	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>General Policy</i>	
<b>Policy &amp; Procedure Manual</b>		Chief Joe Strong	<b>Policy No. 09-010</b>

**DEFINITION:** The use of force is defined as any physical contact with a suspect or subject for the purpose of arresting and/or subduing that suspect or subject- with or without the use of a weapon or other object.

\*WASPC  
Standard  
3.1.1

**REASONABLE AND NECESSARY:** Officers will employ only the amount of force that is reasonable and lawfully necessary to effect an arrest or assume control of a situation or person.

**USE OF FORCE-JUVENILES:** As with all uses of force by a sworn officer, only the reasonable and necessary amount of force to affect and arrest or assume control of a situation or juvenile shall be employed. Officers should consider the maturity level of juveniles and therefore use the least coercive tactics necessary when dealing with a juvenile offender, while still preserving public safety, order and individual liberties.

Officers must also remember that this same lack of maturity can make a potential juvenile offender unpredictable- especially if armed with a weapon.\*


**ENSURING MEDICAL AID:** It is the intent of the department that officers minimize the severity to suspects posed by obvious injuries or non-visible trauma associated with a deadly force encounter, the use of less than lethal weapons, the use of physical control measures and/ or other weaponless uses of force.

\*WASPC  
Standard  
3.1.5

After any use of force (once the situation is under control) officers are required to assess the physical condition and potential medical status of the suspect or any other person involved. This assessment should include a visual check of the suspect for any obvious signs of injury, as well as ongoing observation to detect changes in condition or health. Suspects should be monitored by the officer at the scene on a consistent basis; no suspect should be left alone in the patrol vehicle for long periods of time- even if the suspect initially refuses medical aid or treatment.

After the assessment of actual or potential injury, officers at the scene shall administer the appropriate emergency first aid in accordance with their training. If a suspect appears to be obviously injured or has suffered a likely injury, officers at the scene shall request that an aid car respond to the scene from the Hoquiam Fire Department. The fire department shall administer whatever level of medical aid is necessary as a result of the injury or circumstances.


The transport of sick, injured or disabled prisoners shall be in accordance with policy 12-070: "Transport of Sick, Injured or Disabled Prisoners".

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>General Policy</i>	
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If a suspect claims to be injured and/ or demands emergency medical treatment (even if there is no obvious sign of injury) the arresting officer shall summon the Hoquiam Fire Department to the scene.\*

OFF-DUTY USE OF WEAPONS: Any possession and use of department owned or authorized lethal and non-lethal weapons for law enforcement purposes while off-duty shall be in accordance with the same departmental guidelines for the use of such weapons while on-duty.

END

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>General Policy</i>	
	<b>Policy &amp; Procedure Manual</b>	Chief Joe Strong	<b>Policy No. 09-010</b>

INTENT: This policy recognizes that the use-of-force by law enforcement officers requires constant evaluation. Even at its lowest level, the use-of-force by the police is a serious responsibility and can have a significant life impact on the person involved, as well as on the officer and the department. The intent of this policy is to provide officers of this department with guidelines on reasonable and lawful use-of-force under state and federal law.

This policy consists of principles and values intended to guide our department members when performing official duties whenever it becomes necessary to apply reasonable force to another person in order to effect a lawful purpose. This is a special governmental duty uniquely entrusted to a law enforcement officer by our society and must always be held in the most serious of regard by our officers.

No policy can provide a statement of what must be done in every particular situation encountered by a law enforcement officer; this policy is intended to outline the guiding principles and the law to be followed by a law enforcement officer when fulfilling the duty of enforcing the law, protecting self or others, serving our community and keeping the peace.


PEACE OFFICER: Under state law, the term "peace officer" includes any "general authority", "limited authority" and "specially commissioned" officer as defined in RCW 10.93.020; the term "peace officer" does not include any corrections officer or other employee of a jail, correctional or detention facility.

For the context of department use-of-force policies and procedures, the term "officer" applies to all law enforcement officers of the department, including peace officers, limited or specially commissioned officers and police services officers assigned to the City Jail. If the term "peace officer" is specifically used in the context of use-of-force in these policies, it only applies to "peace officers" as defined by state statute.

Although the general concepts and principals guiding permissible use-of-force apply to all members of this department, by definition of the law enforcement positions outlined in RCW 10.120.010, the Legislature created different standards for lawful use of "physical force" by "peace officers" than by "corrections officers" (which in our department are police services officers assigned to the City Jail). Corrections officers have greater latitude in the use of reasonable force which may be necessary to maintain the day-to-day safety, order and security of the correctional facility for penological interests. Any such differences will be clearly noted in department policy.

RCW  
Chapter  
10.120/ RCW  
10.93.020

RCW  
10.120.010

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>General Policy</i>	
	<b>Policy &amp; Procedure Manual</b>	Chief Joe Strong	<b>Policy No. 09-010</b>

USE-OF-FORCE DEFINED: In accordance with state law and by department policy, there are hereby three definitions for use-of-force by officers of this department:

- “Physical force” means 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.
- “Command by weapon” means an officer pointing or displaying a weapon at a person in a manner which commands compliance. This can include pointing a firearm, pointing a less-lethal weapon (such as TASER), extending or bringing to ready a baton or the intentional deployment of any another weapon by an officer intended to command compliance; if the weapon is actually discharged or used, then it will be considered either “physical force” or “deadly force”-depending on the circumstances.
- “Deadly force” means the intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury.

RCW  
10.120.010

RCW  
9A.16.010

PRINCIPALS IN USING FORCE: The use-of-force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. Officers are involved in numerous and varied interactions on a daily basis, and where warranted, may use lawful force in carrying out the official duties assigned to them.

All officers must have an understanding of and a true appreciation for the limitations on their authority, particularly with respect to overcoming resistance, and protecting self or others, from those with whom they come into official contact.


The Hoquiam Police Department recognizes and respects the life and dignity of all persons. *“It is the fundamental duty of law enforcement to preserve and protect all human life.”*

RCW  
Chapter  
10.120

It is also understood that vesting officers with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interests.

Per RCW 9A.16.020, force may be *“...necessarily used by a public officer in the performance of a legal duty...”*

RCW  
9A.16.020

	<b>Hoquiam Police Department</b>		<b>USE OF FORCE</b> <i>General Policy</i>	
	<b>Policy &amp; Procedure Manual</b>		Chief Joe Strong	<b>Policy No. 09-010</b>

GRAHAM STANDARDS: Under federal case law outlined by the US Supreme Court, the force used must be *"objectively reasonable"* under the Graham v. Connor standard [(1989) 490 U.S. 386, 109 S. Ct. 1865].

*Graham v. Connor*

The Graham court stated: *"Determining whether the force used ... is 'reasonable' ... requires a careful balancing of the nature and quality of the intrusion ... against the countervailing governmental interests at stake."*

The test of reasonableness requires *"...careful attention to the facts and circumstances of each particular case, including 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 [or she] 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, rather than with the 20/20 vision of hindsight."*

NECESSARY: Per state law, "necessary" means that, 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

This statute reinforces the requirement that officers will employ only the amount of force that is reasonable and lawfully necessary to defend self or others, effect an arrest/ detention, or assume control of a situation or person in accordance to the officer's official duties and responsibilities.

TOTALITY OF THE CIRCUMSTANCES: "Totality of the circumstances" means all facts known to the peace officer (or 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 (or officer) uses such force, and the actions of the peace officer (or officer).

RCW  
10.120.010

IMMINENT: As defined in RCW 71.05.020, "imminent means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote."

RCW  
71.05.020

IMMEDIATE THREAT OF SERIOUS INJURY OR DEATH: "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

RCW  
10.120.020



# **Hoquiam Police Department**

## **Policy & Procedure Manual**

### **USE OF FORCE**

#### *General Policy*

Chief Joe Strong

**Policy No. 09-010**

present and apparent ability, opportunity, and intent to immediately cause death or serious bodily injury to the peace officer, (officer), or another person.

**DUTY OF REASONABLE CARE:** Under state law, a peace officer shall use reasonable care when determining whether to use “physical force”, “command by weapon” or “deadly force” and when using any such force against another person. To that end, a peace officer shall:


- When possible, use all “de-escalation tactics” that are available and appropriate under the circumstances before using physical force;
- When using physical force, use the least amount 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.
- Terminate the use of physical force as soon as the necessity for such force ends;
- When possible, use less-lethal alternatives that are available and appropriate under the circumstances before using deadly force.

**OTHER FACTORS TO CONSIDER:** For the purpose of this department policy, other factors to determine whether to use force against a person and if the force is necessary, as well as determining the appropriate and necessary force possible to effect a lawful purpose includes, but is not limited to:

- The conduct of the person as reasonably perceived by the officer at the scene;

RCW  
10.120.020

RCW  
74.34.020

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>General Policy</i>	
	<b>Policy &amp; Procedure Manual</b>	Chief Joe Strong	<b>Policy No. 09-010</b>

- Whether or not the subject appears to be resisting, attempting to evade arrest by flight or is attacking the officer or another person;
- Number of subjects present versus number of officers;
- Reasonably reliable information as provided by E911 Dispatch or witnesses as to behavior or actions of the person before the police arrived;
- Relative physical strength and ability between the subject and the officer;
- Training and experience of the officer;
- Known or demonstrated skill by the person in fighting or martial arts;
- Time of day, lighting conditions and/ or impact of inclement weather;
- Heavy clothing, ballistic vest or other attire worn by the person which could prevent effective application of less-lethal force options (such as TASER);
- Proximity of weapons or other improvised weapons capable of producing harm;
- Know prior history of the person to include violence or resistance;
- The risk of escape and reasonably foreseeable consequences of escape;
- The availability of other reasonable and effective force options given the unfolding circumstances and time available at the scene; and
- Other exigent or unforeseen circumstances.

**DE-ESCALATION TACTICS:** "De-escalation tactics" refer to actions used by a peace officer that are intended to minimize the likelihood of the need to use force during an incident.


RCW  
10.120.010

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.

**LESS-LETHAL ALTERNATIVES:** "Less lethal alternatives" include, but are not limited to, verbal warnings, de-escalation tactics, conducted energy

RCW  
10.120.010

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>General Policy</i>	
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weapons, devices that deploy oleoresin capicum, batons, and beanbag rounds.

**ENSURING MEDICAL AID:** It is the intent of the department that officers minimize the severity to persons posed by obvious injuries or non-visible trauma associated with a use-of-force against a person.

After any use-of-force (once the situation is under control) officers are required to assess the physical condition and potential medical status of the suspect or any other person involved. This assessment should include a visual check of the person for any obvious signs of injury, as well as ongoing observation to detect changes in condition or health.

Subjects should be monitored by the officer at the scene on a consistent basis; no person should be left alone in the patrol vehicle for long periods of time—even if the person initially refuses medical aid or treatment after an application of force.


After the assessment of actual or potential injury, or if the person shows signs of physical distress, or lost consciousness at any point, officers at the scene shall administer the appropriate emergency first aid in accordance with their training.

If a person appears to be obviously injured or has suffered a likely injury, is exhibiting signs of physical distress or lost consciousness at any point, officers at the scene will continue to provide first aid as they directly monitor the person and request an aid car respond to the scene from the fire department. The fire department will administer whatever level of medical aid is necessary as a result of the injury or medical circumstances at hand; officers will assist EMS in providing safety and security oversight of the person without interfering with or compromising the needed medical treatment being provided.

If a person claims to be injured and/ or demands emergency medical treatment (even if there is no obvious sign of injury) after a use-of-force incident, the arresting or officer responsible for the scene will summon an aid car from the fire department to respond to medically assess the person.

Officers must be aware that the fire department can provide emergency medical care in the field, but emergency medical technicians and paramedics cannot provide “medical clearance” for a suspect for incarceration. If “medical clearance” is required for booking, the suspect will be transported to the nearest available emergency room *prior to booking*.



	<b>Hoquiam Police Department</b>  <b>Policy &amp; Procedure Manual</b>	<b>USE OF FORCE</b> <i>General Policy</i> Chief Joe Strong <b>Policy No. 09-010</b>	
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The transport of sick, injured or disabled prisoners will be in accordance with policy 12-070: "Transport of Sick, Injured or Disabled Prisoners".

**EXCITED DELIRIUM CONCERNS:** If a person exhibits signs of extreme agitation; violent or irrational behavior accompanied by profuse sweating; extraordinary strength or stamina; an unusual tolerance or disregard for pain or discomfort; and/ or has experienced prolonged or pronounced physically strenuous exertion, effort or stress, this person may be at a higher risk of sudden death (known as "excited delirium").

In these situations, officers should be constantly aware of the physical condition of the subject and summon emergency medical aid as soon as practical. A person suffering this condition can be extremely difficult to control or subdue one moment, only to be followed by a sudden loss of consciousness and possible death in the next.

If reasonably suspected, this condition should be treated without delay as an emergency medical condition as outlined in this policy.


**OFF-DUTY USE OF FORCE OR WEAPONS:** When *acting in the capacity of a law enforcement officer* while off-duty, the provisions of applicable department policy and state law will still apply *when carrying out any official law enforcement function*.

Any possession or use of department owned or authorized lethal and non-lethal weapons *for law enforcement purposes* while off-duty shall be in accordance with the same departmental guidelines for the use of such weapons while on-duty.

**USE-OF-FORCE REPORT REQUIRED:** In all cases of a use-of-force by a member of this department (even if assisting another agency outside of the city limits or when off-duty but acting in the capacity as a law enforcement officer), all Hoquiam department members present are required to complete a law incident report detailing the circumstances of the incident, to include the situation or crime at hand, actions of the persons and officers involved, identified threats, attempts to de-escalate, the resulting medical condition or injuries to any party, including officers, relevant photos or videos, as well as a detailed explanation as to the tactics, techniques and/or use-of-force actions taken by the officers present.

If the suspect is booked at the jail, the booking form will reflect that there was a use-of-force used and detail any subsequent medical treatment that was provided or refused.

Transport of  
Sick, Injured  
or Disabled  
Prisoners:  
Police 12-  
070

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>General Policy</i>	
	<b>Policy &amp; Procedure Manual</b>	Chief Joe Strong	<b>Policy No. 09-010</b>

Officers or other Hoquiam department members who were only present at the scene, but did not engage in a use-of-force, are still required to submit a supplemental report as to what he or she observed. The department may also request reports or statements from officers of other departments, witnesses or others present at the time of the use-of-force incident.

If the incident involves deadly force, reporting will be in accordance with policy 09-120: "Reporting Death or Serious Bodily Injury".

All use-of-force reports will be flagged in the department's records management system (RMS) with the Hoquiam use of force code "HUFRC" before being submitted to the shift sergeant for review (prior to going off-duty, unless additional time to complete the report is required and a time extension is specifically approved by the shift supervisor). Use-of-force reports are expected to be completed as soon as practical in order the start the use-of-force review process.

The shift sergeant, deputy chief and chief of police will review the report via the chain-of-command and maintain a copy of the report in the department "Use-of-Force" Log/ file.

The Use-of-Force Log/ File is used to facilitate the annual management review and analysis of all use-of-force by this department per policy 15-070: "Statistical Reports".

**REPORTING USE-OF-FORCE TO THE STATE:** In accordance with RCW 10.118.030 and department policy 09-015: "Use-of-Force Reporting Requirements to State", the department will report use-of-force incidents to the state data collection point as required under the program as administered by the State Attorney General.

**PROHIBITED USE-OF-FORCE:** Under state law, a peace officer may not use any force tactics prohibited by applicable departmental policy, RCW Chapter 10.120, or otherwise by law, except to protect his or her life or the life of another person from an imminent threat.

No officer may use force in a manner or under such circumstances that would violate the United States Constitution or state Constitution.

**COMMUNITY CARETAKING:** Nothing in RCW Chapter 10.120 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;


Reporting  
Death or  
Serious  
Bodily  
Injury: Policy  
09-120

Statistical  
Reports:  
Policy 15-  
070  
RCW

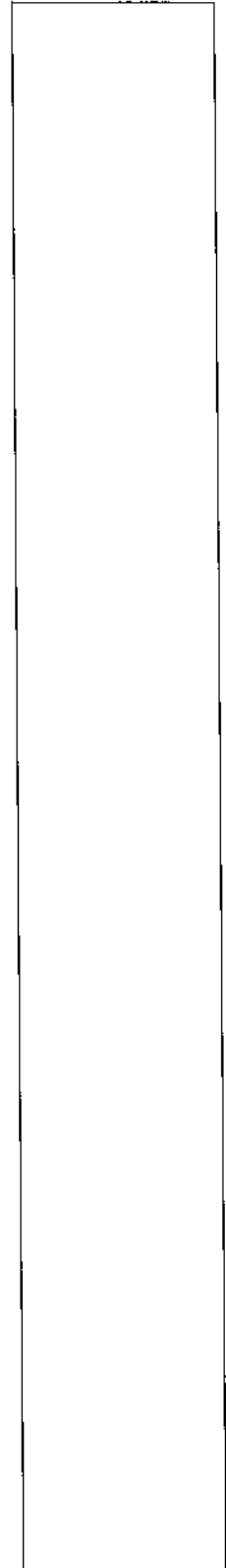
10.118.030/  
Use-of-Force  
Reporting  
Requirements  
to State:  
Police 09-  
015

RCW  
Chapter  
10.120


RCW  
Chapter  
10.120

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or 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.



END

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>Use of Force Continuum</i>	
	<b>Policy &amp; Procedure Manual</b>	Chief Joe Strong	<b>Policy No. 09-020</b>

This policy is intended to assist with training officers and to provide a reference for decision-making and articulating officer actions regarding use of force. Officers are expected to select an appropriate force option or combination of options, available under the circumstances, based upon their objectively-held (reasonable) perception; officers then must articulate their actions in a written report.

In all cases, officers may use only that force which is reasonable and necessary to safely and effectively overcome the resistance to arrest, control a situation, or defend themselves or another person from harm. Officers are expected to constantly assess, plan and act according to the changing circumstances at hand and use only necessary and reasonable force.

Per RCW 9A.16: *"Necessary" means that no reasonably effective alternative to the Use of Force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended.*

RCW 9A.16

The following definitions apply to the terms or force options as authorized by department policy:


**ACTIVE RESISTANT:** The subject uses non-assaultive physical action to resist, or while resisting an officer's lawful direction or attempts to control the subject. Examples would include such actions as pulling away or holding onto fixed objects in an attempt to prevent or escape an officer's control. Other examples include walking away from an officer counter to the officer's lawful direction. Attempting to escape custody by fleeing would be an example of active resistant behavior.

**ASSAULTIVE:** The subject attempts to apply, or applies physical force to any person; attempts or threats by act or gesture to apply force to another person or causes the officer to believe upon reasonable grounds that the subject has the present ability to effect an assault upon the officer or someone under the officer's lawful care. Examples include punching and kicking but may also include aggressive or threatening body language or verbal cues which signal the intent to assault.

**COMPLIANT:** The subject responds appropriately to the officer's presence, direction and control.

**DEADLY FORCE:** These force options involve the use of any weapons or empty hand techniques that are designed or intended to or are likely to cause death or grievous bodily harm.

**GREAT BODILY HARM OR DEATH:** The subject exhibits actions that the

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>Use of Force Continuum</i>	
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officer reasonably believes are intended to, or likely to, cause grievous bodily harm or death to the officer or any other person. Examples include assaults with weapons such as cutting, stabbing or slashing instruments, attacks with firearms, attacks with personal weapons such as hands and feet if the officer reasonable perceives such attack will cause grievous harm or death.

**INTERMEDIATE WEAPONS:** The use of intermediate weapons includes such devices as the conducted energy weapons, batons and other impact weapons. This category also includes options such as kinetic energy rounds (less-than-lethal ammunition) and the use of a canine.

The use of these devices typically has a statistically higher probability of injury although by design, they are not intended to cause serious injury or death. The use of intermediate weapons corresponds roughly to a subject exhibiting assaultive (combative) behavior.


**INTIMIDATING BEHAVIOR:** The subject shows verbal disagreement and/or is making threats without the ability to carry them out. An example would include a suspect already in custody, handcuffed and sitting in the back of a patrol car or inside a locked holding cell.

**LEVEL I CONTROL TACTICS:** These techniques are control-oriented and have a lower probability of causing injury. These techniques typically rely upon pain compliance such as restraining techniques, pressure points and joint/arm locks, but may also include canine application, application of Oleoresin Capsicum and use of Taser in the stun mode only. These techniques are roughly applicable to a subject exhibiting passive resistant and active resistant behavior.

**LEVEL II DEFENSIVE TACTICS:** These tactics are intended to impede an aggressor's behavior/ actions so as to allow for the application of control techniques. These physical tactics include such techniques as empty hand strikes, knee strikes, punches, kicks and similar striking techniques. The application of Level II defensive tactics correlate to a subject exhibiting behavior that the officer perceives as being active resistant to assaultive.

**LOW LEVEL COMPLIANCE TECHNIQUES:** These techniques are intended to control a subject who is showing signs of passive resistance. Examples of these techniques include: escort techniques, leverage with baton or flashlight, use of physical strength to overcome resistance, and canine presence/ barking.

**OFFICER PRESENCE:** While not strictly a physical force option, the simple presence of a uniformed peace officer at the scene can affect both the subject

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	<b>Policy &amp; Procedure Manual</b>	Chief Joe Strong	<b>Policy No. 09-020</b>

and the situation. Visible signs of social control and authority, such as uniforms and marked law enforcement vehicles can change the subject's behavior either positively or negatively.


The presence of multiple officers at, or arriving at a scene, does not necessarily mean the subject will be or will become more cooperative.

**PASSIVE RESISTANT:** The subject refuses, with little or no physical action, to cooperate with the officer's lawful direction. This can take the form of verbal refusal and/or physical inactivity either consciously or unconsciously contrived.

**SITUATION:** In all situations, the use of force by a peace officer of this department will be evaluated using the standard of "objective reasonableness" based on the totality of the circumstances known to the officer at the time of the incident.

**TACTICAL COMMUNICATION:** An officer should use professional verbal commands and dialogue aimed at obtaining subject compliance. The use of congruent body language consistent with the objectives must also be utilized in an effort to gain voluntary subject compliance.

END

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>Use of Physical Force</i>	
	<b>Policy &amp; Procedure Manual</b>	Chief Joe Strong	Policy No. 09-030

PURPOSE: Under state law, the permissible use of physical force by a peace officer was greatly expanded and clarified in the 2021 Legislative session, specifically as a result of ESSHB 1310, Chapter 324, Laws of 2021.


The term “physical force” is considered to be a use-of-force, but is not “deadly force” as outlined in policy 09-040: “Deadly Force”.

For this department, “use-of-force” is defined as the application of any physical techniques or tactics, less-lethal weapons or other action(s) upon another person for the purpose of arresting, controlling, overcoming resistance and/ or subduing said person.

*Any action which is beyond compliant handcuffing of another person, or is beyond when a person allows him or herself to be searched, escorted or guided without objection, will be considered to be a use-of-force by an officer.*

Use-of-force also includes pointing any weapon at another person in order to gain compliance, even if the weapon is not used or discharged.

END

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>Use of Physical Force</i>	
	<b>Policy &amp; Procedure Manual</b>	Chief Joe Strong	<b>Policy No. 09-030</b>

**PURPOSE:** Under state law, the permissible use of physical force by a “peace officer” was restricted in the 2021 Legislative session, with several updates and clarifications from the 2022 Legislative session. The term “peace officer” encompasses all officers of this department, except for police services officers as they are designated as “corrections officers” and are not considered “peace officers” under statutory definitions.

**DEFINITIONS:** Under state law and department guidelines, the following definitions apply to this policy, specifically regarding the permissible use of “physical force”:

- “Physical force” means 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

Physical force does not include pointing any weapon at another person in order to gain compliance, unless the weapon is used (per the definition above).

- “Command by weapon” means an officer pointing or displaying a weapon at a person in a manner which commands compliance. This can include pointing a firearm, pointing a less-lethal weapon (such as TASER), extending or bringing to ready a baton or the intentional deployment of any another weapon by an officer intended to command compliance; if the weapon is actually discharged or used, then it will be considered either “physical force” or “deadly force”-depending on the circumstances.

- “Deadly force” means the intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury.

RCW  
9A.16.010

The use of deadly force by an officer of this department is outlined in policy 09-040: “Deadly Force”.


Deadly  
Force: Policy  
09-040

**USE OF PHYSICAL FORCE BY “PEACE OFFICER”:** Under RCW 10.120.020, a “peace officer” may use physical force against a person to the extent necessary to:

RCW  
10.120.020

- 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>Hoquiam Police Department</b>  <b>Policy &amp; Procedure Manual</b>	<b>USE OF FORCE</b> <i>Use of Physical Force</i> Chief Joe Strong   <b>Policy No. 09-030</b>	
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- Effect an arrest;
- Prevent an escape as defined under chapter 9A.76 RCW;
- 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;
- Take a minor into protective custody when authorized or directed by statute;
- Execute or enforce a court order authorizing or directing a peace officer to take a person into custody;
- Execute a search warrant;
- 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;
- Protect against an imminent threat of bodily injury to the peace officer, another person, or the person against whom force is being used;
- 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; or
- Take a person into custody when authorized or directed by statute.


RCW 9A.76

RCW 10.77,  
71.05, 71.34

**DE-ESCALATION TACTICS:** "De-escalation tactics" refer to 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:

RCW  
10.120.010

- 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;

	<b>Hoquiam Police Department</b>  <b>Policy &amp; Procedure Manual</b>	<b>USE OF FORCE</b> <i>Use of Physical Force</i> Chief Joe Strong      Policy No. 09-030	
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- 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.

**LESS-LETHAL ALTERNATIVES:** "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

**DUTY OF REASONABLE CARE:** Under state law, a peace officer shall use reasonable care when determining whether to use physical force, and when using any physical force against another person. To that end, a peace officer shall:

RCW  
10.120.020

- When possible, use all "de-escalation tactics" that are available and appropriate under the circumstances before using physical force;
- When using physical force, use the least amount 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;


RCW  
74.34.020

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	<b>Policy &amp; Procedure Manual</b>	<b>Chief Joe Strong</b>	<b>Policy No. 09-030</b>

- Has limited English proficiency; or
  - Is in the presence of children.
- Terminate the use of physical force as soon as the necessity for such force ends;
  - When possible, use less-lethal alternatives that are available and appropriate under the circumstances before using deadly force.

**OTHER FACTORS TO CONSIDER:** For the purpose of this department policy, other factors to determine whether to use physical force against a person and if the physical force is necessary, as well as determining the appropriate and necessary force possible to effect a lawful purpose may include, but is not limited to:

- The conduct of the person as reasonably perceived by the officer at the scene;
- Whether or not the subject appears to be resisting, attempting to evade arrest by flight or is attacking the officer or another person;
- Number of subjects present versus number of officers;
- Reasonably reliable information as provided by E911 Dispatch or witnesses as to behavior or actions of the person before the police arrived;
- Relative physical strength and ability between the subject and the officer;
- Training and experience of the officer;
- Known or demonstrated skill by the person in fighting or martial arts;
- Time of day, lighting conditions and/ or impact of inclement weather;
- Heavy clothing, ballistic vest or other attire worn by the person which could prevent effective application of less-lethal force options (such as TASER);
- Proximity of weapons or other improvised weapons capable of producing harm;

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- Known prior history of the person to include violence or resistance;
- The risk of escape and reasonably foreseeable consequences of escape;
- The availability of other reasonable and effective force options given the unfolding circumstances and time available at the scene; and
- Other exigent or unforeseen circumstances.

**PHYSICAL FORCE BY POLICE SERVICES OFFICER (CORRECTIONS OFFICER):** Given the unique environment and duties entrusted to police services officers within the City Jail as related to the care, security and custody of inmates, state law provides additional latitude in the application of physical force for penological interests by corrections officers (police services officers).


Penological interests means, "interests that relate to the treatment (including punishment, deterrence, rehabilitation, etc.) of persons convicted of crimes." -Bull v. City & County of San Francisco. [9th Cir. Cal. Feb. 9, 2010].

By state law definition, a "peace officer" is not a "corrections officer", even if the peace officer is temporarily assigned, performing or assisting with correctional duties. Peace officers must always follow the physical force restrictions as provided in this policy and RCW Chapter 10.120- regardless of the setting.

Police services officers, when functioning in their designated capacity as a corrections officer, should consider the following factors before using force in a correctional setting or when responsible for the custody of an inmate for court, medical, work detail or other correctional assignment outside of the City Jail:


- The current classification level of the inmate;
- The present safety and security risk of escape;
- The present safety and security risk of assaultive behavior towards staff or others;
- Number of inmates present versus number of officers;

RCW  
Chapter  
10.120

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- Relative physical strength and ability between the inmate and the officer;
- Training and experience of the officer;
- Known or demonstrated skill by the inmate in fighting or martial arts;
- Proximity of weapons or other improvised weapons capable of producing harm;
- Know prior history of the inmate to include violence or resistance;
- The use of video surveillance equipment for monitoring daily activities inside the facility and providing an ability to identify safety and security incidents beginning or in-progress;
- Facility design providing for the option of isolating the inmate or event;
- The ability to create a pre-determined course of tactical response to problem inmates;
- Nature of the incident and if the level of violation or potential harm merits the immediate use of force to gain control or maintain security;
- Supervisory notification to determine if any discretion, pre-planning or approval is necessary for the appropriate level of force and implementation of a defensive tool or action;
- Reasonable tactics and reasonable force for the situation;
- Level of a threat, escalation of security or safety issues, and ability to justify the course of actions needed to resolve any critical or potentially critical incident.

In consideration of the factors above, police services officers may use force against another person only, when under the totality of the circumstances, a reasonably effective alternative to the use of force did not exist, and the amount of force used was reasonable and proportional response to the imminent threat and/or acts against penological interests as posed by the inmate or person.

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In addition to the permissible use of force by a “peace officer” under RCW 10.120.020 (as listed above), necessary force may be used by a police services officer performing correctional duties in the following circumstances:

- In self-defense or in-defense of another officer;
- To protect another person or inmate;
- To restore or maintain jail security, order, control, and discipline according to penological interests which may include, but not limited to: inmate booking, inmate search, inmate change of clothing, cell search, confiscation of contraband, providing inmate medication or treatment, or suspension of inmate jail services or activities such as recreation/ television/ phone privileges.
- To assure compliance and inmate safety as required by the Prison Rape Elimination Act (PREA);
- To prevent the commission of a crime;
- To protect property, to include damage to the facility;
- To protect or rescue a hostage;
- To prevent an escape.
- To prevent self-inflicted injuries or suicides.


**EXCESSIVE FORCE IN CORRECTIONS:** Officer use of physical force against prisoners who pose no threat to the safety and security of the institutional, and without penological interests, can subject themselves to Federal Civil Rights, Section 1983 litigation. In accordance with the 8<sup>th</sup> Amendment against cruel and unusual punishment, officers are prohibited from using any level of force against inmates as discipline, harassment, punishment or in a reckless or malicious manner

Federal courts have held officers liable under *Hudson v. McMillian* (1992) for malicious and sadistic acts against confined and handcuffed prisoners, officers retaliating against prisoners for writing grievances, violence related to staff failing to control their anger and officers making poor decisions in perceived dangerous situations within a correctional facility.

RCW  
10.120.020

PREA

*Hudson v.  
McMillian*


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**PROHIBITED USE-OF-FORCE:** Under state law, a peace officer may not use any force tactics prohibited by applicable departmental policy, RCW Chapter 10.120, or otherwise by law, except to protect his or her life or the life of another person from an imminent threat.

No officer may use physical force or deadly force in a manner or under such circumstances that would violate the United States Constitution or state Constitution.

RCW  
Chapter  
10.120

END

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>Deadly Force</i>	
	<b>Policy &amp; Procedure Manual</b>	Chief Joe Strong	<b>Policy No. 09-040</b>

**PURPOSE:** Under state law, the permissible use of deadly force by a peace officer was restricted in the 2021 Legislative session and clarified in the 2022 Legislative session.

Although police services officers assigned to correctional duties are not considered “peace officers” under the statutory definition, the same provisions for the use of deadly force will apply to police services officers, as well as all other officers of this department.

Officers shall not discharge a firearm or other deadly weapon other than for practice, for training at a target range or similar authorized and safe location, or to dispatch a wounded, suffering animal or to protect the officer or another person from an imminent attack by an animal, except when in performance of lawful duties as outlined under RCW 10.120.020.

RCW  
10.120.020

**DEADLY FORCE:** According to RCW 9A.16.010, *“deadly force” means the intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury.*

RCW  
9A.16.010

**LEGISLATIVE INTENT:** In ESSHB 1310, Chapter 324, Laws of 2021, the legislature recognized that additional clarity was necessary following the passage of Initiative Measure No. 940 and the Law Enforcement Training and Community Safety Act in 2019.

ESSHB  
1310,  
Chapter 324,  
Laws of 2021

The legislature intends to address excessive force and discriminatory policing by establishing a requirement for law enforcement and community corrections officers to act with reasonable care when carrying out their duties, including using de-escalation tactics and alternatives to deadly force. Further, the legislature intends to address public safety concerns by limiting the use of deadly force to very narrow circumstances where there is an imminent threat of serious physical injury or death.


It is the intent of the legislature that when practicable, peace officers will use the least amount of physical force necessary to overcome actual resistance under the circumstances.

*It is the fundamental duty of law enforcement to preserve and protect all human life.*

**DEADLY FORCE BY AN OFFICER:** A peace officer (or officer) may use deadly force against another person only when necessary to protect against an immediate threat of serious physical injury or death to the officer or another person.

RCW  
10.120.020



	<b>Hoquiam Police Department</b>  <b>Policy &amp; Procedure Manual</b>	<b>USE OF FORCE</b> <i>Deadly Force</i> Chief Joe Strong <b>Policy No. 09-040</b>	
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For purposes of this law and policy on deadly force:

- "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, (officer) or another person.
- "Necessary" in the context of deadly force means that, under the totality of the circumstances, a reasonably effective alternative to the use of deadly force does not exist, and that the amount of force used was a reasonable and proportional response to the threat posed to the officer and others.
- "Totality of the circumstances" means 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.

**REASONABLE CARE:** Under RCW 10.120.020, when possible, officers must use "reasonable care", which includes available and appropriate less-lethal alternatives, before using deadly force.

Less-lethal alternatives are defined to include, but are not limited to: *"verbal warnings, de-escalation tactics, conducted energy weapons, devices that deploy oleoresin capsicum, batons and beanbag rounds."*

The department is required to issue less-lethal alternatives to officers and make them reasonably available for use.

**RCW 9A.16.040- USE OF DEADLY FORCE:** *"The legislature recognizes that RCW 9A.16.040 establishes a dual standard with respect to the use of deadly force by peace officers and private citizens, and further recognizes that private citizens' permissible use of deadly force under the authority of RCW 9.01.200, 9A.16.020, or 9A.16.050 is not restricted and remains broader than the limitations imposed on peace officers."*

In addition to the provisions of RCW Chapter 10.120 outlined in this policy above, the following provisions of state law also apply to officers when considering or using deadly force.


Under RCW 9A.16.040, homicide or the use of deadly force by a public officer, peace officer or person assisting is justifiable in the following cases:

RCW  
10.120.020

RCW  
9A.16.040

RCW  
Chapter  
10.120

RCW  
9A.16.040

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>Deadly Force</i>	
	<b>Policy &amp; Procedure Manual</b>	Chief Joe Strong	<b>Policy No. 09-040</b>


- When a public officer applies deadly force in obedience to the judgment of a competent court; or
- When necessarily used by a peace officer meeting the good faith standard of this section to overcome actual resistance to the execution of the legal process, mandate, or order of a court or officer, or in the discharge of a legal duty; or
- When necessarily used by a peace officer meeting the good faith standard of this section or person acting under the officer's command and in the officer's aid:
  - To arrest or apprehend a person who the officer reasonably believes has committed, has attempted to commit, is committing, or is attempting to commit a felony; or
  - To prevent the escape of a person from a federal or state correctional facility or in retaking a person who escapes from such a facility; or
  - To prevent the escape of a person from a county or city jail or holding facility if the person has been arrested for, charged with, or convicted of a felony; or
  - To lawfully suppress a riot if the actor or another participant is armed with a deadly weapon.

Under the provisions of RCW 9A.16.040, in considering whether to use deadly force under the four criteria as listed above, to arrest or apprehend any person for the commission of any crime, the peace officer must have probable cause to believe that the suspect, if not apprehended, poses a threat of serious physical harm to the officer or a threat of serious physical harm to others.

Among the circumstances which may be considered by peace officers as a "threat of serious physical harm" are the following:

- The suspect threatens a peace officer with a weapon or displays a weapon in a manner that could reasonably be construed as threatening; or
- There is probable cause to believe that the suspect has committed any crime involving the infliction or threatened infliction of serious physical harm.

RCW  
9A.16.040

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>Deadly Force</i>	
	<b>Policy &amp; Procedure Manual</b>	Chief Joe Strong	<b>Policy No. 09-040</b>

Under these circumstances deadly force may also be used if necessary to prevent escape from the officer, where, if feasible, some warning is given, provided the officer meets the good faith standard of this section.

**PROHIBITED FORCE:** A peace officer may not use any force tactics prohibited by applicable departmental policy, the provisions RCW Chapter 10.120, or otherwise by law, except to protect his or her life or the life of another person from an imminent threat.


**GOOD FAITH STANDARD:** Under RCW 9A.16.040, a public officer shall not be held criminally liable for using deadly force without malice and with a good faith belief that such act is justifiable pursuant to this law.

A peace officer shall not be held criminally liable for using deadly force in good faith, where "good faith" is an objective standard which shall consider all the facts, circumstances, and information known to the officer at the time to determine whether a similarly situated reasonable officer would have believed that the use of deadly force was necessary to prevent death or serious physical harm to the officer or another individual.

RCW  
Chapter  
10.120

RCW  
9A.16.040

END

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>Special Deadly Force Situations</i>	
		Chief Joe Strong	Policy No. 09-050

**CHOKEHOLD OR NECK RESTRAINTS:** According to state law under ESHB 1054, Chapter 320, Laws of 2021, *no officer may use a chokehold or neck restraint on another person in the course of his or her duties as a law enforcement officer.* In accordance with state law, no officer of this department may employ or use a chokehold or neck restraint in the course of his or her duties as a law enforcement officer.

Any policies pertaining to the use of force adopted by law enforcement agencies must be consistent with this state requirement.

For the purposes of ESHB 1054, Chapter 320, Laws of 2021, "Chokehold" means the *intentional application of direct pressure to a person's trachea or windpipe for the purpose of restricting another person's airway.*

"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.*

**SHOOTING AT MOVING VEHICLE:** Per ESHB 1054, Chapter 320, Laws of 2021, *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 law, *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.*

As a safety tactic for officers and others in accordance to the law as outlined above, officers will not intentionally stand or place themselves on foot in front of a vehicle which is being operated in a manner in which the driver is attempting to evade capture, but is not intentionally using the vehicle as a deadly weapon.

**FLASHLIGHTS:** A flashlight may be used only in a defensive manner, not as an offensive weapon. If used as a defensive weapon, the flashlight shall be employed only as an "impact weapon" in accordance with policy 09-060: "Impact Weapons".

Intentional head strikes or similar blunt impact force impact strikes reasonably likely to inflict death or serious bodily injury to another person may only be used in instances where deadly force would be authorized pursuant to policy 09-040 "Deadly Force".


ESHB 1054,  
Chapter 320,  
Laws of 2021

ESHB 1054,  
Chapter 320,  
Laws of 2021

Deadly  
Force: policy  
09-040

Impact  
Weapons:  
policy 09-  
060

Deadly  
Force: policy  
09-040

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>Special Deadly Force Situations</i>	
		Chief Joe Strong	Policy No. 09-050

**VEHICLE RAMMING:** The use of a vehicle by any officer to ram or intentionally strike any other vehicle or person shall be deemed a use of deadly force. Any use of deadly force is subject to the restrictions in policy 09-040 "Deadly Force". Officers shall not use vehicle ramming as a method to terminate a pursuit unless the use of deadly force is justified at that time.

Even in a deadly force situation, officers must always be concerned with the unpredictable trajectory of a rammed vehicle and its possible consequences upon the public in the immediate area.

**STATIONARY ROADBLOCK:** Stationary roadblocks may be only be utilized as necessary police tactic in emergency situations where the use of deadly force would be authorized under policy 09-040 "Deadly Force". Stationary roadblocks shall not be implemented without the express approval of the on-duty supervisor.

Adequate warning to approaching traffic is required prior to implementing a stationary roadblock. Therefore, unless the only vehicle reasonably expected to approach the stationary roadblock is that of the suspect *where deadly force is authorized at that moment*, a reasonable system of warning motorists approaching the roadblock shall be in operation prior to the closing of the roadway for a stationary roadblock.

All other traffic must be stopped and directed off the roadway well prior to the stationary roadblock. All pursuing vehicles involved must be advised and acknowledge understanding of the location of the stationary roadblock.


If patrol cars are used for a stationary roadblock, the vehicles will not be occupied under any circumstances. All department members and citizens must clear the area in case of flying debris and seek adequate cover.

No private or citizen vehicles may be used to establish a stationary roadblock.

END

Deadly  
Force: policy  
09-040

Deadly  
Force: policy  
09-040

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>Impact Weapons</i>	
	<b>Policy &amp; Procedure Manual</b>	Chief Joe Strong	<b>Policy No. 09-060</b>

**DEFINITION:** For the purpose of this policy, "impact weapon" or "baton" shall mean side-handle, expanding, or straight police impact weapon as authorized by the department.

**USE OF BATON:** The baton shall be used and carried only by sworn officers who are trained and currently certified in its use. The baton may be used by the officer to defend him or herself or others only when the officer reasonably believes that a lesser degree of force is not sufficient to overcome and subdue the attacker. The baton may also be used as leverage in initiating come-along holds employed to overcome resistance or attempts to prevent a lawful arrest.

The baton shall be used under the above conditions only in a manner consistent with the current department training on the use of the baton.

**TRAINING:** Training in the use of the police baton shall consist of an initial training session and subsequent refresher training. The refresher training will be conducted every two years. The refresher training will be of duration long enough to ensure that all officers are proficient in the use of the baton. A qualified baton instructor shall conduct the training; the chief of police may appoint a qualified baton instructor for the department.


After each training session, the baton instructor will submit to the chief the names of those officers who have satisfactorily completed the training. Those officers who fail to satisfactorily complete the training at the qualification or make-up session will not carry or use the baton.

**MEDICAL AID:** Once the suspect is subdued and taken into custody, the arresting officer shall determine if the suspect sustained any injuries as a result of baton impact(s) or any other apparent injuries as a result of the incident.

The officer at the scene shall render immediate first aid as provided within the officer's training and shall request that an aid car be dispatched to the scene (or the suspect may be transported directly to a location of medical aid or treatment) as needed.

**REPORT REQUIRED:** In all cases where the baton is deployed or used against a subject, officers shall complete a law incident report detailing the circumstances relating to its use and the subsequent medical condition of the subject. The report will be submitted prior to going off-duty. Any possible injuries or marks as a result of the baton impact(s) or other related injuries will immediately be photographed and included in the case report.


If the subject is booked at the jail, the booking form shall reflect that the baton was used and detail any subsequent medical treatment that was provided to the

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>Impact Weapons</i>	
	<b>Policy &amp; Procedure Manual</b>	Chief Joe Strong	<b>Policy No. 09-060</b>

subject.

The immediate supervisor and the chief of police will review the report and maintain a copy of the report in the department "Use of Force" file.

END

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>OC Spray (Oleoresin Capsicum)</i>	
	<b>Policy &amp; Procedure Manual</b>	Chief Joe Strong	<b>Policy No. 09-070</b>

**TRAINING:** A formulation of tincture of oleoresin capsicum (OC), may be carried by all on-duty officers who have successfully completed the required training from a certified instructor. The department suggests as part of the training each officer should directly experience the effects of oleoresin capsicum (OC); this can be either a full facial application of oleoresin capsicum (OC) or room exposure. Exposure is optional, but highly recommended.

Oleoresin capsicum (OC) shall be used in accordance with prescribed training guidelines.

**ISSUANCE:** Officers are responsible for the oleoresin capsicum (OC) equipment issued, and are not permitted to loan or give this equipment to anyone outside the department and/ or officer not trained to use it. The issuance of oleoresin capsicum (OC) will be done in-person by the chief of police or his designee upon written or email request from a qualified and trained officer.

Malfunctioning or empty oleoresin capsicum (OC) containers will be turned in to the chief or his designee for safe and proper disposal. Replacement of oleoresin capsicum (OC) containers will be made only upon receipt of the old equipment.

**USE OF OC SPRAY:** Oleoresin capsicum (OC) is intended as a level-one control tactic and will only be used by officers in this manner. Oleoresin capsicum (OC) should be used to bring a subject under control only after reasonable verbal means have been attempted, if practical, and there is the potential of physical confrontation. In addition, oleoresin capsicum (OC) shall not be utilized except within the prescribed circumstances and guidelines as outlined in the training.


*When resistance ceases, stop spraying immediately.*

Every officer shall make a reasonable effort (as soon as practicable once the suspect or situation is under control) to decontaminate and provide comfort to the suspect or any other person to whom oleoresin capsicum (OC) has been applied (or exposed). The officer shall personally observe the suspect or person to whom oleoresin capsicum (OC) was applied (until the application has effectively passed or worn-off) to monitor any potential medical reactions.

Aid shall be summoned to the scene upon the indication of any medical reaction or upon the request of the suspect or person exposed.

Use of Force  
Definitions:  
policy 09-  
020




	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>OC Spray (Oleoresin Capsicum)</i>	
	<b>Policy &amp; Procedure Manual</b>	Chief Joe Strong	<b>Policy No. 09-070</b>

Oleoresin capsicum (OC) may be directed toward attacking animals; however, it may be only effective on exposed "mucous membranes".

**REPORT REQUIRED:** In all cases where oleoresin capsicum (OC) is applied or discharged, even if there is no effect, officers shall complete a Law Incident report detailing the circumstances relating to its use, and the reaction and subsequent condition of the suspect.

The report will be submitted prior to going off-duty unless delay is approved by the shift sergeant. The shift sergeant will review the report before it is forwarded to the chief of police for the "Use of Force" file via the chain of command.

END

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>Chemical Agents</i>	
		Chief Joe Strong	Policy No. 09-080


The use or possession of mace or other chemical substances or agents is not authorized for any members of the Hoquiam Police Department, except certified and trained members of the department who are assigned to a tactical team or specialty crisis response unit.

Chemical agents used by members of a tactical team or specialty crisis response unit shall be pursuant to all applicable unit policies and procedures.

Tincture of oleoresin capsicum, commonly known as "OC" or "Cap-Stun" is a natural agent of cayenne pepper and is not considered a chemical agent by this department.

OC Spray:  
Policy 09-  
070

END

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>TASER Less-Lethal Weapon</i>	
	<b>Policy &amp; Procedure Manual</b>	Chief Joe Strong	<b>Policy No. 09-090</b>

**BACKGROUND:** The Advanced TASER is a less-lethal, conducted energy weapon that uses propelled probes or direct contact to conduct energy to a target, thereby controlling and overriding the central nervous system of the body.

The TASER is a use of force option that is intended to be used in a manner that is not likely to result in death or serious bodily injury; the use of a TASER may prevent the need for officers to apply a higher level of force, including deadly force, to control a situation.

In accordance with policy 09-020: "Use of Force Definitions", officers shall evaluate and use only the appropriate amount of force that is *reasonable and necessary* to assume control of a situation or a person. The TASER may be deployed when other appropriate use of force options have been ineffective or when it reasonably appears that such other options will be ineffective in subduing the subject.

According to court rulings, the use of the TASER must be a reasonable action when governmental interests are at stake and begin with consideration of the following *Graham* factors:

1. How severe the crime at issue was;
2. Whether the suspect posed an immediate threat to the safety of the officers or others present; and
3. Whether the suspect was actively resisting arrest or attempting to evade arrest by flight.


The United States Supreme Court has observed that in weighing the *Graham* governmental interests in a situation where someone is likely to get hurt—either a fleeing suspect or innocent bystanders— it is "appropriate in this process to take into account . . . relative culpability" of the persons involved.

Therefore, in a situation where use of a TASER may be considered in a non-criminal incident, such as responding to a person in crisis where no crime has occurred, the only *Graham* factor to be considered by the officer is *whether the suspect posed an immediate threat to the safety of the officers or others*.

As with all use of force, officers are expected to constantly evaluate the *reasonableness and necessity* of their actions and are required to adjust tactics accordingly.

**TRAINING:** The TASER shall only be deployed by officers who have successfully completed the required training from a certified instructor. Training will consist of classroom instruction and practical training use.

Use of Force  
Definitions:  
Policy 09-  
020

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>TASER Less-Lethal Weapon</i>	
	<b>Policy &amp; Procedure Manual</b>	Chief Joe Strong	<b>Policy No. 09-090</b>

Subsequent training will consist of yearly refresher classroom training. Each officer will be recorded in training records as certified in the use of the TASER upon demonstrating proficiency with the unit to the certified instructor. The TASER shall only be used, carried and tested in accordance with prescribed training guidelines.

**ISSUANCE:** Officers are responsible for the TASER equipment issued, and are not permitted to loan, deploy or give this equipment to non-certified department members or to anyone outside the department. Malfunctioning TASER equipment shall immediately be taken out of service and secured at the police department. The officer with the malfunctioning equipment will then immediately forward written notice to the TASER instructor and the chief of police or designee to arrange the necessary repairs.

TASER charge readiness will be checked by viewing the charge meter and other tests as proscribed by the TASER instructor. The TASER will be secured in the approved TASER holster unless it is being tested in the "contact-arc" mode or being used to respond to an incident. The TASER is a weapon and shall be handled and secured at all times accordingly.

Issuance and carry of the TASER is required for all personnel performing regular patrol or corrections duties.

**DEPLOYMENT:** The TASER less-lethal force option is intended as a less-than-lethal weapon pursuant to department use of force guidelines.


The TASER may be deployed in a standby capacity during the service of search warrants, to secure combative emotionally disturbed individuals being taken into protective custody, or during times of civil disobedience. The TASER may be used to deter or subdue aggressive or attacking animals.

The TASER will only be used by officers to affect lawful purposes and will not be used against a person who complies with lawful commands or who is merely expressing verbal disagreement or verbal threats without the ability and/or opportunity to carry out such threats.

Officers must constantly evaluate the *Graham* factors in deciding to deploy the TASER:

1. How severe the crime at issue was;
2. Whether the suspect posed an immediate threat to the safety of the officers or others present; and
3. Whether the suspect was actively resisting arrest or attempting to evade arrest by flight.

Use of Force  
Definitions:  
policy 09-  
020

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>TASER Less-Lethal Weapon</i>	
	<b>Policy &amp; Procedure Manual</b>	Chief Joe Strong	<b>Policy No. 09-090</b>

**WARNING:** Officers will issue a verbal warning to the subject, citizens and other officers present that the TASER will be deployed prior to actual use, unless the circumstances of the situation prevent such a warning.

**BACK-UP OFFICER:** Whenever possible, officers deploying the TASER system should have a back-up officer in place should the less-lethal force option fail to subdue the intended subject and/or to assist in controlling the subject after the TASER is deployed.


*At no time shall officers of this department forgo the use of justified deadly force and place themselves, other officers or members of the public, at risk by opting for and relying only on the TASER less-lethal force option.*

**TASER DEPLOYMENT MODES:** The TASER has two modes of use: dart mode and stun mode. The dart mode is considered to be an intermediate use of force weapon; the stun mode is considered to be a level I control tactic in accordance with policy 09-020: Use of Force Definitions”.

Use of Force  
Definitions:  
policy 09-  
020

**ADDITIONAL RESTRICTIONS ON TASER USE:**

1. The TASER will not be deployed when the intended subject is in an explosive or flammable area or atmosphere, including having been sprayed with an OC product containing a flammable carrier or ingredient, medical areas where compressed oxygen is present, or inside suspected methamphetamine labs;
2. In addition to the guidelines of this policy, officers should consider the seriousness of the situation, level of actual resistance / threat (including weapons) prior to deploying the TASER on certain persons, including young children (generally under the age of 12), elderly persons, obviously pregnant women, persons suffering from an obvious medical seizure or anyone known to have a heart or respiratory condition;
3. Every effort will be made to strike the lower-center of mass of the suspect with the TASER projectiles according to training guidelines. Reasonable efforts should be made to avoid targeting the face, neck, groin and chest, provided the circumstances and officer safety permit targeting other areas. Although classified as a less-lethal device, the potential exists to inflict severe eye injury during a strike to the face areas. Personnel deploying the TASER will make every attempt to avoid intentionally striking the face or head areas;
4. Officers should not deploy TASER on a suspect who is in a position where falling would endanger his or her life or cause significant injury;

	<b>Hoquiam Police Department</b>  <b>Policy &amp; Procedure Manual</b>	<b>USE OF FORCE</b> <i>TASER Less-Lethal Weapon</i> Chief Joe Strong      Policy No. 09-090
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5. When resistance ceases, officer shall stop applying the TASER immediately;
6. The TASER shall not be deployed from or at a moving vehicle.

**POST APPLICATION OF TASER:** After application of the TASER and/or in the event the TASER barb lodges in skin or tissue and cannot easily be removed by officers at the scene, the deploying officer will summon the fire department for aid to evaluate any potential injury.

The subject may also be taken to the nearest medical facility for removal or treatment depending on the fire department's medical evaluation and/or medical needs. If a subject demands medical treatment, the fire department will be summoned to the scene accordingly. If additional medical attention is provided, the subject will be evaluated and cleared by fire department aid personnel or medical treatment providers prior to booking at the jail.

**REPORT REQUIRED:** In all cases where the TASER is displayed/ pointed to gain compliance, deployed, or discharged against a subject (including a deployment that misses the subject or is ineffective), all officers present shall complete a law incident report detailing the circumstances relating to the use, the subject's reaction, and the subsequent medical condition of the subject.

The report will be flagged in the Spillman RMS system with the TASER use code "TASU" and Hoquiam use of force code "HUFRC" before being submitted to the shift sergeant for review (prior to going off-duty).


Any possible injuries or marks as a result of the TASER projectiles, contacts or application will be photographed and included in the case report. If the subject is booked at the jail, the booking form will reflect that the TASER was used and detail any subsequent medical treatment that was provided to the subject.

The shift sergeant and chief of police will review the report via the chain-of-command and maintain a copy of the report in the department "Use of Force" file.

The TASER shall not be utilized except within the prescribed circumstances as listed in this policy as well as in accordance with training guidelines.

Violation of this policy will subject an officer to disciplinary action.  
END

Discipline:  
Section 05

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>Less-Lethal Impact Projectiles</i>	
	<b>Policy &amp; Procedure Manual</b>	Chief Joe Strong	Policy No. 09-091

**BACKGROUND:** Less-lethal impact projectiles are considered a less-lethal, intermediate force weapon intended for the protection of the officer and others, as a force option which may de-escalate a potential use of force situation and as an aid to apprehension. Before using department approved less-lethal impact projectiles against another person, officers will first attempt other reasonable means of apprehension or defense as authorized in state law and department policy.

When less-lethal impact projectiles are employed against another person, they will only be used to the degree necessary to defend the officer or others or to affect the apprehension of suspect(s).

Less-lethal impact projectiles are intended to be used in a manner that is not likely to result in death or serious bodily injury; however, officers must constantly assess the risk versus benefit in deploying the impact projectile and be aware although designed as a less-lethal force option, serious injury or death is always a possibility.

In accordance with policy 09-020: "Use of Force Definitions", officers shall evaluate and use only the appropriate amount of force that is *reasonable and necessary* to assume control of a situation or a person. Less-lethal impact ammunition may be deployed in an attempt to de-escalate a volatile situation; when other appropriate use of force options have been ineffective; or when it reasonably appears that such other options will be ineffective in subduing the subject.


**TRAINING:** No member of this department will be allowed to employ less-lethal impact projectile weapon without successfully completing initial training by a certified instructor. Department members certified on less-lethal impact projectile weapons will receive training every two years thereafter.

**ISSUANCE:** Less-lethal impact projectiles will be available only within the designated and clearly marked launcher device. *At no time will the launcher be used to discharge regular ammunition.* Less-lethal impact launchers will be assigned to officers or be available as needed.

The less-lethal impact ammunition instructor(s) will be expected to inspect and maintain the dedicated launchers and corresponding department approved inventory of less-lethal impact projectiles.

Pursuant to state law, the department will make less-lethal reasonably available to department members. This may be accomplished by assigning less-lethal impact launchers to each patrol car and/or having such launchers

Use of Force  
Definitions:  
Policy 09-  
020

	<b>Hoquiam Police Department</b>		<b>USE OF FORCE</b> <i>Less-Lethal Impact Projectiles</i>	
	<b>Policy &amp; Procedure Manual</b>	Chief Joe Strong	Policy No. 09-091	

available at the station, in the supervisor's vehicle during the shift or in the City Jail office

If the patrol car is not equipped with a designated locking rack, the assigned less-lethal launcher can be stowed in the designated carrying case or will need to be removed at the end of the officer's shift.

Although intended as a less-lethal weapon, officers shall secure, handle and treat the launcher with the same safety standards as that of a conventional firearm and as outlined in the applicable training.

**LAUNCHER:** The special department issued launchers dedicated to use less-lethal impact projectiles will conform to the following standards to prevent the accidental use of conventional ammunition:


1. The less-lethal impact launcher will be clearly marked in a bright orange blaze color for ready identification;
2. The magazine will be loaded only with less-lethal impact projectiles, chamber empty and safety on until ready to fire;
3. Upon issuance, each officer who has been assigned less-lethal impact launcher will inspect it to ensure proper function and verify that it contains only less-lethal projectiles;
4. The less-lethal impact projectiles and dedicated launcher shall be stored, maintained and inspected according to the manufacturer's directions, less-lethal impact projectile training and department policy;
5. Less-lethal impact projectiles will not be discharged from regular (non-designated) firearms under any circumstances.

**DEPLOYMENT:** Where practical, clear verbal instructions and/or a warning should be given to the suspect prior to use or discharge of any less-lethal impact projectiles.

Less-lethal impact projectiles will not be deployed against a person when the face or head is the only available target area as severe injury or death can occur and/or when the suspect is in a position that falling would endanger his or her life and/or result in serious bodily injury.

When deploying, every effort shall be made to only strike the intended target area of the suspect with the less-lethal impact projectile. The head, neck, and spine *shall not* be intentional points of impact as severe injury or death can occur.



	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>Less-Lethal Impact Projectiles</i>	
	<b>Policy &amp; Procedure Manual</b>	<b>Chief Joe Strong</b>	<b>Policy No. 09-091</b>

Less-lethal impact projectiles can be used to deter animal attacks, break windows to assist in gaining entry to a structure or vehicle, assist in deployment of other less-lethal options (such as oleoresin capsicum) and other uses as outlined and authorized by the training specific to the less-lethal impact platform.

-For the FN303 launcher:

- Primary target areas from 12 feet or greater should be legs, torso, arms, or calves. The groin should never be intentionally targeted;
- Primary target areas from 3-12 feet should be the thighs;
- The effective range of the impact projective is under 50 meters (164 feet or less).

-For the 12-gauge shotgun style launcher:

- Primary points of impact are the lower legs, thighs, buttocks, and calves. The groin should never be intentionally targeted;
- Secondary points of impact are the abdominal areas. Impact to these areas increases the likelihood of unintended serious injury;
- The effective range of 12-gauge less-lethal "bean bag" impact projectiles is 75 feet or less.


Less-lethal impact projectiles are not a substitute for a firearm and conventional ammunition, therefore when using less-lethal impact projectiles, it is expected that a second officer be present to protect the officer employing the less-lethal impact projectiles and to assist in controlling the suspect.

*At no time shall officers of this department forgo the use of justified deadly force and place themselves, other officers or members of the public, at risk by opting for and relying only on the less-lethal impact projectile force option.*

**POST-DISCHARGE:** After application of less lethal impact projectiles, all persons struck with any less-lethal projectile will be cleared by a medical provider or emergency room staff prior to incarceration.

The less-lethal launcher will be secured and maintained in a safe manner by the responsible officer or other department member, to include unloading the weapon and securing it in the launcher rack or in the patrol vehicle.

Given the nature of the compressed air powered FN303 less-lethal impact projectile launcher, the following clearing procedure will need to be followed in order to secure the weapon. In order to decrease the possibility of other officers or the public mistaking the "clearing procedure" as deadly force or

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>Less-Lethal Impact Projectiles</i>	
	<b>Policy &amp; Procedure Manual</b>	<b>Chief Joe Strong</b>	<b>Policy No. 09-091</b>

shots fired, officers will be expected to conduct the FN303 clearing procedures away from the scene, preferably after returning to the station:

1. Remove the magazine from the launcher;
2. Turn the air tank to the "Off" position;
3. Notify others around you with loud verbal notice that you will be "clearing" the launcher;
4. Point the launcher in a safe direction;
5. Pull the trigger 3-4 times to release any remaining compressed air from the launcher;
6. Secure the launcher;
7. If any impact projectiles were deployed, forward the launcher to the department FN303 trainers for inspection and routine maintenance.

Any possible injuries or marks as a result of the less-lethal impact projectiles should be immediately be photographed and included in the case report.


If the subject is booked at the jail, the booking form shall reflect that less-lethal impact projectiles were deployed and detail any subsequent medical treatment that was provided to the subject.

**REPORT REQUIRED:** In all cases where less-lethal impact projectiles are deployed or discharged against a subject (including a deployment that misses the subject), officers shall complete a law incident report detailing the circumstances relating to its use, the subject's reaction, and the subsequent medical condition of the subject. The report will be submitted and reviewed by the shift supervisor prior to going off-duty.

The immediate supervisor and chief of police via the chain of command will review the report and maintain a copy of the report in the department's Use of Force file.

Less-lethal impact projectiles shall not be utilized except within the prescribed circumstances, department policy and training guidelines. Any violation of this policy will subject an officer to disciplinary action.

END

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>Use of ICE Shield</i>
<b>Policy &amp; Procedure Manual</b>	Chief Joe Strong	<b>Policy No. 09-092</b>

**BACKGROUND:** The ICE Shield has been adopted to provide a safe, effective device to address uncooperative and/or hostile individuals in riot situations and cell extractions. The device can be used to reduce the physical force needed to effectively control combative subjects/ prisoners and reduce the likelihood of injuries to all involved parties, including innocent bystanders.


The ICE Shield is an electrified shield. The device is a polycarbonate riot shield which produces an electrical shock on face of the shield. It is designed to disorient, temporarily immobilize and stun a person without causing permanent injuries. The electric portion of the shield is activated manually by a spring-loaded rocker style switch.

**TRAINING:** No member of this department will be allowed to operate the ICE Shield, either in the product's daily maintenance or in use with subjects, unless the officer has completed a departmentally approved training course on the use shield as specified. At no time will control of the ICE Shield be given to an untrained department member.

**MAINTENANCE:** Only a properly trained department member will be designated to be responsible for maintaining the ICE Shield. The designated maintenance officer will exercise due care and diligence in making sure the batteries are in good working condition and replaced as necessary. No department member will attempt to repair or alter this unit without first consulting with factory personnel (other than changing the batteries).

**DEPLOYMENT:** According to the manufacturer of the ICE Shield, the following deployment factors should be considered:

- If possible, the ICE Shield should be tested prior to deployment or anticipated use;
- Where practical, a warning should be given to the suspect prior to use or discharge of the ICE shield;
- The ICE Shield may be deployed during an active riot situation;
- The ICE Shield may be deployed to control an uncooperative/violent subject during a cell extraction;
- The preferred application areas include the shoulders and upper back, stomach area, lower back, legs and arms;
- Unacceptable application areas include the top of the neck, throat, head, breasts (females), groin and the base of the sternum-xyphoid process;
- An activation triggering the electric portion of the shield will not exceed eight seconds in duration. An additional eight second application may be used with a subject who continues to resist or exhibit violent behavior. A maximum of two subsequent applications may be applied to a subject; after two applications, use of the ICE Shield

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>Use of ICE Shield</i>
<b>Policy &amp; Procedure Manual</b>	Chief Joe Strong	<b>Policy No. 09-092</b>

should be terminated and another tool or action should be utilized.

- The ICE Shield will not be used with pregnant women, persons known to have serious heart diseases, multiple sclerosis or muscular dystrophy.
- The ICE shield will not be used to unlawfully threaten, coerce, harass, taunt, belittle or abuse any person. Horseplay in any form between department members and/or persons from outside the department will not be tolerated in any form.

**POST-USE OF SHIELD:** Following the application of the ICE Shield with a subject, officers will check for any injuries and summon emergency medical attention as necessary.

The ICE Shield is designed for temporary immobilization. It will not normally cause any significant injury. Officers must consider however, the subject may receive secondary injuries as a result of falling when the device is activated.

If the subject complains of medical problems after the use of the product, the subject should be medically evaluated.


As soon after the incident as possible, the officer deploying the shield or a supervisor will photograph signature marks (contact marks) and any secondary injury. If the subject is booked at the jail, the booking form should reflect the ICE Shield was applied and detail any subsequent medical treatment that was provided to the subject.

**REPORT REQUIRED:** In all cases where the ICE Shield is deployed or discharged against a subject (including a deployment which is ineffective), officers shall complete a law incident report detailing the circumstances relating to the use, the subject's reaction, and the subsequent medical condition of the subject. The report will be submitted and reviewed by the shift supervisor prior to going off-duty.

The immediate supervisor and chief of police via the chain of command will review the report and maintain a copy of the report in the department's Use of Force file.

The ICE Shield will not be utilized except within the prescribed circumstances, department policy and training guidelines. Any violation of this policy will subject an officer to disciplinary action.

END

	<b>Hoquiam Police Department</b>  <b>Policy &amp; Procedure Manual</b>	<b>USE OF FORCE</b> <i>Knives as Secondary Weapon</i> <b>Chief Joe Strong</b> <b>Policy No. 09-095</b>
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Officers are authorized to possess and use knives on-duty. It is recognized that an officer may have many needs for such a tool while on-duty, for both general work and for limited defense purposes. The department does not issue knives nor does it provide training in the use of knives as weapons. In the event a knife is utilized as a weapon, it is defined as a lethal force option.


Officers may carry folding or fixed blade knives as the individual prefers. The blade length (as defined as the sharpened edge of the blade) of any knife carried while on-duty shall not exceed four inches (4"). The blade shall not be double-edged, although a sharpened clip portion of the blade, not to exceed two inches (2"), is permitted. No combat style or "fighting" knives are allowed. All personnel wishing to carry a knife while on-duty must have it inspected for compliance with the policy by the Firearms Instructor prior to wearing it on-duty.

All knives carried on-duty by uniformed and/or non-uniformed officers must be carried in a secure manner. The knife should be carried in one of the following manners:

1. A fixed-blade knife must be carried in a sheath and be concealed so that the blade is not visible and the knife is not generally recognizable to the public.
2. A folding-blade knife must be carried:
  - In a closed sheath (carrier) on the belt. This sheath must be consistent in color with the other items carried on the duty belt.
  - Securely clipped to the inside of a pocket or inside the waistband so that only the pocket clip and a small portion of the handle are visible, or
  - If the folding knife is carried in any position other than described above, it must be concealed.

Any knife approved to be carried by an on-duty officer may be used as a defensive weapon only under circumstances where lethal force may be lawfully employed and only if one or more of the following circumstances are present:

1. When an officer is disarmed of his firearm.
2. When an officer is injured in such a manner that he cannot utilize his firearm.
3. Weapon retention situations when an officer does not believe he/she can maintain control of his firearm.
4. Lethal force attacks where an officer cannot draw his firearm because of being in an adverse physical position.

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>Knives as Secondary Weapon</i>
<b>Policy &amp; Procedure Manual</b>	Chief Joe Strong	<b>Policy No. 09-095</b>

Any knife that is carried off-duty does not fall under this on-duty police, but must conform to local and state law applicable for such devices.

END



## Hoquiam Police Department

### Policy & Procedure Manual

## USE OF FORCE

### Leg Restraints & WRAP Restraint

Chief Joe Strong

Policy No. 09-100

**LEG RESTRAINTS AUTHORIZED:** The use of soft leg restraints shall be used by officers only in situations where the suspect poses a hazard of injury to himself or the officer, and/ or attempts or threatens to damage the patrol car during transport. The soft leg restraint used shall be of a type and design as approved by the department which minimizes any potential injury to the suspect while still providing effective safety.

**METHOD OF USE:** If soft leg restraints are used, the suspect shall be secured in the upright sitting position, hands handcuffed behind the back, with the suspect seat-belted into the vehicle to minimize the suspect's subsequent movements. The suspect's feet shall only be secured to the bottom portion of the prisoner screen; no portion of the leg restraint shall be placed outside of the patrol car or secured by closing the door on the strap.

*Under no circumstance shall a suspect's legs be restrained or secured back to the suspect's handcuffs. The suspect shall not be placed in a position on the seat which could potentially restrict breathing.*

The transporting officer shall observe the suspect during the entire transport.

If the above provisions cannot be met, the arresting officer shall not transport the suspect until additional assistance arrives at the scene and alternate transport arrangements can be made.


**WRAP RESTRAINT:** Patrol and Jail personnel trained in the use of the WRAP Safe Restraint System may use the device to control and immobilize a violent or potentially violent/ combative subject who has been detained or taken into custody. The WRAP restraint device is designed to provide emergency stabilization.

The WRAP shall only be used by personnel trained in the device and it shall only be used in accordance with the manufacturer's guidelines.

**APPLICATIONS:** Use of the WRAP may be considered under the following situations:

- Whenever violent or combative behaviors are anticipated;
- To immobilize a violent or combative subject;
- To prevent a violent or combative subject from injuring self or others;
- To prevent violent or combative subject from causing property damage;
- When other methods of restraint are not effective;
- To transport or carry violent or combative subjects, especially down stairs or other confined spaces;
- To prevent the escape of a violent or combative subject;

WRAP  
Manufacturer  
Guidelines

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>Leg Restraints &amp; WRAP Restraint</i>	
	<b>Policy &amp; Procedure Manual</b>	<b>Chief Joe Strong</b>	<b>Policy No. 09-100</b>

- To protect department personnel, medical providers, citizens and the violent/ combative subject from injury.

**METHOD OF USE:** Use of the WRAP system must be authorized by the shift supervisor prior to application.

Once authorized for deployment, the WRAP can be used prior or after a violent or potentially violent/ combative subject is controlled using reasonable and necessary force as outlined in department policy. Once the subject is sufficiently controlled, the WRAP may be applied as a restraint according to the manufacture's guidelines.

Once applied, the restrained subject shall monitored either in person or by video surveillance. As with any other restraint device, officers should not assume the WRAP is escape-proof.

Once the subject is secured with the WRAP harness, the subject shall be placed in an upright seated position or on their side to help increase oxygen recovery rate and reduce the incidence of respiratory fatigue. The harness should not be tightened to the point it may interfere with the subject's ability to breathe. Caution should be taken to avoid any straps from being tangled around the subject's neck.


A padded safety helmet may be placed on the restrained subject to help prevent head injuries. The WRAP also has a storage pouch for a "spit hood" head cover to prevent biohazard transfer. The use of the helmet is optional.

If the restrained subject complains or exhibits any medical concerns, officers shall seek immediate medical attention by summoning an ambulance. Medical treatment can be provided while the subject is still restrained in the WRAP. Examples of medical or health concerns include:

- Respiratory distress, such as coughing, gasping, gagging or shortness of breath;
- Sudden quiet or inactivity (especially after a violent struggle);
- Chest pains or pains radiating down the arms;
- Change in facial color;
- Elevated body temperature or complaints of overheating;
- Vomiting;
- Suspected influence of drugs or alcohol;
- Profuse sweating.

**REPORTING THE USE OF THE WRAP:** If the WRAP is deployed at any point or attempted to be deployed, it shall be so documented in the associated



	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>Leg Restraints &amp; WRAP Restraint</i>	
	<b>Policy &amp; Procedure Manual</b>	Chief Joe Strong	<b>Policy No. 09-100</b>


Law Incident Report. The report will be coded with the associated circumstance code "WRAP".

**SECURING THE WRAP:** After the WRAP is no longer necessary, it should be removed in a secure location where the harness and other pieces of the device are not accessible to the subject or others in the immediate vicinity.

The entire device should be inspected for damage; any needed repairs will be completed before the device is placed back into service. The entire unit will be decontaminated for potential biohazards and allowed to air dry before storage pursuant to policy 10-270: "Biohazard Procedures".

Biohazard  
Procedures:  
Policy 10-  
270

END

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b>	
	<b>Policy &amp; Procedure Manual</b>	<i>Reporting Death or Serious Bodily Injury</i> Chief Joe Strong	<b>Policy No. 09-120</b>

**REPORTING REQUIREMENT:** Any department member(s) who inflicts death or serious injury upon any person by any means (or is involved in any death or incident of serious injury to another during any duty assignment) shall immediately notify the on-duty shift supervisor.

The on-duty shift supervisor shall notify the chief of police via the chain of command as soon as practical.

This policy is intended to cover not only use of force in the line of duty by officers, but also any incident involving any department member, to include traffic collisions or industrial accidents.

**OTHER DEPARTMENT MEMBERS:** In addition to the requirements of the involved officer(s), witness officers who were present during the incident (but did not use force or were not directly involved in the death or serious injury), as well as uninvolved officers who responded to or were later present at the scene (but did not witness the incident) are also required to report to the shift supervisor as soon as practical in order to document their presence.

**INITIAL ON-SCENE DUTIES:** In addition to the requirement of any other policy or law, to include notification of the shift supervisor, the following duties should be completed to whatever extent is reasonably possible:

The involved officer(s) should attempt to:

- Once the scene is safe, immediately render first aid to any injured parties, to include the suspect. Request paramedics and advise the nature of injuries so the fire department can respond with needed resources;
- Direct and coordinate back-up or other units responding to the scene prior to the arrival of the shift supervisor;
- Protect the scene. Everything present should now be considered evidence which will be investigated as a crime scene. No items, vehicles or other potential evidence should be moved, changed or modified in any way. If the dynamics of the scene, aid or fire response or other factors beyond the control of the involved officer requires the movement of evidence, it should be first photographed in position (if possible) as well as documented for the investigators assigned later;
- Protect all weapons for examination by investigators (this includes any weapons used- as well as those which were not used);
- Provide a public safety statement to the shift supervisor, if warranted.

The witness officer(s) and uninvolved officer(s) should attempt to:

- Assist in rendering first aid to the injured parties, to include the suspect. Assist in directing paramedics into the scene provide support

\*WASPC  
Standard 3.6



# **Hoquiam Police Department**

## **Policy & Procedure Manual**

### **USE OF FORCE**

*Reporting Death or Serious Bodily Injury*

Chief Joe Strong

**Policy No. 09-120**

to emergency medical personnel with the identification, collection and transport of patients as requested;

- Secure the scene and mitigate potential hazards;
- Request additional resources and/or coordinate the communication of information related to any suspect(s) outstanding from the scene;
- Establish an inner and outer perimeter barrier, if possible. Establish a crime scene log to document anyone entering and leaving the inner perimeter as this area should be considered a crime scene pending the arrival of assigned investigators;
- Brief the shift supervisor and administrative officers as necessary.


**PUBLIC SAFETY STATEMENT:** Depending on the circumstances of the incident, the shift supervisor may order the involved officer(s) to provide a brief public safety statement. A public safety statement is not an interview of the officer(s) involved as officers have the same constitutional legal rights as any other citizen.

The intent of the public safety statement is to learn about the incident only to the extent necessary to apprehend the suspect(s), identify possible witnesses before they leave the scene, check on or locate other potential victims or persons injured as a result of the incident, assist in determining the size and scope of the scene, protect evidence which needs to be preserved and/or assure the safety of the general public.

In accordance with the dynamics of the incident, the following questions may be asked of the involved officer(s) as part of a public safety statement; it is critical to write down the answers to the questions as accurately as possible:


- What was your location at the time of the incident?
- If a firearm was discharged by you or anyone else during the incident, what direction and how many rounds were fired?
- Are you aware of anyone possibly injured and/or where they may be located?
- Are there any outstanding suspects and what is the nature of crime?
- Do you have a description and last known direction of travel or associated vehicle?
- How long has the suspect been gone and is he or she armed?
- What area within or near the scene should be protected for evidence?
- Are you aware of any specific items which need to be protected for investigators?
- Are there any other personnel involved or witnesses to the incident?

Once the public safety statement is obtained by the shift supervisor, who is required to act upon any outstanding factors or issues identified by the

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>Reporting Death or Serious Bodily Injury</i>	
	<b>Policy &amp; Procedure Manual</b>	Chief Joe Strong	<b>Policy No. 09-120</b>

answers provided by the involved officer in the statement, the involved officer should refrain from discussing the incident with anyone other than their legal representative, appointed peer counselor, medical or mental health professional or the assigned investigators until authorized to do so by the investigators and a department administrator.

END

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>Death or Serious Injury Supervisory Response</i>	
	<b>Policy &amp; Procedure Manual</b>	<b>Chief Joe Strong</b>	<b>Policy No. 09-130</b>

RESPONSE: Once the on-duty shift supervisor is notified of a deadly use of force incident, a use of force incident that results in serious injury to another, an incident where a department staff member is involved in any death during any duty assignment or any incident of serious injury to another during any duty assignment, that supervisor shall immediately respond to and take charge of the scene if the incident occurred within the city limits of Hoquiam.


If the incident occurred outside of the city limits, as a result of a Hoquiam officer involved in a multi-agency unit, mutual aid response or other law enforcement related incident, the shift supervisor will respond to the scene and coordinate with the supervisor of the responsible agency.

If necessary, the chief of police or a department administrator may request or designate other department members or a supervisor from another law enforcement agency to act on the department's behalf.

**DUTIES OF THE SHIFT SUPERVISOR:** The following duties should be completed to whatever extent is reasonably possible by the shift supervisor while responding to and/or when at the scene:

- Notify the chief of police via the chain of command (or the designated on-call department administrator, if after hours);
- If the scene is controlled, verify the involved officer or other officers present are providing first aid to any injured persons, to include the suspect(s). Assist in coordinating the response of paramedics to the scene by communicating the number of patients, nature and extent of injuries, so the fire department can deploy needed resources;
- Take command of the scene on behalf of the department until relieved by a superior officer or assigned investigators. If the incident occurred in another jurisdiction, coordinate with the on-scene supervisor from the responsible agency. Consider forming a unified command structure, if possible;
- Obtain a briefing from witnesses and uninvolved officers at the scene;
- If needed, obtain a public safety statement from the involved officer(s) from this department. Do not compel a public safety statement if it is not necessary to obtain critical information needed at that moment. Involved officers from other departments should not be interviewed or requested to provide a public safety statement as they need to follow the policies and procedures from their own agency;
- Use available information provided by witnesses, uninvolved officers (and the public safety statement, if it was needed) to determine trajectory of rounds fired, possible locations of additional injured persons and the extent of the scene with the locations of possible items of evidence;


\*WASPC  
Standard 3.6

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>Death or Serious Injury Supervisory Response</i>	
	<b>Policy &amp; Procedure Manual</b>	<b>Chief Joe Strong</b>	<b>Policy No. 09-130</b>

- If there is a suspect at large, there is a threat to public safety or other unresolved issues arising from the incident, coordinate communication and request additional resources to address these factors. Consider assigning another supervisor or officer as lead in coordinating the subsequent response needs so the shift supervisor can focus only on the necessary duties at the primary scene;
- Secure the crime scene by creating an inner and outer perimeter large enough to encompass the incident, if possible. The inner crime scene should encompass all identified potential evidence and be established with a physical barrier such as crime scene tape. An outer perimeter should also be created, with a barrier of crime scene tape, if possible, to encompass the needs of later responding units, to include medical personnel, crime scene technicians, command officers and assigned investigators. It is always best to establish the scene larger in the beginning to not miss any potential evidence and shrink it later as needed;
- The inner perimeter should be tightly restricted to only necessary aid personnel and those assigned to process the scene and/or the assigned investigators. A crime scene log will be maintained with a record of every person who enters and leaves;
- Ensure the involved officer(s) secure all weapons, whether used or not. It is not necessary to relieve an involved officer of his or her firearm prior to the arrival of assigned investigators, unless some extenuating circumstances exist;
- Identify and separate potential witnesses. Ask witnesses to remain at the scene or be readily available for the assigned investigators;
- Scan the area for possible surveillance video from area businesses and home. Make sure to note the locations and provide the information to the assigned investigators;
- Identify any individual(s) with potential gunshot residue and take reasonable steps to preserve this evidence for the assigned investigators;
- Ensure that all witness and uninvolved officers complete required reports, statements to investigators or other duties as assigned.

**TRANSPORT OF INVOLVED OFFICER(S):** As soon as the involved officers are no longer needed at the scene, and do not require medical treatment for injuries, the officer(s) should be transported to the station or another secure location. It is best to transport each officer individually, if possible.

Pending the arrival of the assigned investigators, involved officer(s) should remain in uniform with the same duty gear and equipment present at the time of the incident, if possible. If there are extenuating circumstances, such as

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b>	
	<b>Policy &amp; Procedure Manual</b>	<i>Death or Serious Injury Supervisory Response</i> Chief Joe Strong	<b>Policy No. 09-130</b>

when an officer is receiving medical treatment or must otherwise modify his or her appearance because of the presence of dangerous materials or other hazards, the shift supervisor will direct photographs be taken prior to doffing, if possible.

Involved officers should be aware the assigned investigators will be photographing their appearance and may collect uniforms, duty gear and other items as evidence related to the investigation. Care should be taken to preserve any transitory evidence, such as damaged clothing/ duty gear, blood or fingerprints, until the assigned investigators can properly document and secure it.

All reasonable accommodations to care for the officer's physical and emotional needs should be considered. Officers released after contact with the assigned investigators will be provided with all required uniforms and duty gear or alternative clothing, before leaving the station.


**INVOLVED WEAPONS:** If an involved officer's firearm, ammunition or other weapon used in the incident must remain at the scene or is later secured as evidence by the assigned investigators, the department will issue a replacement as soon as possible unless there is a compelling reason not to do so.

All weapons in possession of the involved officer will be examined and documented by the assigned investigators, even if it was not used during the incident. Officers are advised all weapons, department issued or personal approved back-up weapons, may be seized as evidence by the assigned investigators.

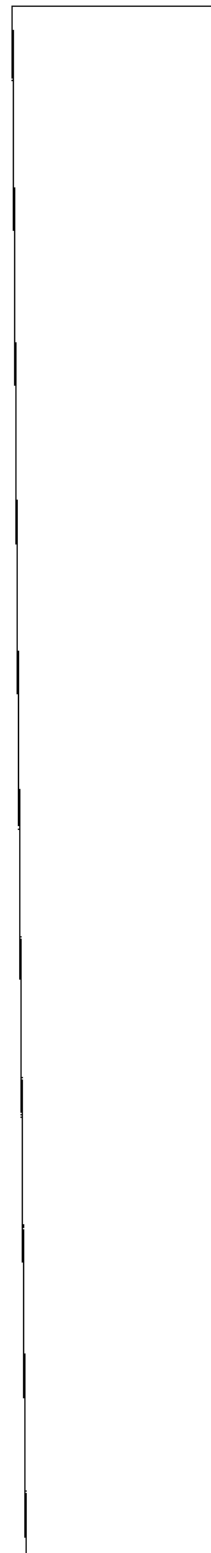
**NOTIFICATION OF OTHER DEPARTMENT MEMBERS:** As soon as practical after an incident involving death or serious bodily injury, a department administrator will direct in-person or phone notification of the family of the involved officer(s) as well as uninvolved department members, including those whom are off-duty.

This information will be a general courtesy notification as the rapid speed and inaccuracy of broadcast and social media can cause significant anxiety. Even if information is very preliminary or somewhat limited, it is always preferable to hear directly from the department.

**CITY ATTORNEY:** The chief of police or on-call administrator shall notify the city attorney of the incident as soon as possible.

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>Death or Serious Injury Supervisory Response</i>	
	<b>Policy &amp; Procedure Manual</b>	Chief Joe Strong	<b>Policy No. 09-130</b>

RELEASE OF INFORMATION: Only the chief of police will authorize a press release or public release of information of any kind regarding the incident, unless the investigation has been taken over by an independent investigation team according to state guidelines.



END





## Hoquiam Police Department

### Policy & Procedure Manual

## USE OF FORCE

*Death or Serious Injury- Post Incident*

Chief Joe Strong

Policy No. 09-140

**LIMITED COMMUNICATION WITH OTHERS:** After a public safety statement is obtained (if necessary), involved department member(s) are hereby ordered to not discuss the incident with anyone, except the assigned investigators, his or her attorney, designated peer support group counselor, mental health / medical provider, personal clergy member or spouse.

**ADMINISTRATIVE LEAVE:** Any department member whose actions or the use of force results in a death or serious physical injury to another, will be placed on mandatory administrative leave (with pay for employees) for the duration of the department member's shift and the following shift(s)- with a minimum of two consecutive work days after the incident- as well as the duration of the subsequent required investigation, if necessary.

The paid administrative leave is in the interest of the department member and the department. The administrative leave is not disciplinary and is not to be considered punitive in any way. The duration of the administrative leave will be determined on a case-by-case basis.

Department members will be advised of the administrative leave provisions; any public statement regarding the status of the involved department member will indicate the person is on paid administrative leave, as this leave is considered to be standard with such incidents.

During the period of administrative leave, the employee is being paid and is considered to be at work; he or she will be expected to be available to the department or investigators as scheduled. While on administrative leave, but prior to being released to full-duty, the department member may be assigned to administrative or non-enforcement desk duties after a reasonable recuperation period as approved by the chief of police.

**PEER SUPPORT:** The department member involved in a mandatory leave incident will be afforded the opportunity to name a fellow department member who was not involved in the original incident (or a peer from another department) to assist with transportation needs, companionship and emotional support, provided:

- If the assisting officer is a designated peer support group counselor per RCW 5.60.060, communications regarding the incident will be considered confidential and privileged per state law;
- Involvement with peer support is completely voluntary;
- If a fellow department member is named, that department member will receive work schedule considerations to assist the involved member as needed;

\*WASPC  
Standard 3.6

Return to  
Duty  
Assignment:  
Policy 09-  
160

RCW  
5.60.060



## Hoquiam Police Department

### Policy & Procedure Manual

## USE OF FORCE

*Death or Serious Injury- Post Incident*

Chief Joe Strong

Policy No. 09-140

- The peer support officer may not assist more than one involved officer from the same incident;
- In addition to assisting the involved department member, the peer officer should also ensure the department member is isolated from others involved in the incident and does not discuss the matter until directed.

**PERSONAL LEGAL REPRESENTATION:** Any department member represented by a union has the right to union representation. However, any communication between the union representative and the involved department member is not considered privileged under state law and can be compelled in subsequent court proceedings. Multiple involved officers may not meet with the same union representative at the same time until after a formal interview or report is provided.

Any discussion with a licensed attorney is considered privileged as attorney-client communication. Multiple involved officers may not meet with the same attorney at the same time until after a formal interview or report is provided.


**MENTAL HEALTH COUNSELING:** When appropriate in the subsequent investigation, the involved department member will meet for debriefing and counseling with the departmentally designated and/ or personally selected psychologist or psychiatrist. Any required counseling shall be at the expense of the city.

This will be a professional who has experience in assisting law enforcement personnel and their families with recognizing and coping with the natural responses to these types of incidents. The debriefing session is mandatory and cannot be waived.

- The debriefing or counseling session should take place as soon as possible following the incident, but not before statements or reports have been submitted to the assigned investigators, if possible;
- All conversations between the department member and the psychologist or psychiatrist are considered confidential subject to the doctor-patient privilege;
- Pursuant to policy 09-160, "Return to Duty Assignment", the department may require a fitness for duty evaluation prior to a return to duty assignment from a psychologist or psychiatrist *other* than the professional who conducted the counseling session(s).

END

Return to  
Duty  
Assignment:  
Policy 09-  
160

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b>	
	<b>Policy &amp; Procedure Manual</b>	<i>Department Resources Available</i> Chief Joe Strong	<b>Policy No. 09-150</b>

**REPLACEMENT WEAPON:** If the deadly force incident involved the discharge of an officer's service pistol, patrol rifle or other department issued weapon, it will likely be taken out of service for examination and/or held as evidence pending an investigation. Unless extenuating circumstances exist, the chief of police or department administrator will authorize the issuance of replacement weapon(s) as soon as practical, if the administrator feels it is prudent to do so at that time.

**CONSULTATION WITH CITY ATTORNEY:** The city attorney or other designated department legal advisor will be available to provide information to the department member and the department member's family regarding various legal actions which may arise in connection with any deadly force incident or incident resulting in the death or serious bodily injury of another.

The city attorney can assist the department member and the department member's family in determining when to retain private counsel; what the department member's rights are as to legal counsel under contract and city ordinance; and to provide other legal assistance as possible within the ethical limitations as an attorney employed by the city.

**OTHER CITY DEPARTMENTS:** The involved department member's supervisor will see that all damaged or destroyed departmental issued equipment or clothing is expeditiously replaced or repaired and will assist the department member in responding to inquiries from city personnel or finance relating to administrative leave and other personal adjustments as necessitated by the incident.

**COUNSELING:** The department may provide professional counseling assistance at the city's expense as deemed necessary by the chief of police or as recommended in policy 09-140 "Death or Serious Injury- Post Incident".


**PEER SUPPORT:** As approved by the department, the involved officer(s) may continue to utilize support from the assigned peer support group counselor for transportation needs, companionship and emotional support post incident per policy 09-140 "Death or Serious Injury- Post Incident. As a peer support group counselor under RCW 5.60.060, communications regarding the incident will be considered confidential and privileged per state law.

**CRITICAL INCIDENT DEBRIEFING:** A critical incident stress debriefing should be encouraged by the department as soon as practical after the incident; it is recommended to be held within 72-hours, if possible. This timeframe is dependent on the progress of any assigned investigation and

\*WASPC  
Standard 3.6

Death or  
Serious  
Injury:  
Policy 09-  
140

RCW  
5.60.060

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>Department Resources Available</i>	
	<b>Policy &amp; Procedure Manual</b>	<b>Chief Joe Strong</b>	<b>Policy No. 09-150</b>

should only be scheduled after the involved and witness officers have provided a statement or have been interviewed by assigned investigators.

It is preferred that the critical incident stress debrief be hosted by a trained facilitator from outside the department who was not involved in the incident in any way. No notes, recordings or other documents will be created from the content of the debriefing session as the sole purpose is to help mitigate the stress-related impact of a traumatic event.


The debriefing is designed to share common feelings and experiences in an effort to encourage the mental and emotional well-being of those involved. It is neither a counseling session or operational critique of the incident.

The debriefing session is not any part of an investigative process. What is shared within the session should be confidential and not shared outside of the participants in the room. Given the possibility of criminal or civil liability as the result of a use of force investigation, involved officers may first want to consult with an attorney before deciding to share or speak at a critical incident stress debrief.

Even if an involved officer is unable to share at a debrief because of liability concerns, it still may be valuable for the officer to attend as an observer.

Attendance at a debrief will be limited to only those who were directly involved in the incident, such as the involved officer, witness officer, and uninvolved officer who was at the scene, as well as support personnel directly impacted, such as dispatchers or fire/ EMS staff. Impacted family members may only attend with the concurrence of all debrief participants. In order to foster a safe environment of sharing and emotional openness, no members of the general public, other department members, assigned investigators or command staff (unless the administrator was directly involved in the incident) attend or observe a critical incident stress debrief.

END

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> Investigation	
	<b>Policy &amp; Procedure Manual</b>	Chief Joe Strong	<b>Policy No. 09-160</b>

**CONTROL OF INVESTIGATIONS:** Pursuant to this policy and state law, there are several investigations which may be initiated after a use of force which results in a death or serious bodily injury to another. Investigators from other agencies may be called in to assist in a criminal or internal investigation; the governor's office may decide to exert authority to conduct a state investigation; and the Criminal Justice Training Commission may decide to initiate an investigation as related to the officer's state issued certification.

This policy outlines the general process and types of investigations related to a use of force resulting in death or serious bodily injury, as well as the investigation or review of all other use of force incidents. The department will comply with all state requirements regarding use of force investigations.


To the extent it is relative, this policy should also be considered when faced with an incident where the actions of any department member results in a death or serious bodily injury to another, such as traffic collisions, industrial accident or any other action taken during the course of the department member's duties.

The following guidelines will apply in relation to investigations of use of force by an officer which results in death or serious bodily injury to another:

- **Hoquiam officer within Hoquiam:** The department is responsible for the criminal investigation related to any criminal actions by the suspect involved in the incident, unless relieved by an authorized independent investigator. Pursuant to state requirements, the investigation of the use of force by the department member will be conducted by an independent investigative team and/or a team from the state. The department will be responsible to conduct any subsequent internal investigation, although the chief of police may request the assistance of an outside agency or independent investigative team for this purpose.
- **Another agency within Hoquiam:** The department is responsible for the criminal investigation related to any criminal actions by the suspect involved in the incident, unless relieved by an authorized independent investigator. In compliance with state law, the chief of police may request the assistance of an outside agency or independent investigative team to conduct the criminal investigation related to the use of force by officers of another agency inside Hoquiam. The agency of the involved officer will be responsible to conduct any related internal investigation.
- **Hoquiam officer outside of Hoquiam:** The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal

\*WASPC  
Standard 3.6

RCW Title  
10.114

	<b>Hoquiam Police Department</b>  <b>Policy &amp; Procedure Manual</b>	<b>USE OF FORCE</b> <i>Investigation</i> <b>Chief Joe Strong</b>   <b>Policy No. 09-160</b>
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investigation of the incident. Pursuant to state requirements, the investigation of the use of force by the department member will be conducted by an independent investigative team and/or a team from the state. The department will be responsible to conduct any subsequent internal investigation, although the chief of police may request the assistance of an outside agency or independent investigative team for this purpose.

**INDEPENDENT INVESTIGATIONS:** The department will comply with all state requirements regarding the independent investigation of the use of force by a member of this department which results in death or serious bodily injury to another.

For an incident which occurs within the city by a Hoquiam officer, the department will request the assistance of a designated independent investigative team, such as the Region 3 Critical Incident Investigation Team (CIIT) operated by the sheriff's offices from Grays Harbor, Thurston, Mason, Pacific and Lewis counties. A request to activate the Region 3 CIIT should be directed to the Grays Harbor county sheriff or designee.


If this independent investigative team or another team is dispatched, the department will make every effort to comply with the established protocols and checklists provided by the team. The chief of police will be briefed as to the progress and results of the investigation by the team in accordance to the guidelines established within state law.

As state law requires the participation of citizen investigative team members, the department will create a list of possible citizen members for consideration of inclusion on the team on behalf of the Hoquiam community. The team will be responsible for other investigative requirements, such as the family liaison, regular briefings, release of public information and other team functions as outlined in state law.

**INVOLVED OFFICER INTERVIEWS:** Involved officers should be provided with a reasonable recovery period before being expected to provide a statement or be interviewed regarding the incident. Given the stressful and traumatic nature of these incidents, this time can assist the involved officer with later providing a more accurate and coherent recollection of events.

As this will be handled as a criminal investigation, the involved officer will have the right to consult with an attorney prior any interview and may choose to be otherwise represented by legal counsel. Involved officers will be afforded all the same constitutional rights as with any other citizen.

Region 3  
Critical  
Incident  
Investigation  
Team (CIIT)

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>Investigation</i>	
	<b>Policy &amp; Procedure Manual</b>	Chief Joe Strong	<b>Policy No. 09-160</b>

If body-worn or other mobile video is available for the incident, the involved officer or witness officer may be allowed to review his or her own camera footage, unless this is prohibited by assigned investigators.

Any statement or report provided by an involved officer will be voluntary. The department will not order an involved officer to provide a compelled statement as part of the criminal investigation, unless specifically directed by an order from the chief of police.

Under *Garrity* protections, public employees cannot be compelled to incriminate themselves during investigatory interviews conducted by their employers and then have those statements used in a subsequent criminal prosecution. This protection stems from the Fifth Amendment to the United States Constitution, which declares that the government cannot compel a person to be a witness against him or herself. A compelled statement in an internal investigation may interfere with an underlying criminal investigation and should be avoided until the independent investigation team has completed their work.

*Garrity v.  
New Jersey*

Involved officers may be asked to participate in the reconstruction of the incident, but any such action must be voluntary.


**REPORTS OR STATEMENTS FROM OTHER OFFICERS:** Depending on the nature of the investigation related to a use of force resulting in death or serious bodily injury, witness and uninvolved officers may be required to complete a law incident report or may be interviewed by the assigned investigators for a written or recorded statement.

Witness and uninvolved officers should not write a report until first being provided direction by the department or assigned investigators. It is common for investigators to interview witnesses and uninvolved officers instead of expecting them to write a statement or police report; if an interview is conducted instead of a written report, officers should indicate in the associated law incident report that they provided a written or recorded statement to investigators (with a notation to "see statement").

To prevent inconsistencies and confusion, no officer will be expected to provide a written or recorded statement and write a police report regarding the same incident.

**INTERNAL INVESTIGATIONS:** In accordance to the other provisions as outlined in this policy, and section 05: "Discipline", the department will conduct an internal investigation regarding a use of force which results in death or serious bodily injury to another. The purpose of the investigation

Internal  
Investigations:  
Policy 05-060

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>Investigation</i>	
	<b>Policy &amp; Procedure Manual</b>	Chief Joe Strong	<b>Policy No. 09-160</b>

will be to determine the facts of the incident in conjunction with the application of department policy and past officer training.

The investigation will be conducted according to department procedures and any provisions as outlined within an applicable collective bargaining agreement.

Under the direction of the city attorney, a liability response investigation may also be conducted by the department or another entity for the purpose of preparing for potential civil litigation. Any such investigation, documents or materials created will be confidential attorney work product; this process will not interfere with any other investigation being conducted.

**REVIEW OF OTHER USE OF FORCE:** In the case of a use for force incident which results in death or serious bodily injury, the reporting provisions of policy 09-120: "Reporting Death and Serious Bodily Injury" and other related policies will apply. For all other use of force incidents, all department members involved, present at the scene or whom have pertinent information about the incident, are required to submit a law incident report (before going off-duty) detailing the circumstances, to include:


- The discharge of a department firearm, other than for training or to dispatch an injured animal;
- Whenever a department member applies force through the use of any less-than-lethal weapons as defined by the department;
- Whenever a department member applies any other physical force as specified by department policy, including the use of OC spray, non-compliant control techniques/ restraints *or any other use of force beyond the routine handcuffing of compliant suspects.*

**REVIEW OF USE OF FORCE:** In an internal investigation related to a use of force resulting in death or serious injury, as well as all other use of force incidents, will be thoroughly and comprehensively reviewed for the purpose of determining whether or not the department member's actions were justified and within both department policy and applicable law.

If a use of force incident is not otherwise being handled as a criminal or internal investigation, the incident will be reviewed by the immediate shift sergeant (or another sergeant), then forwarded to the deputy chief for review, before being provided to the chief of police for final review. It is also recommended that department training personnel regularly review use of force by department members to recognize and help correct any deficiencies or identified training needs.

Reporting  
Death and  
Serious  
Bodily Injury:  
Policy 09-120



	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b> <i>Investigation</i>	
	<b>Policy &amp; Procedure Manual</b>	Chief Joe Strong	<b>Policy No. 09-160</b>

The designated sergeant shall review all the investigative reports of the incident, the applicable law, department policy, training standards and any other applicable information regarding the incident. The sergeant will forward his or her findings and recommendations to the chief of police via the chain of command in the use of force review process.

*All use of force incidents will be logged in the department "use of force log" by year. The department will also comply with any state or federal use of force reporting requirements.*

**RELEASE OF INFORMATION:** The department will comply with state guidelines related to the release of information as encompassed within an investigation handled by an independent investigative team or state investigative team; usually the release of information to the public is the responsibility of the assigned independent investigative team, not the department.

For all other incidents, the designated sergeant will coordinate the release of information to the media and general public, if needed. Information and press releases regarding these incidents will only be released after review and approval of the chief of police.

**REVIEW BOARD:** In any case involving death or serious injury resulting from the use of force, or as the result of any action by a department member, the chief of police may convene a review board of not less than three persons to review the facts and make a recommendation as to whether or not the use of force or incident was within the perimeters and policies set forth in this manual and under the law. The majority decisions of the board will then be presented to the chief of police for appropriate review and action.


**FINAL ACTION:** The final action by the chief of police shall include consideration as to whether or not there are policy, procedure, training, weapon, equipment or disciplinary issues that should be addressed as a result of the findings from an investigation or review of a use of force incident.

If the employee involved is found to have acted outside department policy or the law, he or she may be subject to disciplinary action as determined by the chief of police. Officers may also be subject to independent action in regard to his or her state peace officer or corrections officer certification by the Washington State Criminal Justice Training Commission.

END

Use of Force  
Log

Discipline:  
Section 05

	<b>Hoquiam Police Department</b>		<b>USE OF FORCE</b> <i>Return to Duty Assignment</i>	
	<b>Policy &amp; Procedure Manual</b>		Chief Joe Strong	<b>Policy No. 09-170</b>


In considering the appropriate administrative action to take in ending the department member's administrative leave for any department member whose duty actions or use of force resulted in a death or serious physical injury to another, the chief of police may seek and consider the professional opinion of any psychological counselor, treating physician and/or city-initiated fitness for duty examination, as well as any investigative material to determine:

1. Whether the department member should be expected to report to full duty in his/her regular assignment or whether the department member needs additional recuperative time and, if so, how much additional time is recommended; and
2. Whether any modification of the department member's regularly assigned duties should be considered by the department in order to facilitate the department member's speedy return to full productivity and, if so, the nature and duration of the recommended modifications; and
3. Whether the department member should, for the duration of any extended leave, disability or modified duty, continued to be armed, carry any kind of weapon, or return to the same line duty assignment; and
4. If the department member has been issued replacement firearms, weapons or equipment, he or she has been able to adequately train, familiarize or demonstrate proficiency as needed; and
5. Whether or not the department member is subject to any disciplinary action or other remedial action as a result of the investigation of the incident pursuant to policy 09-160: "Investigation".

\*WASPC  
Standard 3.6

Investigation:  
Policy 09-  
160

END

	<b>Hoquiam Police Department</b>	<b>USE OF FORCE</b>	
<b>Policy &amp; Procedure Manual</b>	<i>Death or Injury to Department Member</i>	Chief Joe Strong	<b>Policy No. 09-180</b>

In the event of death or serious injury of any department officer, employee, volunteer, explorer or staff member, the chief of police and other person(s) as deemed most appropriate, shall notify his or her family in person.

The chief of police may also consider the assistance of the department chaplain or other support resources.

The chief shall designate one department member to call each department member and each department member's immediate family to notify them of the incident and the current status of the situation. This notification is intended so that no department member or family member first hears about the incident through the media or through second-hand information.

In the event of a department member's death or serious injury, the chief of police shall advise the department member's family of the appropriate professional assistance available and any benefits accruing to the family.

END