

USE of FORCE

PHILOSOPHY: Federal Way police and transport officers believe in the sanctity of all human life.

The Federal Way Police Department strives to deliver police services as efficiently and unobtrusively as possible with minimal reliance upon the use of physical force or response to resistance. It is recognized that officers are expected to make split-second decisions and that the amount of time available to evaluate and respond to changing circumstances may impact an officer's decision. While various degrees of force exist, each officer is expected to use only that degree of force reasonable under the circumstances perceived by the officer at the time of the event to successfully accomplish the legitimate law enforcement purpose and bring the incident under control.

Federal Way police and transport officers use de-escalation whenever the people we deal with, the situational timing, and the totality of circumstances are amenable to it. The most effective de-escalation strategy, technique, or tool is voluntary compliance by the people officers deal with. Where there is no resistance, no government compulsion is required. Compliance, then, is our initial objective in all encounters.

Department members have a variety of methods to help accomplish our police mission while working in potentially dangerous circumstances. Federal Way police and transport officers are trained in, equipped for, and experienced in using non-lethal options. Nevertheless, no technique, tactic, or tool is effective every time, and no method influences all people the same way. Sometimes physical compulsion is necessary, and for that Federal Way officers are trained and equipped to respond with force.

4.1.1 Responding to Resistance

Principle – Authorization by Law

In 2021 and amended in 2022, the Washington legislature created a new statute regarding force by Washington peace officers, codified as RCW 10.120.020. We adopt that statute as policy for Federal Way officers.

Permissible uses of force.

- (1) **PHYSICAL FORCE.** Except as otherwise provided under this section, a peace officer may use physical force against a person to the extent necessary to:
 - a) Protect against a criminal offense when there is probable cause that the person has committed, is committing, or is about to commit the offense;
 - b) Effect an arrest;
 - c) Prevent an escape as defined under chapter 9A.76 RCW;
 - d) Take a person into custody, transport a person for evaluation or treatment, or provide other assistance under chapter 10.77, 71.05, or 71.34 RCW;
 - e) Take a minor into protective custody when authorized or directed by statute;
 - f) Execute or enforce a court order authorizing or directing a peace officer to take a person into custody;
 - g) Execute a search warrant;
 - h) Execute or enforce an oral directive issued by a judicial officer in the courtroom or a written order where the court expressly authorizes a peace officer to use physical force to execute or enforce the directive or order; or
 - i) Prevent a person from fleeing or stop a person who is actively fleeing a lawful temporary investigative detention, provided that the person has been given notice that he or she is being detained and is not free to leave;

- j) Take a person into custody when authorized or directed by statute; or
- k) Protect against an imminent threat of bodily injury to the peace officer, another person, or the person against whom force is being used.

(2) DEADLY FORCE. Except as otherwise provided under this section, a peace 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.

For purposes of this subsection: "Immediate threat of serious physical injury or death" means that, 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.

(3) REASONABLE CARE. A peace officer shall use reasonable care when determining whether to use physical force or deadly force and when using any physical force or deadly force against another person. To that end, a peace officer shall:

- a) When possible, use all de-escalation tactics that are available and appropriate under the circumstances before using physical force;¹
- b) When using physical force, use the least amount² of physical force necessary to overcome resistance under the circumstances. This includes a consideration of the characteristics and conditions of a person for the purposes of determining whether to use force against that person and, if force is necessary, determining the appropriate and least amount of force possible to effect a lawful purpose. Such characteristics and conditions may include, for example, whether the person: Is visibly pregnant, or states that they are pregnant; is known to be a minor, objectively appears to be a minor, or states that they are a minor; is known to be a vulnerable adult, or objectively appears to be a vulnerable adult as defined in RCW 74.34.020; displays signs of mental, behavioral, or physical impairments or disabilities; is experiencing perceptual or cognitive impairments typically related to the use of alcohol, narcotics, hallucinogens, or other drugs; is suicidal; has limited English proficiency; or is in the presence of children;
- c) Terminate the use of physical force as soon as the necessity for such force ends;
- d) When possible, use less lethal alternatives that are available and appropriate under the circumstances before using deadly force; and
- e) Make less lethal alternatives issued to the officer reasonably available for his or her use.

(4) A peace officer may not use any force tactics prohibited by applicable departmental policy, this chapter, or otherwise by law, except to protect his or her life or the life of another person from an imminent threat.

(5) Nothing in this section:

- a) Limits or restricts 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;
- b) Prevents 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;

¹ Because the legislature added, "...that are available and appropriate under the circumstances..." we infer feasible is what they intended when they wrote, "possible." As used in the context of police dealing with an uncooperative person, the word "possible" means officers should try options that are feasible for the situation.

² The objective of any use of force by police is to overcome resistance. Therefore, two baseline assumptions regarding a theoretical "least amount" are:

- a) The least amount begins at something more than the resisting subject's effort (as required in this phrase: "...use the least amount of physical force necessary to overcome resistance under the circumstances"); and
- b) Any use of force that is less than an overcoming amount is less than the least and is not viable. It may not be reasonable care.

- c) Permits a peace officer to use physical force or deadly force in a manner or under such circumstances that would violate the United States Constitution or state Constitution; or
- d) Prevents a law enforcement agency or political subdivision of this state from adopting policies or standards with additional requirements for de-escalation and greater restrictions on the use of physical and deadly force than provided in this section.

Verbal Persuasion, Instructions, and Warnings

In situations where verbalization is feasible, in order to comply with the de-escalation tactics principle of designating one officer to communicate, the reasonable care principle of verbalization prior to using force is satisfied for all on-scene officers when one officer does the talking.

4.1.2 Definitions

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

1. **AGMUF** is the state Attorney General Model Use of Force Policy, published July 1, 2022.
2. **Chokehold** is defined in RCW 10.116.020: the intentional application of direct pressure to a person's trachea or windpipe for the purpose of restricting another person's airway.
3. **Conducted Energy Weapons (CEW)** and **Electronic Control Weapons (ECW)** are synonymous. These include the TASER.
4. **Deadly force**³ is defined in RCW 9A.16.010: the intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury.
5. **Deadly weapon** is defined in RCW 9A.04.110: means any explosive or loaded or unloaded firearm, and shall include any other weapon, device, instrument, article, or substance, including a "vehicle" as defined in this section, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or substantial bodily harm.⁴
6. **De-escalation** in policing includes everything a law enforcement agency does, and everything an individual LEO does, to gain compliance from the people we serve, protect, and deal with. De-escalation also includes physical techniques used by peace officers to restrain another person's escalating physical behavior, or to limit that person's ability to escalate. De-escalation is a broader term than "de-escalation tactics."
7. **De-escalation tactics**⁵ is defined in RCW 10.120.010(2): actions used by a peace officer that are intended to minimize the likelihood of the need to use force during an incident. Depending on the circumstances, "de-escalation tactics" may include, but are not limited to: Using clear instructions and verbal persuasion; attempting to slow down or stabilize the situation so that more time, options, and resources are available to resolve the incident; creating physical distance by employing tactical repositioning to maintain the benefit of time, distance, and cover; when there are multiple officers, designating one officer to communicate in order to avoid competing commands; requesting and using available support and resources, such as a crisis intervention team, a designated crisis responder or other behavioral health professional, or back-up officers.
8. **Excessive force** in the context of "wrongdoing" is defined in RCW 10.93.190(5)(a): force that exceeds the force permitted by law or policy of the witnessing officer's agency.
9. **Feasible** is defined in the AGMUF: 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.
10. **Flight** includes all physical efforts to evade and get away from a LEO, such as climbing, driving or riding in or on a vehicle, peddling, running, swimming, walking, etc.

³ For purposes of this policy, "deadly force" and "lethal force" mean the same thing

⁴ **RCW 10.116.060(3)** gives a conflicting perspective regarding vehicles: "... For the purposes of this subsection, 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." (Italics added.)

⁵ De-escalation tactics is a subset of the broader concept of de-escalation.

11. **Grenade** is defined in RCW 10.116.040(3)(b): any explosive grenade designed to injure or kill subjects, such as a fragmentation grenade or antitank grenade, or any incendiary grenade designed to produce intense heat or fire. "Grenade" does not include other nonexplosive grenades designed to temporarily incapacitate or disorient subjects without causing permanent injury, such as a stun grenade, sting grenade, smoke grenade, tear gas grenade, or blast ball.
12. **Immediate threat of serious bodily injury or death** is defined in RCW 10.120.020(2): 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.⁶

Neither the AGMUFPP nor RCW 10.120 define "ability," "opportunity," or "intent" as they relate to an "immediate threat of serious bodily injury or death." For purposes of this policy:

- a) **Ability** refers to the *means or mechanism* with which a person could cause harm to another person.
- b) **Opportunity** refers to *proximity* or *access* to potential victims.
- c) **Intent** is what a reasonable officer may *conclude* the person is about to do with the "ability," based on the existing "opportunity" and the existing circumstances.

13. **Incapacitate** means *unable* to act. To incapacitate is to render a person *incapable* of physical action.
14. **Injury** types are:⁷
 - a) **Bodily injury, physical injury, or bodily harm** means physical pain or injury, illness, or an impairment of physical condition;
 - b) **Great bodily harm** means bodily injury which creates a probability of death, or which causes significant serious permanent disfigurement, or which causes a significant permanent loss or impairment of the function of any bodily part or organ.
 - c) **Serious bodily injury** means the same as "substantial bodily harm."
 - d) **Serious physical harm** means the same as "substantial bodily harm."
 - e) **Serious physical injury** means the same as "substantial bodily harm."
 - f) **Substantial bodily harm** means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part.
15. **Law enforcement agency** is abbreviated as LEA and is defined in RCW 10.120.010(3): any "general authority Washington law enforcement agency" and any "limited authority Washington law enforcement agency" as those terms are defined in RCW 10.93.020.
16. **Law enforcement officer** is abbreviated as LEO. For purposes of this policy, **LEO, peace officer** and **police officer** mean the same thing: a duly appointed city, county, or state law enforcement officer. (See RCW 9A.04.110(15).)
17. **Less lethal alternatives** is defined in RCW 10.120.010(4): Less lethal alternatives include, but are not limited to, verbal warnings, de-escalation tactics, conducted energy weapons, devices that deploy oleoresin capicum, batons, and beanbag rounds.⁸
18. **Lethal situation** means there is an immediate threat of serious bodily injury or death to someone other than the perpetrator.
19. **Necessary** is defined in RCW 10.120.010(5): under the totality of the circumstances, a reasonably effective alternative to the use of physical force or deadly force does not appear to exist, and the type and amount of physical force or deadly force used is a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the officer or others.

⁶ Neither the AGMUFPP nor RCW 10.120 define "serious bodily injury" as it relates to responding with deadly force. We necessarily add clarity here. "Serious bodily injury" means the same as "substantial bodily harm" as defined in this section.

⁷ All of these terms are used in the RCWs associated with police use of force. Some of these are defined in RCW 9A.04.110(a-c). We clarified terms not defined by the legislature.

⁸ We prefer the term **non-lethal** to describe techniques, tactics and tools that are not designed and intended to be reasonably likely to cause death or serious physical injury. We acknowledge a remote possibility that, given unforeseeable variables, something severe may happen no matter the technique used. To be consistent with RCW 10.120, we accept the term "less lethal alternatives" as being synonymous with "non-lethal options."

20. **Neck restraint** is defined in RCW 10.116.020: 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.
21. **Non-lethal options** is synonymous with "less lethal alternatives." Non-lethal options include any effort to influence a subject's behavior change without causing fatalities or serious injuries. Non-lethal options include de-escalation, warnings, maneuver, positioning and repositioning, non-lethal weapons, and using substances that are not typically considered weapons, like water.⁹
22. **Non-lethal weapons** is a subset of non-lethal options. It includes oleoresin capicum, baton strikes, TASER, blunt force impact munitions, and more. A non-lethal weapon is any physical device that is designed and primarily intended to influence a resistant or potentially dangerous person to change their behavior toward compliance, while at the same time minimizing fatalities and limiting severe injuries.
23. **Peace officer** is defined by **RCW 10.120.010(6)**: "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; however, "peace officer" does not include any corrections officer or other employee of a jail, correctional, or detention facility, but does include any community corrections officer.
See also *law enforcement officer*.
24. **Physical force** is defined in RCW 10.120.010(7): 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.
25. **Probable cause**: facts and circumstances within the officer's knowledge are sufficient to warrant a prudent person to believe a suspect has committed or is committing a crime.
26. **Projectile Impact Weapon (PIW)** and **Impact Munitions System (IMS)** are synonymous. PIW is a non-lethal launcher that fires non-penetrating, blunt-force impact projectiles or other non-lethal munitions designed to encourage compliance without being reasonably likely to cause death or serious physical injury death. These munitions include but are not limited to: PepperBall, "sponge" rounds, OC, and bean bag rounds.
27. **Proportional force** considers the Graham factors and overcomes resistance without being excessive.¹⁰
28. **Reasonable Belief**: Facts, circumstances or knowledge presented to the officer are sufficient to justify a thought or feeling at the time the force was used.
29. **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. Factors to consider include, but are not limited to: the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation. (See *Graham v. Connor*, 490 U.S. 386 (1989).)
30. **Rifle** is defined in RCW 10.116.040(3, C): has the same meaning as provided under RCW 9.41.010, except "rifle" does not include: Any shotgun, as defined under RCW 9.41.010; any device designed or used to deploy less lethal munitions including, but not limited to, rubber, bean bag, soft nose, sponge, or other nonpenetrating impact rounds; or any less lethal equipment.
31. **Tear gas** is defined in RCW 10.116.030(4)(d): 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, except "tear gas" does not include oleoresin capicum (OC).
32. **Totality of the circumstances** is defined in RCW 10.120.010(8): 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.

⁹ Water may be used as an environmental deterrent (a nonlethal option) or for direct impact (a nonlethal weapon.)

¹⁰ Graham factors include the severity of the crime, any threat posed by the individual to the safety of officers or other people, and whether the individual is trying to flee or resist arrest. Proportional force does not mean it is the same type or amount as the subject's resistance. Proportional force is reasonable and it overcomes resistance. Overcoming resistance is a de-escalation tactic.

33. **Wrongdoing** is defined in RCW 10.93.190(5)(c): 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.

4.1.3 Additional Legal Authority

In addition to the above statutory authority (RCW 10.120.020), Federal Way officers are familiar with and abide by RCW 9A.16.020, RCW 9A.16.040, *Tennessee v. Garner*, 471 U.S. 1 (1985); and *Graham v Connor*, 490 U.S. 386 (1989).

- A. **RCW 9A.16.020:** Authorizes the use of force by officers and private citizens and states that, "The use, attempt, or offer to use force upon or toward the person of another is not unlawful in the following cases":

1. Whenever necessarily used by a public officer in the performance of a legal duty, or a person assisting the officer and acting under the officer's direction.

The law has not been reproduced in its entirety and all members of the Police Department should familiarize themselves with this law.

- B. In addition to **RCW 10.120.020(2)**, **RCW 9A.16.040** and ***Tennessee v. Garner*** identify when homicide or the use of deadly force is justifiable by peace officers. These state and federal laws describe circumstances under which an officer may consider the use of deadly force. We resolve conflicting principles, if any, by deferring to the guidance of RCW 10.120.020(2).

4.1.4 Chokehold or Neck Restraint Prohibited. (Adopting RCW 10.116.020.)

- (1) 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.¹¹
- (2) Any policies pertaining to the use of force adopted by law enforcement agencies must be consistent with this section.
- (3) For the purposes of this section:
 - (a) "Chokehold" means the intentional application of direct pressure to a person's trachea or windpipe for the purpose of restricting another person's airway.
 - (b) "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.

4.1.5 Firing a Weapon Upon a Moving Vehicle (Adopting RCW 10.116.060(3).)

A peace officer 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. For the purposes of this subsection, 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.

4.1.6 Other Force Concepts

Force is a broader term than "physical force." Force includes physical force, deadly force, and other acts of physical compulsion or control that don't meet the definition of physical force. **Force** includes, but is not limited to, any of the following when intentionally used by an officer on or toward another human being:

- Handcuffing,
- Physical strength (this includes holding, grabbing, tackling, and other take downs, but does not include mere touching),
- Counter-joint and pressure point techniques, and other pain compliance techniques,
- Physical strikes (blows), including strikes with an impact weapon, a blunt force launching weapon, or other device,
- Pointing a firearm directly at a person, and
- Any discharge of a weapon (OC, Conducted Electrical Weapon, firearm), regardless whether the subject was hit.

¹¹ RCW 10.120.020(4) apparently authorizes a life-or-death exception to the prohibition on neck restraints and other techniques. Because live- or-die moments justify deadly force and a non-lethal vascular neck restraint (VNR) is less injurious than shooting a person, a LEO may use a VNR to protect his or her life or the life of another person from an imminent threat of death or serious physical injury. Within a deadly force context, VNR is a life-saving de-escalation tactic.

All uses of force are attempts at changing human behavior. The amount and type of force that will be required is never completely apparent before force is used, nor is it universally applicable. Pain is highly subjective – what can be excruciating for one person may be only mildly irritating to another – and regardless of a person's perception of pain, pain can be tolerated (overridden) by sheer determination, or temporarily masked or blocked by ingested chemicals or other human factors.

Practice:

A. Force Factors: When determining whether or not to apply any level of force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration. In addition to the factors listed under **reasonable care** at MOS 4.1.1(3)(b), additional factors may include, but are not limited to:

1. The conduct of the individual being confronted (as reasonably perceived by the officer at the time).
2. Officer / subject factors (age, size, relative strength, skill level, injury/exhaustion, and number of officers vs. subjects)
3. Influence of drugs/alcohol (mental capacity).
4. Proximity of weapons
5. Availability of other options (what resources are reasonably available to the officer under the circumstances).
6. Seriousness of the suspected offense or reason for contact with the individual.
7. Training and experience of the officer.
8. Potential for injury to citizens, officers, and suspects.
9. Risk of escape.
10. Other exigent circumstances

B. Excessive Force: Any Police Department employee who witnesses a Federal Way officer, or an officer from another agency, use force that appears to be in violation of this standard report such use of force to a supervisor as soon as practical.

4.1.7 Authorized Discharge of Firearm

In addition to the instances when lethal force is authorized, officers may discharge a firearm in the following instances:

1. To kill an animal that is so seriously injured that humanity requires its removal from further suffering and no other disposition is practical. The officer must have prior approval from a supervisor.
2. When necessary to stop an animal that presents an imminent threat of injury to the officer or others.
3. To perform firearms training or qualifications at an approved shooting range or for lawful recreational purposes.

4.1.8 Warning Shots

Principle: Due to the extreme hazards warning shots pose to bystanders and citizens, warning shots are not authorized.

4.1.9 Non-Lethal Weapons

Principle: Officers are provided non-lethal weapons. Uniformed officers should always have two non-lethal weapons immediately accessible while conducting enforcement activities. Uniformed officers conducting administrative tasks within the Police Department facility will be exempt from the requirement to carry non-lethal weapons.

Practice:

- A. **Force:** Officers will attempt to apply physical force techniques instructed during defensive tactics training in situations requiring the use of physical force.
- B. **Use of OC:**
 - 1. OC will not be used against handcuffed suspects unless the suspect still presents a threat to the safety of officers, themselves, or others.
- C. **Impact Weapons:**
 - 1. Only an authorized baton shall be used as an impact weapon in most circumstances. In situations when an officer does not have immediate access to a baton and an impact weapon is the appropriate tool to use, other items immediately accessible to the officer may be used as impact weapons in the manner prescribed in this Standard.
 - 2. An impact weapon generally will not be used, as a weapon, against handcuffed or non-combative persons. However, an impact weapon may be used against a handcuffed combative person when the person is not under control, other force options are ineffective, and the officer reasonably believes the actions are necessary.
 - 3. An impact weapon can be used to intentionally deliver lethal force. Officers shall receive training in those targets and methods of application that are likely to cause death or serious bodily harm. Officers will not intentionally use an impact weapon to deliver lethal force, unless lethal force is authorized under standard 4.1.1(2).
- D. **Conducted Electrical Weapon (CEW):**
 - 1. CEW shall be positioned in a manner in which it shall be drawn with the non-dominate hand to avoid confusion with the service pistol.
 - 2. CEW should not be used against subjects that have been exposed to flammable liquids, to include alcohol-based pepper sprays.
 - 3. CEW should not be used against pregnant females (if pregnancy is known to the officer) or elderly subjects unless other options short of lethal force have failed or are inadvisable.
 - 4. CEW cartridges will not be discharged against a person who is handcuffed behind their back, unless the subject is attempting to escape and his/her escape would create an imminent threat to the public. A contact CEW application may be used to gain compliance of a handcuffed subject who remains combative.
- E. **K-9:** Refer to Standard 41.1.4 for practices regarding applying a K-9 as a use of force.
- F. **Projectile Impact Weapon (PIW), including 40mm launchers:** PIWs have the capability of discharging various types of non-lethal munitions. Officers that have completed an instruction course on the use of a PIW may deploy it in adherence to the restrictions listed below. Refresher training is required every two years for the officer to remain currently qualified to use the weapon.
 - 1. An officer to whom a PIW is assigned shall have the weapon accessible in their police vehicle during each work shift.
 - 2. When the PIW is not available (due to it being out for repair, etc.), the officer shall notify their supervisor at the start of the shift.

4.1.10 First Aid

Principle: Officers shall provide or facilitate first aid at the earliest safe opportunity.

- 1) All law enforcement personnel must provide or facilitate first aid such that it is rendered at the earliest safe opportunity to injured persons at a scene controlled by law enforcement.¹²

We adopt the Washington state Criminal Justice Training Commission First Aid Guidelines, shown below.¹³

Purpose: The Washington State Criminal Justice Training Commission (WSCJTC) is mandated by RCW 43.101.450(h) to develop First Aid Training and Guidelines. This training will prepare first responders to properly triage injuries and ensure that essential, lifesaving first aid is administered at the first safe opportunity to injured persons following a use of force incident, or any scene that is controlled by law enforcement.

These guidelines serve to clarify the expectations and requirements of first responders. This is essential to serving the community and building public trust.

RENDERING FIRST AID AT THE SCENE OF A POLICE USE OF FORCE INCIDENT

At the earliest safe opportunity, officers shall recognize and act with urgency to provide first aid and take life saving measures to preserve human life for all persons at the scene.

Officers shall:

1. Remove or control any human, environmental, and/or physical threats
 2. Request Emergency Medical Services
 3. If there are multiple injured parties at the scene, triage and treat those with the most urgent need for life-saving measures, including maintaining a pulse, controlling bleeding, and maintaining breathing.
 4. Provide appropriate first aid at the level of the officer's training until relieved by emergency medical personnel, a health care professional, or any other person on the scene with a higher level of skills and medical training
 5. Identify and utilize available medical resources, such as first aid kits, AEDs, tourniquets, etc.
 6. Utilize Personal Protective Equipment (PPE) to ensure the safety of everyone at the scene.
- (End of CJTC guidelines.)

Principle: Officers provide or facilitate aid specific to particular force tools. After these police tools are used, at the earliest safe opportunity officers do as directed below for that tool.

- a) **Oleoresin Capsicum** (OC or pepper) spray: an officer should mitigate the effects of the OC by flushing the person's eyes with clean water and ventilating with fresh air, if possible.
- b) **Electronic Control Weapon** (ECW or TASER): an officer should remove ECW probes, unless probes are in a sensitive area, such as the head, female breast, or groin. ECW probes should be handled as biohazard material (using aid gloves). Probes in sensitive areas should be removed by an EMT or other health care professional.
 1. Probes removed from a non-sensitive bodily area should be placed barb-first into the cartridge, the cartridge placed into the cartridge clip, and bagged in an aid glove, then discarded. (Submitting the cartridge into evidence is optional, after supervisory consultation.)
 2. If the probe is removed from a sensitive area as described above, the officer will enter the probe into evidence.
- c) **Canine Bite:** for any canine bite that punctures skin, an officer should provide aid and request an aid unit. After on-scene aid the subject should be treated at a hospital prior to booking.

¹² RCW 36.28A.445

¹³ WSCJTC First Aid Guidelines, accessed online and copied on 9/16/2022

4.1.11 Other Post-Use of Force Practices (Also CALEA 4.2.1)

Principle: The use of force or response to resistance may cause injury to citizens and/or officers. It is important to ensure that any injuries receive the appropriate medical care. In addition, the use of force or response to resistance must be justified and reasonable. The review of incidents involving the use of force or response to resistance allows the Police Department to ensure that force is being used appropriately and to identify organizational needs (training, equipment, etc....) in this area.

Practice: Whenever an officer uses the below listed force, the following practices shall apply:

- Any use of physical strength, skill, or pain compliance techniques that results in a visible injury or complaint of injury
- Any use of physical strikes (blows)
- Any use of a non-lethal weapon as identified in Standard 4.1.4.
- Any discharge of a firearm – except during departmental training or off-duty recreation.

A. Medical Assistance: Whenever there is a significant injury or loss of consciousness a medical response shall be requested immediately. If the person has received minor injuries or is complaining of injury, the officer shall offer to have medical aid respond for the subject.

B. Report to Supervisor: The officer shall report the incident to the on-duty patrol supervisor as soon as practical after the incident has been controlled.

1. A supervisor should respond to the scene to ensure that the proper practices are followed, evaluate the necessity for additional resources and/or investigation, and initiate the written report process.

C. Written Report: The involved officer's supervisor will be responsible for completing a Use of Force Review with the officer. The review will include a discussion and documentation of the events resulting in the use of force, the type of force used, the results of that force, and applicable Police Department written directives. The Use of Force Review form will be used to document the review session. The session shall occur and the form properly routed within ten (10) calendar days of the incident. *Refer also to Chapter 26 of this manual.*

1. Officers: All officers involved in an incident resulting in the use of force shall complete a supplement to the police report regarding their involvement in the incident.
2. Supervisors: A more thorough investigation into the use of force may be requested. Supervisors should collect the necessary information at the time of the incident to complete such an investigation.
 - a. A "Significant Incident" electronic mail will be prepared prior to the end of the shift in which the force was used. The "Significant Incident" shall include information regarding the incident, the nature of the force used, and a description of any injuries sustained. *Refer to Standard 12.1.2 to ensure that Command Notification is not necessary.*
 - b. A "Significant Incident" electronic mail is required for a firearm discharge that was used as the means to humanely dispatch a suffering animal. In this instance only a Discharge of a Firearm form would be completed and processed to document the occurrence. A Use of Force form will also be completed in every instance that a firearm was discharged toward a person (even if the person is not hit).

Practice: Use of Force or Response to Resistance Resulting in Serious Injury or Death (Also CALEA 4.2.4)

A. Incident Scene: All officers at the scene of an incident shall ensure the following practices are accomplished as soon as practical, although not necessarily in the order listed.

1. Call for aid/medics to initiate care for the injured.
2. Notify the police supervisor.

3. Initiate steps to attempt apprehension of the suspect(s).
4. Attempt to locate and identify any witnesses to the incident.
5. Protect the incident scene.

B. Involved Officer: Any officer involved in the use of force or response to resistance shall:

1. Provide a brief verbal synopsis of events to the supervisor to reasonably secure the scene and to initiate an investigation.
2. Limit further discussion about the incident.

C. Supervisor: The first supervisor to arrive on scene will assume primary responsibility for ensuring that the below described practices are followed. Additional supervisors may assist and if a commander or a CIS supervisor arrives on scene, he/she will assume responsibility.

1. Ensure that the practices outlined in this Standard are being accomplished.
2. Ensure for the care of all injured persons.
 - a. Assign an officer to remain with any employee or suspect who is being transported to the hospital for further medical attention.
3. At the scene, meet with the officer directly involved and obtain a brief verbal synopsis of events in order to reasonably secure the scene and to initiate an investigation. (Obtain a public safety statement.) The supervisor will also explain to the employee what practices will be followed.
4. Notify the on-duty Patrol Commander or follow the practices in *Standard 12.1.2* for appropriate Command Notification.
5. Relieve all directly involved officers of scene responsibilities as soon as possible and allow them to return to the station. Be sure to assign another, uninvolved employee to accompany the involved employee(s).
6. As soon as the scene is stabilized:
 - a. Officers will be directed to leave involved weapons in place, as is, for detectives. When scene circumstances allow (including community safety) weapons on the ground will be left on the ground for subsequent collection by the investigation team. This includes police weapons and all other weapons. Weapons attached to the officer will remain with that officer – officers will not be disarmed at the scene.
 - b. Assign a fellow officer to stay with the involved officer and maintain observation to ensure weapons are not modified from the condition they were in at the scene. If an involved officer is transported to the hospital, the accompanying officer will collect the involved officer's weapon(s) as evidence, note the condition of the weapon(s), and subsequently turn them over to detectives.
7. When it's time to collect weapons from involved officers the investigation team shall:
 - a. Take custody of the officer's involved weapon(s).
 - b. When the primary sidearm is collected from an officer, a supervisor shall immediately replace it with another weapon and fresh duty ammunition.
 - c. If a shoulder-fired weapon or backup handgun is collected by detectives that weapon (or one of similar type) will be returned to the officer before or when the officer returns to full police duties.
8. Determine whether the practices outlined in *Standard 22.2.4 – Line of Duty Death or Serious Injury* are necessary.

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9. For employees directly involved in a response to resistance that results in death or serious injury, allow them to consult with an attorney prior to being required to provide a more detailed oral or written statement about the use of deadly force. Such right to consult with a union representative or attorney shall not unduly delay the giving of a statement.
 10. Contact trained Peer Support personnel. Consider using them for managing and/or assisting with some of the processes outlined above. A list of all trained Peer Support personnel is maintained by the Office of the Chief.
- C. **Commander:** The patrol commander or CDO shall ensure the necessary notifications *per Standard 12.1.2* are accomplished. When necessary, the commander shall also ensure the practices outlined in Standard 22.2.4 are initiated. Additional responsibilities include:
1. When an officer-involved shooting occurs, a FWPd commander (or the commander's designee) will ensure an administrative round count is done with all FWPd officers who were in the immediate vicinity at the time shots were fired. The round count will include all magazines for all firearms that were present during the shooting. (Weapons that were not removed from a vehicle lock-up system during the shooting need not be included.) If an officer's round count does not match the label on the magazine, the officer will be treated as a shooting officer until or unless other evidence overcomes that assumption. For magazines without labels, the initial assumption is the magazine was loaded to the magazine's full capacity preceding the shooting.
 2. Respond to the scene, if necessary.
 3. After a directly involved officer arrives at the police station, meet with the officer and explain the processes that will occur. Ensure arrangements are underway for the employee to have legal representation, a companion officer until IIT detectives receive the involved officer for processing, peer support, and a ride home.
 4. Assess if additional (including off-duty) Peer Support personnel should be called in.
- E. **Other Post-Incident Practices:**
1. Investigations: Two separate investigations occur. A legal investigation ensures employees acted in a lawful manner; and an administrative review ensures employees acted within the written directives of the Police Department. The legal investigation takes precedence over the administrative review. Both may be investigated sequentially, or concurrently, to limit the involved employees' and others' exposure to repetitive investigation practices. *Refer to Chapter 52 of this Manual for additional information regarding the applicable investigations.*
 - a. Where the use of deadly force by an officer results in death, substantial bodily harm, or great bodily harm, an investigation shall be completed by an independent investigative team that is independent of the Federal Way Police Department and meets the independent investigations criteria of the Criminal Justice Training Commission (RCW 10.114.011; WAC 139-12-020; WAC 139-12-030).
 - b. An independent legal investigation of the involved officer's actions is done by an Independent Investigation Team (IIT). An IIT investigates when a person sustains substantial bodily harm, great bodily harm, or dies as a result of an officer-involved shooting or as a result of other actions by an officer.
 - I. The Independent Investigation Team (IIT) has primary jurisdiction for the investigation. Reference the VIIT Organization and Operational Manual for information regarding the public information and media release plan as well as the process training for investigators assigned to VIIT.
 - i. The control of the independent legal investigation into the officer's conduct during the incident is with IIT.
 - II. IIT is intended to assume responsibility for investigations of serious use of force incidents and refer the reports on the investigation to the prosecutorial entity to determine if the action was justified, or if there was criminal action such that criminal charges should be filed.
 - c. Regardless of where the incident occurs, the administrative investigation or review of each involved officer is
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controlled by the respective employing agency.

2. Turning Over the Scene and Responsibilities: When investigator(s) from the Independent Investigative Team arrive on scene, control of the scene is relinquished to them upon their request. The Federal Way Police Department has a duty to comply with the requests of the IIT. Once the scene has been relinquished, no member of the FWPD may participate in the investigation, with the exception of the use of specialized equipment that is necessary for the investigation and where no alternative exists. If there is any equipment of the Federal Way Police Department used in the investigation, steps must be taken to appropriately limit the role of FWPD personnel in facilitating the use of that equipment or their engagement in the investigation.
 - a. Typically, information about the independent investigation under the jurisdiction of an IIT may be shared with a member of the Federal Way Police Department.
 - b. The IIT has access to FWPD reports, evidence, and other information related to the incident, insofar as FWPD possesses such information or evidence. This includes but is not limited to voice or video recordings, body camera recordings, witness statements, and non-compelled officer reports.
3. Administrative Leave: Any employee directly involved in the use of force or response to resistance shall be placed on administrative leave. This leave shall be without loss of pay or benefits, pending the results of the investigations. Administrative leave or reassignment shall not be interpreted to imply or indicate that the officer acted improperly.
 - a. Availability: While on administrative leave the employee(s) work shift will be modified to a 4/10 schedule closely reflecting regular business hours. During the modified times the employee(s) shall remain available for official departmental interviews and statements regarding the incident. .
 - b. Return to Duty: After consulting with the employee (or the employee's guild representative) and psychologist, the Chief of Police may assign the employee to return to the employee's regular duty or to an administrative role for a period of time. The duration of an alternate assignment is at the discretion of the Chief.
4. Psychological Debriefing, Counseling and Support: Studies have shown that psychological trauma may occur when an officer is directly involved in the death or serious injury of another person. It is the goal of the Police Department to provide the necessary assistance to employees if they find themselves experiencing such a situation.
 - a. Individual Debriefing with Psychologist: The Deputy Chief(s) may arrange for employees directly involved in the use of force to attend a mandatory psychological debriefing as soon as practical after the occurrence.
 - i. Purpose: The purpose of this individual debriefing will be to allow the employee to express his/her feelings and to deal with the moral, ethical and/or psychological after effects of the incident. These sessions will be kept confidential, but the department will receive a suitability-for-duty status report.
 - c. Group Debriefing: A group debriefing for all persons involved in the incident may also be provided when necessary. Attendance at a group debriefing is mandatory, with the exception of the officer that is directly involved in the death or serious injury of another person.

4.2.1 Reporting Uses of Force

(Refer to Standard 4.1.5)

4.2.2 Written Use of Force Reports and Administrative Review

Principle: All Use of Force Reports will be forwarded to the Chief of Police *per Standard 4.1.5*. The Chief of Police or his/her designee will review Use of Force Reports to determine if there are any policy, training, weapon/equipment, or discipline issues that should be addressed on an individual or department-wide level.

Analysis: The Use of Force Reports will also be forwarded to the Professional Standards Unit to be included in ongoing analysis of the Department's use of force written directives and trends. The Professional Standards Unit shall prepare an annual analysis report

regarding the department's use of force incidents and practices.

The annual analysis report will be approved by the Chief of Police. The annual analysis will identify:

1. Date and time of incidents
2. Types of encounters resulting in the use of force
3. Trends or patterns related to race, age, and gender of subjects involved
4. Trends or patterns resulting in injury to any person including employees
5. Impact of findings on policies, practices, equipment, and training.

4.2.3 Administrative Leave or Operational Reassignment

(Refer to Standard 4.1.5)

Principle: The potential exists that any employee of the Federal Way Police Department could be involved in an incident causing death or serious physical injury to another while performing in an official capacity (e.g., a fatal traffic collision while operating a City vehicle on-duty). The department cannot ignore the possible impact such an incident could have upon the employee and/or the community.

Practice: While acting in an official capacity, if an employee's action(s) results in a death or serious physical injury they shall be placed on administrative leave or reassignment upon completion of the preliminary report and investigation of the incident. This leave shall be without loss of pay or benefits, pending the results of the investigation. Administrative leave or operational reassignment shall not be interpreted to imply or indicate the employee acted improperly.

The Chief of Police will decide upon the below-listed considerations based on information gathered regarding the employee's well-being and the type of incident.

- The employee may receive a psychological debriefing regarding the incident.
- A fitness for duty exam may become necessary and will be considered on a case by case basis.

For sworn personnel that have been involved in a use of force or response to resistance which results in serious injury or death *refer to Standard 4.1.5.*

4.2.4 Annual Analysis of Use of Force

Refer to Standard 4.2.2

4.2.5 Assault on Sworn Officer Review

Principle: Assaults on law enforcement officers are critical events that significantly impact the safety of public safety personnel.

Annually, the agency will conduct a review of all assaults on law enforcement officers to determine trends or patterns, with recommendations to enhance officer safety, revise policy, or address training issues.

4.3.1 Authorized Weapons and Ammunition

Principle: The Police Department recognizes that a police officer's performance with weapons may be directly connected to the type of weapon he/she uses. The Police Department also has a need to control the numbers and types of weapons deployed by its members in order to ensure proper training and maintenance of the weapons. Therefore, only weapons and ammunition meeting Federal Way Police Department authorized standards shall be used by officers in the performance of law enforcement responsibilities, both on and off duty. For purposes of this chapter, weapon types are:

- Semi-auto pistol with notch & post sights
- Semi-auto pistol with a lens/optical sight
- Revolver
- Semi-auto rifle
- Shotgun

Practice: Officers are issued no more than one pistol. Police officers are issued no more than one long gun. The SWAT Commander may issue additional weapons to current SWAT officers in order to fulfill their specialized assignments.

A. Authorized Weapons:

1. Non-Lethal: Reference the Authorized Weapons and Ammunition Table in the Appendix for a description of non-lethal authorized weapons.
2. Firearms: Reference the Authorized Weapons and Ammunition Table in the Appendix for a description of authorized firearms.
 - a. Primary Sidearm: An authorized primary handgun shall be carried by all general authority, commissioned police officers while on duty at all times, to include in the police facility. The primary sidearm shall be carried on the police officer's person and in service-ready condition with two extra loaded and labeled magazines while on duty.
 - i. Police officers not in uniform are not required to carry two extra loaded and labeled magazines while on duty, but are encouraged to carry at least one reload.
 - b. Secondary Sidearm: A second sidearm may be carried while on duty in addition to the police officer's primary sidearm. It is intended for self-defense of the police officer when his/her primary sidearm is unavailable or non-functional. A secondary sidearm must be carried in a concealed manner. Any police officer electing to carry a secondary sidearm shall first comply with the practices in *Section C of this Standard*.
 - c. Off-Duty Sidearms: General authority, commissioned police officers may elect to carry their primary sidearm or secondary sidearm while off duty. Any police officer electing to carry any other off duty sidearm shall first comply with the practices in *Section C of this Standard*.
 - i. If an officer elects to carry a sidearm, he/she must also carry the Police Department badge and his/her department identification at all times while armed in public. The weapon shall be concealed from view.
 - ii. A police officer is prohibited from carrying a sidearm off-duty when he/she has consumed alcoholic beverages.
 - d. Long Guns: A police officer in a uniformed assignment (excluding bicycle and motorcycle officers) shall carry a long gun in the police vehicle while on-duty. The general issue long gun is a patrol rifle (carbine). Officers have the option of carrying an authorized shotgun instead of or in addition to the patrol rifle.
 - e. Specialty Weapons: SWAT is authorized to use additional weapons.
 - f. Department employees who have no peace officer authority to make arrests are not authorized to carry or use a firearm while on duty, nor off duty under the color of Federal Way Police Department.
 - i. All non-sworn employees are prohibited from carrying and/or possessing firearms and/or dangerous weapons while on City property or while performing City business as outlined within the City of Federal Way Employee Guidelines. See *City of Federal Way Employee Guidelines section 10.8 for the full, detailed policy*.
 - g. Privately Owned Handguns and/or Long Guns: Refer to the Authorized Weapons and Ammunition Table for approved weapons. The Firearms Training Unit Commander (or designee) may approve additional makes and/or models (not calibers), other than what are listed within the Authorized Weapons and Ammunition Table. Please refer to item C. Approval Process, listed below.
 - h. FYPD adopts RCW 10.115.040(3) as policy: No member of the Federal Way Police Department will possess or use rifles of .50 caliber or greater, machine guns, armed helicopters, armed or armored drones, armed vessels, armed vehicles, armed aircraft, tanks, long-range acoustic hailing devices, rockets, rocket launchers, bayonets, grenades, missiles, directed energy systems, and electromagnetic spectrum weapons in the performance of any law enforcement function.

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- B. Authorized Ammunition:** Only ammunition approved and issued by the department shall be carried or used in a law enforcement function. Refer to the *Authorized Weapons and Ammunition Table in the Appendix* for a description of authorized firearms.
1. Off Duty: When carrying a sidearm under the authority granted by the Federal Way Police Department, only ammunition approved and issued by the department shall be carried or used in a sidearm.
- C. Approval Process:**
1. Agency-owned firearms go through a selection process. Each firearm is identified, inspected, and approved by a certified firearms instructor or armorer before the weapon goes into police service.
 2. Any police officer that wishes to carry a privately-owned firearm on-duty or off-duty under the color of a Federal Way police commission must complete all the practices listed below prior to carrying the weapon.
 - a. Written Authorization: The police officer must obtain written authorization from the Firearms Training Unit Commander (or designee). This written approval is retained for the duration of time the weapon is in FWPD service.
 - b. Inspection: The police officer shall permit a department armorer to inspect the weapon for safety and FWPD specifications.
 - c. Qualification: Qualify with the same type and caliber of weapon.
- D. Unsafe Firearm - Practices:** Maintaining authorized firearms in a safe and ready condition is the responsibility of the police officer authorized to carry/use that firearm. Whenever a police officer determines a firearm to be unsafe, they will immediately report the circumstances to a supervisor and the firearm will be removed from service.
- E. Weapon Security:** All authorized firearms shall be secured in the following manner.
1. Police Department Vehicles:
 - a. Long Guns: Whenever a long gun is carried in a Police Department vehicle the weapons shall be secured into a mounted gunlock system or secured in a location out of view and with a locking mechanism that allows the weapon to be locked to a fixed part of the vehicle - see below (item 5, *Security Specifications*) for specific requirements.
 - i. The primary storage location for issued long guns is the police officer's locker inside the police station. Lockers containing any weapons shall be locked at all times. Except for take home vehicles, issued long guns will not be stored in a Police vehicle when a police officer is off duty. Police officers will remove their long gun and other weapons from their police vehicle at the end of each work shift and store them inside their assigned locker.
 - ii. Police officers with a take home *patrol* vehicle may leave the weapon locked inside the vehicle if the weapon is in an approved locking system AND the vehicle is parked inside a locked garage. Police officers with a take home unmarked vehicle may leave the weapon locked inside the vehicle if the weapon is in an approved locking system, the weapon is out of view from outside the vehicle, and the vehicle is locked. For any take home vehicle (marked and unmarked), when the criteria in this paragraph cannot be met the weapon must be stored in a locked gun safe inside their residence or in their locker at the police station.
 - iii. Whenever a police officer will be away from their take home vehicle for more than three consecutive days (i.e., for vacation), issued long guns must be stored inside their locker at the police station.

Practice: When a police officer wants to take an issued long gun away from the police station for personal practice off duty they must get approval each time from their lieutenant or commander. The below listed security measures will be followed:
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- The weapons will not be left in an unattended vehicle; and
 - The officer is with the weapon at all times; or the weapon is locked inside a gun safe in the officer's residence.
- b. Unattended sidearms: While on-duty, if it becomes necessary to secure a sidearm in a Police Department vehicle the police officer should first ensure the vehicle is in a secure location and then place the sidearm out of view and lock the vehicle.
- c. Unmarked Vehicles: Police officers shall not store a firearm in an unattended vehicle unless a locking system is used in an area of the vehicle not visible to the outside and that secures the weapon to a fixed portion of the vehicle - see below (item 5, Security Specifications) for specific requirements.
- d. Non-Lethal Weapons: Generally, department issued Tasers and other less lethal weapons are to be stored in the officer's assigned locker at the police station between work shifts. Officers who commute to work in full uniform may take their issued less lethal weapons with them between shifts provided the following security requirements are followed:
- All department issued weapons and the police radio are never left inside an unattended vehicle; and
 - When the officer is not in uniform these items must be stored in a secure location in the officer's residence.
2. Police Facility: All firearms being stored at the Police Facility must be secured (padlocked) in a police officer's assigned locker or stored in another authorized and locked weapon storage area.
- a. Long guns entering the facility must be unloaded, with the slide open on shotguns and the magazines out of rifles.
3. Off-duty Security/Storage of Authorized Firearms: Police officers have the option of taking their issued service sidearm with them between work shifts provided the listed security measures are followed. When authorized firearms are secured at any other location they must use a firearm lock-up system that prevents unwanted access to the weapon.
- a. Unattended Private Vehicles: Police officers shall not store a firearm in an unattended vehicle unless a locking system is used in an area of the vehicle not visible to the outside - see below (item 5, Security Specifications) for specific requirements.

Any time an employee takes a department weapon with them between work shifts the employee must adhere to all standards regarding use of force, and use and care of the weapon. In addition to potential discipline, the responsible employee will be financially liable for department weapons that are lost, stolen, or damaged as a result of not following these requirements.

4. Unsecured Firearms: Any member of the Police Department that finds a firearm that is not properly secured as this standard instructs, shall immediately notify a supervisor. The supervisor shall ensure the firearm is properly secured and attempt to identify the police officer authorized to carry the firearm. The supervisor will also generate a memorandum explaining the circumstance and provide it to his/her commander.
5. Security Specifications: If a hard-mounted gunlock system is not in place inside a vehicle, the following is an alternative lock-up method that is required to secure a weapon inside a vehicle – police or private. This locking system will be used in an area of the vehicle not visible to the outside.
- A padlock with a 3/8" (or greater) hardened steel shackle;
 - 3/8" steel cable or a steel chain rated at a 3900 pound or greater workload; and
 - The cable or chain is attached to a fixed portion of the weapon and to a fixed/permanent portion inside the vehicle.

- F. **Carrying Firearms Out of State**: For eligible current or former law enforcement officers, the LEOSA (Law Enforcement Officers Safety Act as amended in 2010) establishes the right to carry a concealed weapon throughout the United States. The Federal Way Police Department (FWPD) limits the firearm qualification process for former police officers to handguns only.

1. Former police officers with “qualified-to-carry” status have no law enforcement powers under the LEOSA. Furthermore, the LEOSA does *not* grant any of the following:
 - a. Law enforcement authority to police officers when they travel to a state outside of their commissioning jurisdiction.
 - b. Authority to be armed while traveling on an aircraft.
 - c. Authority to be armed in a place where firearms are normally prohibited (such as a jail, courthouse, or school).
2. **Active Duty, Fully Commissioned Federal Way Police Officers:** In order to carry a concealed firearm under authority of the LEOSA outside the state of Washington, Federal Way police officers must meet all of the following qualifications:
 - a. Have successfully completed the FWPDP firearm qualification process with the weapon within the preceding 12 months;
 - b. Not be subject to any disciplinary action by FWPDP to the extent that the officer is currently disqualified by FWPDP from carrying a weapon under color of police authority or from exercising police powers;
 - c. Not be under the influence of alcohol or drugs while carrying the weapon;
 - d. Not be prohibited from federal or state law from possessing a firearm; and
 - e. Carry their FWPDP commission card/police identification at all times that the weapon is carried.
 - f. Unless traveling on official law enforcement business for Federal Way, the officer shall not take or carry a FWPDP weapon out of the state of Washington.

G. Records: The Commander in charge of firearms training or their designee shall maintain records for all department-approved weapons. The records shall include:

- Weapon description: make, model, serial or another identifying number
- Identity of the owner and/or assignee
- Name of the person approving use and date of approval

H. Former Officers and LEOSA: The Law Enforcement Officers Safety Act (LEOSA) of 2004 was amended in 2010. Based on those updates, FWPDP certified firearms instructors may administer a qualification course (skills test) for a former law enforcement officer who departed law enforcement service after at least ten years of commissioned service (having formerly had statutory powers of arrest for an aggregate of ten or more years). If the former police officer passes the qualification test, the instructor will issue a written note that certifies what occurred.

Former police officers will provide their own firearm, holster and ammunition for the qualification process. In the opinion and judgment of the firearm instructor, if the retiree’s weapon, holster or ammunition is unreasonably unsafe, the former police officer will not be allowed to participate in the qualification process until they obtain a suitable weapon system.

Former police officers bear the burden of satisfying all LEOSA requirements. When FWPDP issues a “qualified” card or document, that attests only that the person passed the retiree pistol skills test on the date listed.

1. **Former Federal Way Police Officers:** In order to carry a concealed firearm under authority of the LEOSA, former police officers must meet all of the following qualifications:
 - a. Must have separated from employment at FWPDP in good standing as a fully commissioned law enforcement officer;
 - b. Separated employment for a reason other than mental instability;
 - c. Must have at least ten years of commissioned law enforcement experience prior to separation, or be separated due

to a service-related physical disability;

- d. Cannot be under the influence of alcohol or other intoxicating or hallucinatory drug or substance while carrying a firearm;
 - e. Cannot be prohibited by federal or state law from possessing a firearm;
 - f. Must carry their former law enforcement credentials (with photograph) at all times that a firearm is carried; and
 - g. Must qualify with the weapon within the preceding 12 months, as administered by a certified law enforcement firearm instructor. OR, for former police officers who live in other states, they must qualify to the standards of the states in which they live.
2. Former Officers from Other States: The burden for knowing and complying with the current requirements of the LEOSA are entirely on former police officers. Former law enforcement officers who separated from commissioned law enforcement employment from other states and now live in Federal Way may request an opportunity to qualify as part of a FWPd firearm training session. The former police officer should initiate the request with the FWPd Office of the Chief. The former officer must provide evidence of former commissioned law enforcement service. A copy of such evidence will be kept with the person's qualification record.
3. Records and Responsibilities: The responsibility to maintain current eligibility under LEOSA rests entirely with former police officers. Except for keeping related documents (such as the evidence mentioned above, as well as below under FTU supervisor), FWPd will not be responsible for determining ongoing LEOSA eligibility of any former law enforcement officer. FWPd will merely provide opportunities for former officers to qualify with a firearm and documentation thereof.

The Office of the Chief will establish a list of former FWPd police officers who met the above eligibility requirements when they separated from commissioned law enforcement service. Inquiries from other agencies regarding LEOSA status of a former FWPd officer will be referred to the Office of the Chief, where the status will be confirmed based on the current list. Once a former officer's name is on the list, requests to qualify are forwarded to the supervisor of the FWPd Firearms Training Unit (FTU).

The FTU supervisor will schedule an opportunity for the former police officer to qualify as part of a FWPd firearms training session. The supervisor will maintain qualification records in the same manner as with current FWPd officers; this includes the signed waiver of liability from each former officer who attempts to qualify and a copy of their qualification score sheet.

- I. **Privately Owned Firearms**: Police officers who choose to carry an authorized, personally-owned firearm will pay for and retain ownership of the weapon and all its accessories. In addition, the officer is responsible for arranging and paying for any armorer repairs or maintenance required for the gun. For any weapon that is damaged in the line of duty, the Chief of Police may review exceptions to personal expense. In any case, the Police Department (City of Federal Way) will not be responsible for normal wear and tear to personally owned weapons, nor for any total loss or damage exceeding \$1,000 to any handgun or \$1,500 for any long gun. Weapons used for service that are valued beyond those amounts are used at the police officer's own risk. For private firearms that are used for police service, the officer is authorized to store those weapons in their locked locker at the police station.

Officers shall adhere to all procedures and practices the Department has in place regarding the safety, maintenance, and use of firearms whether the firearm is personally-owned or provided by the Police Department.

4.3.2 Weapon Proficiency

Principle: Only those officers who demonstrate proficiency in the use of weapons are approved to carry those weapons.

- A. **Initial Training**: Before carrying or using any weapon type, employees shall be trained by an instructor who is currently certified to give instruction with that type of weapon. Training will include laws and department policies concerning the use of force and lethal force. Training will include familiarization with the weapon type and safe-handling procedures.
1. Documentation: The instructor giving the training will forward supporting documentation for all training given to the Professional

Standards Unit. The weapons training documentation will be kept on file for at least six (6) years after the employee's separation from the department.

- B. Demonstrating Proficiency:** Before carrying any weapon on duty, or off duty under the color of Federal Way Police Department authority, an officer will demonstrate proficiency using that firearm type and caliber to a certified instructor. This may include, but not be limited to, achieving minimum qualifying scores on prescribed courses of weapon handling and demonstrating knowledge of applicable law and policy.
1. **Former Officer Qualification Process:** Prior to conducting any shooting, the firearm instructor will obtain a signed waiver of liability from the former police officer.
 2. If the former police officer submits a signed waiver of liability, the instructor will conduct a Washington State Criminal Justice Training Center (WSCJTC) retiree qualification process and document the results on a Retired Law Enforcement Officer Firearm Qualification form. No more than three attempts will be allowed on a single calendar day. The former police officer may request another attempt at a later date.
 3. When a former police officer demonstrates proficiency with the firearm (qualifies), the FTU supervisor will make two copies of the Retired Law Enforcement Officer Firearm Qualification form. One copy of this form will be given to the former police officer and the other copy will be kept with the FWPD qualification records.
- C. Notice of Non-Authorization:** Any officer not having the above required initial training or who does not pass the proficiency examination for a firearm type shall not be authorized to carry or use that type of firearm. An exception is for a non-probationary officer who does not pass the proficiency test with their primary service pistol. In that case, the officer is not entirely disarmed. Their work assignment is temporarily modified so they have reduced contact with the public and no contact with suspected violators of the law.

4.3.3 Training and Qualification

Principles: Peace officers are authorized to carry and deploy firearms in the performance of their duties, and the public has a right to expect each LEO to do so without posing additional risk to the community. Without exception, skill with a service pistol and other weapons is a required part of a peace officer's job. Training and practice help officers initially attain and then maintain proficiency with weapons. Qualification is a test that verifies each officer retains (or regains) proficiency.

At least annually, all Police Department police officers authorized to carry firearms are required to receive in-service training on the department's use of force policies and demonstrate proficiency with all approved lethal weapons and electronic control weapons that the employee is authorized to use. The training may be in conjunction with firearms qualifications or done in shift briefings or other training forums. In-service training for non-lethal weapons and weaponless control techniques shall occur at least biennially.

- A/B. Evaluation and Documentation:** Weapons training and qualifications will be conducted by a certified instructor. All training and qualifications will be documented and forwarded to the Professional Standards Unit to be retained *as described in Standard 4.3.2*.
1. **CEW Qualification:** Proficiency for electronic control weapons is tested on an annual basis. Testing includes successfully loading, unloading, deploying, and accurately discharging the prongs of the weapon.
- C. Remedial Training / Failing to Qualify:** An officer is not authorized to carry or use any department-owned weapon, or to carry or use any personally-owned firearm under the color of department authority, when he/she does not meet the standards set forth in this chapter.
- a. For any officer who demonstrates weapon performance below the established proficiency standard, if time allows the instructor will give remedial training specific to the defective performance. If time allows following the remedial training, the instructor will give the officer subsequent opportunities to qualify. No more than five attempts to qualify are given on a single day. When the officer's performance meets or exceeds the proficiency standard, the skills test is considered passed.
 - b. If circumstances do not allow for immediate remedial training and subsequent qualification attempts, or if the officer continues to fail subsequent qualification attempts, the instructor will advise the officer that he/she is not currently qualified to carry or use the weapon type. The instructor will notify the officer's direct supervisor and the chain of command.
 - c. The officer's authorization to carry the weapon type is suspended until the officer demonstrates successful proficiency. An exception

is for a non-probationary officer who does not pass the proficiency exam with their primary service pistol. In that case, the officer is not entirely disarmed. Their work assignment is temporarily modified so they have reduced contact with the public and no contact with suspected violators of the law. In consultation with the Professional Standards Unit, the officer's chain of command will determine what further actions are appropriate.

- D. Firearms Training – Practice Ammunition:** At least once each year the Firearms Training Unit will offer an open range day, where instructors are present with practice ammunition to develop shooting skills on an individual basis. This opportunity for additional firearms practice is optional and will not be grounds for monetary compensation for an employee's time and/or travel.
1. **Firearms Range:** The Police Department may also arrange with local firearms ranges to allow police officers to use the range at the department's expense.
 2. **Ammunition:** Department practice ammunition shall not be dispersed for anything other than developing, maintaining or testing firearms proficiency by FWPDP officers. An exception may be granted by the Chief of Police.

4.3.4 Carrying Lethal/Non-Lethal Weapons

Principle: *Per Standard 12.2.1 and the Written Directives System Table*, all officers authorized to carry a lethal or non-lethal weapon shall be provided electronic access to the Manual of Standards as well as instructed on how to retrieve it. In addition, these officers will receive instruction on Chapter 4 (Use of Force) of the manual. Policy receipt and curriculum delivery will be documented through PowerDMS.

- A. New Employees:** Those officers that will be authorized to carry a lethal or non-lethal weapon will be provided the applicable Standards and instructions in those orders prior to authorization.

4.3.5 Firearms Range

Principle: The intent of this standard is to ensure protocols have been established and are adhered to for FWPDP's use of firearms practice ranges. This policy applies to any indoor or outdoor range used for training department personnel. This also includes the firearm qualification process.

Practices:

- A. Indoor/Outdoor Ranges:** FWPDP uses a variety of training venues for maintaining and developing firearms proficiency. Some are indoor, others outdoor. Whether at department training or individual practice as a FWPDP officer, officers using these ranges will adhere to the requirements of this policy. With the approval of their supervisor, officers may use a firearms range for individual practice while on-duty. When an officer uses a range off-duty, that is on the officer's personal time.
- B. Safety Procedures/Range Rules:** At the start of any department-provided firearms training, the Range Supervisor will ensure a safety briefing is conducted with all participants.
1. Officers using a range for individual practice are required to understand and abide by the facility's rules and regulations.
- C. Range Supervisor:** A range supervisor is a necessary part of department-provided training. A range supervisor is not required for individual practice sessions. The highest-ranking firearms instructor for a specific training session is the range supervisor. In the absence of a formal rank within the training cadre, the instructor with the most years of service as a FWPDP firearms instructor is the range supervisor. The range supervisor is the overall safety officer for the event. On-site personnel must follow the supervisor's instructions at all times.
- D. Weapons, Ammunition, Targets, and Equipment:**
1. **Weapons:** The required weapon(s) and gear are determined in advance by the event's lead instructor. Pertinent weapons and gear are described in the pre-event instructions. Officers are responsible for following the directions as provided for that specific training and will ensure they bring the appropriate weapon(s) and gear necessary to successfully accomplish training.
 2. **Ammunition:** All department-provided training will use department-issued ammunition. Unless otherwise authorized by a supervisor or FTU instructor, individual practice sessions use ammunition supplied by the officer.

3. **Targets:** Targets are provided by the department for all department-provided training. The FTU Coordinator or designee will determine which type of target is used for training purposes. Unless otherwise authorized by a supervisor, Firearms Training Unit Lieutenant or designee, individual practice sessions use targets supplied by the officer.
 4. Other miscellaneous equipment is supplied by the department for department-provided training. The FTU supervisor or lead instructor for the event coordinates details to ensure all necessary equipment arrives at the training venue.
- E. **Personal Safety Equipment:** When firearms training, practice, or qualification is underway, officers shall wear eye and hearing protection, and other personal protective equipment described by the safety officer or lead instructor. This often includes a ballistic vest.
- F. **Training and Certification Requirements:** The range supervisor ensures there is proper documentation of the event. This includes a lesson plan, attendance roster, qualification records, and so forth. All certified firearms instructors are capable of fulfilling this role. Firearms instructors maintain first aid certification.
- G. **Storage of Ammunition and Weapons:** All department ammunition is maintained by the Firearms Training Unit. All firearms are stored, maintained, and issued by the FTU Lieutenant or his/her designee.