

VOLUME 3 - POLICE OPERATIONS

Volume: 3

Limits to Authority

Chapter: 1

3-101. USE OF FORCE POLICY. This Department recognizes and respects the value and special integrity of each human life. Officers shall not use either physical or deadly force on any person except that which is reasonably necessary to effect an arrest, to defend themselves or others from violence, or to otherwise accomplish police duties according to law. To the extent that Roy Police Departments may contain provisions more restrictive than the state law, such provisions are not intended, nor may they be construed or applied, to create a higher standard of care or duty toward any person or to provide a basis for criminal or civil liability against the City, the Department, or any of its officials or individual officers. Secondly, whenever force is used, criminal charges should be filed against the suspect, when appropriate. Factors to consider whether force is reasonable include the severity of the crime, the risk the subject places on officers and third parties and whether or not the subject is fleeing or resisting arrest by force. Officers will take into account the special vulnerabilities of young, frail or disabled persons when making a decision to use any force. Officers will evaluate the subject's need for medical attention any time force is used. (*CALEA 1.3.1*)

A. Definitions; for purposes of this policy:

1. **Deadly force:** means the intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury (*RCW 9A.16.010 (2)*).
2. **Physical force:** means the intentional application of force through the use of physical contact that does not rise to the level of deadly force.
 - a. This includes hitting with or without an object, kicking, or use of any chemical agent.
 - b. Any other use of force that results in injury or complaint of injury.
 - c. This does not include routine handcuffing and control holds not amounting to the conditions above.
 - d. This does not include the use of pepper spray in which there are no additional injuries or unusual occurrences,
3. **Necessary:** means that no reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended. (*RCW 9A.16.010 (1)*).

B. PHYSICAL FORCE, USE OF:

1. A peace officer may use physical force against another person when necessary to effect an arrest, prevent an escape as defined under chapter 9A.76 RCW, or otherwise protect against an imminent threat of bodily injury to the peace officer or another person.
2. **"Physical Force"** Any technique or tactic reasonably likely to cause transient pain and/or injury.
3. Officers may use physical force to overcome a subject's combative or active resistance

C. TYPES OF RESISTANCE:

1. **No Resistance:** the subject offers no resistance to the officer's orders.
2. **Passive Resistance:** the subject does not comply or only partially complies with the officer's orders but takes no action that could be defined as defensive resistance, active aggression or deadly force threat. Refusing to move or refusing to walk when subjected to an escort hold are considered passive resistance.
3. **Defensive Resistance:** any action by a subject that attempts to prevent an officer from gaining control of the subject (e.g., pulling/pushing away to defeat the Escort Position). It is not an attack on the officer, but a physical act designed to prevent the officer from gaining control.
4. **Active Aggression:** includes physical actions/assaults against the officer or another person with less than deadly force (e.g., advancing, challenging, punching, kicking, grabbing, wrestling, etc.).
5. **Deadly Force Threat:** includes actions that place the officer or another at risk of immediate serious bodily injury or death.

3-101.01 PARAMETERS FOR USE OF DEADLY FORCE. The Revised Code of Washington sets forth when the use of deadly force is justified. RCW 9A.16 establishes a higher standard for the police officer than the private citizen in the application of deadly force. The Department sets further guidelines and administrative restrictions regarding the use of deadly force. Officers shall read and fully understand RCW 9A.16.010 - 9A.16.040.

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A. Officers shall exhaust every reasonable means of apprehension before resorting to the use of deadly force.

B. Firearms shall not be drawn or pointed unless a deputy has reason to believe that their use may be required. (*CALEA 1.3.2*)

C. Deadly force, as a matter of Department policy (whether the Officer is on or off duty), when necessary, an officer may generally use deadly force only when **both** of the following elements exist:

1. Either to overcome actual resistance to the execution of a legal process, mandate, order of a court or officer, or in the discharge of a legal duty, or to arrest or apprehend a person who the officer reasonably believes has committed, has attempted to commit, or is committing, is attempting to commit a felony;
and
2. The officer has probable cause to believe that the suspect, if not apprehended, poses a threat of **serious physical harm** to the officer or others. (*RCW 9A.16.040 (1b, i)(2)*)
 - a.** The **threat of serious physical harm** includes, but is not limited to, cases in which:
 1. An armed suspect threatens someone or displays a weapon in a threatening manner; or
 2. It is reasonably believed that the suspect committed or attempted to commit a crime of violence involving either actual or threatened serious physical injury.

D. A Police Officer may discharge a firearm under the following circumstances:

1. In the use of deadly force.
2. During range practice or competitive sporting events.
3. To destroy an animal that represents a threat to public safety or as a humanitarian measure when an animal is seriously injured.

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E. When feasible, Officers will give a warning before using any force including deadly force. Officers must identify themselves as Police Officers and convey their purpose and reason for the use of force unless the Officer believes such information is already known by the suspect or the information cannot reasonably be made known to the suspect.

1. RCW 9A.16.040 (3) states that "a public officer or peace officer shall not be held criminally liable for using deadly force without malice and with a good faith belief that such act is justifiable pursuant this section."

2. Officers shall not be censured or disciplined if a suspect is not apprehended, where the officer deemed the use of deadly force to be unwise.

F. As a matter of administrative policy, firearms are not discharged:

1. As warning shots (*CALEA 1.3.3 d*)

2. From a moving vehicle, unless in defense of the Officer's life or in the defense of the life of another.

3. At the driver of a moving vehicle or at the vehicle itself unless:

a. Deadly physical force is being used against the officer or another person by means other than a moving vehicle; or

b. The moving vehicle poses an imminent and identifiable threat of serious physical harm to the officer or others from which there is no reasonable means of escape. For the purposes of this section, officers:

1. Shall attempt to move out of the path of an oncoming vehicle, if possible, rather than discharge their firearm; and

2. Shall not intentionally place themselves in the path of an oncoming vehicle TO attempt to disable the vehicle by discharging their firearms.

c. Officers shall not discharge their firearms at a fleeing vehicle unless an officer reasonable believes, and can articulate reasons therefore, why the necessity for immediate apprehension outweighs the danger to the public that is created by discharging a firearm.

- G. Except for maintenance or during training, Officers will not draw or exhibit their firearms unless circumstances create a reasonable belief that it may be necessary to use the weapon in accordance with this policy.
- H. The use of the following techniques will be considered deadly force and are prohibited except as a last resort to protect the officer(s) or others from an immediate threat of death or serious bodily injury and the Officer must resort to those techniques: *(CALEA 1.3.11 d)*
 - 1. The Carotid or Lateral Vascular Restraint.
 - 2. The choke hold.
 - 3. A blow to the head or neck area with any weapon or other item that is capable of use as a weapon, such as a flashlight. Any and all variations of these maneuvers may be considered deadly force when applied to the neck region.
- I. Officers after having deployed deadly force will evaluate the suspect's need for medical attention and summon appropriate medical assistance as necessary. *(CALEA 1.3.5)*

3-101.02 PARAMETERS FOR USE OF NON-DEADLY FORCE. When deadly force is not authorized, Officers should assess the incident to determine which non-deadly technique or weapon the Officer reasonably believes will best diffuse the incident and bring it under control in a safe manner.

- A. Officers are authorized to use Department approved non-deadly force techniques and issued equipment for resolution of incidents, as follows:
 - 1. To protect themselves or another from physical harm.
 - 2. To restrain or subdue a resistant individual.
 - 3. To bring a disorderly situation safely and effectively under control.

3-101.03 USE OF FORCE CONTINUUM. *(CALEA 1.3.4, 1.3.9 a)*

A. Level 1: Police Presence/Verbal Control: In dealing with people, officers must make every reasonable attempt to inspire respect and generate cooperation and a feeling of good will between citizens and the department. A citizen's encounter with the police can be a frightening and emotional experience and, under these circumstances, the risk of misunderstanding is great.

1. The manner and form in which an officer speaks to an individual can be an effective means of exerting control over a situation. Verbal control may be in the form of advice, persuasion, admonitions or orders.
2. The volume and tone of the officer's comments may also be an effective tool to assume control over a situation without having to progress to a higher level of force.

- B. Level 2: Escort:** The majority of arrests handled by officers are made peacefully; the arrestee is handcuffed, searched, and transported without incident. However, in some of these situations, although there is no significant resistance in complying, some form of physical maneuvering may be required in order to escort the individual from one location to another. This level of force prevents the suspect from sustaining any injuries.
- C. Level 3: Soft Empty Hand Control:** On occasion, officers are faced with uncooperative individuals who refuse to be placed in custody or other situations in which less forceful alternatives are inappropriate or have been ineffective. Incidents of this nature require officers to use some combination of strength, leverage, and come-along with sufficient force to make the lawful arrest without unnecessarily aggravating the situation. This level of force permits the officer to gain control and compliance while minimizing the risk of injury to the officer, the person being placed in custody, or innocent bystanders. It includes the use of pressure points, tactical handcuffing and distraction techniques.
- D. Level 4: Use of Less Lethal Force:** Use of less lethal force techniques are designed to control active aggression, but can be used to control defensive resistance when other lesser means have failed or where the officer reasonably believes the lesser means would clearly be ineffective. Police officers are authorized to use less lethal force techniques for which they are trained and certified. Less lethal force techniques are techniques that do not create a substantial risk of causing death or serious bodily injury. These techniques should always be used with the intent to temporarily disable a subject and gain compliance, never with the intent to cause permanent injury. Officers deploying less lethal techniques involving chemical agents, taser and 12 gauge bean bag munitions, will summon medical personnel to evaluate the subject's condition. In all other instances, medical attention will be provided if there are visible injuries or an out-cry of a potential injury. An on duty supervisor will be notified when a form of less lethal force has been deployed. (CALEA 1.3.4, 1.3.5)

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1. **Hard empty hand control.** Hard empty hand techniques include counterstrikes or striking techniques. This involves the use of the officers' fists, hands, elbows, knees, or feet in striking the adversary. These techniques may be used by officers, within current department training standards, to defend themselves against unlawful assaults.
2. **Chemical agents.** Oleoresin Capsicum (OC) is delivered in a non-flammable liquid medium or other method approved by the department. These are the only authorized chemical agents. OC is used only to the extent necessary to overcome the resistance of the suspect and within current department training standards.
3. **Batons.** Straight riot baton and collapsible batons are the only authorized impact weapons which may be carried. These batons may be carried on one's person or in a readily available location in the vehicle whenever the officer is on duty. Officers will use discretion regarding carrying the batons on their person in any given situation depending on the circumstances of each incident. Batons will only be used in accordance with current department training standards. Riot batons are used during civil unrest and mobile field force situations as directed by the Incident commander.
4. **Taser.** The taser X26 or Taser 7 are designed to cause an electro-muscular disruption that is a direct involuntary contraction of the muscles that disrupts neuro-motor control. The taser is used only to the extent necessary to overcome the resistance of the suspect and within current department training standards.
 - a. Only personnel who have successfully completed a Department approved course in the proper use and deployment of the taser will be authorized to carry and deploy the taser unit/model for which they have been trained.
 - b. Officers are authorized to carry a taser while on-duty or when engaged in extra duty employment where the actual or potential use of law enforcement authority is anticipated.
 - c. Tasers and associated equipment shall be properly secured when not in use. Officers, uniformed and non-uniformed, will carry the taser on their Department-approved holster on the opposite side from the officer's firearm.

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- d. Officers will carry and deploy the taser in accordance with Departmental training and policy. Supervisors will evaluate the use of force in accordance with department policy.
- e. Taser deployments are defined as deployments of a taser on a person, and include the following results:
 - 1. the probes penetrated the skin,
 - 2. the probes missed the intended target, or
 - 3. drive stuns, regardless whether or not signature marks resulted.
- f. An officer deploying a taser will notify a supervisor. Officers will document the use of the taser in a police report and use of Force document attached to the initial report. *(CALEA 1.3.6 c)*
- g. The officer deploying the taser is responsible for thoroughly reviewing and documenting the incident on a incident report and use of force document as well as photographing any injuries sustained during the taser deployment. *(CALEA 1.3.6 c, 1.3.6 d)*
- h. The taser cartridge and AFID (Anti Felony Identification) tags will be submitted as evidence per established procedure. The probes will be secured in a puncture proof safety container or inserted into the cartridge and treated as a potential biohazard to prevent potential injury.
- i. In the case of an accidental discharge, the incident will be documented in a report..
- j. Medical personnel should remove taser probes that are embedded in a suspect when the suspect is subdued and in custody. Embedded taser probes should be handled with the same care as a hypodermic needle. The suspect will be provided with the appropriate medical care. *(CALEA 1.3.5)*
- k. An officer may display the taser or utilize the spark testing procedure in the field as a use of force technique to gain compliance from a combative suspect. When displaying the taser or utilizing the spark testing procedure as a use of force technique, the officer will document his or her actions in a complaint report. No other documentation or action is necessary.

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l. Deployments of the taser on an animal must be documented in the complaint report. The taser cartridge and AFID tags will be turned in as evidence per established procedure.

m. An Taser found to be defective or damaged shall be turned over to the Training Officer for repair or replacement.

5. 12 Gauge Bean Bag Munitions. 12 gauge "bean bag" munitions may be used for the purpose of compelling an individual to cease his or her violent or potentially violent active aggression. Officers will assess appropriate tactical considerations within current department training standards before deploying any 12 gauge "bean bag munitions".

E. Level 5: Police K-9: The use of the Police K-9 by its handler in the performance of police duties may, depending upon the circumstances, be considered as an instrument of force. The use of Police K-9s must be consistent with approved operation procedures and policies and training of the K-9 unit. K-9 will not be used during civil unrest situations. Roy Police Department contracts the use of the K-9's from Pierce County Sheriffs Department and Roy personnel will adhere to the instructions of the handler on scene.

F. Level 6: Deadly Force/Potentially Deadly Force: Any force used by an officer that may result in serious injury or the loss of human life. Officers' use of deadly force will be consistent with the parameters set forth in this chapter.

3-101.04 In all cases where force is used of a level 4 or higher, officers will notify a supervisor and complete an offense report. Reporting is mandatory. *(CALEA 1.3.6 a, 1.3.6c, 1.3.6 d)*

A. All Officers utilizing level 4 or above must complete an offense report and a Use of Force Supplement. Officers shall describe the circumstances surrounding the use of force in the police report. Supervisors will ensure that the supplement(s) are complete before approving the report. *(CALEA 1.3.6 c, 1.3.6 d)*

B. Supervisors will conduct an inquiry in all cases where level 4 force or higher is used and will complete a supervisory log.

C. An annual analysis of the Use of Force supplements will be completed by the Chief of Police. An annual analysis of use of force incidents, level 4 and above, will be compiled in a report by the Chief of Police. *(CALEA 1.3.7, 1.3.13)*

3-101.05 SITUATIONAL FORCE MODEL. The Department recognizes that a Police Officer may have to immediately resort to any level of force appropriate for the situation at hand. The Situational Force Model is designed to show that an Officer has a variety of force levels available and will select the least violent means relative to the situation. The Officer will rely upon objective reasoned discretion to make the selection. The option an Officer uses will depend upon many factors, but is generally dictated by the amount of resistance offered by the subject. This model places the Officer in the center of the situation. The Officer is trained to evaluate and continually re-evaluate the situation and select the appropriate force option based on the Officer's knowledge, skills, and justification for the force used.

3-101.06 USE OF FORCE TRAINING POLICY. Annual training will include training in the Department's Use of Force Policy, the Department's Continuum Levels of Force and the proper application of each, and instruction on the safety, care and maintenance of each weapon. All training will be conducted by a qualified instructor and properly documented with the Training Division. *(CALEA 1.3.10, 1.3.12, 1.3.11 a, 1.3.11b)*

A. Duty, Secondary Duty and Off-Duty Firearms. All Officers will qualify annually with their primary duty handgun. Off-duty and secondary duty handguns are optional, but failure to qualify with these weapons means the officer is not authorized to carry said weapons. Failure to qualify with a duty weapon will result in remedial training and possible disciplinary action, as per Section 8-403. Qualification courses and pass/fail requirements for all firearms and authorized weapons are set by the Training Division.

1. Officers are encouraged to practice with their firearms quarterly at an approved site, when scheduling and ammunition availability permits.
2. The Department strives for realistic firearms training. Therefore, Officers are encouraged to attend training that includes night or reduced-light shooting, shooting at moving targets, strong hand/weak hand shooting, shoot/no shoot decision making, and combat simulation shooting. The Firearms Training Simulator (FATS) may be used in conjunction with other firearms training to accomplish these goals.

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B. Shotgun/Patrol Rifle Training. Officers will successfully complete an approved training course to be authorized to carry a Department approved shotgun or patrol rifle. To maintain their certification, they must successfully complete an annual qualification course. All officers shall qualify with the shotgun. Patrol rifle qualification is designated for personnel chosen by the Chief or officers who wish to carry a personally owned patrol rifle on duty.

C. Baton Training. Officers will receive training in the use of Department approved batons prior to their use in field situations. Officers will successfully complete a certification course to carry the expandable baton. Baton certification is required for all officers. Certified officers must attend a re-certification course annually. The straight riot baton shall only be used when ordered by the incident commander during periods of civil unrest and in accordance with the use of force guidelines delineated in the use of force policy. Expandable batons shall be carried on the duty belt or readily available in the police vehicle while on duty.

D. Chemical Agent. Officers will carry only those chemical agents approved by the Department. Officers will successfully complete a certification course prior to being authorized to carry any chemical agent. Chemical agent certification is required for all officers.

E. Tasers. Air Tasers will be used in the manner instructed in the Air Taser training course and in accordance with department policy and State Law. The Chiefs Office will ensure that Officers receive basic certification and re-certification every two years. Taser certification is required for all officers. Training records will be kept in the employees training file. The Training Officer will also be responsible for the maintenance and enhancement of the Department's Taser program. (CALEA 1.3.11)

F. Defensive Tactics. When reasonably possible, Officers will limit their use of defensive tactics to those for which they have received Department approved training. Defensive tactics certification is required of all officers. Certified Officers must attend a re-certification course at least once every two years. (CALEA 1.3.11)

G. 12 Gauge Bean Bag Munitions. Officers will successfully complete a certification course to use 12 gauge "bean bag" munitions. Bean bag certification is required for all officers. Officers must attend a re-certification course at least once every two years. (CALEA 1.3.11)

H. Other Approved Weapons. Special assignments and/or assignment to certain sections may require the Officer to utilize weapons other than, or in addition to, those specified in this policy. To use other weapons, three conditions must exist:

1. Written permission from the Chief of Police; one copy in the Training Division file and one copy in the personnel file at the Chief's Office.
2. Written documentation to indicate that the Officer has had instruction in the proper use of the weapon from a qualified instructor; one copy is to be placed in the training file.
3. Continuing use of the weapon requires maintenance of any qualification and/or certification.

3-102. VEHICULAR PURSUIT POLICY. A vehicular pursuit is an active attempt by one or more Officers to apprehend a suspect operating a motor vehicle who is attempting to evade arrest. Vehicle pursuits should always be viewed as a last resort and should only be used in response to the most serious of incidents. *(CALEA 41.2.2a)* Both audible (siren) and visual (emergency lights) emergency warning equipment will be used when engaged in a vehicular pursuit. All units involved in a pursuit will proceed in a safe manner and only at reasonably safe speeds, depending on the time of day, weather and road conditions, and amount of traffic. This policy establishes administrative guidelines for Officers to follow when engaged in vehicular pursuits. *(CALEA 41.2.2, 46.1.4 n, 81.2.4 e)*

3-102.01 PURPOSE. The purpose of a vehicular pursuit is the apprehension of a subject who is operating a motor vehicle in a manner presenting a clear threat to the safety of others and who has not complied with Officers' orders to stop. When a vehicular pursuit creates an unreasonable danger for police or the public, it is inconsistent with the Department's goal to protect life and property. *(CALEA 46.1.4n)*

3-102.02 INVOLVEMENT. The following can be used as guidelines by Officers to determine when becoming involved in vehicular pursuits is appropriate. *(CALEA 41.2.2d, 46.1.4n)*

A. When To Initiate. Vehicular pursuits of an actual or suspected violator of the law are permitted only when the actions of the suspect present a clear and immediate threat to the safety of others, the need for immediate apprehension outweighs the level of danger caused by the vehicular pursuit, and the Officer is authorized under RCW Title 46 to operate the vehicle's emergency equipment.

B. Initiating Pursuit. The decision to initiate a vehicular pursuit will be made by the individual Officer. All emergency vehicle operations will be conducted