

Use of Force

300.1 PURPOSE AND SCOPE

(ADOPTED 12/1/2022, EFFECTIVE 1/1/2023) This policy is intended to provide clarity to officers and promote safety for all by ensuring that all available and appropriate de-escalation techniques are used when possible, physical force is used appropriately only when necessary, and the amount of physical force used is proportional to the threat or resistance the officer encounters as well as the seriousness of the law enforcement objective that is being served. This policy is adopted pursuant to Chapter 10.120 RCW and shall be reasonably construed in a manner that is consistent with that statute. Nothing in this policy is intended to impose a standard or duty of care upon the Gig Harbor Police Department ("Department"), or any officer or employee thereof, in excess of Chapter 10.120 RCW and/or other applicable state and federal law. Citations to statutory provisions in this policy are intended as informational references only.

300.1.1 DEFINITIONS

Definitions related to this policy include:

- (a) **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).
- (b) **Reserved.**
- (c) **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).
- (d) **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. 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.
- (e) **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.
- (f) **Flight:** an act or instance of running away in an effort to leave and intentionally evade law enforcement.

Gig Harbor Police Department

Gig Harbor PD Policy Manual

Use of Force

- (g) **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]).
- (h) **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.
- (i) **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. (RCW 10.120.010).
- (j) **Necessary:** under the totality of the circumstances, a reasonably effective alternative to the use of physical force or deadly force does not appear to exist, and the type and amount of physical force or deadly force used is a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the officer or others. (RCW 10.120.010 c 80 §2).
- (k) **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).
- (l) **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 officer" does not include any corrections officer or other employee of a jail, correctional, or detention facility, but does include any community corrections officer. (RCW 10.120.010). Peace officers are referred to as "officers" in this policy.
- (m) **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).
- (n) **Projectile Impact Weapon:** a less lethal weapon that fires projectiles including but not limited to 40mm sponge or foam rounds, PepperBall or similar projectile, blast balls or bean bags designed to temporarily incapacitate a person.
- (o) **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 capicum (OC). (RCW 10.116.030).

Use of Force

- (p) **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).
- (q) **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).

300.2 OVERARCHING PRINCIPLES

It is the fundamental duty of law enforcement to preserve and protect all human life. (RCW 10.120.010). Officers shall respect and uphold the dignity of all persons and use their authority in a bias-free manner.

The proper use of force is essential to ensure impartial policing and build trust in the community. While there are circumstances where individuals will not comply with the law unless compelled or controlled by officers through the use of force, officers must remain mindful that they derive their authority from the community and that unreasonable force degrades the legitimacy of that authority.

As acknowledged by Washington Laws of 2022, Chapter 80, Section 1:

The legislature did not enact RCW [10.120.020](#) with the purpose of preventing or prohibiting peace officers from protecting citizens from danger. To the contrary, the legislature recognizes the importance of enforcing criminal laws and providing safety for all. Therefore, the legislature intends to provide clear authority for peace officers to use physical force to prevent persons from fleeing lawful temporary investigative detentions, also known as Terry stops, and to take persons into custody when authorized or directed by state law. Yet this authority is not without limits. Peace officers must exercise reasonable care when determining whether to use physical force and when using any physical force against another person. Peace officers must, when possible and appropriate, use de-escalation tactics before using physical force. Peace officers may only use force to the extent necessary and reasonable under the totality of the circumstances. This high standard of safety reflects national best practices developed and supported by police leaders across the nation. Most importantly, it strikes the appropriate balance between two important interests: The safety of the public and the peace officers who serve to protect us, and the right of the people to be secure in their persons against unreasonable searches and seizures.

300.3 CONSIDERATIONS GOVERNING ALL USES OF PHYSICAL FORCE

The following core principles shall be considered when faced with any use of force situation:

Gig Harbor Police Department

Gig Harbor PD Policy Manual

Use of Force

300.3.1 CRITICAL DECISION MAKING

- (a) Use of critical decision making can help officers achieve the expectations outlined in this policy. When safe, feasible, and if appropriate under the circumstances known to the officers when making, or considering whether to make, contact with a member of the public, officers should:
 - (a) Begin assessment and planning with available facts before arriving at the scene;
 - (b) Request available resources, as needed, such as a crisis intervention team or other appropriate specialty unit or professionals;
 - (c) Collect information when on scene;
 - (d) Assess situations, threats, and risks;
 - (e) Identify options for conflict resolution;
 - (f) Determine a reasonable course of action; and
 - (g) Review and re-assess the situation as it evolves.
- (b) Nothing in this policy precludes officers from taking quick action when faced with a life-threatening situation, such as an active shooter. When safe and feasible, officers should not unnecessarily jeopardize their own safety or the safety of others through tactical decisions that unreasonably place themselves or others at risk, including, but not limited to,
 - a. Immediately approaching a person without proper evaluation of the situation; or
 - b. Not providing time for a person to comply with commands.

300.3.2 DE-ESCALATION

When possible, officers should use all de-escalation tactics that are available and appropriate under the circumstances before using physical force. (RCW 10.120.020 [2022 c 4 §3]).

- (a) Depending on the circumstances, officers have a number of de-escalation tactics to choose from, which may 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;

Gig Harbor Police Department

Gig Harbor PD Policy Manual

Use of Force

- (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 support and resources, when available and when time allows, 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 appropriate instructions (verbal, non-verbal, and/or other appropriate communicative methods) 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.

300.3.3 DUTY TO USE REASONABLE CARE

Consider people's characteristics and conditions, including children, elderly persons, pregnant individuals, Limited English Proficiency speakers and those demonstrating mental, behavioral, physical, cognitive and perceptual impairments or disabilities, 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).

Reasonable Care means that the officer shall:

- (a) When possible, use all available and appropriate de-escalation tactics before using physical force. (RCW 10.120.010 [2022 c 4 §3].

Gig Harbor Police Department

Gig Harbor PD Policy Manual

Use of Force

- (b) 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).
- (c) Terminate the use of physical force as soon as the necessity for such force ends. (RCW 10.120.020).

300.3.4 PERFORM COMMUNITY CARETAKING FUNCTIONS

Nothing in this policy limits or restricts an officer's ability to respond to a call for community caretaking or protection of health and safety, and to use the appropriate and least amount of physical force to execute those functions. (RCW 10.120.020 [2022 c 4 §3]). The same standards for using physical force apply. However, incidental touching, which may occur in the course of community caretaking, is not defined as physical force.

300.4 USE OF FORCE

300.4.1 USE OF FORCE SHALL BE NECESSARY AND FOR A LAWFUL PURPOSE

Law enforcement encounters rapidly evolve and are not static. Thus, officers must continuously assess the necessity and effectiveness of their actions, including their tactical positioning, to decrease the likelihood of needing to use physical force.

Gig Harbor Police Department

Gig Harbor PD Policy Manual

Use of Force

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 without limitation the severity of the crime at issue; whether the person against whom force is used posed an immediate threat; and whether such person was actively resisting or attempting to evade arrest by flight.
 - (b) Proportionality should 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. Proportional force does not require officers to use the same type or amount of physical force as the subject. 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]);

Gig Harbor Police Department

Gig Harbor PD Policy Manual

Use of Force

- (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]).

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

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

- (a) Identify themselves as law enforcement officers;
 - (a) Identification is unnecessary when the officer has objectively reasonable grounds to believe the person is aware of this fact.
- (b) Attempt to determine whether the person has a special need, mental condition, physical limitation, developmental disability, language barrier, or other factor that may impact their ability to understand and comply with officer commands;
- (c) Provide clear instructions and warnings;
- (d) Warn a person that physical force will be used unless their resistance ceases; and
- (e) Give the person a reasonable opportunity to comply with the warning that physical force may be used.

300.5 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)

Use of Force

300.6 ACTION IN RESPONSE TO WRONGDOING AND DUTY TO INTERVENE

Pursuant to RCW 10.93.190:

1. Any identifiable on-duty peace officer who witnesses another peace 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. A peace officer shall also render aid at the earliest safe opportunity in accordance with RCW [36.28A.445](#), to any person injured as a result of the use of force.
2. Any identifiable on-duty peace officer who witnesses any wrongdoing committed by another peace 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 peace officer in accordance with the witnessing peace officer's employing agency's policies and procedures for reporting such acts committed by a peace officer.
3. A member of a law enforcement agency shall not discipline or retaliate in any way against a peace officer for intervening in good faith or for reporting wrongdoing in good faith as required by this section.
4. A law enforcement agency shall send notice to the criminal justice training commission of any disciplinary decision resulting from a peace officer's failure to intervene or failure to report as required by this section to determine whether the officer's conduct may be grounds for suspension or revocation of certification under RCW [43.101.105](#).
5. For purposes of this section:
 - (a) "Excessive force" means force that exceeds the force permitted by law or policy of the witnessing officer's agency.
 - (b) "Peace officer" refers to any general authority Washington peace officer.
 - (c) "Wrongdoing" means 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.

300.7 DUTY TO PROVIDE OR FACILITATE FIRST AID

Pursuant to the Washington State Criminal Justice Training Commission's (CJTC) First Aid Guidelines, 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:

Gig Harbor Police Department

Gig Harbor PD Policy Manual

Use of Force

- (a) Remove or control any human, environmental, and/or physical threats
- (b) Request Emergency Medical Services
- (c) 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.
- (d) 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
- (e) Identify and utilize available medical resources, such as first aid kits, AEDs, tourniquets, etc.
- (f) Utilize Personal Protective Equipment (PPE) to ensure the safety of everyone at the scene

300.8 SUPERVISOR RESPONSIBILITY

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (d) Identify any witnesses not already included in related reports.
- (e) Review and approve all related reports.
- (f) Determine if there is any indication that the subject may pursue civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (g) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.
- (h) In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

Use of Force

300.9 TYPES AND SCOPE OF FORCE

300.9.1 NECESSARY FORCE

Officers shall use the least amount of physical force necessary to overcome resistance under the circumstances known to the officer at the time the physical force is applied. (RCW 10.120.020)

300.9.2 DEADLY FORCE

Officers shall use deadly force only when necessary to protect against an immediate threat of serious physical injury or death.

300.9.3 ESCALATION OF FORCE

Officers are not required to exhaust one type of force before moving to greater force.

- (a) **Lower Level Physical Force:** This type of force is not intended to and has 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, lower level force options may include, but are not limited to:
 - (a) Techniques to direct movement (e.g., push back, escort, lift, carry);
 - (b) Control holds (e.g., wrist locks, finger locks, joint manipulation);
 - (c) Takedowns;
 - (d) Use of a leg restraint.
- (b) **Intermediate Physical Force:** This type of physical force poses a foreseeable risk of significant injury or harm but is neither likely nor intended to cause death. Intermediate force options may include but are not limited to:
 - (a) Oleoresin Capsicum (OC) spray;
 - (b) Electronic control weapons;
 - (c) Projectile Impact Weapons;
 - (d) Canine bite or injury caused by physical contact between a canine and a subject;
 - (e) Impact weapon strikes (except intentional impact weapon strikes to the head, neck, throat, or spine);
 - (f) Punches, kicks or other strikes with an officer's body.

Use of Force

- (g) Officers shall only use striking techniques directed at a subject's head as a means of self-defense, or in the defense of others. Striking at a person's head using fists, elbows, knees, and feet, shall not be used as a means of pain compliance.

3. Deadly Force: An officer may use deadly force against another person only when deadly force is 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 persons who present a danger only to themselves and do not pose an immediate threat of death or serious bodily injury to another person or officer.

Deadly force may include but is not limited to:

- (a) Intentional impact weapon strikes to the head, neck, throat, or spine.
- (b) Striking a person's head onto a hard, fixed object.
- (c) Discharge of a firearm loaded with lethal ammunition at a person.
- (d) Intentionally striking with a vehicle a person who is not inside a vehicle.

300.10 SELECT RESTRAINT DEVICES

Because restraint devices are designed to compel, control, constrain, or restrain a person's movement, use of these devices is physical force and all considerations governing uses of physical force detailed in this policy apply to their use.

300.10.1 SPIT GUARDS

- (a) A spit guard (sometimes referred to as "spit hood," "spit mask," or "spit sock,") is a woven mesh device which can be placed over a person's head and face with the intent of preventing or reducing the transmission of infectious disease through saliva, mucous, and blood.
- (b) Standard of Use:
 - (a) An officer may apply a spit guard when lawfully restraining or attempting to restrain an individual who is spitting or biting.
 - (b) Officers applying spit guards must ensure that the spit guard is fastened properly according to the manufacturer's instructions to allow for adequate ventilation so that the restrained person can breathe normally.
 - (c) Only officers who have successfully completed agency-approved training on application of a spit guard are authorized to use one.
 - (d) Officers shall only use agency-issued spit guards.

Gig Harbor Police Department

Gig Harbor PD Policy Manual

Use of Force

(c) Restricted Use:

(a) Persons who have been sprayed with OC spray should be decontaminated so their breathing is not distressed prior to application of a spit guard.

(b) For individuals in mental health crisis, application of a spit guard may provoke an elevated level of distress. Officers should provide verbal reassurance and dynamically assess the situation to remove the spit guard as soon as appropriate.

(d) Prohibited Uses. Officers should not apply spit guards in the following situations because of higher risks:

(a) Where the restrained person is bleeding profusely from the area around the mouth or nose.

(b) On an individual who is actively vomiting. If a person vomits while wearing a spit guard, the spit guard should be promptly removed and discarded.

(c) On an individual who states that they have a medical condition that affects their breathing, or who demonstrates symptoms of labored or distressed breathing.

(e) In the event of a medical emergency, spit guards should be removed immediately.

(f) Prior to application of a spit guard, an officer shall warn the individual and provide a reasonable time for the person to comply with the officer's commands. If applied, the officer shall remove the spit guard as soon as the threat of spitting or biting has ended, or the officer observes that the spit guard is no longer necessary.

(g) After application of a spit guard and when safe to do so, officers shall move the individual into a seated or side recovery position and shall monitor the individual until the spit guard is removed. Officers shall assist when escorting the individual due to the potential for impaired or distorted vision.

(h) Application of a spit guard must be documented.

(i) Spit guards shall be discarded after each use.

300.10.2 LEG RESTRAINT

(a) Officers shall only use agency-issued leg restraints.

Gig Harbor Police Department

Gig Harbor PD Policy Manual

Use of Force

- (b) Prohibited Use: Officers shall not connect a leg restraint to handcuffs or other types of restraints (i.e. "hog tie" an individual).
- (c) Once a leg restraint is applied, officers shall not place the person face down.
- (d) Officers shall monitor individuals who have been placed in a leg restraint and take immediate action, if necessary, to protect the person's health and safety.
- (e) Officers shall discontinue use of a leg restraint once the necessity for its use ceases.

300.11 SELECT FORCE TOOLS

Whenever possible, officers shall use available and appropriate less lethal alternatives before using deadly force. (RCW 10.120.020)

- (a) The Department will make less lethal alternatives reasonably available for officers' use. (RCW 10.120.020 [2022 c 4 §3]).
- (b) Officers should use all tools in accordance with training and the equipment manufacturer's instructions.

300.11.1 OLEORESIN CAPSICUM (OC) SPRAY

- (a) OC is a spray meant to cause an inflammatory response. The inflammatory response causes stinging or burning sensation to the eyes, mouth, throat, and nasal passages.
- (b) After the initial application of OC spray, each subsequent application must also be justified.
- (c) 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.

300.11.2 IMPACT WEAPONS

- (a) Agency-issued and authorized impact weapons typically include batons.
- (b) Officers should 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 tactical or physical force option.
- (c) Officers should not use an impact weapon with the intent to intimidate a person when an impact weapon warning is not justified by the threat presented.

Gig Harbor Police Department

Gig Harbor PD Policy Manual

Use of Force

- (d) Officers should not intentionally strike vital areas, including the head, neck, face, throat, spine, groin, or kidney unless the suspect poses an immediate threat of serious physical injury or death to the officer or another person.

300.11.3 PROJECTILE IMPACT WEAPONS

- (a) 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.
- (b) Officers should be trained to use a PIW before deploying one during the course of law enforcement operations.
- (c) When safe and feasible, an officer about to discharge a PIW should advise other officers at the scene prior to the discharge.
- (d) An officer should follow training on the targeting zones for each PIW.
- (e) Officers should follow training on when to assess the effectiveness of a PIW. If the effect is not achieved a different targeting zone should be used.
- (f) Discharging a PIW at a person who is situated on an elevated surface (e.g., a ledge, scaffold, near a precipice, etc.) where a fall-related significant injury would be likely to occur should not happen unless reasonable efforts have been made to prevent or minimize that significant fall-related injury (e.g., deploying a safety net) and the suspect poses an immediate threat of serious physical injury or death to the officer or another person.

300.11.4 CONDUCTED ENERGY WEAPONS

- (a) A Conducted Electrical Weapon (CEW) is a portable device that fires darts/electrodes that transmit an electrical charge or current intended to cause Neuromuscular Incapacitation (NMI).
- (b) Issuance and Carrying a CEW:
 - (a) An approved CEW should only be used by officers who have been certified in its use and are recertified on a yearly basis.
 - (b) Officers issued a CEW are expected to carry them as a less lethal option.
 - (c) When consistent with training, officers carrying an ECW should perform a function check on the weapon and check remaining battery life prior to every shift. Officers should report any malfunction to a supervisor or other appropriate personnel.
 - (c) Standards of Use

Gig Harbor Police Department

Gig Harbor PD Policy Manual

Use of Force

- (a) Officers should carry a CEW on the support side of the body, and in all but extreme circumstances, shall draw, exhibit and use the device with the support (non-pistol firing) hand.
 - (b) Officers should not hold a CEW and firearm simultaneously unless exigent circumstances exist.
 - (c) Officers should target areas that do not include the head, neck, chest, or genitals.
 - (d) Officers should not intentionally deploy multiple CEWs at the same person, unless the first deployed weapon clearly fails.
 - (e) Officers should be aware that the primary use of a CEW is not as a pain compliance tool.
 - (f) Officers should be aware that multiple applications of the CEW increase the risk of serious bodily injury or death.
 - (g) A CEW 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 reasonably necessary to control the person under the totality of the circumstances.
 - (h) Officers will assume that if they have used a CEW three times against a person and the person continues to aggress, the CEW may not be effective against that person and the officer should consider other options.
 - (i) Officers must be able to clearly articulate and document the justification for each individual application of the ECW.
- (d) Restricted Uses. A CEW 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 or adequate alternative methods for obtaining compliance are not readily available or practical.
 - (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).

Gig Harbor Police Department

Gig Harbor PD Policy Manual

Use of Force

- (d) On an operator in physical control of a vehicle in motion, including automobiles, trucks, motorcycles, and ATVs, 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.

300.11.5 FIREARMS

- (a) A firearm is a weapon with lethal ammunition carried by an officer that meets the firearm specifications of the agency or that has been authorized as a specialty firearm by the leadership of the law enforcement agency.
- (b) Officers are only permitted to discharge a firearm at a person in situations where deadly force is authorized. Each discharge of the firearm must be justified.
- (c) Pointing and Drawing a Firearm:
 - (a) Officers should only point a firearm at a person who they believe deadly force may be authorized.
 - (b) Officers should only draw a firearm 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 currently or foreseeably necessary, officers should, as soon as safe and feasible, lower/sling, holster, or secure their firearm, as appropriate and applicable.
 - (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).
- (d) When feasible, officers should attempt to give a verbal warning that a firearm will be discharged.
- (e) Prior to the decision to use a firearm, officers should consider field of fire, backdrop, bystanders, potential for ricochet, and other risks of life.
- (f) Restricted Uses:
 - (a) Officers should not use firearms as impact weapons except when deadly force is permitted

Gig Harbor Police Department

Gig Harbor PD Policy Manual

Use of Force

(b) Discharging a Firearm at or from a Moving Vehicle:

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).

- (a) Officers shall not discharge a firearm from a moving vehicle, unless a person is immediately threatening the officer or another person with deadly force.
- (b) Officers shall not shoot at any part of a vehicle in an attempt to disable the vehicle.
- (c) When feasible, officers shall attempt to move out of the path of a moving vehicle rather than discharge their weapon at the operator.
- (d) Prohibited Uses. Officers should not use a firearm in the following circumstances:
 - 1. When it appears likely that an innocent person may be injured.
 - 2. Firing a "warning shot."
 - 3. 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.
 - 4. Discharging or pointing a firearm at a person who presents a danger only to property and does not have the apparent opportunity or intent to immediately cause death or serious bodily injury to the officer or another person.

300.12 USE OF FORCE ANALYSIS AND RETENTION

All Use of Force incidents shall be reviewed by a Command Officer, unless the Command Officer was involved in the application of force, through Department reporting methods to make an initial determination of the appropriateness of the Use of Force as described in this policy. If there is question as to any non-compliance with this policy, the matter shall be reviewed by the Chief of Police, or City Administrator if the Chief of Police is involved in the application of force in the incident. If there is question as to the appropriateness of the Use of Force, the matter may be addressed through the Internal Investigation process and in accordance with any applicable Collective Bargaining Agreement.

Use of force reports are retained for a minimum of 12 months from the date that the force was used. Use of force reports may be retained longer if legal action is pending or expected.

Gig Harbor Police Department

Gig Harbor PD Policy Manual

Use of Force

At least annually, the Lieutenant should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, but should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

300.13 TRAINING

- (a) All officers and supervisors shall receive training consistent with this policy at least annually. Training should:
 - (a) Be a combination of classroom and scenario-based learning,
 - (b) Include community partners, when relevant and feasible,
 - (c) Incorporate cultural competency to understand disproportionately impacted communities, and how racialized experiences of policing and the criminal justice system may impact interactions with police.
 - (b) This policy should be incorporated into defensive tactics curricula.

300.14 USE OF FORCE REPORTING

Whenever a member must use an amount of force capable of causing injury in the course of effecting an arrest, overcoming resistance, or controlling a dangerous situation the member will promptly advise his supervisor and submit a Use of Force Report Form along with the incident report within 24 hours of the incident. This same requirement applies if an incident, in which force was used results in actual injury. A Use of Force will also be reported anytime an officer draws their weapon in conjunction with ordering a suspect to follow instructions (aka "draw and direct").

The Use of Force Form will be submitted through the chain of command to the Lieutenant who will recommend to the Chief of Police if further investigation is necessary. the Lieutenant will collate any relevant data for yearly reporting purposes.

300.14.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.

Gig Harbor Police Department

Gig Harbor PD Policy Manual

Use of Force

- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the TASER® device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.14.2 NOTIFICATION TO INDIAN AFFAIRS

When the use of force by an officer results in the death of a person who is an enrolled member of a federally recognized Indian tribe, notification shall be made to the Governor's Office of Indian Affairs within a reasonable period of time, but not more than 24 hours after the department has good reason to believe the person was an enrolled member. Notice shall include sufficient information for the Governor's Office of Indian Affairs to attempt to identify the deceased person and tribal affiliation (RCW 10.114.021).

300.14.3 NOTIFICATION TO CRIMINAL JUSTICE TRAINING COMMISSION (CJTC)

Notification shall be made to CJTC within 15 days of learning of the occurrence of any death or serious injury caused by the use of force by an officer (RCW 43.101.135).

300.14.4 REPORTING TO WASHINGTON STATEWIDE USE OF FORCE DATA PROGRAM

The Department shall submit reports regarding use of force incidents as provided by RCW 10.118.030 to the Washington statewide use of force data program in the format and time frame established by the program (RCW 10.118.030).