCE AND CARRYING TASER DEVICES

Only members who have successfully completed department-approved training and have demonstrated satisfactory skill and proficiency may be issued and carry the TASER device.

An officer that is issued a TASER device is expected to carry it as an option to be considered when deadly force is not justified (Washington State Office of the Attorney General Model Use of Force Policy).

TASER devices are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department's inventory.

Officers shall only use the TASER device and cartridges that have been issued by the Department. Uniformed officers who have been issued the TASER device shall wear the device in an approved holster on their person. Non-uniformed officers may secure the TASER device in the driver's compartment of their vehicle.

When consistent with training, an officer carrying a TASER device shall perform a function check on the weapon and check remaining battery life prior to every shift. An officer should report any malfunction to a supervisor or other appropriate personnel.

An officer shall carry a TASER device on the support side of the body, may use the device in either strong or support hand considering the potential of weapon confusion. Further development of skills utilizing the support hand will be trained. (Washington State Office of the Attorney General Model Use of Force Policy).

- (a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the TASER device.

Conducted Energy Device

- (c) Officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.
- (d) Officers should not hold both a firearm and the TASER device at the same time.

303.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the TASER device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the TASER device may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the TASER device. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the TASER device in the related report.

303.5 USE OF THE TASER DEVICE

The TASER device has limitations and restrictions requiring consideration before its use. The TASER device should only be used when its operator can safely approach the subject within the operational range of the device. Although the TASER device is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

303.5.1 APPLICATION OF THE TASER DEVICE

The TASER device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, themselves, or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the TASER device to apprehend an individual.

Conducted Energy Device

303.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER device on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject, or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes (Washington State Office of the Attorney General Model Use of Force Policy):

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (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.
- (f) Individuals who are situated on an elevated surface (e.g., a ledge, scaffold, near a precipice) unless reasonable efforts have been made to prevent or minimize a fall-related injury (e.g., deploying a safety net).
- (g) Operators in physical control of vehicles in motion, including automobiles, trucks, motorcycles, all-terrain vehicles, bicycles, and scooters unless deadly force is justified.

The primary use of a TASER device 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 alternatives to deadly force are available and appropriate (Washington State Office of the Attorney General Model Use of Force Policy).

The TASER device shall not be used to psychologically torment, elicit statements, or to punish any individual.

303.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the TASER device probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

303.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

Officers shall apply the TASER device for only one standard cycle of five seconds or less and then evaluate the situation before applying any subsequent cycles (Washington State Office of the Attorney General Model Use of Force Policy). Multiple applications of the TASER device against a single individual are generally not recommended and should be avoided unless the officer

Conducted Energy Device

reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the TASER device appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the TASER device, including:

- (a) Whether the probes are making proper contact.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

Multiple applications of the TASER device increase the risk of serious bodily injury or death. Officers should not intentionally deploy multiple TASER devices at the same person, unless the first deployed TASER device clearly fails. An officer shall consider other options if the officer has used a TASER device three times against a person and the person continues to be a threat, as the TASER device may not be effective against that person (Washington State Office of the Attorney General Model Use of Force Policy).

303.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual to minimize the need for longer or multiple exposures to the CED. As soon as practicable, officers shall notify a supervisor of all TASER device discharges. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

303.5.6 DANGEROUS ANIMALS

The TASER device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

303.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department TASER devices while off-duty.

Officers shall ensure that TASER devices are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

303.6 DOCUMENTATION

An officer shall clearly articulate and document the justification for each individual application of the TASER device in the related arrest/crime report and the TASER device report form (Washington State Office of the Attorney General Model Use of Force Policy). Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation, and arcing the device will also be documented on the report form. Either form can be submitted.

Conducted Energy Device

[See attachment: Omak PD Use of Force Report Form daigle.pdf](#)

[See attachment: Omak PD use_of_force_taser_report.pdf](#)

303.6.1 TASER DEVICE FORM

Items that shall be included in the TASER device report form are:

- (a) The type and brand of TASER device and cartridge and cartridge serial number.
- (b) Date, time and location of the incident.
- (c) Whether any display, laser or arc deterred a subject and gained compliance.
- (d) The number of TASER device activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the TASER device was used.
- (f) The type of mode used (probe or drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any officers sustained any injuries.

The Training Sergeant should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Sergeant should also conduct audits of data downloads and reconcile TASER device report forms with recorded activations. TASER device information and statistics, with identifying information removed, should periodically be made available to the public.

303.6.2 REPORTS

The officer should include the following in the arrest/crime report:

- (a) Identification of all personnel firing TASER devices
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication or other medical problems

Conducted Energy Device

303.7 MEDICAL TREATMENT

At the earliest safe opportunity at a scene controlled by law enforcement, officers shall remove TASER device probes, unless probes are in a sensitive area, such as the head, breast, or groin. Probes in sensitive areas shall be removed by an emergency medical technician (EMT), paramedic, or other health care professional (Washington State Office of the Attorney General Model Use of Force Policy). Used TASER device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle and handled appropriately. Universal precautions should be taken.

All persons who have been struck by TASER device probes or who have been subjected to the electric discharge of the device or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The TASER device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the TASER device (see the Medical Aid and Response Policy).

303.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the TASER device may be used. A supervisor should respond, if on duty to all incidents where the TASER device was activated. The Omak Police Department does not hold the staffing for a supervisor to be on duty at all times.

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. The device's onboard memory should be downloaded through the data port by a supervisor or Firearms Instructor or Taser Instructor and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

Conducted Energy Device

303.9 TRAINING

Personnel who are authorized to carry the TASER device shall be permitted to do so only after successfully completing the initial department-approved training and demonstrating satisfactory skill and proficiency. Any personnel who have not carried the TASER device as a part of their assignment for a period of six months or more shall be recertified by a department-approved TASER device instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued TASER devices should occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Sergeant. All training and proficiency for TASER devices will be documented in the officer's training file.

Command staff, supervisors, and investigators should receive TASER device training as appropriate for the investigations they conduct and review.

Officers who do not carry TASER devices should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training Sergeant is responsible for ensuring that all members who carry TASER devices have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of TASER devices during training could result in injury to personnel and should not be mandatory for certification.

The Training Sergeant should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest, and groin.
- (e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the TASER device.

Attachments

Omak PD Use of Force Report Form daigle .pdf

OMAK POLICE DEPARTMENT
USE OF FORCE REPORT FORM

1) DATE / /		2) TIME		3) LOCATION			4) CASE #				
5) SUBJECT'S NAME				6) DATE OF BIRTH / /		7) HEIGHT ' "		8) WEIGHT LBS		9) PHONE NUMBER - -	
10) REASON THE USE OF FORCE WAS NECESSARY (Check all that apply): <div style="display: flex; flex-wrap: wrap;"><div style="width: 33%;"><input type="checkbox"/> TO EFFECT AN ARREST</div><div style="width: 33%;"><input type="checkbox"/> TO DEFEND SELF</div><div style="width: 33%;"><input type="checkbox"/> PREVENT ESCAPE</div><div style="width: 33%;"><input type="checkbox"/> TO DEFEND ANOTHER OFFICER / PERSON</div><div style="width: 33%;"><input type="checkbox"/> PROTECTIVE CUSTODY / SUBJECT SAFETY</div><div style="width: 33%;"><input type="checkbox"/> OTHER:</div><div style="width: 33%;"><input type="checkbox"/> TO DISPATCH ANIMAL</div></div>											
11) LIST MOST SERIOUS OFFENSE(S) AT TIME FORCE USED:											
12) WAS SUBJECT INJURED? <input type="checkbox"/> YES <input type="checkbox"/> NO DESCRIBE INJURIES:				13) WAS REPORTING OFFICER INJURED? <input type="checkbox"/> YES <input type="checkbox"/> NO DESCRIBE INJURIES:				14) MEDICAL TREATMENT PROVIDED TO/BY:		15) PHOTOS TAKEN BY:	
16) # SUBJECTS THAT RESISTED:			17) # OFFICERS PRESENT:			18) SUPERVISOR NOTIFIED / TIME / BY WHOM: / /					
19) AT THE TIME OF ARREST, THE SUBJECT WAS: <div style="display: flex; flex-wrap: wrap;"><div style="width: 50%;"><input type="checkbox"/> SUSPECTED TO BE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS</div><div style="width: 50%;"><input type="checkbox"/> MENTALLY IMPAIRED/ EMOTIONALLY DISTURBED</div><div style="width: 50%;"><input type="checkbox"/> UNDER THE INFLUENCE OF ALCOHOL OR DRUGS</div><div style="width: 50%;"><input type="checkbox"/> OTHER: _____</div></div>											
20) OFFICER'S PERCEPTION OF INDIVIDUAL'S ACTIONS (USE NARRATIVE TO DESCRIBE PERCEIVED THREAT(S) POSTED BY INDIVIDUAL): <div style="margin-top: 10px;"><input type="checkbox"/> PASSIVE RESISTANCE – (Dead weight or non-compliance to Officer's lawful verbal direction, but offering no actively resistive movement)</div> <div style="margin-top: 10px;"><input type="checkbox"/> ACTIVE OR ESCAPE RESISTANCE – (Actions such as pushing, pulling, evasive arm movement, flailing, flight, muscle tension, etc. to avoid control. Does not include attempts to harm the Officer)</div> <div style="margin-top: 10px;"><input type="checkbox"/> ASSAULTIVE / HIGH-RISK – (Agitated, combative state, physically assaultive actions and /or behavior that poses threat of injury to another (e.g., punching, kicking, clenching of fists, etc.))</div> <div style="margin-top: 10px;"><input type="checkbox"/> LIFE THREATENING / SERIOUS BODILY INJURY: (Actions that may result in death or serious bodily injury)</div>											
21) OFFICER'S RESPONSE OPTION(S) (PROVIDE FURTHER DETAILS IN ATTACHED NARRATIVE REPORT(S)): <div style="margin-top: 10px;"><input type="checkbox"/> PRESENCE: <input type="checkbox"/> FULL UNIFORM <input type="checkbox"/> PARTIAL UNIFORM <input type="checkbox"/> PLAINCLOTHES _____ NOTE: Officers not in full uniform, describe means of visual police identification (e.g., raid vest or jacket, displayed badge/ID, etc.)</div> <div style="margin-top: 10px;"><input type="checkbox"/> VERBAL COMMANDS (Describe details in Narrative Report):</div> <div style="margin-top: 10px;"><input type="checkbox"/> COMPLIANCE TECHNIQUES (Describe details in Narrative Report): (Force used to gain control - restraint, come-alongs, takedowns – use of hands, arms, feet, legs)</div> <div style="margin-top: 10px;"><input type="checkbox"/> CHEMICAL SPRAY / CHEMICAL AGENT (Describe details in Narrative Report): Number of Bursts: Duration of Bursts: Distance from Subject: Impact Location: Time between application / decontamination:</div> <div style="margin-top: 10px;"><input type="checkbox"/> IMPACT WEAPON / TEMP. INCAPACITATION (Describe details in Narrative Report):</div> <div style="margin-top: 10px;"><input type="checkbox"/> ELECTRONIC CONTROL DEVICE (Describe details in Narrative Report): <input type="checkbox"/> Laser Only <input type="checkbox"/> Spark Check <input type="checkbox"/> Drive Stun <input type="checkbox"/> Probe Deployment Impact Location: _____ Number of Cycles: _____ Taser Unit #: _____ Serial #: _____ Cartridge Serial #: _____ Distance from Subject: _____</div> <div style="margin-top: 10px;"><input type="checkbox"/> POINT A FIREARM (Describe details in Narrative Report):</div> <div style="margin-top: 10px;"><input type="checkbox"/> DEADLY FORCE – Firearm or other (Describe details in Narrative Report):</div> <div style="margin-top: 10px;"><input type="checkbox"/> OTHER:</div>											
22) RESTRAINT METHOD USED: <input type="checkbox"/> HAND or FLEX CUFFS <input type="checkbox"/> LEG RESTRAINTS <input type="checkbox"/> BODY GUARD <input type="checkbox"/> SPIT SHIELD <input type="checkbox"/> NONE <input type="checkbox"/> OTHER:											
23) OFFICERS PRESENT AT SCENE DURING FORCE APPLICATION:						24) SHIFT SUPERVISOR(S):					
25) OTHER WITNESS(ES) / PERSON(S) PRESENT AT SCENE:						26) SHIFT OFFICER(S):					
27) AUDIO-VISUAL EVIDENCE: <input type="checkbox"/> YES <input type="checkbox"/> NO If NO, explain: _____						28) SUPERVISOR(S) WHO RESPONDED TO SCENE:					

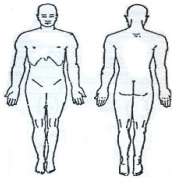
**COMPLETING OFFICER(S): IF ADDITIONAL SPACE IS REQUIRED IN ANY BOX USE THE SUPPLEMENTAL REPORT;
ATTACH ALL RELATED NARRATIVE REPORTS, SUPPLEMENTS AND STATEMENTS AND
FORWARD TO SHIFT SUPERVISOR PRIOR TO END OF TOUR OF DUTY**

OMAK POLICE DEPARTMENT

OFFICER NARRATIVE

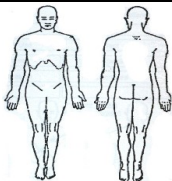
Case#

29) WAS SUBJECT(S) INJURED? * <input type="checkbox"/> YES <input type="checkbox"/> NO * (Complete Diagram Below)	30) OFFICER(S) TAKING PHOTOS	31) TOTAL # OF PHOTOS
---	-------------------------------------	------------------------------



32) DESCRIBE THE EXTENT OF SUBJECT'S INJURIES AND PLACE ON THE DIAGRAM: SUBJECT # 1 Name:

WAS OFFICERS(S) INJURED? * ☐ YES ☐ NO * (Complete Diagram Below)



33) DESCRIBE THE EXTENT OF OFFICER'S INJURIES AND PLACE ON THE DIAGRAM: OFFICER #1 NAME:

34) WITNESS(ES) OR PERSON(S) WITH KNOWLEDGE:	ADDRESS:	PHONE #:
1)		
2)		
3)		
4)		

35) Officers Narrative: Did officer prepare a detailed incident report describing the facts and circumstances leading to the use of force? ☐ YES ☐ NO
 If no, explain:

SUPERVISORY / COMMAND REVIEW

36) REPORTING SUPERVISOR (Name and Badge#)	37) DATE AND TIME OF SUPERVISOR RESPONSE	38) LOCATION
39) OFFICER WHO USED FORCE (Name and Badge#)	40) WAS SUBJECT(S) INJURED? <input type="checkbox"/> YES <input type="checkbox"/> NO	41) WAS OFFICER(S) INJURED? <input type="checkbox"/> YES <input type="checkbox"/> NO

42) Supervisor's Narrative: (Document steps taken to review and evaluate Officer's use of force.)

43) A/V EVIDENCE AVAILABLE / REVIEWED BY SUPERVISOR: <input type="checkbox"/> YES <input type="checkbox"/> NO Date:	44) A/V EVIDENCE AVAILABLE / REVIEWED BY OFFICER: <input type="checkbox"/> YES <input type="checkbox"/> NO Date:	45) A/V EVIDENCE AVAILABLE / REVIEWED BY CHIEF: <input type="checkbox"/> YES <input type="checkbox"/> NO Date:
---	--	--

46) Chief Review Narrative: (Confirm proper and complete investigation was conducted)

OFFICER REVIEW (Print / Sign / Date):	SUPERVISORY REVIEW (Print / Sign / Date):	CHIEF REVIEW (Print / Sign / Date):
--	--	--

SUPERVISORY/ COMMAND: REVIEW & CRITIQUE USE OF FORCE WITH INVOLVED OFFICER(S).

NOTE FINDINGS ABOVE AND FORWARD COMPLETED PACKET TO CHIEF OF POLICE.

Use of force requires an ON-SCENE review, including a narrative report from the responding supervisor. This is REQUIRED for incidents involving- Chemical Spray, ECD Probe deployment or Drive Stun; any incident resulting in injury or complaint of injury; or any other time deemed appropriate by a supervisor.

Omak PD use_of_force_taser_report.pdf



Omak Police Department

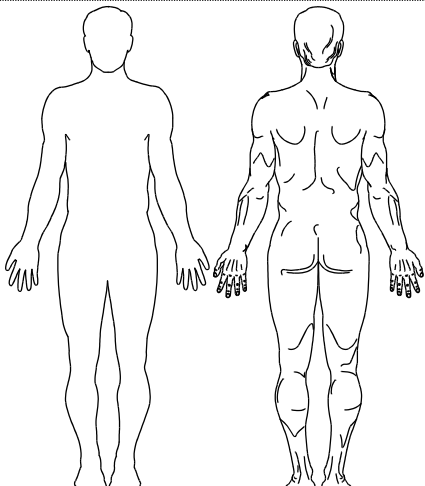
Use of Force Report

Omak Case Number	Other Involved Agency(s)	Other Agency Case Number(s)						
OFFICER INFORMATION								
Name	Badge #	Detachment	Supervisor					
SUSPECT INFORMATION								
Suspect No.	Name (Last, First, Middle)	DOB	Race	Sex	Ht	Wt	Eyes	Hair
INCIDENT INFORMATION								
Location	Date	Time	Topography	Available Light	Weather			
SUSPECT ACTIONS								
Suspect's Actions	Suspect Assaulted Officer (No Weapon)	Suspect Assaulted Officer (Weapon)	Original Crime Arrested For					
<input type="checkbox"/> Non-Verbal <input type="checkbox"/> Verbal <input type="checkbox"/> Pre-Aggressive (resistive muscle tension) <input type="checkbox"/> Egressive (attempting to pull away) <input type="checkbox"/> Aggressive (attempting to assault) <input type="checkbox"/> Aggravated Aggressive	<input type="checkbox"/> No <input type="checkbox"/> Yes (indicate below) <input type="checkbox"/> Hand/Fist <input type="checkbox"/> Elbows <input type="checkbox"/> Kick/Feet <input type="checkbox"/> Knee <input type="checkbox"/> Bite <input type="checkbox"/> Head-butt <input type="checkbox"/> Other:	<input type="checkbox"/> No <input type="checkbox"/> Yes (indicate below) <input type="checkbox"/> Firearm <input type="checkbox"/> Edged Weapon <input type="checkbox"/> Club, etc. <input type="checkbox"/> Chemical Agent <input type="checkbox"/> Pepper Spray <input type="checkbox"/> Incendiary Device <input type="checkbox"/> Other:	<input type="checkbox"/> BARRK Felony <input type="checkbox"/> Felony (other) <input type="checkbox"/> GM/Misdemeanor <input type="checkbox"/> Mental Health/Involuntary <input type="checkbox"/> Court Order/Warrant <input type="checkbox"/> Other					
OFFICER ACTIONS (If technique was effective mark +. If technique was ineffective mark – .)								
Level I Techniques	+ – <input type="checkbox"/> <input type="checkbox"/> Counter Joint <input type="checkbox"/> <input type="checkbox"/> Hair Hold	+ – <input type="checkbox"/> <input type="checkbox"/> Take Down <input type="checkbox"/> <input type="checkbox"/> Finger lock	+ – <input type="checkbox"/> <input type="checkbox"/> Pressure Point <input type="checkbox"/> <input type="checkbox"/> Pepper Spray	+ – Other: <input type="checkbox"/> <input type="checkbox"/>				
Level II Techniques	Technique	Target Areas	Primary Targets	Secondary Targets				
	<input type="checkbox"/> Open Hand Strike <input type="checkbox"/> Closed Hand Strike <input type="checkbox"/> Elbow <input type="checkbox"/> Kick <input type="checkbox"/> Knee <input type="checkbox"/> Head-butt <input type="checkbox"/> Lateral Vascular Neck Restraint <input type="checkbox"/> Other:	<input type="checkbox"/> Head <input type="checkbox"/> Thighs <input type="checkbox"/> Face <input type="checkbox"/> Shins <input type="checkbox"/> Arms <input type="checkbox"/> Feet <input type="checkbox"/> Chest <input type="checkbox"/> Other: <input type="checkbox"/> Groin	<input type="checkbox"/> Torso/Ribs <input type="checkbox"/> Arms <input type="checkbox"/> Shoulder <input type="checkbox"/> Forearm <input type="checkbox"/> Hands <input type="checkbox"/> Thigh <input type="checkbox"/> Shin Bone <input type="checkbox"/> Feet	<input type="checkbox"/> Clavicle <input type="checkbox"/> Solar Plexus <input type="checkbox"/> Elbows <input type="checkbox"/> Testicles <input type="checkbox"/> Knees <input type="checkbox"/> Kidneys				
	Impact Weapon		PLEASE NOTE: If a TASER was deployed during a Use of Force, you must complete the TASER Deployment section on the back side of this form.					
<input type="checkbox"/> ASP <input type="checkbox"/> Straight Stick <input type="checkbox"/> Flashlight <input type="checkbox"/> TASER <input type="checkbox"/> Other:								
Level III Techniques	<input type="checkbox"/> Weapon Discharged: Number of Times Type: <input type="checkbox"/> Pistol <input type="checkbox"/> Shotgun <input type="checkbox"/> Rifle <input type="checkbox"/> Tertiary Baton Target: <input type="checkbox"/> Head <input type="checkbox"/> Neck <input type="checkbox"/> Spine <input type="checkbox"/> Other: <input type="checkbox"/> Vehicle/Other (Describe):							

INJURIES AND TREATMENT

Officer Injuries	Officer Treatment	Suspect Injuries	Suspect Treatment
<input type="checkbox"/> No Apparent Injuries	<input type="checkbox"/> No Medical Attention	<input type="checkbox"/> No Apparent Injuries	<input type="checkbox"/> No Medical Attention
<input type="checkbox"/> Apparent Minor Injuries (Bruise / Contusion)	<input type="checkbox"/> Required Minor Treatment	<input type="checkbox"/> Apparent Minor Injuries (Bruise / Contusion)	<input type="checkbox"/> Required Minor Treatment
<input type="checkbox"/> Tendon/Ligament Damage	<input type="checkbox"/> Examined By Aid Crew	<input type="checkbox"/> Tendon/Ligament Damage	<input type="checkbox"/> Examined By Aid Crew
<input type="checkbox"/> Laceration	<input type="checkbox"/> Examined at Hospital	<input type="checkbox"/> Laceration	<input type="checkbox"/> Examined at Hospital
<input type="checkbox"/> Broken Bones	<input type="checkbox"/> Required Hospital Admission	<input type="checkbox"/> Broken Bones	<input type="checkbox"/> Required Hospital Admission
<input type="checkbox"/> Internal Injuries	<input type="checkbox"/> Refused	<input type="checkbox"/> Internal Injuries	<input type="checkbox"/> Refused
<input type="checkbox"/> Other:	<input type="checkbox"/> Other:	<input type="checkbox"/> Other:	<input type="checkbox"/> Other:

TASER DEPLOYMENT

TASER Model X26/ Model 7 Serial Number		An answer is required for each of the following questions:	
<input type="checkbox"/> Arc Display Only <input type="checkbox"/> Success <input type="checkbox"/> Fail <input type="checkbox"/> Laser Display Only <input type="checkbox"/> Success <input type="checkbox"/> Fail <input type="checkbox"/> TASER Application <input type="checkbox"/> Success <input type="checkbox"/> Fail		Was warning given prior to deployment? (explain/describe yes or no in additional notes below) <input type="checkbox"/> Yes <input type="checkbox"/> No	
Type of Contact: Approximate target distance at time of dart launch? ft. <input type="checkbox"/> Dart Probe Distance between two probes in. <input type="checkbox"/> Drive Stun Number of Cartridges Fired Number of Cycles Applied		Need for additional shot? <input type="checkbox"/> Yes <input type="checkbox"/> No Dart contacts penetrate subject's skin? <input type="checkbox"/> Yes <input type="checkbox"/> No Probes removed on scene? <input type="checkbox"/> Yes <input type="checkbox"/> No Need for additional applications? <input type="checkbox"/> Yes <input type="checkbox"/> No Did the device respond satisfactorily? <input type="checkbox"/> Yes <input type="checkbox"/> No If the TASER deployment was unsuccessful was a DRIVE STUN follow-up used? <input type="checkbox"/> Yes <input type="checkbox"/> No Did TASER application cause injury? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, was the subject treated for the injury? <input type="checkbox"/> Yes <input type="checkbox"/> No Was subject admitted to hospital for injuries? <input type="checkbox"/> Yes <input type="checkbox"/> No Was subject admitted to hospital for psychiatric eval? <input type="checkbox"/> Yes <input type="checkbox"/> No Was subject under the influence of alcohol or drugs? <input type="checkbox"/> Yes <input type="checkbox"/> No Was subject wearing heavy or loose clothing? <input type="checkbox"/> Yes <input type="checkbox"/> No Were photographs taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	
APPLICATION AREAS Place Xs where probes hit suspect. Place Os where stunned.		Description of injury(s) and medical treatment required:	
		Synopsis:	
Describe subject's demeanor after device was used or displayed:		Additional notes:	

SIGNATURES

Name (Print)	Signature	Badge No.	Date
Officer:			
Sergeant:			
Chief:			

Officer-Involved Shootings and Deaths

304.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or as a result of other action of an officer.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

304.2 POLICY

The policy of the Omak Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

304.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's action.
- An administrative investigation as to policy compliance by involved officers.
- A civil investigation to determine potential liability.

304.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

[See attachment: Notifications to OII Memorandum.pdf](#)

304.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Omak Police Department would control the investigation if the suspect's crime occurred in Omak.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

Officer-Involved Shootings and Deaths

304.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

304.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

304.4.4 OFFICER/DEPUTY USE OF FORCE INVESTIGATIONS

Where the use of deadly force by an officer results in death, substantial bodily harm, or great bodily harm, an investigation shall be completed by an independent investigative team that is independent of the Department and meets the independent investigations criteria of the Criminal Justice Training Commission (RCW 10.114.011; WAC 139-12-020; WAC 139-12-030).

304.5 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

304.5.1 UNINVOLVED OFFICERS RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved OPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.

304.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved OPD supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 - 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

Officer-Involved Shootings and Deaths

- (b) If necessary, the supervisor may administratively order any OPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 - 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
 - 2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Shift Sergeant and Dispatch. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional OPD members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 - 1. Each involved OPD officer should be given an administrative order not to discuss the incident with other involved officers or OPD members pending further direction from a supervisor.
 - 2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

304.5.3 SHIFT SERGEANT RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Shift Sergeant shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or a Sergeant.

All outside inquiries about the incident shall be directed to the Shift Sergeant.

304.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Criminal Investigations Sergeant
- North Central Washington Special Investigations Protocol rollout team
- Outside agency investigators (if appropriate) [See attachment: Notifications to OII Memorandum.pdf](#)
- Internal Affairs Unit supervisor
- Civil liability response team
- Psychological/peer support personnel
- Chaplain

Omak Police Department

Policy Manual

Officer-Involved Shootings and Deaths

- Coroner (if necessary)
- Involved officer's agency representative (if requested)
- Chief of Police

304.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer in accordance with the City of Omak and Teamsters 760 Officers and Sergeant Collective Bargaining Agreement:

- (a) Any request for legal or union representation will be accommodated.
 - (a) Requests from involved non-OPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the Department to each involved OPD officer. A licensed psychotherapist may also be provided to any other affected OPD members, upon request.
 - 1. Interviews with a licensed psychotherapist will be considered privileged.
 - 2. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Communications between the involved officer and a peer support member or a peer support group counselor is addressed in the Wellness Program Policy.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved OPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Shift Sergeant to make schedule adjustments to accommodate such leave.

304.6 CRIMINAL INVESTIGATION

The County Prosecutor's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the County Prosecutor's Office to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

Officer-Involved Shootings and Deaths

- (a) OPD supervisors and Internal Affairs Unit personnel should not participate directly in any voluntary interview of OPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

304.6.1 REPORTS BY INVOLVED OPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved OPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved OPD officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved OPD officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

304.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area.

Officer-Involved Shootings and Deaths

1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

304.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Detective Unit supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the County Prosecutor's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the County Prosecutor's Office.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Detective Unit supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Sergeant.

304.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of involved OPD officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Internal Affairs Unit and will be considered a confidential peace officer personnel file.

Interviews of members shall be subject to department policies and applicable laws.

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

Omak Police Department

Policy Manual

Officer-Involved Shootings and Deaths

- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his or her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
 - 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
 - 3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.
 - 4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her Garrity rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
 - 5. The Internal Affairs Unit shall complete all relevant information and reports necessary for the Department to determine compliance with applicable policies.
 - 6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
 - 7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

Officer-Involved Shootings and Deaths

304.8 CIVIL LIABILITY RESPONSE

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

304.9 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney's Office, as appropriate.

304.10 DEBRIEFING

Following an officer-involved shooting or death, the Omak Police Department should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

304.10.1 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

304.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Shift Sergeant, Criminal Investigations Sergeant and Chief of Police in the event of inquiries from the media.

No involved OPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or a Sergeant.

Omak Police Department

Policy Manual

Officer-Involved Shootings and Deaths

Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

Attachments

Notifications to OII Memorandum.pdf



STATE OF WASHINGTON

OFFICE OF INDEPENDENT INVESTIGATIONS

Raad Building, PO Box 40270 • Olympia, Washington 98504-0270 • (564) 669-0707

MEMORANDUM

To: All Washington State Law Enforcement Agencies

From: Washington State Office of Independent Investigations (OII)

Date: October 31, 2022

Subject: Notifications to OII of use of deadly force incidents begins November 15, 2022

Effective November 15, 2022, the Washington State Office of Independent Investigations (OII) will accept notifications from law enforcement agencies when an agency uses deadly force.

OII is currently not operational, however, we are working diligently toward that goal. As a step towards this goal, OII is implementing its notification system and process. This provides law enforcement agencies in Washington State a means of complying with the requirements of [RCW 43.102.050\(2\)\(b\)](#) and [RCW 43.102.120\(1\)\(a\)](#).

This memorandum serves two purposes:

1. To ensure you receive this information and understand the need to call the Office of Independent Investigations (OII) if an incident should occur; and
2. To describe how you should notify OII upon responding to a situation where law enforcement has used deadly force.

Upon receipt of THIS memorandum, please email OII at ContactUs@oii.wa.gov to confirm that you are prepared to begin notifying OII of any law enforcement use of deadly force cases in your jurisdiction.

To report incidents of law enforcement use of deadly force, please follow the process described below:

Where to call

- Call (833) 819-0718 – this number will be staffed at all times. This is not a publicly available number and should not be disseminated beyond your agency.

When to call

- Beginning Tuesday, November 15, 2022, report all incidents where a law enforcement officer used force reasonably likely to cause death, great bodily harm or substantial bodily harm; and where that use of force resulted in death, great bodily harm or substantial bodily harm, per [RCW 43.102.120](#).

What to report

OII staff will request the following information:

- Name of the involved agency
- Name of the investigating agency
- Contact information for the incident commander
- Whether there is a concurrent, underlying criminal investigation and what agency is investigating
- Date and time of the incident
- Incident location
- A brief description of the incident
- Any necessary follow-up

What OII will do

Currently, OII will decline to respond to the scene because the agency does not yet have the resources or personnel to investigate cases. OII staff will provide a brief email to the reporting agency acknowledging receipt of the notification and explaining that we will be declining to respond.

Again, to ensure all law enforcement agencies have this information, please email ConactUs@oii.wa.gov to confirm receipt of this memorandum.

Once OII is operational and accepting cases, you will receive a second memorandum describing the final notification procedure.

Handcuffing and Restraints

301.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

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 and the Use of Force Policy apply to their use (Washington State Office of the Attorney General Model Use of Force Policy). However, physical force does not include compliant handcuffing where there is no complaint of physical pain or injury (RCW 10.120.010).

301.1.1 DEFINITIONS

Definitions related to this policy include (Washington State Office of the Attorney General Model Use of Force Policy):

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.

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 the person's airway and does not allow the person to breathe freely.

301.2 POLICY

The Omak Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

301.3 USE OF RESTRAINTS

Only members who have successfully completed Omak Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.

Handcuffing and Restraints

- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

Restrained persons shall be monitored while in law enforcement custody (Washington State Office of the Attorney General Model Use of Force Policy).

301.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

301.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner available and reasonable under the circumstances, but in no case shall leg irons or waist chains be used. Handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure herself or others, or damage property (RCW 70.48.500).

When the person is in labor no restraints of any kind shall be used. This does not prohibit a treating physician licensed under Title 18 RCW from requesting the use of hospital restraints for the medical safety of the person (RCW 70.48.500).

301.3.3 RESTRAINT OF JUVENILES

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

Members who are school resource officers should only use restraints on a student participating in school-sponsored instruction or activity when there is an imminent likelihood of serious harm and pursuant to the school policy for students and staff (RCW 28A.600.485).

301.3.4 NOTIFICATIONS

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

301.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Handcuffing and Restraints

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed regardless of the circumstances.

In most situations handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be gauged and double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

301.5 APPLICATION OF 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. Officers shall only use department-issued spit guards (Washington State Office of the Attorney General Model Use of Force Policy).

Spit guards may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

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.

Officers utilizing spit guards should ensure that the spit guard is fastened properly according to the manufacturer's instructions to allow for adequate ventilation and that the restrained person can breathe normally. After application of a spit guard and when safe to do so, officers shall move the individual into a seated or side recovery position. Officers shall provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. 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. Officers should avoid commingling those wearing spit guards with others and detainees.

Spit guards should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition that affects their breathing, or the person demonstrates symptoms of labored or distressed breathing. In such cases, prompt medical care should be obtained. If the person vomits

Handcuffing and Restraints

while wearing a spit guard, the spit guard should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head, and clothing, prior to application of a spit guard.

Those who have been placed in a spit guard shall be continually monitored and shall not be left unattended until the spit guard is removed. In the event of a medical emergency, spit guards should be removed immediately. Spit guards shall be discarded after each use.

301.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

301.7 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints (e.g., hobble restraints) may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest, or transportation. Only restraint devices approved by the department shall be used.

In determining whether to use the leg restraint, officers should consider:

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a person.
- (b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

301.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints, the following guidelines should be followed:

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on the person's stomach for an extended period, as this could reduce the person's ability to breathe.

Handcuffing and Restraints

- (d) The restrained person shall be continually monitored by an officer while in the leg restraint (Washington State Office of the Attorney General Model Use of Force Policy). The officer should ensure that the person does not roll onto and remain on the person's stomach.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

Officers shall not connect a leg restraint to handcuffs or other types of restraints (i.e., hog tie an individual) (Washington State Office of the Attorney General Model Use of Force Policy).

301.8 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Officers should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

- (a) The factors that led to the decision to use restraints.
- (b) Supervisor notification and approval, if practicable, of restraint use.
- (c) The types of restraint used.
- (d) The amount of time the person was restrained.
- (e) How the person was transported and the position of the person during transport.
- (f) Observations of the person's behavior and any signs of physiological problems.
- (g) Any known or suspected drug use or other medical problems.

301.8.1 SCHOOL RESOURCE OFFICERS

Members working as school resource officers shall prepare a report pursuant to RCW 28A.600.485 and provide a copy to the school administrator whenever a student is restrained in a room or other enclosure or restrained by handcuffs or other restraint devices during school-sponsored instructions or activities.

301.9 TRAINING

Subject to available resources, the Training Sergeant should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.

Handcuffing and Restraints

- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

301.10 POSITIONAL ASPHYXIATION AND COMPRESSION ASPHYXIATION

Consistent with training, officers shall take the following actions to reduce the risk of positional asphyxiation and compression asphyxiation (Washington State Office of the Attorney General Model Use of Force Policy):

- (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 the person to an upright position that does not impede the mechanism of normal breathing, except if the person is unconscious. This requirement is especially important when the person is handcuffed in the prone position.
 - 1. An exception is if the person is conscious and expresses a desire to be placed in a different position, the officers shall place the person 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:
 - 1. Responsibility is transferred to a health care professional (e.g., emergency medical technician (EMT), paramedic); or
 - 2. The person is placed in a seated position in a transport vehicle and verbalizes to the safety officer that the person feels 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, the safety officer shall inform the ranking officer.
- (f) Do not transport a restrained person in the prone position.