



DuPont Police Department Use of Force policy

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PURPOSE

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

Officer's may use force when **NECESSARY** and shall use only that force which is **REASONABLE**. Any force used must be proportionally aligned with a subject's actions, based on the totality of circumstances. All force applications shall be in conformity with the statutes and the Constitution of the United States and the State of Washington. All commissioned DuPont Police employees are authorized to use force as defined by RCW 9A.16.020.

Definitions

- (1) **Chokehold**: the intentional application of direct pressure to a person's trachea or windpipe for the purpose of restricting another person's airway. (RCW 10.116.020).
- (2) **Compression asphyxia**: an inadequate oxygen level in the blood and/or an excessive increase of carbon dioxide in the blood causing unconsciousness or death brought on by mechanically limiting expansion of the lungs through compressing of the chest and/or abdomen, interfering with breathing.
- (3) **Deadly force**: the intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury. (RCW 9A.16.010).
- (4) **De-escalation tactics**: actions used by a peace officer that are intended to minimize the likelihood of the need to use force during an incident. (RCW 10.120.010 [2022 c 4 §2]). Using physical force is not a de-escalation tactic. De-escalation tactics are detailed in the section "De-escalation".
- (5) **Feasible**: reasonably capable of being done or carried out to achieve the arrest or lawful objective without increasing risk of harm to the officer or another person.
- (6) **Flight**: an act or instance of running away in an effort to leave and intentionally evade law enforcement.
- (7) **Immediate threat of serious bodily injury or death**: based on the totality of the circumstances, it is objectively reasonable to believe that a person has the present and apparent ability, opportunity, and intent to immediately cause death or serious body injury to the peace officer or another person. (RCW 10.120.020 [2022 c 80 §3]).
- (8) **Law enforcement agency** includes any "general authority Washington law enforcement agency" and any "limited authority Washington law enforcement agency" as defined by RCW 10.93.020.
- (9) **Less lethal alternatives**: include, but are not limited to, verbal warnings, de-escalation tactics, conducted energy weapons, devices that deploy oleoresin capsicum, batons, and beanbag rounds. (RCW 10.120.010).

- (10) **Necessary:** under the totality of the circumstances, a reasonably effective alternative to the use of physical force or deadly force does not appear to exist, and the type and amount of physical force or deadly force used is a reasonable and proportional response to affect the legal purpose intended or to protect against the threat posed to the officer or others. (RCW 10.120.010 c 80 §2).
- (11) **Neck restraint:** any vascular compression or similar restraint, hold, or other tactic in which pressure is applied to the neck for the purpose of constricting blood flow. (RCW 10.116.020).
- (12) **Peace Officer:** includes any “general authority Washington peace officer,” “limited authority Washington peace officer,” and “specially commissioned Washington peace officer” as those terms are defined in RCW 10.93.020. Peace officers are referred to as Officers in this policy.
- (13) **Physical force:** any act reasonably likely to cause physical pain or injury or any other act exerted upon a person’s body to compel, control, constrain, or restrain the person’s movement. Physical force does not include pat-downs, incidental touching, verbal commands, or compliant handcuffing where there is no physical pain or injury. (RCW 10.120.010).
- (14) **Projectile Impact Weapon:** a less lethal weapon that fires projectiles such as 40mm sponge or foam rounds, Pepper-Ball or similar projectile, blast balls or bean bags designed to temporarily incapacitate a person.
- (15) **Positional asphyxia:** an inadequate oxygen level in the blood and/or an excessive increase of carbon dioxide in the blood causing unconsciousness or death brought on by a person being placed in a body position which compresses their airway and does not allow them to breathe freely.
- (16) **Tear gas:** Chloroacetophenone (CN), O-chlorobenzylidene malononitrile (CS), and any similar chemical irritant dispersed in the air for the purpose of producing temporary physical discomfort or permanent injury. “Tear gas” does not include oleoresin capsicum (OC). (RCW 10.116.030).
- (17) **Totality of the circumstances:** all facts known to the officer leading up to, and at the time of, the use of force, and includes the actions of the person against whom the officer uses such force, and the actions of the officer. (RCW 10.120.010).
- (18) **Wrongdoing:** conduct that is contrary to law or contrary to the policies of the witnessing officer's agency, provided that the conduct is not de minimis or technical in nature. (RCW 10.93.190).

Considerations Governing All Uses of Physical Force

It is the fundamental duty of law enforcement to preserve and protect all human life. (RCW 10.120.010). The lawful and proper use of force is essential to ensure impartial policing and build trust in the community.

Officers shall use only that 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. All officer's shall employ critical decision making when responding to a call for service, including consideration of available facts prior to contact, requesting additional resources as needed, tactical assessment of the situation when on scene, identify options for resolution, and continually review and reassess.

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 it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions 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 and proportional to the threat to the officer or another.

There are instances, however rare, where an Officer may find themselves in a dire, violent "fight for their life" or for the life of another. The Department recognizes, in such extreme situations, Officers may have to deviate from prescribed training when all other available tactics, techniques, and training are unavailable based on the totality of circumstances, and when there is absolutely no other means of defense. Such situations should only be considered when all other available options have been exhausted, and any other action is ineffective, or would present a greater danger to the Officer, or others, and the Officer reasonably believes the need to control the individual outweighs the risk of applying a defensive tactic that is not outlined in policy. This does not remove the Officer from the legal responsibility of applying reasonable and proportionate force, based on the totality of circumstances.

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.

DUTY INTERCEDE, DE-ESCALATE, IMMEDIATELY INTERVENE, AND REPORT

De-escalation shall be used at every available opportunity. The care for those in our custody, no matter the reason, is both our mandated legal and ethical responsibility. Furthermore, the instant an uncooperative subject is safely restrained, or compliance is gained, any force should be immediately reassessed and reduced, if not fully ceased. All officers have a **DUTY TO IMMEDIATELY INTERVENE**, and a **DUTY TO REPORT**, if they suspect any deviation from this policy, or if there is a mere appearance of excessive use of force or a lack of care of those in our custody is occurring or has occurred.

Any identifiable on-duty officer who witnesses another officer engaging or attempting to engage in the use of excessive force against another person shall intervene when in a position to do so to end the use of excessive force or attempted use of excessive force, or to prevent the further use of excessive force. Any identifiable on-duty officer who witnesses any wrongdoing committed by another officer or has a good faith reasonable belief that another peace officer committed wrongdoing, shall report such wrongdoing to the witnessing officer's supervisor or other supervisory officer. (RCW 10.93.190).

Any officer present and observing another officer using force clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force exceeding the degree of force permitted by law should promptly report these observations to a supervisor.

Duty to De-Escalate

When possible, officers shall use all available and appropriate de-escalation tactics prior to using physical force. (RCW 10.120.020 [2022 c 4 §3]). This policy does not prevent an officer from lawfully using force when de-escalation tactics are not available or appropriate.

- (1) Depending on the circumstances, officers have a number of de-escalation tactics to choose from, which include but are not limited to:
 - (a) Employing tactical positioning and repositioning to maintain the benefit of distance and cover, such as backing away from the person to re-assess and determine which tactics to use;
 - (b) Placing barriers or using existing structures to provide a shield or other protection between officers and a person;
 - (c) Attempting to slow down or stabilize the situation to allow for the consideration and arrival of additional resources that may increase the likelihood of a safe resolution;

- (d) Requesting and using available support and resources, such as a crisis intervention team, a designated crisis responder, other behavioral health providers, or back-up officers, including more experienced officers or supervisors;
- (e) Using clear instructions and verbal persuasion;
- (f) Employing verbal and non-verbal communication techniques to calm a person (such as, speaking slowly, regulating tone and body language, uncrossing one's arms, minimizing hand gestures, and reducing bright, flashing lights and sirens);
- (g) Attempting to communicate in non-verbal ways when verbal instructions would be inadequate (such as when the person and officer speak different languages, or the person is unable to hear or understand instructions);
- (h) Communicating in a way that demonstrates respect for people's dignity (such as, clearly explaining the officer's actions and expectations; listening to the person's questions and concerns and responding respectfully; and being neutral and fair when making decisions);
- (i) When there are multiple officers, designating one officer to communicate in order to avoid competing or confusing commands; or
- (j) Exhibiting patience while using all available and appropriate tactics and resources to provide as much time as needed to resolve the incident without using physical force.

Reasonable Care

Duty to Use Reasonable Care

Officer's shall exercise reasonable care when determining whether to use physical force or deadly force, and if necessary, the appropriate and least amount of physical force possible to effect a lawful purpose. (RCW 10.120.020).

Community Caretaking Functions

Officer's shall provide a community caretaking function as part of its regular duties to the extent such function does not interfere with law enforcement or public safety duties. In response to a community caretaking event, officer's shall use reasonable care in determining the appropriate and least amount of physical force to execute those functions. Incidental touching, which may occur in the course of community caretaking, is not defined as physical force. (RCW 10.120.020 [2022 c 4 §3]).

Reasonable care means that the officer shall:

- (1) When possible, use all available and appropriate de-escalation tactics before using physical force. (RCW 10.120.010 [2022 c 4 §3].
- (2) Consider the characteristics and conditions of a person for the purposes of determining whether to use physical force or deadly force against that person and, if physical force is necessary, determine the appropriate and least amount of physical force possible to effect a lawful purpose. Such characteristics and conditions may include, for example, whether the person:
 - (a) Is visibly pregnant, or states that they are pregnant;
 - (b) Is known to be a minor, objectively appears to be a minor, or states that they are a minor;
 - (c) Is known to be a vulnerable adult, or objectively appears to be a vulnerable adult as defined by RCW 74.34.020;
 - (d) Displays signs of mental, behavioral, intellectual, developmental, or physical impairments or disabilities;
 - (e) Is experiencing perceptual or cognitive impairments typically related to the use of alcohol, narcotics, hallucinogens, or other drugs;
 - (f) Is suicidal;
 - (g) Has limited English proficiency; or
 - (h) Is in the presence of children. (RCW 10.120.020).
- (3) Terminate the use of physical force as soon as the necessity for such force ends. (RCW 10.120.020).

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

Officer's shall Use Only the Least Amount of Force Necessary to Safely Achieve a Legitimate Law Enforcement Objective Under the Circumstances. (RCW 10.120.020).

- (1) For physical force to be necessary, a reasonably effective alternative does not appear to exist, and the use of force must be a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the officer or others.
 - (a) Reasonableness shall be evaluated based on the totality of circumstances known to the officer leading up to, and at the time of, the use of physical force, including the immediacy of the threat, the actions of the person against whom force is used, the actions of the officer, and

the seriousness of the law enforcement purpose. Determining whether physical force is reasonable includes assessing whether the officer made tactical decisions to minimize unnecessary risk to themselves and others, used all available and appropriate de-escalation tactics when possible prior to using physical force and exercised reasonable care when using physical force.

- (b) 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 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.
- (c) Proportionality shall be evaluated based on whether the use of physical force corresponds to the immediacy and severity of the threat or resistance the officer encounters at the time force is applied, as well as the seriousness of the law enforcement objective that is being served. The threat or resistance may change over the course of the incident. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be proportional.

(2) **Use of Physical Force Must Be for a Lawful Purpose.** An officer may use physical force against a person to the extent necessary to:

- (a) Protect against an imminent threat of bodily injury to the officer, another person, or the person against whom physical force is being used (RCW 10.120.020);
- (b) Protect against a criminal offense when there is probable cause that the person has committed, is committing, or is about to commit the offense (RCW 10.120.020 [2022 c 80 §3]);
- (c) Effect an arrest (RCW 10.120.020);
- (d) Take a person into custody when authorized or directed by statute (RCW 10.120.020 [2022 c 80 §3]);
- (e) Prevent an escape as defined under chapter 9A.76 RCW (RCW 10.120.020);
- (f) Prevent a person from fleeing or stop a person who is actively fleeing a lawful temporary investigative detention, provided that the person has been given notice that he or she is being detained and is not free to leave (RCW 10.120.020 [2022 c 80 §3]);

- (g) Take a person into custody, transport a person for evaluation or treatment, or provide other assistance under chapter 10.77, 71.05, or 71.34 RCW (RCW 10.120.020 [2022 c 4 §3]);
- (h) Take a minor into protective custody when authorized or directed by statute (RCW 10.120.020 [2022 c 4 §3]);
- (i) Execute or enforce a court order authorizing or directing an officer to take a person into custody (RCW 10.120.020 [2022 c 4 §3]);
- (j) Execute a search warrant (RCW 10.120.020 [2022 c 4 §3]);
- (k) Execute or enforce an oral directive issued by a judicial officer in the courtroom or a written order where the court expressly authorizes an officer to use physical force to execute or enforce the directive or order (RCW 10.120.020 [2022 c 4 §3]); or
- (l) Execute any other community caretaking function, including but not limited to performing welfare checks, assisting other first responders and medical professionals, behavioral health professionals, social service providers, designated crisis responders, shelter or housing providers, or any member of the public (RCW 10.120.020 [2022 c 4 §3]).

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

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

- (1) Identify themselves as law enforcement officers;
- (2) Attempt to determine whether the person has a special need, mental condition, physical limitation, developmental disability, language barrier, or other factor that may impact their ability to understand and comply with officer commands;
- (3) Provide clear instructions and warnings;
- (4) Warn a person that physical force will be used unless their resistance ceases; and
- (5) Give the person a reasonable opportunity to comply with the warning that physical force may be used.

Use of Chokeholds and Neck Restraints Prohibited

A peace officer may not use a chokehold or neck restraint on another person in the course of his or her duties as a peace officer. (RCW 10.116.020).¹

¹ As of July 1, 2022, the Attorney General's Office is in the process of drafting a formal opinion on this subject in response to a request from legislators. The question is whether RCW 10.120.020 (3) effectively authorizes a law

First Aid

Officer's must provide or facilitate first aid such that it is rendered at the earliest safe opportunity to injured persons at a scene controlled by law enforcement. (RCW 36.28A.445).

- (1) Injured persons and restrained persons shall be monitored while in custody.
- (2) Consistent with training, officers shall take the following actions to reduce the risk of positional asphyxiation and compression asphyxiation:
 - (a) As soon as safe and feasible after handcuffing or otherwise restraining a person taken to the ground, roll the person to the side and move them to an upright position that does not impede the mechanism of normal breathing, except if they are unconscious. This requirement is especially important when the person is handcuffed in the prone position.
 - (i) Exception: If the person is conscious and expresses a desire to be placed in a different position, the officers shall place them in that position unless doing so poses a substantial risk of safety to the individual, officers, or others.
 - (b) Do not put prolonged pressure on the chest, neck or back, including by sitting, kneeling, or standing.
 - (c) Continuously monitor the person's condition while being restrained, as death can occur suddenly and develop beyond the point of viable resuscitation within seconds.
 - (d) If safe, feasible, and number of officers on scene allows, the ranking officer may designate a "Safety Officer." The Safety Officer shall monitor the health and welfare of the person until:
 - (i) Responsibility is transferred to a health care professional (e.g., EMT, paramedic); or
 - (ii) The person is placed in a seated position in a transport vehicle and verbalizes to the Safety Officer that they feel okay, and the person appears to the Safety Officer to be well and speaking normally.
 - (e) If the Safety Officer becomes aware of an issue with the person's breathing, color, or any impairment, they shall inform the ranking officer.
 - (f) Do not transport a restrained person in the prone position.

enforcement officer to use a chokehold or neck restraint "to protect his or her life or the life of another person from an imminent threat" despite the specific prohibition of such tactics in RCW 10.116.020. Once finalized later in 2022, the opinion will be published online at: <https://www.atg.wa.gov/ago-opinions/year/2022>.

- (3) Officers must provide or facilitate first aid specific to particular force tools.

Proportional Use of Force

An Officer's use of force must be proportionally aligned with the subjects actions. Proportional alignment of force to action must also consider the **characteristics and conditions of the subject** for the purposes of determining the appropriate and least amount of force necessary.

Real life scenarios are fluid, involving multiple variables, many of which are not under an officer's control. **Circumstances should dictate response, even as circumstances change.** Officers are not required to exhaust one type of force before moving to greater force.

When necessary, an officer may use cooperative control techniques on a subject that is complying with lawful commands. These techniques include verbal commands, search techniques, handcuffing techniques, escort techniques and arrest tactics. Incidental physical contact with a subject using these techniques is not "physical force" where there is no physical pain or injury. (RCW 10.120.010).

- (1) **Passive and Active Resistance:** a subject that is passively or actively resisting lawful commands, e.g., failing to respond to commands or actively using physical effort or mechanical resistance in achieving or maintaining resistance.
 - (a) **Control and Compliance Techniques:** The force options proportional for a subject that is passively or actively resisting a lawful command are generally not intended to and have a low probability of causing injury but may cause momentary discomfort or pain. Depending on the circumstances, including the characteristics and conditions of the person, control and compliance force options may include:
 - (i) Contact controls (e.g., push back, escort, lift, carry);
 - (ii) Control holds (e.g., wrist locks, joint manipulation);
 - (iii) Open hand/neuro-muscular control techniques;
 - (iv) Takedown techniques;
 - (v) Restraint devices;
 - (vi) Leverage tools;
 - (vii) **OC Spray or ECT may be a proportional force option if reasonable under the totality of circumstance**
 - (b) **Pain Compliance Techniques:** Pain compliance techniques may be effective in controlling a passively or actively resisting subject. 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: (1) The degree to which the application of the technique may be controlled given the level of resistance; (2) Whether the person can comply with the direction or orders of the officer; (3) Whether the person has been given sufficient opportunity to comply. The application of any pain compliance technique shall be discontinued once the officer determines compliance has been achieved.

(c) **After Action - Officer Responsibilities**

- (i) Must render necessary medical assistance as soon as can be safely accomplished;
- (ii) Initiate Post Application procedures, if necessary;
- (iii) Notify immediate Supervisor;
- (iv) Refer to actions in the Incident Report Narrative;
- (v) Look for, identify, and document all visible injuries;
- (vi) Inquire of and document complaints of non-visible injuries.
- (vii) Fill out Use of Force report.

(d) **After Action – Supervisor Responsibilities**

- (i) If injuries result, respond to the scene;
- (ii) Investigate and review the use of force incident;
- (iii) Review Use of Force report and complete an administrative report on investigative findings.

- (2) **Assaultive:** Non-compliance with lawful commands or other actions on the part of a subject that, under the totality of the circumstances, indicate the subject is threatening imminent assault upon the officer or another, or actively assaulting an officer or another where the scope and severity of the attack would support the reasonable assumption that the actions would not result in death or serious bodily injury.

- (a) **Defensive Tactics:** The force options proportional for an assaultive subject pose a foreseeable risk of significant injury or harm but is neither likely nor intended to cause death. Defensive tactics force options include:

- (i) All control and compliance techniques

- (ii) Oleoresin Capsicum (OC) spray;
- (iii) Electronic control tools;
- (iv) Projectile Impact Weapons;
- (v) Impact weapon strikes (except impact weapon strikes to the head, neck, throat, or spine);
- (vi) Unarmed striking and grappling techniques.

(b) After Action - Officer Responsibilities

- (i) Must render necessary medical assistance as soon as can be safely accomplished;
- (ii) Initiate Post Application procedures, if necessary;
- (iii) Notify immediate Supervisor;
- (iv) Refer to actions in the Incident Report Narrative;
- (v) Look for, identify, and document all visible injuries;
- (vi) Inquire of and document complaints of non-visible injuries.
- (vii) Fill out Use of Force report
- (viii) **Defensive Tactics, other than OC Spray and ECT, used against an animal shall be considered a reportable use of force.**

(c) After Action – Supervisor Responsibilities

- (i) Respond to the scene;
- (ii) Investigate and review the use of force incident;
- (iii) Report findings in an administrative report and forward through chain of command along with the Use of Force Report.

- (3) **Threat of Serious Injury or Death:** An officer may use deadly force against another person only when necessary to protect against an immediate threat of serious physical injury or death to the officer or another person. (RCW 10.120.020). Officers shall not use deadly force against subjects 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.

- (a) **Deadly Force:** the force option proportional to an immediate threat of physical injury or death to the officer or another is the intentional application of force through the use of firearms or any other means

reasonably likely to cause death or serious physical injury. Deadly or Lethal force does not include force that is not likely to cause death or serious bodily injury but unexpectedly results in such.

- (b) When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify themselves as an officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.
- (c) When an Officer is pursuing a fleeing suspect, they may use deadly force only to prevent escape if the Officer has probable cause to believe that the suspect poses an imminent threat of death or serious physical injury to the Officer or others.
- (d) When possible an officer shall use available and appropriate less lethal alternatives.
- (e) Deadly force options include:
 - (i) Impact weapon strikes to the head, neck, throat, or spine.
 - (ii) Striking a person's head onto a hard, fixed object.
 - (iii) Discharge of a firearm loaded with lethal ammunition at a person.
 - (iv) Intentionally striking with a vehicle a person who is not inside a vehicle.

(b) After Action – Officer Responsibilities

- (i) Must render necessary medical assistance as soon as can be safely accomplished;
- (ii) Notify immediate Supervisor;
- (iii) Refer to actions in the Incident Report Narrative;
- (iv) Look for, identify, and document all visible injuries;
- (v) Inquire of and document complaints of non-visible injuries.

(c) After Action – Supervisor Responsibilities

- (i) Respond to the scene;
- (ii) Notify the Chief of Police;
- (iii) The Supervisor shall be responsible for completing the UF Report and forwarding through the employee's chain of command for review when deadly force was used against a person or an animal.

(d) After Action – Chain of Command Responsibilities

- (i) Review Use of Force Report;

- (ii) Make comments if necessary.
- (iii) Notify the Mayor, City Administrator, and the City Attorney.

Select Less Lethal Force Tools

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

Oleoresin Capsicum (OC) Spray

- (1) OC is an inflammatory agent that causes an intense burning sensation of the eyes, nose, mouth, and skin, which may result in closing, tearing, and swelling of the eyes, as well as choking, gagging, and gasping for breath.
- (2) After the initial application of OC spray, each subsequent application must also be justified.
- (3) OC spray is not appropriate in an enclosed, highly populated space where there is a likelihood of impacting uninvolved persons, except where OC spray is the only available and appropriate force option. Officers deploying OC will attempt to avoid or minimize incidental exposure to non-involved persons.

Impact Weapons

- (1) Officers shall not intentionally use impact weapons (e.g., baton) to strike vital areas, including the head, neck, face, throat, spine, groin, or kidney unless deadly force is authorized.
- (2) Officers shall reassess the effectiveness of impact weapon strikes as soon as safe and feasible, and if not effective, move to another appropriate target or to another force option.

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

- (1) A Projectile Impact Weapon (PIW) fires less-lethal ammunition and is designed to stun, temporarily incapacitate, or cause temporary discomfort to a person without penetrating the person's body.
- (2) Officers must be trained to use a PIW before deploying one during the course of law enforcement operations.
- (3) When safe and feasible, an officer about to discharge a PIW should advise other officers at the scene prior to the discharge.

- (4) An officer should target the buttocks, thigh, calf, and large muscle groups.
- (5) Officers deploying a PIW shall assess the effectiveness of the PIW after each shot. If subsequent PIW rounds are needed, officers should consider aiming at a different targeted area.
- (6) Restricted Uses. The PIW should not be used in the following circumstances unless the use of deadly force is justified:
 - (a) Intentionally aiming a PIW at the head, neck, chest, or groin unless deadly force is authorized.
 - (b) At a person who is situated on an elevated surface (e.g., a ledge, scaffold, near a precipice, etc.) unless reasonable efforts have been made to prevent or minimize a fall-related injury (e.g., deploying a safety net).

Electronic Control Tools

- (1) An electronic control tool (ECT) is a portable device that fires darts/electrodes that transmit an electrical charge or current intended to temporarily immobilize a person.
- (2) Issuance and Carrying an ECT:
 - (a) An approved ECT may only be used by officers who have been certified in its use and are recertified on a yearly basis.
 - (b) Officers issued an ECT are expected to carry them as a less lethal option.
 - (c) When consistent with training, officers carrying an ECT will perform a function check on the weapon and check remaining battery life prior to every shift. Officers should report any malfunction to supervisor or other appropriate personnel.
- (3) Standards of Use:
 - (a) Officers should not hold an ECT and firearm simultaneously unless exigent circumstances exist.
 - (b) Officers should target areas that do not include the head, neck, chest, or genitals.
 - (c) Officers should not intentionally deploy multiple ECTs at the same person, unless the first deployed weapon clearly fails.
 - (d) Officers should be aware that the primary use of an ECT is not as a pain compliance tool.

- (e) Officers should be aware that multiple applications of the ECT increase the risk of serious bodily injury or death.
 - (f) An ECT shall be used for one standard discharge cycle of five seconds or less, after which the officer shall reassess the situation. An officer shall use only the minimum number of cycles necessary to control the person.
 - (g) Officers will assume that if they have used an ECT three times against a person and the person continues to aggress, the ECT may not be effective against that person and the officer shall consider other options.
 - (h) Officers must be able to clearly articulate and document the justification for each individual application of the ECT.
- (4) Restricted Uses. An ECT should not be used in the following circumstances:
- (a) On a person who is fleeing the scene, absent other factors.
 - (b) On a person who is handcuffed or otherwise restrained unless deadly force is authorized.
 - (c) On a person who is situated on an elevated surface (e.g., a ledge, scaffold, near a precipice, etc.) unless reasonable efforts have been made to prevent or minimize a fall-related injury (e.g., deploying a safety net).
 - (d) On an operator in physical control of a vehicle in motion, including automobiles, trucks, motorcycles, ATVs, bicycles, and scooters unless deadly force is authorized.
 - (e) In any environment where an officer knows or has reason to believe that a potentially flammable, volatile, or explosive material is present that might be ignited by an open spark, including but not limited to OC spray with a volatile propellant, gasoline, natural gas, or propane.

Firearms

- (1) A firearm is a weapon with lethal ammunition carried by an officer that meets the firearm specifications of the DuPont Police Department or that has been authorized as a specialty firearm.
- (2) Officers are only permitted to discharge a firearm at a person in situations where deadly force is authorized.
- (3) Pointing and Drawing a Firearm:
 - (a) Officers should only point a firearm at a person when deadly force is authorized.

- (b) Officers should only draw a firearm in the low ready position (i.e., unholstered but out of the officer's visual field) when the officer makes reasonable observations based on the totality of the circumstances that the situation may evolve to the point where deadly force would be authorized.
 - (c) When it is determined that the use of deadly force is not necessary, officers should, as soon as safe and feasible, lower, holster, or secure their firearm.
 - (d) Pointing a firearm at a person is a reportable use of force and its justification and circumstances shall be documented in accordance with procedures set by the statewide use of force data collection program. (RCW 10.118.030).
- (4) When feasible, officers shall give a verbal warning that a firearm will be discharged.
- (5) Prior to the decision to use a firearm, officers should consider field of fire, backdrop, bystanders, and other risks to life.
- (6) Restricted Uses:
 - (a) Officers shall not use firearms as impact weapons except when deadly force is permitted
 - (b) Discharging a Firearm at or from a Moving Vehicle:
 - (i) Officers may not fire a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious physical harm resulting from the operator's or a passenger's use of a deadly weapon. A vehicle is not considered a deadly weapon unless the operator is using the vehicle as a deadly weapon and no other reasonable means to avoid potential serious harm are immediately available to the officer. (RCW 10.116.060).
 - (ii) When feasible, officers shall attempt to move out of the path of a moving vehicle rather than discharge their weapon at the operator.
 - (iii) Officers shall not shoot at any part of a vehicle in an attempt to disable the vehicle.
 - (iv) Officers shall not discharge a firearm from a moving vehicle unless a person is immediately threatening the officer or another person with deadly force.
- (7) Prohibited Uses. Officers shall not use a firearm in the following circumstances:
 - (a) Firing a "warning shot."

- (b) 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.

Training

All officers and supervisors shall receive training consistent with this policy at least annually.