

Use of Force

Reference:
Chapter 4 Use of Force Policy

Use of Force Policy

- A. Policy
- B. Definitions
- C. Determining Objectively Reasonable Force
- D. Medical attention
- E. Use of Force Model

Use of Force Procedure

- A. Use of Force to affect a detention, an arrest or to conduct a search
- B. Duty to intervene
- C. Levels of resistance (see Use of Force Model)
- D. Levels of control (see Use of Force Model)
- E. De-Escalation

Authorized Force Tools, Description, Requirements, Uses and Considerations

- A. Presence and verbal communication
- B. Empty hand tactics
- C. Handcuffs, flexible handcuffs, or other restraint devices
- D. Baton/impact weapons
- E. Oleoresin Capsicum Spray
- F. Vascular Neck Restraint
- G. Electronic Control Device
- H. Use of canine
- I. Use of Force with a vehicle
 - a. Pursuit Intervention Technique:
 - i. Blocking/Blockades
 - ii. Intentional Striking
- J. Use of Force with a firearm
 - a. Deployment of rifles

Reportable Use of Force

- A. Reportable force incidents
- B. Investigations and Reporting

Use of Force Policy

- A. Policy
- B. Definitions
- C. Determining objectively reasonable force
- D. Use of Force Model

Pasco Police Department Procedure

A. Policy

The Pasco Police Department is committed to protecting people, their property, and rights while providing the best in public safety and service. It is the policy of this department that officers hold the highest regard for the dignity and liberty of all persons, and place minimal reliance upon the use of force. The department respects the value of every human life and requires its officers to use deadly force only in the most extreme circumstances.

The proper use of force is essential for policing. There are circumstances where individuals will not comply with the law unless compelled or controlled by the use of force. Officers must also remain mindful that they derive their authority from the community and that unreasonable force degrades the legitimacy of that authority. In a Use of Force Incident, the governmental interest must match the level of force and intrusion upon an individual's constitutional rights. The decision to use force 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 officer or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.

This policy and the following procedures are in no way intended to create any legal duties or obligations for officers or the department or to create any standards of care for civil or criminal liability. The Department reserves the right to hold its officers to standards that exceed what is legally required.

B. Definitions

1. **Approved Weapons** – Approved weapons are those weapons meeting department specifications for which officers receive proficiency and safety training.
2. **Cuffing Under Power** - Cuffing under Power is a tactic where a secondary officer handcuffs a subject while the CEW (being deployed by the primary officer) is cycling, and the subject is in Neuro-Muscular Incapacitation (NMI).
3. **Special Investigative Unit (SIU)** - A team put in place to investigate officer-involved incidents that occur within Benton, Franklin and Walla Walla Counties, which involve great bodily harm or death. The SIU will conduct a criminal investigation to develop relevant information to allow a determination of the presence or absence of criminal liability on the part of those involved in the incident.
4. **Deadly Force** – the intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury (RCW 9A.16.010.2).
5. **Conducted Electrical Weapons (CEW)** - The CEW is a Neuro-Muscular Incapacitation (NMI) device that stimulates the motor neurons to contract to disrupt communication from the brain to the muscles thereby causing temporary motor skill dysfunction.
 1. **Spark Display** – A non-contact demonstration of the CEW's ability to discharge electricity.

Pasco Police Department Procedure

2. **Drive Stun** - A secondary function of the CEW intended to administer Pain to a subject by making direct contact with the body after the air cartridge has been expended or removed.
3. **Probe Mode** - The primary function of the CEW where the CEW cartridge is deployed firing probes at the subject. The intent is that the subject be temporarily immobilized for the period of time the CEW is cycled.
6. **Force Transitions** - The movement, escalation/de-escalation, from the application of one force type to another in conjunction with the “objectively reasonable” standard from Graham v. Connor, 490 U.S. 386 (1989). The officer must consider all the factors before using force and choose a reasonable option based on the “totality of the circumstances” present.
7. **Imminent Threat** - “Imminent threat” refers to an impending violent act or resistance that an officer reasonably believes will occur, based on the totality of the circumstances.
8. **Intermediate Force** - A level of force that has the potential to cause injury or substantial pain, and is greater than Low-Level Force.
9. **Involved Officer** – A commissioned officer or supervisor, who participated in, directed or influenced the application of the use of force.
10. **Vascular Neck Restraint (VNR)** - VNR is a specific method of applying pressure to the side of a subject’s neck to overcome resistance and allow safe control. This technique is used only in accordance with official departmental training and policy.
11. **Levels of Control** - Levels of Control are broad categories of influence and/or force in identifiable, escalating stages of intensity. They are identified as low-level force, intermediate force, and deadly force.
12. **Low-Level Force** - Low-level force is a level of force or control that is neither likely nor intended to cause injury.
13. **Necessary** – No reasonable 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. 010.1).
14. **Non-Deadly Force** - Non-deadly force is the level of force required to compel compliance, which is not intended to and is not known to create a substantial risk of causing death or serious bodily harm.
15. **Officer-Involved Shooting** - An officer-involved shooting is an officer’s discharge of a firearm at a person, with or without physical injury or the death of the person.
16. **Officer Witness Monitor** - An Officer Witness Monitor is a designated officer who is not involved in the use of deadly force. The responsibilities of the Officer Witness Monitor are to observe and prevent discussions regarding the incident among involved officer(s) and witness(s).

17. **Other Firearm Discharge** - An “other firearm discharge” is an unintentional discharge of a firearm that does not cause injury or death to a person or the intentional shooting at, injuring, or killing animals.
18. **Pursuit Intervention Technique (PIT)** - The PIT is a specific manner of intentional contact using a police vehicle against a fleeing vehicle to cause the fleeing vehicle to come to a stop; this technique is used only in accordance with official department training and policy.
19. **Public Safety Statement (PSS)** - The PSS is a series of questions to obtain information to determine if there is an immediate threat to public safety and must be taken in a timely manner. (An example would be shots fired by an officer or a subject in the direction where the public may be in immediate danger.) The supervisor must take appropriate action to ensure public safety, based on the information received from the PSS.
20. **Ramming** - The use of a vehicle to intentionally hit another vehicle, outside the approved PIT, blocking and stationary vehicle immobilization policies. Ramming is prohibited unless it is a deadly force situation which can be clearly articulated.
21. **Reasonable Force** - Reasonable force is an objective standard of force viewed from the perspective of a reasonable officer, without the benefit of 20/20 hindsight, and based on the totality of the circumstances presented at the moment the force is used. See section IV. “Determining Objectively Reasonable Force.”
22. **Reportable Force** - Reportable force is any use of force which is required to overcome subject resistance to gain compliance that results in injury or complaint of injury, complaint of continuing pain, or any use of force greater than low-level force (see Levels of Control).
23. **Great Bodily Harm** – A bodily injury which creates a probability of death, or which causes significant serious permanent disfigurement, or which causes a significant permanent loss or impairment of the function of any bodily part or organ (RCW 9A.04.110.4.c).
24. **Substantial Bodily Harm** – A bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part (RCW 9.A.04.110.4.b).
25. **Significant Force** - Any force which results in treatment at a medical facility due to injuries or alleged injuries caused by any officer. Examples include, but are not limited to: skeletal fractures; serious bodily injury or complaint of injury to a person’s head or sternum area. All Significant Force is Reportable Force.
26. **Use of Force Model** – A visual guide describing the appropriate levels of force authorized to be used by an officer in response to the level of resistance being displayed by a subject

27. **Witness Officer** – A commissioned officer or supervisor who did not participate in or directly influence the application of the use of force.

C. Determining Objectively Reasonable Force

The United States Supreme Court decisions and interpretations of the Fourth Amendment to the United States Constitution direct that a police officer may only use such force as is *objectively reasonable* under all of the circumstances. The standard that courts will use to examine whether a use of force is constitutional was first outlined in Graham v. Connor, 490 U.S. 386 (1989) and expanded by subsequent court cases. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with 20/20 vision of hindsight. The reasonableness must account for the fact that officers are often forced to make split-second judgments - in circumstances that are tense, uncertain, and rapidly evolve.

The reasonableness inquiry for reviewing use of force is an objective one: The reasonableness of a particular use of force is based on the totality of circumstances known by the officer at the time of the use of force and must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. These factors may include but are not limited to:

1. The severity of the crime(s) at issue;
2. Whether the subject poses an immediate threat to the safety of the officer(s) or others;
3. Whether the subject is actively resisting arrest or attempting to evade arrest by flight;
4. The influence of drugs/alcohol or the mental capacity of the subject;
5. The time available to an officer to make a decision;
6. The availability of officers/resources to de-escalate the situation;
7. The proximity or access to weapons to the subject;
8. The environmental factors and/or other exigent circumstances.

The officer will use a level of force that is necessary and within the range of “objectively reasonable” options. When the use of force is needed, officers will assess each incident to determine, based on policy, training, and experience, which use of force option will de-escalate the situation and bring it under control in a safe and prudent manner. Reasonable and sound judgment will dictate the force option to be employed. Therefore, the department examines all uses of force from an objective standard rather than a subjective standard.

D. Medical Attention

Whenever an officer applies a Use of Force option upon a subject that results in a visible injury or complaint of injury, an officer will monitor the subject and summon aid or transport for medical attention. Once the scene is safe, officers will render first aid to subjects who have been seriously injured as a result of police actions.

Pasco Police Department Procedure

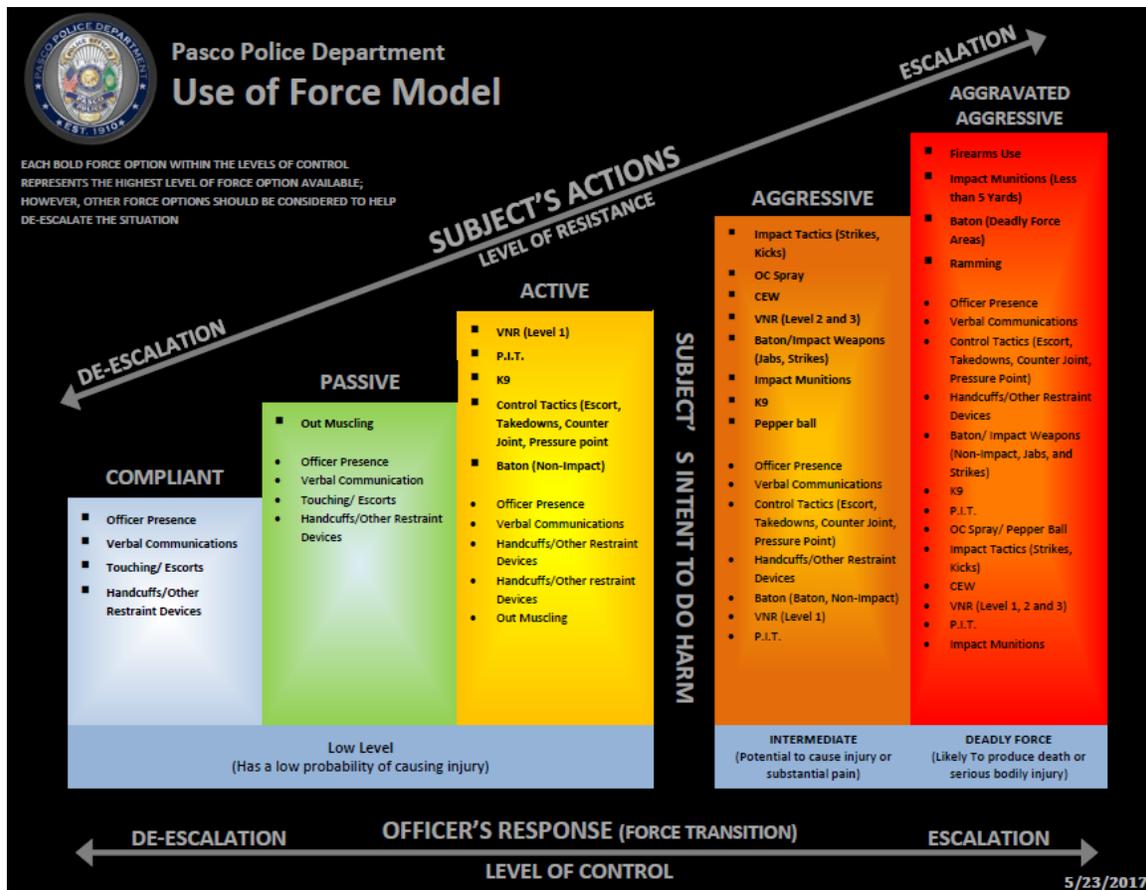
Note: In some instances, the best course of action may be to transport the subject to the nearest medical facility. In these instances, the nature of the injury, response time of medical personnel and proximity of the medical facility should be considered.

Medical attention will be summoned for the following Use of Force applications regardless of visible injury or complaint of injury, and render first aid/or life saving measures when safe to do so. All potential injuries will be photographed and noted in the officer's report:

1. Baton/Impact Weapons-Any strikes to the head, neck or groin area.
2. OC Spray- Direct exposure to the facial area.
3. VNR-When applied (Level 2 & 3)
4. CEW-Probe strikes to the head, neck, groin area or pregnant women (if the officer is aware of her pregnancy).
5. Use of Canine- All bites
6. Use of Force with a vehicle:
 - a. Ramming-All.
7. Use of Force with a Firearm:
 - a. Handgun/Rifle-Any discharge.

E. Use of Force Model

Each bold force option within the levels of control represents the highest level of force option available; however, other force options should be considered to help de-escalate the situation.



Pasco Police Department Procedure

This graphic is intended as a general guideline for an officer. The subject(s) actions will dictate the Resistance Level and officers will make an “objectively reasonable” force option.

In use of force incidents, the officer will transition to differing degrees or types of force, including attempts to de-escalate. Force situations are dynamic and require an officer to continually assess the subject’s actions to ensure an objectively reasonable response. Officers shall modify their Level of Control in relation to the amount of resistance offered by a subject.

6/002.01 Use of Force Procedure

- A. Use of Force to affect a detention, an arrest or to conduct a search
- B. Duty to intervene
- C. Levels of resistance (see Use of Force Model)
- D. Levels of control (see Use of Force Model)
- E. De-Escalation

A. Use Of Force To Affect A Detention, An Arrest or to Conduct a Search

A. Officers may use reasonable force:

1. To protect themselves;
2. To protect others;
3. To affect a lawful detention;
4. To affect a lawful arrest;
5. To conduct a lawful search.
6. To assist in the provision of medical care.
7. In other appropriate circumstances.

B. If it is not already known by the subject to be detained, arrested, or searched, officers should, if reasonable, make clear their intent to detain arrest or search the subject. When practicable, officers will identify themselves as a peace officer before using force.

B. Duty to Intervene

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, safely intercede to prevent the use of such excessive force. Officers shall promptly report these observations to a supervisor.

C. Levels of Resistance (see Use of Force Model)

It is important for officers to bear in mind that there are many reasons a suspect may be resisting arrest or may be unresponsive. The person in question may not be capable of understanding the gravity of the situation. Officers must consider several factors when dealing with a non-compliant subject. A subject may be non-compliant due to a medical condition, mental, physical, or hearing impairment, language barrier, drug interaction or emotional crisis and have no criminal intent. This may not make the subject any less

Pasco Police Department Procedure

dangerous, but it may require a change in tactics that will be more effective while maintaining officer safety, once these circumstances are known to the officer.

1. **Compliant** - A person contacted by an officer who acknowledges direction or lawful order given and offers no passive/active, aggressive, or aggravated aggressive resistance.
2. **Passive Resistance** - The subject is not complying with an officer's commands and is uncooperative, but is taking only minimal physical action to prevent an officer from placing the subject in custody and taking control. Examples include: standing stationary and not moving upon lawful direction, falling limply and refusing to use their own power to move (becoming "dead weight"), holding onto a fixed object, or locking arms to another during a protest or demonstration.
3. **Active Resistance** - The subject's verbal or physical actions are intended to prevent an officer from placing the subject in custody and taking control, but are not directed at harming the officer. Examples include: walking or running away, breaking the officer's grip.

----- **SUBJECT'S INTENT TO DO HARM** -----

4. **Aggressive Resistance** - The subject displays the intent to harm the officer, themselves or another person and prevent an officer from placing the subject in custody and taking control. The aggression may manifest itself through a subject taking a fighting stance, punching, kicking, striking, attacks with weapons or other actions which present an imminent threat of physical harm to the officer or another.
5. **Aggravated Aggressive Resistance** - The subject's actions are likely to result in death or serious bodily harm to the officer, themselves or another. These actions may include a firearm, use of a blunt or bladed weapon, and extreme physical force.

D. Levels of Control (see Use of Force Model)

When the use of force is needed, officers will assess each incident to determine, based on policy, training, and experience, which use of force option is believed to be objectively reasonable for the situation and bring it under control in a safe and prudent manner.

1. **Low-Level Force** - Low-level force is a level of force or control that is neither likely nor intended to cause injury. Examples are handcuffing a compliant arrestee for transport to a detention facility or proning a suspect out on a high-risk vehicle stop. This level of force includes:
 1. Officer Presence
 2. Verbal Communications
 3. Control Tactics (Takedowns)
 4. Handcuffs/Other PPD Approved Restraint Devices
 5. Baton (As escort tool)
 6. VNR (Level One – minimum restraint)
 7. Canine
 8. P.I.T.

2. **Intermediate Force** - A level of force that has the potential to cause injury or substantial pain, and is greater than Low-Level Force. This level of force requires a Use of Force Report and includes:
 1. Empty Hand Tactics (Takedown with injury, Strikes, Kicks)
 2. Baton/Impact Weapons (Jabs, Strikes)
 3. VNR (Level 2 – medium restraint; and 3-maximum restraint)
 4. OC Spray
 5. CEW
 6. Canine

3. **Deadly Force** - Deadly force is that degree of force, which is likely to produce death or serious bodily injury. Deadly force can also result from a force option being improperly applied. In order for the Use of Deadly Force to be justified, at least one of the parameters and all elements must be present. Examples include but are not limited to:
 1. Baton (Striking head, neck, sternum, spine, groin, or kidneys)
 2. Low Lethality Shotgun (Fired at a distance less than five yards)
 3. Ramming
 4. Firearm Use

Parameters for Use of Deadly Force

An officer may use deadly force upon another person only when it is objectively reasonable to:

1. Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury;
2. Prevent the escape of a fleeing felon who the officer has probable cause to believe has committed a violent felony crime and is an imminent threat to human life if escape should occur. Officers will give some warning, if feasible, prior to the use of deadly force.

Example: "Police! Stop, or I will shoot!"

Elements of Deadly Force

1. **Ability** - Ability exists when a person has the means or capability to cause grave injury, serious bodily harm or death to an officer or another. This may include but is not limited to the following: the subject's physical ability, size, age, strength, combative skill, the level of aggression, and any weapons in their immediate control.
2. **Opportunity** - Opportunity exists when a person is in a position to effectively resist an officer's control or to use force or violence upon the officer or another. Examples which may affect opportunity include relative distance to the officer or others and physical barriers between the subject and the officer.
3. **Imminent Jeopardy** - Based upon all the facts and a circumstance

confronting the officer, the officer reasonably believes the subject poses an imminent threat to the life of the officer(s), or other third parties and the officer must act immediately to prevent death or serious bodily injury.

4. **Preclusion** - Lesser alternatives have been reasonably considered and exhausted prior to the use of deadly force, to include disengagement. Deadly force in response to the subject's actions must remain reasonable while based upon the totality of the circumstances known to the officer at the time force was applied.

E. De-Escalation

When reasonable under the totality of circumstances, officers should gather information about the incident, assess the risks, assemble resources, attempt to slow momentum and communicate and coordinate a response. In their interaction with subjects, officers should use advisements, warnings, verbal persuasion, and other tactics and alternatives to higher levels of force. Officers should recognize that they may withdraw to a position that is tactically more secure or allows them greater distance in order to consider or deploy a greater variety of Force Options. Officers shall perform their work in a manner that avoids unduly jeopardizing their own safety or the safety of others through poor tactical decisions.

As a good practice, supervisors will acknowledge and respond to incidents in a timely manner where law enforcement use of force is probable. Supervisors should possess a good knowledge of tactics and ensure that officers under their supervision perform to a standard.

Authorized Force Tools, Description, Requirement, Uses and Considerations

- A. Presence and Verbal Communication (consider other language/communication style if available:
- B. Control Tactics:
- C. Handcuffs, flexible handcuffs, or other restraint devices:
- D. Baton/Impact Weapons:
- E. Oleoresin Capsicum Spray:
- F. Vascular Neck Restraint:
- G. Conducted Electrical Weapon:
- H. Use of Canine
- I. Use of Force with a Vehicle
 - a. Pursuit Intervention Technique:
 - b. Blocking/Blockades
 - c. Intentional Striking
- J. Use of Force with a Firearm
 - a. Handgun/Rifle
 - b. Deployment of Rifles

With few exceptions only department-approved weapons and training techniques shall be used. Uniformed officers will carry all issued tools and equipment required by the policies of this agency. Officers should note that less lethal tools may result in a lethal

outcome, or be ineffective even when used appropriately.

Non-uniformed commissioned personnel the rank of sergeant and below are required to carry at least one intermediate force option - baton, OC spray, or CEW – on their person when on-duty.

Supervisors of commissioned personnel will ensure their subordinates complete their minimum required hours of training within the calendar year. Officers completing an academy during the calendar year are exempt from the minimum hour requirement.

The following are authorized force tools/restraints and techniques which may be used when objectively reasonable and otherwise permitted under this policy. Specialized units may have additional tools that are not covered in this policy.

A. Presence and Verbal Communication:

Level of Control – Low-Level Force

Approved Use:

Officers will, when and to the extent reasonably possible, attempt to use verbal communication skills to control subjects before resorting to physical control methods.

B. Defensive Tactics:

Level of Control

- i. Low-Level Force – takedowns (not likely to cause injury), escorts
- ii. Intermediate Level Force – takedown, strikes, kicking
- iii. Deadly Force – takedown, strikes, kicking

Certification Requirements:

Entry-level training as taught at the police academies.

Annual Training - Pasco Police Department requires patrol sergeants and patrol officers to participate in 8 hours of Defensive Tactics training per year and demonstrate proficiency with each tactic/tool they are authorized to use. Detective sergeants and detectives will comply with RCW 43.101.095.

Approved Use:

These tactics will be used only in accordance with policy and department training.

Officers should only use tactics appropriate to the situation which have been taught by department Defensive Tactics instructors.

Additional Considerations:

Summon medical attention on use of Intermediate Force, Deadly Force, and/or any incident where a subject is injured and/or complains of injury. Render immediate first

Pasco Police Department Procedure

aid and/or life saving measures to injured persons if safe to do so.

All strikes, punches, kicks, or any incident where a subject is injured or complains of injury is a reportable Use of Force.

C. Handcuffs, flexible handcuffs, or other restraint devices:

Level of Control – Low-Level Force

Description:

Officers will only use department-authorized or issued handcuffs.

Certification/ Requirements:

- Entry-level training as taught at the Washington State Criminal Justice Training Center police academy.
- Patrol sergeants and patrol officers will participate in 8 hours of Defensive Tactics training per year and demonstrate proficiency with each tactic/tool they are authorized to use. Detective sergeants and detectives will comply with RCW 43.101.095.

Inspection Requirement:

Handcuffs will be maintained in clean and working order.

Approved Use:

1. This tool will be used only in accordance with policy and department training.
2. In an attempt to minimize the risk of injury to officers and others during arrest situations, officers will handcuff all persons arrested as soon as possible.
3. During investigative detentions (“Terry Stops”) where one or more of the following factors is present:
 - a. Articulate facts that the subject is physically uncooperative;
 - b. Articulate facts that a subject’s actions at the scene may present physical danger to themselves or others if not restrained;
 - c. Reasonable possibility of flight based on the action of the subject;
 - d. Information that the subject is currently armed;
 - e. The stop closely follows a violent crime and the subject matches specific parts of a description;
 - f. When there are articulable facts that a crime of violence is about to occur;
 - g. Care and discretion should be used when the subject is at extremes of age (elderly and young children) or physically disabled when

Pasco Police Department Procedure

- handcuffing an individual during an investigative detention.
- h. The authority to handcuff during investigatory stops continues for only as long as the circumstances above exist.
4. During a search warrant service;
 - a. At a private residence as is reasonably necessary to execute the warrant in safety;
 - b. At a commercial business open to the public if it reasonably appears that handcuffing is necessary to protect an officer or others from physical harm. Circumstances which may justify initial handcuffing may change and eliminate continued justification;
 5. Persons being transported to detoxification facilities;

Disapproved Use:

1. If medical circumstances make it unreasonable to handcuff an arrestee, officers will refrain from handcuffing.
2. When responding to a security office where a subject has already been placed in handcuffs prior to arriving at the scene, officers shall not place handcuffs on the subject until they have reasonable suspicion or probable cause based on their independent investigation and/or findings.

Tactical Considerations:

1. Officers will check handcuffs for tightness and double lock as soon as it is safe to do so prior to transport.
2. When a handcuffed subject first complains that handcuffs are too tight and/or are hurting the subject, the officer having custody of the handcuffed subject will, as soon as reasonably possible, check the handcuffs to make sure that they are not too tight. If they are too tight (per training), they will be loosened and double locked. Adjusting handcuffs should occur only when the officer has additional assistance or is reasonably safe to do so.

Additional Considerations:

Summon medical attention on the use of handcuffs or other restraint devices and/or any incident where a subject is injured and/or complains of injury.

Any incident where a subject is injured or complains of injury is a Reportable Use of Force.

D. Baton/Impact Weapons:

Pasco Police Department Procedure

Level of Control:

- i. Low-Level Force - when used as an escort tool Intermediate Force - when used for jabbing or striking
- ii. Deadly Force - striking subjects on the head, neck, sternum, spine, groin, or kidneys

Description:

1. A baton is a department-authorized expandable straight baton or department issued straight baton.
2. All commissioned police personnel the rank of sergeant and below must
3. Obtain certification training and carry a baton when in uniform.
4. Plain clothes officers are required to carry either OC spray, a CEW, or an expandable straight baton, or be trained in VNR.

Certification Requirements:

1. Entry-level training as taught at the police academy.
2. Required of all patrol officers, at the rank of sergeant and below.
3. Annual Training - 8 hours of Defensive Tactics training per year and demonstrate proficiency with each tactic/tool they are authorized to use. Detective sergeants and detectives will comply with RCW 43.101.095.

Inspection Requirement:

- Batons will be maintained in clean and working order.

Deployment Requirement:

1. When deploying, an officer will, if practical, announce a warning to the subject and other officers of the intent to deploy a baton/impact weapon if the subject does not comply with your commands.
 - i. Example, "Do what I am telling you to do, or I will strike you with my baton."
2. Officer shall give the subject a reasonable opportunity to voluntarily comply.

Approved Use:

1. This tool will be used only in accordance with policy and department training.
2. Blocking, jabbing, to apply control holds, or passive/active escort techniques

Disapproved Use:

1. A subject who poses no imminent threat will not be struck with a baton or impact tool.
2. Officers are discouraged from using their firearm as an impact tool due to the possibility of an unintentional discharge.

Pasco Police Department Procedure

3. During non-deadly force incidents, officers will use reasonable care to avoid striking subjects on the head, neck, sternum, spine, groin, or kidneys, as these strikes may constitute deadly force.
4. The use of equipment as a weapon for the purpose of striking or jabbing (i.e., flashlights, radio, etc.) other than department-authorized batons, is strongly discouraged and acceptable only when other authorized force responses have been exhausted and are either unavailable or ineffective.
5. Officers must be able to articulate a compelling need to use any other device or object other than an authorized baton as an impact weapon.

Additional Considerations:

1. Summon medical attention on all strikes with a Baton/Impact weapon and/or any incident where a subject is injured and/or complains of injury.
2. Notify a supervisor when a Baton/Impact weapon has been used.
3. Use of the baton for escort/control or display only is non-reportable.
All strikes or any incident where a subject is injured and/or complains of injury is a reportable Use of Force Report.

E. Oleoresin Capsicum Spray:

1. OC spray is a non-lethal agent which causes inflammation of the skin and mucus membranes of a subject and has a natural base as opposed to a chemical base
2. All commissioned police personnel the rank of sergeant and below must obtain certification training to carry OC spray.
3. Plain clothes officers are required to carry OC spray, a CEW, or an expandable straight baton

NOTE: SWAT personnel are exempt from these provisions during tactical operations, and will follow their own training and standard operations procedures (SOP).

Certification Requirements:

1. Entry-level training as taught at the police academies.
2. Annual Training – Patrol sergeants and patrol officers will complete 8 hours of Defensive Tactics training per year and demonstrate proficiency with each tactic/tool they are authorized to use. Detective sergeants and detectives will comply with RCW 43.101.095.

Inspection Requirement:

OC spray expiration date and serviceability will be checked by the Training Sergeant.

Deployment Requirement:

1. When deploying, an officer will, if practical and tactically appropriate, announce a warning to the subject and other officers of the intent to deploy the OC spray if the subject does not comply with your commands.

Pasco Police Department Procedure

- Example, "Do what I am telling you to do, or I will spray you with pepper spray."
2. Officer shall give the subject a reasonable opportunity to voluntarily comply.

Approved Use:

1. OC Spray will be used only in accordance with policy and department training.
2. OC spray may be used when the subject is engaging or displays the intent to engage in the aggressive resistant behavior.
3. OC spray may be used on vicious or aggressive animals when those animals interfere with the safety of the officers or citizens.
4. OC spray may only be used in a protest or demonstration situation when authorized by an incident commander in response to the imminent threat of harm.

Disapproved Use:

1. Shall not be used on a subject inside a closed vehicle, unless an officer is attempting to secure an aggressive, resistant subject in a patrol vehicle. OC is not intended to be used to force extraction from an enclosed area.
2. Shall not be used on passive resistant protestors.
3. Shall not be used on a handcuffed subject unless the subject is displaying Aggressive Resistance.

Tactical Considerations:

1. Whenever possible, should be used upwind and relatively close to the subject.
2. High capacity OC spray may be used as an intermediate level of control; however, officers will assess the effect the device will have on subjects in the general area due to the volume of agent dispersed.

Supervisory Consideration:

Incident commander may authorize use in a protest or demonstration incident in response to imminent threat of harm.

Additional Considerations:

1. Summon medical attention on all use of OC Spray and/or any incident where a subject is injured and/or complains of injury.
2. Notify a supervisor when OC Spray has been used.
3. Inform corrections personnel the subject has been exposed to OC Spray
4. The use of OC Spray on a subject is a Reportable Use of Force Report.

F. Vascular Neck Restraint:

There are three levels to applying the VNR. Level One begins with Low-Level Force and may progress to the Intermediate based on the subject's actions.

Pasco Police Department Procedure

Level of Control:

- Low-Level Force -- VNR Level One (minimum restraint)
- Intermediate Force -- VNR Level Two (medium restraint)
- VNR Level Three (maximum restraint)

Description:

The VNR is a control technique in which the carotid arteries on the sides of the neck are compressed, limiting blood flow to the brain, causing the subject to momentarily pass out.

Certification Requirements:

1. Entry Level Training as provided by PPD trained instructors.
No officer will use the VNR without first completing the certification course provided in the police academy or by PPD instructors.
2. Training will be provided by certified VNR instructors only.
3. All commissioned officers in the rank of Sergeant and below will receive training in the VNR.
4. Officers certified in the VNR will be required to complete recertification.
 - a. Any officer requesting an exemption from VNR training due to medical reasons must obtain a medical exemption from their physician.
 - b. This exemption must be obtained immediately upon requesting the exemption and at the beginning of each calendar year thereafter, and be forwarded to the Director of Risk Management.

Approved Use:

1. This tool will be used only in accordance with policy and department training.
2. The VNR is a defensive tactic to quickly and safely stop active/aggressive resistance.

Disapproved Use:

1. Will not be used on subjects that have been exposed to OC spray or who are experiencing difficulty breathing.
2. Officers will not use any technique that involves a neck restraint.

Tactical Considerations:

1. When applying the VNR, only the amount of force necessary to bring the subject under control will be used.
2. Upon the subject being brought under control the VNR will be relaxed.

Additional Considerations:

1. Summon medical attention on all use of VNR Level 2 and 3, and/or any incident where a subject is injured and/or complains of injury.
2. Notify a supervisor when VNR has been used.

3. Inform detention/corrections personnel VNR has been applied on the subject.
4. Any application of VNR on a subject is a reportable Use of Force Report.

G. Conducted Electrical Weapon:

All commissioned personnel at the rank of sergeant and below must obtain initial CEW certification training, and annual recertification. Sergeants and below, who are issued a CEW, must carry the device when in patrol uniform. Pasco Police Department currently issues the TASER X26 or X26-P.

Level of Control - Intermediate Force

Description:

1. The CEW is a Neuro-Muscular Incapacitation (NMI) device that disrupts the body's ability to communicate messages from the brain to the muscles thereby causing temporary NMI.
 - a. An air cartridge is a replaceable cartridge for the CEW which uses compressed nitrogen to fire two barbed probes on thin connecting wires, sending a high voltage/low current signal into a subject.

Certification/POST Requirements:

1. Entry Level Training as taught at the Pasco Police Department.
2. Defensive Tactics instructors who have been certified as CEW instructors will be the only authorized persons to instruct on the CEW.
3. Officers authorized to use an CEW must successfully complete an initial certification training course, to include written and practical tests.
4. Once certified, all officers, regardless of issuance of a CEW, must annually attend recertification training taught by the CEW Instructors.
5. If the employee fails to demonstrate proficiency at any time, the employee and/or the employee's supervisor will contact the Training Section for assistance in formulating a remedial training program.

Inspection Requirement:

1. Officers will use only authorized CEW equipment issued by the PPD. The CEW will be inspected for damage and cleanliness, and batteries and cartridges replaced by the officer when required. The CEW will be inspected and maintained in accordance with training protocols. When off duty, CEWs must be stored and secured in a climate-controlled area (i.e. locker), not in a vehicle.
2. Officers must conduct a spark check, outside the public view, at the beginning of shift to ensure the CEW will function properly. This spark check does not require completion of a Use of Force Report.
3. Uniformed officers will carry the CEW in a department approved holster. The holster will be carried on the duty belt, on the side opposite the duty firearm in the Cross-draw position. Plain clothes officers, who are issued a CEW, will carry the device on their weak side.

Pasco Police Department Procedure

Deployment Requirement:

1. When displaying a CEW, officers will give a warning, when practical and tactically appropriate, to the subject and other officers before firing the CEW.
Example: *"Do what I am telling you to do or I will taze you and it will hurt."*
2. Officer shall give the subject a reasonable opportunity to voluntarily comply.

Note: Officers should be aware of the higher risk of sudden death which may exist in subjects under the influence of illicit drugs and/or exhibiting symptoms associated with excited delirium. In addition, once a subject has received a CEW application; officers should be aware of the potential for impaired breathing during restraint procedures. If the subject is thought to be experiencing impaired breathing, they should be placed on their side to reduce the risk of aspiration. Severely impaired breathing could result in death.

Approved Use:

1. This tool will be used only in accordance with policy and department training.
2. The CEW is an Intermediate Level of Control and may be used when there is an imminent threat of physical harm.

Disapproved Use:

1. Officers are not authorized to draw or display the CEW except for training and inspection, unless the circumstances create a reasonable belief that use may be necessary. The CEW will be handled in the same manner as a firearm and will be secured prior to entering any detention facility.
2. The CEW will not be used:
 - a. When the officer knows a subject has come in contact with flammable liquids or is in a flammable atmosphere;
 - b. When the subject is in a position where a fall may result in serious bodily harm or death;
 - c. Punitively for purposes of coercion or in an unjustified manner;
 - d. To escort or jab individuals;
 - e. To awaken unconscious or intoxicated individuals;
 - f. When a subject displays solely Passive or Active Resistance (i.e. peaceful protest, refusal to stand, non-aggressive verbal resistance, etc.);
 - g. When a subject is fleeing as the sole justification for use of the CEW.
3. The CEW should not be used in the following circumstances unless there are compelling reasons to do so which can be clearly articulated:
 - a. When the subject is in handcuffs or waist restraints;
 - b. When the subject is operating a motor vehicle;
 - c. When the subject is holding a firearm;

Pasco Police Department Procedure

- d. When the subject is at the extremes of age (elderly and young children) or physically disabled;
- e. When the subject is visibly pregnant.
- f. In a situation where deadly force is clearly justifiable unless another officer is present and capable of providing deadly force to protect the officers and/or others as necessary.

Tactical Considerations:

1. There are three types of CEW applications:
 - a. Spark Display - A non-contact test of the CEW's ability to discharge electricity.
 - b. Touch Stun - A pain compliance application of the CEW without a cartridge intended to gain compliance of a subject or used to complete a circuit by making direct contact with the body after the air cartridge has been expended or removed. Note: Use of the CEW as a pain-compliance tool is discouraged.
 - c. Probe Mode - When the CEW cartridge is fired at a subject with the intent that the subject be temporarily immobilized for the period of time the CEW is cycled. Proper application will result in temporary immobilization of the subject and provide the officer a "window of opportunity" in which to take the subject safely into custody.
2. For a frontal shot, reasonable effort should be made to target lower center mass and avoid intentionally targeting the head, neck, groin and chest. It is recognized that the dynamics of each situation and officer safety may not permit the officer to limit the application of the CEW probes to a precise target area. Back shots are the preferred target area when practical.
3. When deploying a CEW, officers will:
 - a. Initial use of the CEW shall be a standard five-second cycle, and then the officer will evaluate the need to apply a second five-second cycle after providing the subject a reasonable opportunity to comply. Each subsequent five-second cycle requires separate justification based on the objectively reasonable standard of Graham v. Connor, 490 U.S. 386 (1989). Once the subject has been exposed to three cycles, the CEW shall be deemed ineffective and another use of force option will be considered, unless exigent circumstances exist;
 - b. Begin control and restraint procedures, including cuffing under power, as soon as is reasonably safe and practical to do so in order to minimize the total duration of CEW exposure(s). The device user and those assisting the user, should avoid touching the probes, wires, and the areas between the probes to avoid accidental shock during the electrical discharge;
 - c. The use of "touch stun" mode should only be used to supplement Probe Mode to complete the Neuro-Muscular Incapacitation (NMI) effect. The CEW "touch stun" mode requires the same level of justification as probe deployment.

Additional Considerations

Summon medical attention when:

1. A subject is energized with three or more cycles.
2. When two or more air cartridges are deployed into an individual.
3. When probes impact a sensitive area on an individual.
4. Any incident where a subject is injured and/or complains of injury.

Notify a supervisor when CEW has been used (Probe or Drive Stun).

Inform detention/corrections personnel a CEW has been used on the subject (Probe or Touch Stun).

Any use of CEW on a subject is a reportable Use of Force Report with the only exception being a spark check out of public view, and spark display. Note: Any accidental discharge of a CEW other than at a subject will be documented on an Officer's Report.

If the subject is thought to be experiencing impaired breathing, they should be placed on their side to reduce the risk of aspiration.

H. Use of Canine

Level of Control:

- Low Level
- Intermediate Force

Certification/WAC Requirements:

- All police service dogs will conform to WAC 139.05.915.

Inspection Requirement:

- Maintenance training by the handler and the Canine should occur on a regular basis to ensure the training standards are maintained.

Deployment Requirement:

- Canine teams can be requested through Communications, 24 hours a day, and 7 days a week. A Canine team may need to be called out upon the approval of the Watch Commander.

Approved Use:

Canine is approved when there is probable cause to believe a subject has committed a crime or is a danger to themselves or others, and when the subject is actively

Pasco Police Department Procedure

evading efforts to take them into custody and the use of a canine would reduce risk to officers or the public. Canine will be used only in accordance with policy, department training, and *Graham v. Connor*, 490 U.S. 386 (1989).

Disapproved Use:

Since the use of police dogs may inflame an already volatile situation, it is the policy of this department to place limitations on the use of police dogs in crowd control, civil disorders, or riot situations. In the event of such an occurrence, the canine teams may be dispatched to the problem area in a standby status. They would be utilized only when authorized by the supervisor/commander in charge of the scene in a dire emergency. Such an emergency would be for crowd control in conjunction with an all-out police effort to rescue isolated officers or citizens in danger of being injured or killed.

Tactical Considerations:

1. In police operations, canine handlers are in charge and responsible for their dogs' deployment.
2. When it is believed a subject may be armed with a weapon likely to cause injury or death to the police service dog, the handler may exercise their discretion before deploying the dog.
3. Risk to Third Parties: In using police service dogs, the canine handler shall exercise reasonable care to avoid unnecessary risk of injury to persons who are not the subject of a search or apprehension.
4. When cover officers accompany canine handlers during searches, they should stay with the handler during a search and not move or run past the canine team unless directed to do so. Cover officers should watch for dangers, make citizen contacts and let canine handlers issue commands to a subject. The canine handlers will let the cover officers know when it is safe to apprehend a subject.

Additional Considerations:

- Summon medical attention on all bites, and/or any incident where a subject is injured and/or complains of injury.
- Notify a supervisor when a subject or person has been bitten by a police service dog.
- Any use of a Canine with bites on a subject is a reportable Use of Force Report
NOTE: Any injury caused by a police service dog to a person who was not the subject of the search will be documented in an Officer's Report and not a Use of Force Report.

I. Use of Force with a vehicle:

- a. Pursuit Intervention Technique (PIT)
- b. Blocking/Blockades

c. Ramming

Level of Control:

Low-Level Force – Blocking & PIT

Deadly Force – In the following instances:

1. When used on motorcycles
2. When used on high center of gravity vehicles likely to roll over, such as vans, SUVs, and jeeps;
3. In circumstances creating a substantial risk of death or serious bodily injury.

Ramming - Deadly Force regardless of speed.

Blocking - is the positioning of a police vehicle in the path of an occupied subject vehicle where contact between the vehicles is not anticipated or is anticipated to be minimal. In circumstances where the officer initiates contact it is a reportable use of force. In the use of blocking, the potential for injuries and vehicle damages are low.

PIT - is a specific manner of intentional contact using a police vehicle against a fleeing vehicle to cause the fleeing vehicle to come to a stop.

Training Requirements:

PIT:

1. Entry-level training is taught to PPD police officers:
 - a) Only those officers who maintain required training may use this technique, Prior to initiating a PIT, officers will use their emergency equipment (red and blue lights and sirens) and will give the operator of the subject vehicle a reasonable opportunity to stop.
 - b) Officers will broadcast through dispatch the intent to use PIT if circumstances permit. Otherwise, notification will be made immediately after.

Blocking: The intent of blocking is to prevent the escape of a subject by utilizing a police vehicle to block the path of the occupied subject vehicle when contact is not anticipated or probable.

PIT: Circumstances warranting the use of PIT as deadly force are as follows:

1. Continued movement of the pursued vehicle would place others in danger of serious bodily injury or death; and/or
2. Apparent risk of harm, to other than the occupants of the pursued vehicle, is so great as to outweigh the risk of harm in making the forcible stop; and
3. Other means of apprehension have been considered and rejected as

impractical.

Disapproved Use:

PIT:

1. PIT will not be used unless the subject demonstrates their attempt to evade police and the elements necessary for an approved Vehicular Pursuit are present (i.e., felony offense or subject presents a clear and immediate danger to the public).

Tactical Considerations:

- Officers will consider the safety of the public and subjects before utilizing these tactics.

Environmental factors:

- a. Areas with pedestrians;
- b. Other vehicle traffic;
- c. Parked vehicles;
- d. Telephone/utility poles;
- e. Bridges/overpasses;
- f. Areas adjacent to paved roads with a large elevation change.

Subject factors:

- a. Seriousness of the crime;
- b. Number of subjects;
- c. Subject(s) known to have or has access to firearms;
- d. Potential of the subject to use the vehicle as a weapon;
- e. Potential of a tactical disadvantage due to close proximity of the subject(s);
- f. Potential of creating a crossfire situation;
- g. Size/weight of the subject's vehicle compared to the police vehicle.

Supervisory Consideration:

Blocking: Utilized to prevent the escape of a subject in a vehicle.

PIT:

1. Immediately acknowledge the officer's notification over the radio, and assume responsibility for (either approving or disapproving) PIT over 40 mph;
2. Order discontinuation of the PIT when the necessity for apprehension is outweighed by the dangers of the PIT;
3. Consider use of other options.

Additional Considerations:

Pasco Police Department Procedure

- Summon medical attention on all incidents involving use of force with a vehicle when the that level of force is greater than a low level of force, or any incident where a subject is injured and/or complains of injury.
- Notify a supervisor on any use of force with a vehicle.

Any incident where a subject is injured or complains of injury is a reportable Use of Force.

J. Use of Force with Firearm Handgun/ Rifle

Level of Control:

Deadly Force – Shots Fired

Handgun/ Rifle

- a. Ensure weapon is loaded with department duty ammunition and not mixed with practice ammunition;
- b. Officer is responsible to know how many rounds are loaded in the firearm and each magazine(s).

Deployment Requirement:

Handgun/ Rifle

1. Before using a firearm, officers will, whenever feasible, identify themselves and state their intention to shoot.
Example: "Police! Stop or I'll shoot!"
2. Officer shall give the subject a reasonable opportunity to voluntarily comply.

Rifle Deployment

1. If there is a potential for deadly force an officer may deem an approved rifle is appropriate based on distance, available cover, and tactical situation presented. It is important for an officer to understand the capabilities and limitations of the rifle to be deployed.
 - a. It is incumbent on the officer to use discretion when deploying and displaying the rifle, and to only deploy the rifle when the situation dictates.
 - b. Supervisors will manage the scene to ensure that in addition to rifle deployment, that other officers are available for non-lethal and hands-on incidents

Approved Use:

- All firearms will be used only in accordance with policy and department training.

Handgun

Pasco Police Department Procedure

1. Officers are to fire their weapons only:
 - a. To stop and incapacitate a subject from completing a potentially deadly act.
 - b. When the officer has probable cause to believe that the subject poses an imminent threat of serious physical harm, either to the officer or to others.
 - c. To prevent the escape of a fleeing felon who the officer has probable cause to believe has committed a violent felony crime and is an imminent threat to human life if escape should occur (See NRS 171.1455 and Tennessee v. Garner, 471 U.S. 1(1985)).

NOTE: A seriously wounded or injured animal may be destroyed only after attempts have been made to request assistance from the agency (Humane Society, animal control, game warden, etc.) responsible for the disposal of animals.

Disapproved Use:

Handgun/ Rifle

1. Officers are not authorized to draw or display their firearms, except for training at an approved firearms range, unless the circumstances create reasonable belief that it may be necessary to use the firearm in the performance of their duty.
2. Officers are not authorized to discharge their firearm:
 - a. As warning shots
 - b. If it appears likely that an innocent person may be injured;
 - c. Either at or from a moving vehicle unless it is absolutely necessary to do so to protect against imminent threat to the life of the officer or others.
 - 1) a person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle
 - 2) the vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been considered (or are not present or practical), which includes moving out of the path of the vehicle
3. Firearms shall not be discharged from a moving vehicle except in exigent circumstances. In these situations, an officer must have an articulable reason for this use of deadly force.

Tactical Considerations:

Handgun/Rifle

1. An officer's decision to draw or exhibit a firearm should be based on the tactical situation at hand and the officer's reasonable belief there is a substantial risk that the situation will escalate to the point where deadly

force may be justified. Unnecessarily drawing or exhibiting a firearm may limit an officer's alternatives in controlling a situation, create unnecessary anxiety on the part of citizens, and result in an unwarranted or accidental discharge of the firearm.

2. Flashlights mounted to firearms will be used only for the purposes authorized and intended and will not be used routinely in the place of a hand-held flashlight.

Rifle

1. It is the supervisor's responsibility to ensure proper deployment of rifles and address over-deployment.
2. A supervisor will:
 - a. Proceed immediately to the incident involving the rifle deployment and assume tactical control, when possible;
 - b. Ensure that rifle deployment is appropriate for the incident;
 - c. If rifle deployment is inappropriate for the incident, modify or cancel deployment.

Additional Considerations:

1. Summon medical attention on all use of a firearm, including Low Lethality Impact munitions, or any incident where a subject is injured and/or complains of injury.
2. Notify dispatch of "Shots Fired!" not applicable for Low Lethality
3. Notify a supervisor when a firearm has been discharged.
4. Any intentional use of a firearm on a subject is a reportable Use of Force Report.

Rifle Deployment

Rifle deployments alone are not considered a reportable Use of Force Report.

REPORTABLE USE OF FORCE

- A. Reportable Force Incidents
- B. Investigations and Reporting
- C. Post Use of Force Procedures
- D. Use of Force Investigation

A. Reportable Force Incidents

Reportable force incidents which require the completion of a Use of Force Report, but are not limited to:

1. Control Tactics/ Impact Tactics (Takedown with injury, Strikes, Kicks)
2. Baton/Impact Weapons (Jabs, Strikes)
3. OC Spray
4. CEW (touch stun and probe deployment)
5. VNR (Level 2 and 3)

Pasco Police Department Procedure

6. Canine (With bites)
7. Use of Force with a vehicle:
 - a. Ramming
8. Use of Force with a Firearm
 - a. Handgun
 - b. Rifle

Supervisors will respond without necessary delay to all potential reportable uses of force.

B. Investigations and Reporting

- a) The department reviews or investigates all reportable use of force incidents to determine their justification, as well as to correct any identifiable training deficiencies. Officers involved in reportable use of force incidents will immediately notify their supervisor if not already aware or, if unavailable, another on-duty supervisor, and complete a Use of Force Report in BlueTeam prior to the end of shift (exceptions must be approved by a supervisor). The report should distinguish which force option was selected and why it was objectively reasonable. Supervisors should respond to each use of force incident in which reportable force is used, conduct an investigation and assist with the completion of the use of force report. The report will be required by each officer involved in a use of force incident when reportable force is used.
- b) A Use of Force Report is not required when no injury and/or complaint of injury occurs as a result of:
 1. Low Profile Pat Down/High Profile Pat Down/Arm Lock/Standing Search;
 2. Routine Handcuffing;
 3. Felony Prone Handcuffing (Front and Rear);
 4. Felony Prone Search Felony Kneeling;
 5. Baton Escort Technique;
 6. Takedown
- c) The following Use of Force Options requires a Use of Force Report be completed by the involved officer.
 1. Any use of force which is required to overcome subject resistance to gain compliance that results in injury, complaint of injury, or complaint of continuing pain;
 2. Any takedown which causes injury or verbal complaint of injury;
 3. Use of OC Spray;
 4. Vascular Neck Restraint Level 2 & 3
 5. Use of a CEW;
 6. Baton Takedowns, Strikes and Jabs;
 7. Punches, and Kicks;
 8. A citizen or person arrested complains that an injury has been inflicted as the result of the use of force; or
 9. Ramming
 10. A firearm discharge resulting in death or serious bodily injury

C. Post Use of Force Procedures

The department reviews and/or investigates all reportable use of force incidents to determine their justification, as well as to correct any identifiable training deficiencies. Officers involved in reportable use of force or alleged use of force incidents will immediately notify their supervisor. If unavailable, the officer will notify another supervisor, and complete the Use of Force Report in BlueTeam prior to the end of shift. Any exceptions to this must be approved by the supervisor. The report should include a detailed description on the level of force, tool and/or tactic used, to include its effectiveness or ineffectiveness. Each application of a reportable Use of Force Tool/Tactic must be separately justified and documented. Supervisor will complete a memorandum to the division commander for unfounded alleged use of force.

D. Reportable Force Incidents

Reportable force incidents which require the completion of a Use of Force Report include, but are not limited to:

1. Control Tactics/ Impact Tactics (Takedown with injury, Strikes, Kicks)
2. Baton/Impact Weapons (Jabs, Strikes)
3. OC Spray
4. CEW
5. VNR (Level 2 and 3)
6. K-9 (With bites)
7. Use of Force with a vehicle:
 - i. Ramming

A Use of Force report is required by each officer involved in a use of force incident.

A Weapons Discharge Report in BlueTeam is required:

1. When shots are fired outside the firearm's range, excluding off-duty situations such as hunting or participating in competitive shooting.
2. When a firearm is discharged at a human.

A Use of Force Report is not required when no injury and/or complaint of injury occurs as a result of:

1. Low Profile Pat Down/High Profile Pat Down/Arm Lock/Standing Search;
2. Routine Handcuffing;
3. Felony Prone Handcuffing (Front and Rear);
4. Felony Prone Search Felony Kneeling;
5. Baton Escort Technique;
6. Control Tactics

E. Investigative Responsibilities: Use of Non-Deadly Force

Pasco Police Department Procedure

- A. Non-Deadly Force requiring a Use of Force report but not resulting in death or serious bodily injury will be investigated by the officer's chain of command.
- B. All reportable Uses of Force on a subject regardless of visible injury will photograph and document the injuries, or if for some reason the photos cannot be taken, this will be articulated in the report.

The Officer will:

- a. Immediately notify a supervisor when a reportable non-deadly use of force occurs;
- b. Complete the Use of Force Report and any other required reports connected to the incident;
 - 1) Include a synopsis of the incident,
 - 2) Ensure the 3 prong requirements of Graham v. Connor, 490 U.S. 386 (1989) and the five additional 9th circuit factors are each addressed.

Additional Tool/Tactic Requirements:

CEW

- Handle the probes in the same manner as contaminated needles and sharps in accordance with department bio-hazard disposal procedures and impound all probes, wires and cartridges as evidence. In cases of deadly force or in-custody death SIU will impound the probes and fired cartridges;
- Provide the CEW to a supervisor for data download prior to the end of shift.

Canine

- Injuries caused by the police service dog to persons who were not the subject of the search will be documented in an Officer's Report, and will require a supervisor response.

A supervisor will:

1. Ensure medical assistance has been rendered or requested when applicable;
2. Respond to the scene without unnecessary delay, if unable to respond, request an alternate supervisor to the scene;
3. Document investigation when alleged use of force is determined to be unfounded;
4. Ensure the level of force used is a use of non-deadly force;
5. Interview the subject, officer(s), medical personnel and witnesses who claim to have firsthand knowledge of the incident. Witness statements should be documented on a voluntary statement or recorded, and are obtained by an uninvolved party.
6. Ensure photographs are taken of the subject(s), the scene and

Pasco Police Department Procedure

- officer(s) involved and collect any evidence related to the Use of Force;
7. Check the surrounding area for any video surveillance, obtain a copy of dash camera's or If body camera is video is available,
 8. Review all applicable reports to ensure accuracy and completeness.
 - a. Document how a use of force has been determined to be justified and in adherence to procedure, Document any training deficiencies identified and how they were corrected,
 - b. Document if misconduct is identified and how it has been addressed.
 9. When a CEW has been used:
 - a. Ensure the data record of the CEW has been uploaded into evidence.com prior to the end of shift
 - b. Verify the probes, wires and cartridges are properly impounded and arrange for replacement cartridges. Accidental discharges will not require impounding of the probes, wires and cartridges unless there has been an injury.

A Supervisor will:

1. Respond to the scene when significant force is used. If unable to respond, request an alternate supervisor respond to the scene;
2. Ensure interviews, photographs and reports are being completed;
3. Notify Division Commander if significant force is used (Examples include, but are not limited to: skeletal fractures; serious bodily injury or complaint of injury to a person's head or sternum area. All Significant Force is Reportable Force.);
4. Review the Use of Force Report and all attached documentation and evidence to ensure accuracy and completeness, then forward to the Division Commander.

The Division Commander will:

- a. Complete the Use of Force administrative review.
- b. Forward all inappropriate Use of Force Reports to the Chief of Police

F. Investigative Responsibilities: Use of Deadly Force or Force Involving Serious Bodily Injury

It is the policy of this department to conduct a fair, impartial and thorough investigation of all uses of deadly force for the interest of the officer, the department and the community alike. The following procedures shall apply to all deadly force investigations:

A. Primary Responsibilities in a Deadly Force Investigation

1. Special Investigation Unit (SIU):
 - a. SIU Response Criteria (also see SIU protocol):
 - i. Any use of deadly force as described in PPD – Use of Force

Pasco Police Department Procedure

- policy
 - ii. Officer Involved non-lethal Shootings at the discretion of the Chief of Police
2. The SIU criminal investigation will conduct a criminal investigation and provide its finding to the County Prosecutor.

B. Involved/Witness Officer(s)

1. When an officer intentionally discharges a firearm at a human being, uses deadly force, has an unintentional discharge of a firearm during a police operation, causes serious bodily injury or becomes aware of an in-custody death, the officer will:
 - a. Ensure life safety of others;
 - b. Ensure the scene is safe and secure;
 - c. Notify both Communications (via radio if on-duty) and a supervisor without delay;
 - i. If needed, will request medical assistance and provide information on injuries;
 - ii. Include suspect description and location.
2. In addition, off-duty officers or plain-clothes personnel will:
 - a. Be aware of the particular danger of a potential police-on-police confrontation when first-responding officers arrive to the scene;
 - b. Make certain they are readily identifiable as officers; Off-duty officers or plain-clothes personnel should display their badges and/or identification prominently and identify themselves frequently;
 - c. Inform Communications via radio (or if off-duty and no radio available, they should call 9-1-1) if they have taken action, are armed or are wearing plainclothes;
 - d. When confronted by first-responding officers, off-duty officers or plain-clothes personnel should be aware of and obey first-responding officers' verbal commands.
3. In deadly force investigations, SIU detectives shall be briefed, by the first-responding supervisor or supervisor in charge of the event, on the names and locations of the Involved Officer and potential Witness Officers.
 - a. Officer statements:
 - i. Involved Officer: An officer or supervisor, who participated in, directed or influenced the application of the use of force.
 - ii. Involved Officers may provide a (Miranda) statement to SIU Investigators following SIU investigative protocol.
 - iii. Witness Officer: An officer or supervisor who did not participate in or directly influence the application of the use of force. Witness Officers will provide statements per the SIU protocol

C. Incident Responsibilities

1. Any officer or supervisor assigned, involved, or arrived on the scene of a use of force investigation shall not leave until released by the supervisor in charge of

Pasco Police Department Procedure

- the event.
2. The supervisor first on scene will act as Incident Commander until relieved by a Division Commander or designee:
 - a. Ensure medical attention is provided for those in need;
 - b. Coordinate the search for outstanding suspects;
 - c. Ensure the immediate crime scene is secured and protected;
 - d. Oversee the identification and isolation of witnesses;
 - e. Ensure witness officer(s) and involved officer(s) are separated and placed in a secure and safe environment, with a witness monitor.
 - f. Contact Communications and advise the type of incident and request that Command notifications be made or make the notifications.
 - g. When practical, only the involved officer and a supervisor should be present during the Public Safety Statement (PSS). If multiple officers are involved, the PSS should be done separately with each involved officer, by the same supervisor. The questions below will be read directly from the PSS card to the officer. A supervisor will write down the officer's response. The PSS will be documented and maintained by the supervisor until provided to a SIU detective. No unauthorized card or form will be used for the PSS documentation. All PSS's by employees are considered compelled. Failing to provide the requested information to a supervisor will be grounds for discipline, to include termination.
 1. Did you discharge your firearm?
 - a. If so, in what direction?
 - b. Approximately where were you located when you fired?
 - c. How many shots do you think you fired?
 2. Is anyone injured?
 - a. If so, where are they located?
 3. Are there any outstanding suspects?
 - a. If so, what is their description?
 - b. What direction and mode of travel?
 - c. How long have they been gone?
 - d. What crime(s) do you believe they committed?
 - e. What type of weapon do they have?
 4. Is it possible the suspect fired rounds at you?
 - a. If so, what direction were the rounds fired from?
 - b. How many shots do you think the suspect fired?
 - c. Approximately where was the suspect located when they fired?
 5. Do you know if any other officer(s) discharged their firearms?
 - a. If so, who are they?
 - b. Approximately where was the officers(s) located when they fired?
 6. Are there any weapons or evidence that needs to be secured/protected?
 - a. If so, where are they located?
 7. Are you aware of any witnesses?
 - a. If so, what is their location?

Pasco Police Department Procedure

Note: The PSS is a series of questions to obtain information to determine an immediate threat to public safety. The PSS must be taken in a timely manner and under a condition which has demonstrated an immediate threat to the public. (An example would be shots fired by an officer or a subject in the direction where the public may be in immediate danger.) The supervisor must take appropriate action based on the information received from the PSS.

3. The Watch Commander will:
 - a. Respond immediately to the scene of the use of deadly force.
4. The Watch Commander or designee will:
 - a. Designate a Command Post;
 - b. Establish the outer perimeter, the staging area, and the media staging area;
 - c. Identify and separate civilian witnesses;
 - d. Identify and separate officer witnesses;
 - e. Assign an Officer Witness Monitor(s) and explain their duties to them, which are:
 1. To ensure that involved officers and witness officers do not discuss the incident being investigated with anyone.
 2. The monitor shall allow the officer's attorney and association representative to communicate privately with the officer.
 3. The monitor will not talk to the officer about the facts and circumstances of the incident.
 4. Remain with the officer until relieved by the supervisor in charge.
5. Watch Commander or designee will:
 - a. Ensure the *Major Crime Scene Log* has been assigned and is being completed.
 - b. Assist in the early management of the crime scene, the identification and separation of witnesses, and the canvass.

D. Media Release

1. Media inquiries shall be referred to the on scene PIO or their designee.
2. The identity of officers involved in deadly force incidents will not be released to the public or media until approved by the Chief of Police.
3. The PIO will construct a formal media release to the general public as soon as possible.
4. Social Media may be used to broadcast details of the incident.

ADMINISTRATIVE REVIEW

All Use of Force Reports will be completed and coordinated through the officer's chain of command within 30 calendar days of the event.

Pasco Police Department Procedure

During the administrative review if a training deficiency is identified remedial training will be scheduled.

If an inappropriate use of force is identified the Chief of Police may order an internal investigation.