



Washington Department of Fish and Wildlife Law Enforcement Program

Regulation 5.05		Use of Physical Force	
Issued by: Chief Steve Bear		Applies to: All Staff	Effective date: 04/01/18 Last Revised: 12/1/22
References: RCW 9A.16.010-040, 9A.76, 10.120.010-030 Reg 2.45, 2.80, 5.06, 5.07, 5.08;			
Forms and Templates: Blue Team Use of Force Report			
WASPC Standards: 3.1, 3.2, 3.3, 3.4			

I. DEFINITIONS

- A. **Use of Physical Force**: Any act reasonably likely to cause physical pain or injury or any other act exerted upon a person's body to compel, control, constrain, or restrain the person's movement. "Physical force" does not include pat-downs, incidental touching, verbal commands, or compliant handcuffing where there is no physical pain or injury.
- B. **Chokehold**: Refers to any tactic in which direct pressure is applied to a person's trachea or windpipe or any other tactic intended to restrict another person's airway.
- C. **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.
- D. **De-escalation Tactics**: Actions used by an officer that are intended to minimize the likelihood of the need to use force during an incident.
- E. **Duty to Intervene**: Verbal and/or physical action by an officer to prevent or stop another peace officer from using excessive force.
- F. **Imminent Threat**: 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 cause bodily injury to the peace officer or another person. This is to be distinguished from immediate threat which is the standard that applies to the use of deadly force.
- G. **Less Lethal Alternatives**: Include, but are not limited to, de-escalation tactics, verbal warnings, conducted energy weapons, devices that deploy oleoresin capicum and batons.
- H. **Necessary**: Under the totality of the circumstances, a reasonably effective alternative to the use of physical force or deadly force does not appear to exist, and the type and amount of physical force or deadly force used is a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the officers or others.
- I. **Neck Restraint**: Refers to any vascular neck restraint or similar restraint, hold, or other tactic in which pressure is applied to the neck for the purpose of constricting blood flow.
- J. **Positional Asphyxia**: An inadequate oxygen level in the blood and/or an excessive increase of carbon dioxide in the blood causing unconsciousness or death brought on by a person being placed in a body position which

compresses their airway and does not allow them to breathe freely.

- K. Probable Cause:** The facts and circumstances within an officer's knowledge would lead a reasonable person to believe that the suspect has committed, is committing, or is about to commit a crime. It must come from specific facts and circumstances, rather than simply from the officer's hunch or suspicion.
- L. Projectile Impact Weapons:** Any device or weapon that fires less-lethal projectiles. Any less-lethal projectile ammunition issued or used by WDFW is intended for wildlife control purposes only.
- M. Public Safety Information:** Includes suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses, etc.
- N. Reasonable:** Means fair, proper, just, moderate, or suitable. In the context of this Regulation, reasonableness of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving.
- O. Serious Physical Injury/Harm:** An injury creating a substantial risk of death, significant permanent disfigurement, prolonged health impairment, or loss of function of any limb or organ.
- P. Totality of Circumstances:** All facts known to the peace officer leading up to and at the time of the use of force and includes the actions of the person against whom the peace officer uses such force, and the actions of the peace officer.
- Q. Wrongdoing:** Conduct observed by an officer that is contrary to law or WDFW Police regulations, provided the conduct is not de minimis or technical in nature.

II. PURPOSE

- A. This policy is intended to provide clarity and direction to officers and promote safety for all by ensuring that all available and appropriate de-escalation techniques are used when possible, physical force is used appropriately only when necessary, and the amount of physical force used is proportional to the threat or resistance the officer encounters as well as the seriousness of the law enforcement objective that is being served.

III. OVERARCHING PRINCIPLES

- A. It is the fundamental duty of law enforcement to preserve and protect all human life. Officers shall respect and uphold the dignity of all persons and use their authority in a bias-free manner.
- B. 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.
- C. Washington State law requires that law enforcement officers must act with reasonable care when carrying out their duties, including using de-escalation tactics. The law does not limit or restrict a peace officer's authority or responsibility to perform lifesaving measures or perform community caretaking functions to ensure health and safety including, but not limited to, rendering medical assistance, performing welfare checks, or assisting other first responders and medical professionals. The law does not prevent a peace officer from responding to requests for assistance or service from first responders, medical professionals, behavioral health professionals, social service providers, designated crisis responders, shelter or housing providers, or any member of the public.
- D. Peace officers are not permitted to use physical force contrary to or in violation of the US or state Constitutions.

- E. In review of this regulation all officers are encouraged to review the associated RCWs listed in the reference section of the regulation header. Language in this regulation is consistent with applicable RCWs.

III. POLICY - USE OF FORCE BY OFFICERS

A. Reasonable Use of Physical Force

1. An officer may only use reasonable physical force to lawfully perform the officer's duties in accordance with this policy and all applicable laws.
2. An officer may use physical force against a person to the extent necessary to protect against a criminal offense when there is **probable cause** that the person has committed, is committing, or is about to commit an offense to:
 - a. make an arrest;
 - b. effect an arrest;
 - c. prevent an escape as defined under RCW chapter 9A.76;
 - d. Take a person into custody when authorized or directed by statute;
 - e. Execute or enforce a court order authorizing or directing a peace officer to take a person into custody;
 - f. Execute a search warrant;
 - g. Execute or enforce an oral directive issued by a judicial officer in the courtroom or a written order when the court expressly authorizes a peace officer to use physical force to execute or enforce the directive or order.
3. An officer may use physical force to prevent a person from fleeing or stop a person who is actively fleeing a lawful temporary investigative detention, provided that the person has been given notice that he or she is being detained and is not free to leave.
4. An officer may use physical force against a person when necessary to protect against an imminent threat of bodily injury to the officer, another person, or the person against whom force is being used.
5. In the application of physical force, an officer shall:
 - a. When possible, use all de-escalation tactics that are available and appropriate under the circumstances before using physical force. De-escalation tactics may include, but are not limited to:
 - (1) Using clear instructions and verbal persuasion;
 - (2) Attempting to slow down or stabilize the situation so that more time, options, and resources are available to resolve the incident;
 - (3) Creating physical distance by employing tactical repositioning to maintain the benefit of time, distance and cover;
 - (4) Placing barriers or using existing structures to provide a shield or other protection between officers and a person;

- (5) Attempting to communicate in non-verbal ways when verbal instructions would be inadequate (such as, when the person and officer speak different languages, or the person is unable to hear or understand instructions);
 - (6) Communicating in a way that demonstrates respect for people's dignity (such as, clearly explaining the officer's actions and expectations; listening to the person's questions and concerns and responding respectfully; and being neutral and fair when making decisions);
 - (7) Employing verbal and non-verbal communication techniques to calm a person (such as, speaking slowly, regulating tone and body language, uncrossing one's arms, minimizing hand gestures, and reducing bright, flashing lights and sirens);
 - (8) When there are multiple officers, designating one officer to communicate in order to avoid competing commands;
 - (9) Requesting and using available support and resources, such as crisis intervention team, a designated crisis responder or other behavioral health professional, or back-up officers;
 - (10) Exhibiting patience while using all available and appropriate tactics and resources to provide as much time as needed to resolve the incident without using physical force.
- b. When using physical force, use the least amount of physical force necessary to overcome resistance under the totality of circumstances;
 - c. When possible, leave the area if there is no threat of imminent harm and no crime has been committed, is being committed or is about to be committed;
 - (1) This does not prohibit community care taking functions including but not limited to, rendering medical assistance, performing welfare checks, or assisting other first responders and medical professionals.
 - d. Terminate the use of physical force as soon as the necessity for such force ends; and
 - e. Ensure the person is positioned in such a way that their body is not compressing their airway and they can breathe freely. All reasonable efforts must be taken to avoid positional and compression asphyxia.
 - f. Provide or facilitate first aid at the earliest safe opportunity to injured person(s) at a scene controlled by law enforcement.
 - g. Use appropriate and least amount of force necessary to effect a lawful purpose for individuals who have the following characteristics or conditions:
 - (1) appears to be, or indicates they are, pregnant, a minor, or suicidal;
 - (2) is known to be a vulnerable individual as defined in RCW 74.34.020;
 - (3) displays signs of mental, behavioral or physical disability;
 - (4) exhibits drug or alcohol impairment;
 - (5) has limited English proficiency; or
 - (6) is in the presence of children.

B. Reportable Uses of Physical Force

1. The following are reportable uses of physical force. Refer to applicable Enforcement Regulations and relevant sections of this regulation for specific reporting requirements.
 - a. Physical take-downs, leg sweeps, or any technique which forcibly requires the subject to end up on the ground from means other than his/her own.
 - b. Restraint Strap, if used to overcome combative resistance or aggression.
 - c. Use of approved and issued chemical defense spray.
 - d. Use of the Taser.
 - e. Striking another person with any part of your body.
 - f. Any use of an impact tool, whether designed for that function or not.
 - g. Any action that results in an injury to a subject.
 - h. Use of vehicle in an act of intentional ramming.
 - i. Use of any firearm (including unintentional discharge or aiming a firearm at a person), except for lethal removal of wildlife.
2. Regardless of the force option used, each independent use must be articulated and reported by the officer as each is considered a separate use of force.

C. Duty to Intervene: All officers are obligated to intervene when they believe **any** peace officer is about to use excessive or unnecessary force, or when they witness colleagues using excessive or unnecessary force, or engaging in other misconduct.

1. Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, safely intercede to prevent the use of such excessive force. Officers shall promptly report these observations to a supervisor.
2. Officers arriving at the scene of use of force or pursuit shall attempt to de-escalate the scene by offering to relieve primary officers involved when safe to do so. This could include taking control of subjects, transporting subjects, etc., to allow primary officers to destress.
3. An officer shall provide or facilitate first aid at the earliest safe opportunity to injured person(s) at the scene controlled by law enforcement.
4. An officer shall immediately report to a supervisor when the officer:
 - a. Is involved in an intervention with another peace officer;
 - b. Observes excessive force by another peace officer; or
 - c. Observes wrongdoing by another peace officer, or has a good faith reasonable belief, that another peace officer has committed wrongdoing.
5. Supervisors who are made aware of alleged excessive use of force incidents shall immediately contact their respective captain and the Professional Standards Captain.
6. Officers shall not be disciplined or retaliated against as a result of intervening, reporting excessive force, or

reporting wrongdoing in good faith.

D. Off-Duty Use of Force

1. Off duty officers are highly discouraged from engaging in situations where use of force may be required.
2. Officers shall be in possession of their badge and commission card before invoking police authority.
3. If the officer is carrying a badge and commission card, he or she may take appropriate action according to training and this regulation. At that time, the officer is then considered on duty, and all regulations and officer protections are therefore in effect. The officer shall notify his or her supervisor as soon as possible after initiating use of force while off duty.
4. All off duty use of force must comply with this regulation and applicable RCWs.

E. Neck Restraint and Choke Holds: WDFW Officers may not use any type of neck hold, chokehold or neck restraint except to defend the lives of others or themselves.

F. Training: Officers must satisfactorily complete Criminal Justice Training Commission or Program approved training on issued weapons and equipment, duty to intervene, and other specific techniques to be used. Officers shall also complete annual training on this Regulation. The Program will document this mandatory training (see Reg. 3.50 Firearms, Defensive Tactics and Use of Force Training).

G. Shots at/from Moving Vehicles: Officers are expected to move out of the path of any approaching vehicle if possible. Officers shall not fire at a moving vehicle unless it is necessary to protect against an imminent threat of serious physical harm resulting from the operators or passengers 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. Officers may use deadly force against the operator of a vehicle when it is being used as a weapon against officers or others.

H. Shots to Summon Aid: If necessary, shots into a safe backdrop to summon aid are allowed.

I. Warning Shots: Warning shots are not authorized.

IV. STANDARD PROCEDURES – AT THE SCENE AFTER A USE OF FORCE

A. Involved Officers: The involved officer at the scene shall:

1. Notify the appropriate communications center immediately, request appropriate medical and law enforcement assistance, and request that a Program supervisor contact the scene.
2. Secure the subjects and the scene. Provide or facilitate first aid to any injured persons at the earliest and safest opportunity. Locate and identify witnesses, if possible.
3. Not discuss the incident with other involved officers pending supervisor direction with the exception of providing public safety information to other officers arriving prior to supervisory arrival.

B. Supervisor: A Program supervisor shall respond to the scene when practical and ensure that the needs of the involved officer are met. Specifically, the supervisor shall:

1. Ensure all law enforcement, aid, and other notifications have been made.
2. If necessary, may administratively order any involved officer to immediately provide public safety information necessary to secure the scene and pursue suspects. Except in a situation where a voluntary statement is given, do not order any officer to provide information that is not public safety information.

3. Ensure a thorough investigation is being performed (statements, photographs, measurements, evidence collection, etc.).

C. Documenting Subject Injuries: Any complaint of injury by the subject, regardless of the severity, should be documented in the Law Incident Report (LIR). At a minimum, the LIR should include the injuries described by the subject and the steps taken by the officer to verify and provide first aid if necessary. Any medical reports generated as a result of any treatment should be referenced and included when available. If possible, a subject's visible injuries will be photographed, and the photos will be attached to the LIR. Injuries to private areas shall be treated and photographed by medical professionals.

D. Use of Force Reporting:

1. A Blue Team Use of Force entry is required for any reportable use of force listed in section III.B. of this regulation.
2. A Blue Team Use of Force entry is not required for handcuffing or physical escort of a non-combative subject, merely holding OC spray, an impact weapon, or a firearm (not aimed at a subject).
3. See Reg 5.07 for TASER reporting requirements.

E. Responsibilities: Except when the officer is injured or criminal charges against the officer(s) are possible, all officers involved in a use of force incident shall complete their reports and refer to their supervisor within four (4) calendar days.

1. **Primary Officer:** The primary officer shall complete an LIR in the records management system. In addition to standard incident, suspect, crime and witness information, the LIR will include details of the force used, subject's actions, injuries to all parties, and medical assistance provided.
2. **Assisting Officer(s):** Assisting officer(s) shall complete a supplemental LIR detailing their observations and involvement.
3. **Supervisors:** Supervisors that respond to the scene shall complete a supplemental LIR as above. Supervisors of involved officers shall ensure a LIR in the Enforcement Records Management System and Blue Team Pursuit entry are completed within four (4) calendar days following the incident. The immediate supervisor shall review all LIRs and the Blue Team Use of Force entry, ensure proper report completion, attach the approved LIR to the corresponding Blue Team Use of Force entry and forward it up the chain of command to the command level supervisor with their recommendation as to whether the officer's use of force appears to comply with Washington State law, Program Regulations and training standards.

F. Administrative Investigation: The Program shall conduct an administrative investigation as prescribed in Reg. 2.80.

G. Annual Review, Analysis and Reporting

1. The Office of Professional Standards shall review and provide an analysis of all use of force incidents including trends and recommendations, to the Chief, annually.
2. The Enforcement Program Criminal Justice Liaison and the Professional Standards Captain will ensure compliance with all reporting requirements as detailed in state law.
 - a. The Office of Professional Standards shall send notice to CJTC of any disciplinary decision resulting from a peace officer's failure to intervene or failure to report to determine whether the officer's conduct

may be grounds for suspension or revocation of certification.

3. Updates to this regulation must be submitted to the Attorney General's Office within 60 days of the effective date of the updated regulation.



Washington Department of Fish and Wildlife Law Enforcement Program

Regulation 5.06		Deadly Use of Force	
Issued by: Chief Steve Bear		Applies to: All Staff	Effective date: 07/25/21 Revised date: 12/1/22
References: RCW 9A.16.010-.040, 10.120.010-030; Reg 5.05; 5.08; OII Memorandum 10/31/22			
Forms and Templates: Blue Team Use of Force Report;			
WASPC Standards: 3.1, 3.2, 3.3, 3.4			

I. DEFINITIONS

- A. **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. Deadly force includes discharge of a firearm at a subject, impact weapon strikes to the head, neck, throat or spine, neck restraints including vascular neck restraint (VNR), and the intentional use of a vehicle to forcibly stop a fleeing suspect.
- B. **Chokehold:** Refers to any tactic in which direct pressure is applied to a person's trachea or windpipe or any other tactic intended to restrict another person's airway.
- C. **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.
- D. **De-escalation Tactics:** Actions used by an officer that are intended to minimize the likelihood of the need to use force during an incident.
- E. **Good Faith Standard:** An objective standard which shall consider all the facts, circumstances, and information known to the officer at the time to determine whether a similarly situated reasonable officer would have believed that the use of deadly force was necessary to prevent death or serious physical harm to the officer or another individual.
- F. **Immediate Threat:** Based on the totality of the circumstances, it is objectively reasonable to believe that a person has the present and apparent ability, opportunity, and intent to immediately cause death or serious bodily injury to the peace officer or another person.
- G. **Less Lethal Alternatives:** Include, but are not limited to, conducted energy weapons, devices that deploy oleoresin capicum and batons.
- H. **Necessary:** Under the totality of the circumstances, a reasonably effective alternative to the use of physical force or deadly force does not appear to exist, and the type and amount of physical force or deadly force used is a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the officers or others.
- I. **Neck Restraint:** Refers to any vascular neck restraint or similar restraint, hold, or other tactic in which pressure is applied to the neck for the purpose of constricting blood flow.
- J. **Positional Asphyxia:** An inadequate oxygen level in the blood and/or an excessive increase of carbon dioxide in

the blood causing unconsciousness or death brought on by a person being placed in a body position which compresses their airway and does not allow them to breathe freely.

- K. Public Safety Information:** Includes suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses, etc.

II. PURPOSE

- A. This policy is intended to provide clarity and direction to officers and promote safety for all by ensuring that all available and appropriate de-escalation techniques are used when possible, physical force is used appropriately only when necessary, and the amount of physical force used is proportional to the threat or resistance the officer encounters as well as the seriousness of the law enforcement objective that is being served.

III. OVERARCHING PRINCIPLES

- A. It is the fundamental duty of law enforcement to preserve and protect all human life. Officers shall respect and uphold the dignity of all persons and use their authority in a bias-free manner.
- B. 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.
- C. Washington State law requires that law enforcement officers must act with reasonable care when carrying out their duties, including using de-escalation tactics and alternatives to deadly force. The law does not limit or restrict a peace officer's authority or responsibility to perform lifesaving measures or perform community caretaking functions to ensure health and safety including, but not limited to, rendering medical assistance, performing welfare checks, or assisting other first responders and medical professionals. The law does not prevent a peace officer from responding to requests for assistance or service from first responders, medical professionals, behavioral health professionals, social service providers, designated crisis responders, shelter or housing providers, or any member of the public.
- D. Peace officers are not permitted to use deadly force contrary to or in violation of the US or state Constitutions.
- E. In review of this regulation all officers are encouraged to review the associated RCWs listed in the reference section of the regulation header. Language in this regulation is consistent with applicable RCWs.

III. POLICY - WASHINGTON STATE LAW – OFFICER USE OF DEADLY FORCE

A. Good Faith Standard

1. Washington State law now requires a good faith standard when evaluating whether use of deadly force is justified. As a precondition to exercising deadly force officers shall adhere at all times to a good faith standard as defined in this regulation.

B. Considerations for Deadly Force

1. In considering whether to use deadly force, the peace officer must have **probable cause** to believe that the suspect, if not apprehended, poses a threat of serious physical harm to the officer or a threat of serious physical harm to others. Among the circumstances which may be considered by peace officers as a "threat of serious physical harm" are the following:

- a. The suspect threatens a peace officer or another person with a weapon or displays a weapon in a manner that could reasonably be construed as threatening; or
 - b. There is **probable cause** to believe that the suspect has committed any crime involving the infliction or threatened infliction of serious physical harm.
 - c. Under these circumstances deadly force may also be used if necessary to prevent escape from the officer, where, if feasible, some warning is given.
2. When possible, use less lethal alternatives that are available and appropriate under the circumstances before using deadly force.
 3. Officers shall not use deadly force against persons who present a danger only to themselves and do not pose an immediate threat of death or serious bodily injury to another person or officer.

C. Justification to Use Deadly Force

1. Following the considerations set forth in section III.B of this regulation and the confirmation of probable cause, an officer is justified using deadly force against another person only when necessary to protect against an immediate threat of serious physical injury or death to the officer or another person.

D. Training

1. Officers must satisfactorily complete CJTC, or Program approved training on the use of deadly force. Furthermore, officers shall be issued weapons and equipment, and instructed in the use of other less lethal alternatives to be used to avoid deadly force. (see Reg. 3.50 Firearms, Defensive Tactics and Use of Force Training, Reg 5.08 Less Lethal Weapons).
 - a. **Baton and Impact Weapons**: Officers may use a baton when legally justified and necessary for the safe control of the suspect. Officers must weigh the need to control the subject against the risk of causing serious physical injury. Officers shall not intentionally target the head, neck, throat, and spine unless deadly force is justified.
 - b. **Neck Restraint and Choke Holds**: WDFW Officers may not use any type of neck hold, chokehold or neck restraint except to defend the lives of others or themselves.
 - c. **Positional and Compression Asphyxia**: Ensure the person is positioned in such a way that their body is not compressing their airway and they can breathe freely. All reasonable efforts must be taken to avoid positional and compression asphyxia.
 - d. **Shots at/from Moving Vehicles**: Officers are expected to move out of the path of any approaching vehicle if possible. Officers shall not fire at a moving vehicle unless it is necessary to protect against an imminent threat of serious physical harm resulting from the operators or passengers 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. Officers may use deadly force against the operator of a vehicle when it is being used as a weapon against officers or others.

IV. STANDARD PROCEDURES – AT THE SCENE AFTER A USE OF DEADLY FORCE

A. Involved Officers: The involved officer at the scene shall do the following:

1. Notify the appropriate communications center immediately, request appropriate medical and law enforcement assistance, and request that a Program supervisor contact the scene.

2. Secure the subjects and the scene. Provide or facilitate first aid at the earliest and safest opportunity. Locate and identify witnesses, if possible.
3. Not discuss the incident with other involved officers pending supervisor direction with the exception of providing public safety information to other officers arriving prior to supervisory arrival.

B. Supervisor: A Program supervisor shall respond to the scene, assist the investigating law enforcement agency, and ensure that the needs of the involved officer are met. Specifically, the supervisor shall do the following:

1. Ensure all law enforcement, medical aid, and other notifications have been made.
2. If necessary, may administratively order any involved officer to immediately provide public safety information necessary to secure the scene and pursue suspects. Except in a situation where a voluntary statement is given do not order any officer to provide information that is not public safety information.
3. Ensure proper notifications and scene protection occur to assist in a thorough investigation by the responsible investigating entity (statements, photographs, measurements, evidence collection, etc.).
4. Relieve the officer involved of all scene duties as soon as practical. If possible, secure the weapon used for the investigating entity before the officer leaves the scene. Provide the officer with a replacement weapon as soon as practical. If a replacement weapon cannot be provided while the involved officer is still at the scene, an officer should accompany the involved officer until arriving at the involved officer's residence.
5. Notify the Chief through the chain of command. The Chief will assign the officer(s) to administrative duties pending the administrative investigation of the use of force.

C. Administrative Investigation: The Program shall conduct an administrative investigation as prescribed in Reg. 2.80.

D. Deadly Use of Force Reporting

1. Any officer who uses deadly force must follow reporting requirements of the Use of Physical Force Reg 5.05 and those required by investigating entities.

E. Headquarters Reporting/Notification Requirements

1. The Enforcement Criminal Justice Liaison and Professional Standards Captain will ensure compliance with all reporting requirements as detailed in Reg 5.05 and state law.
2. The Professional Standards Captain is responsible for reporting and providing requested information to the Office of Independent Investigations.



Washington Department of Fish and Wildlife Law Enforcement Program

Regulation 5.08		Less Lethal Weapons	
Issued by: Chief Steve Bear		Applies to: All Staff	Effective date: 12/1/22
References: Reg 3.50, 5.05, 5.06			
Forms and Templates:			
WASPC Standards:			

I. POLICY

A. **Aerosol Subject Restraint (OC)**: Upon completion of training WDFW officers are issued Oleoresin Capsicum (OC).

1. Carrying OC

- a. When worn, OC shall be carried on the duty belt or external carrier.

2. Use of OC

- a. After the initial application of OC spray, each subsequent application must also be justified.
- b. 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.
- c. The officer shall ensure the suspect is handcuffed and searched before administering first aid. Advise the suspect not to rub the eyes. At the earliest safe opportunity, the 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. If symptoms persist, seek professional medical attention.

3. Reporting Use of OC

- a. Use of OC shall be reported to a supervisor as soon as possible and documented in a law incident report and a Blue Team Use of Force entry.
- b. Officers shall notify the Defensive Tactics Master Instructor to get a replacement OC canister.

B. **Impact Weapons**: WDFW Officers shall be trained in the use of the collapsible baton. Upon completion of training, officers may carry the collapsible baton during the course of their duties.

1. Carrying the Baton

- a. The baton may be carried on either side of the gun belt. It shall be carried in such a way as to not hamper the drawing of the firearm or other tools.

2. Use of Baton

- a. Officers shall attempt to target large muscle groups/joints and shall not intentionally strike vital areas, including the head, neck, face, throat, spine, groin, or kidney unless deadly force is authorized.
- b. Officers shall not use an impact weapon to intimidate a person when an impact weapon warning is not justified by the threat presented.
- c. Officers shall reassess the effectiveness of impact weapon strikes as soon as safe and feasible, and if it is not effective, move to another appropriate target or to another tactical or physical force option.
- d. Use of the baton, if deployed as an impact weapon, is considered use of force. The supervisor shall be notified as soon as possible, and the use of force will be documented in a law incident report and a Blue Team Use of Force entry.