

USE OF FORCE	Chapter No. 4
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4.1.0 DEPARTMENT USE OF FORCE POLICY

Please refer to Use of Force Procedure Manual.

The Pasco Police Department is committed to protecting people, their property and rights while providing the best in public safety and service. 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."

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.

This policy and Use of Force Procedure Manual 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.

4.1.1 USE OF 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 to accomplish lawful objectives. 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.

4.1.2 LIMITATIONS OF USE OF DEADLY FORCE

Officers are authorized to use deadly force against any person as necessary in self-defense or the defense of another when they have reason to believe they or another are in immediate danger of death or serious bodily injury.

-OR-

Officers are authorized to use deadly force to capture or seize a dangerous suspect when there is probable cause to believe that the suspect has committed a crime involving the infliction or threatened infliction of serious bodily harm and there is no reasonably safe means of preventing the suspect's escape.

-AND-

When officers are about to use deadly force, they will, when feasible, issue a verbal warning to the suspect.

The objective of an officer's use of deadly force is to stop a suspect from completing a potentially deadly act. When firearms are used, the officer should only fire and strike the suspect as many times as necessary to stop the suspect's dangerous actions.

This policy is equally applicable to juveniles and adult suspects.

4.1.3 WARNING SHOTS

The Pasco Police Department does not authorize the use of warning shots.

4.1.4 LESS-LETHAL WEAPONS

A less-lethal weapon is any weapon other than a knife or firearm, used to control persons or defend officers and others from harm, that is less likely to cause death or serious bodily harm.

Less-Lethal Weapons include:

- A. Batons
- B. Flashlights (if used as an impact weapon)
- C. OC aerosols and pepper-ball system
- D. Tasers

Officers may carry these weapons after successful participation in ongoing department approved training programs by a certified instructor.

4.1.5 RENDERING AID

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.

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. LVNR®-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.

4.2.1 REPORTING WEAPON DISCHARGE AND USES OF FORCE

A. Weapons Discharge Reporting

Officers are required to report any deliberate or unintentional discharge of their department issued firearms other than for training or recreational purposes.

If an officer discharges a firearm while performing any police function, on or off duty, that officer reports the facts of the incident verbally to the shift sergeant as soon as possible. The officer then submits a written report prior to the end of shift. The report is then forwarded through the chain of command to the Field Operations Captain for review. If a firearm discharge occurs while off duty, the officer completes a written report by the end of their next duty shift. The report is then forwarded through the chain of command to the Field Operations Captain for review.

Unintentional discharges at any firearms training/function will be reported to the range master and the training sergeant as soon as possible. Prior to the end of shift the training sergeant or designee will submit a written report concerning the incident. The report is then forwarded through the chain of command for review. If the training sergeant or range master is unavailable, the unintentional discharge will be reported to the shift sergeant and a report will be generated before the end of the duty shift.

If an on-duty or off-duty discharge causes injury or death, a departmental investigation is conducted. Officers involved may have their firearm taken as evidence. Usually, it is taken by a detective or shift sergeant and replaced with a similar one. The officers involved will submit a written report in a reasonable time period. This report is forwarded to the Chief of Police through the chain of command.

If the officer is injured, or unable to make the report, the officer's immediate supervisor submits a supplemental report prior to the end of shift. This report is sent to the Chief of Police through the chain of command.

If a Pasco officer is on or off duty and a discharge of a department authorized firearm occurs outside the city, the officer immediately notifies the agency of jurisdiction. The officer then contacts the on duty Pasco sergeant.

This policy does not require the reporting of shots that relate to recreation, department-authorized training or hunting.

Nothing in this policy is intended to deny officers the rights given to them by law or by labor agreement.

B. Use of Force Reporting

Employees are sometimes required to use force to make arrests and control situations. The use of force model outlines the progression of force options. 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. LVNR® (Level 2 and 3)
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.

When the use of force results in serious injury or death, investigators (Special Investigative Unit) and internal affairs will conduct an investigation. In these situations, officers are granted time, at the discretion of the Field Operations Captain, to contact legal counsel before completing a report or making a formal statement.

4.2.2 WRITTEN USE OF FORCE REPORTS AND ADMINISTRATIVE REVIEW

Use of force reports are approved by the supervising sergeant and then forwarded to the division captain, training sergeant and a defensive tactics instructor. The Chief of Police will have final review of all use of force reports.

4.2.3 REMOVAL FROM ASSIGNMENT PENDING ADMINISTRATIVE REVIEW

Officers whose actions or use of force result in the serious injury or death of a person will be removed from their line duty assignment. The officer will return when cleared for regular duty by the Chief of Police.

The reasons for placing an officer on administrative leave are to protect the officer and to protect the community interest.

When officers are involved in a situation where their actions result in somebody becoming seriously injured or killed, there is a tremendous amount of emotional strain. A period of leave from regular duty gives the officer time to deal with the emotions associated with the situation. Further, if there are people in the community who disagree with the use of force, the officer is protected from any possible confrontation until emotions subside.

A period of leave gives the administration time to review the officer's actions to determine if the officer acted within their scope of authority. By conducting this review, the police department demonstrates its willingness to serve the public interest.

Officers involved in situations that result in the serious injury or death of an individual will attend a critical incident stress debriefing arranged by the peer support team leader.

Officers may wish to seek counseling in addition to attending the critical incident debriefing. Officers may use the department psychologist or a counselor of their choosing, with the approval of the Chief of Police. The department will pay for psychological counseling ordered or approved by the department.

4.2.4 ANALYZE REPORTS FORM USE OF FORCE

Employees are required to document their use of force on a Use of Force Report Form in Blue Team. The training division will conduct an annual review of all use of force reports. This report is sent to the Chief of Police.

4.2.5 ASSAULT ON SWORN OFFICER REVIEW

All assaults on officers are reported and reviewed by the corresponding Captain. An annual review is conducted by Captain or their designee to enhance officer safety, revise policy and address training needs for Police Chief's review and approval.

4.3.1 AUTHORIZATION: WEAPONS AND AMMUNITION

A. Authorized Firearms and Weapons

The Pasco Police Department will try to provide its commissioned officers with the most effective firearms and ammunition for self-defense and the defense of the public.

1. Handguns: The standard service pistol issued to all commissioned officers shall be the Glock pistol models 21, 19, 43 and 30 depending on the specific duty assignment of the officer. These pistols are chambered for the .45 ACP (Automatic Colt Pistol) or 9mm Luger. The duty ammunition is the Speer 230gr

GDHP .45 ACP or Speer 124gr GDHP 9mm Luger issued by the department. The Chief of Police will authorize any firearm or weapon used while on duty.

2. Off Duty Handguns: Commissioned officers are authorized to remain armed while off duty for their own personal protection, unless their activities would prevent or make the wearing of a handgun impractical or unwise.

The handgun carried off duty, authorized by department credentials and intended to be deployed in the performance of police duties, should be the issued service pistol or must conform to the specifications of a back-up or secondary weapon.

However, nothing in this policy is intended to infringe on the right of officers to carry concealed handguns of their own choosing while off duty. Such handguns are not intended to be deployed in the performance of police duties. Officers carrying handguns other than those specifically authorized by the department assume complete responsibility and liability for the use of such handguns. The department does not provide ammunition, certification or training for handguns other than those specifically authorized for duty and backup use.

3. Rifles: Each Patrol Officer is issued .223 (5.56mm) semi-auto rifle. Duty ammunition is Federal 55gr Bonded soft point or Federal 55gr Ballistic Tip issued by the department. The rifle must be secured (locked) in the patrol car rifle rack when not deployed.

Officers purchasing a patrol rifle for duty use must make certain the rifle meets the department standard in order to be authorized for duty purposes. Personal AR-15 rifles must be carried in a hard or soft case in the trunk of the patrol vehicle. Officers are not allowed to remove the department assigned AR-15 rifle from the weapons rack in the patrol vehicle in order to use the rack for their personal AR-15 rifle.

Rifles may be used by officers, at their discretion, in accordance with their training and provisions outlined in 4.3.2 (B) and the Use of Force Procedure Manual.

4. Specialized Weapons: The Tri-City Regional SWAT Team has certain specialized weapons assigned to it.

Extended Range Impact Weapons: The Pasco Police Department utilizes the 37mm launcher ERIW platform which has a rifled barrel for increased accuracy. Launchers utilized by the PPD can be equipped with the EoTech holographic sight specifically designed for use with the ERIW. The 37mm specialty impact munitions utilized by the PPD will be:

- KO1 Impact Baton – Standard Energy (77.5g polyurethane baton, 240 fps, 153 ft/lbs of energy)

No commissioned officer shall utilize any ERIW prior to receiving training on its use.

Only properly trained and authorized personnel are permitted to carry and use these weapons, in accordance with their training and provisions.

5. **Personal Firearms Authorized For Use:** Officers may choose to carry a personal handgun as a back-up or secondary handgun in addition to the primary service pistol. This weapon is intended for self-defense of the officer when the primary pistol is unavailable. Back-up guns will be carried in a concealed manner.

Personal firearms and backup/secondary weapons must be inspected by the range master/armorer and approved in writing by the Chief of Police or designee. Any modifications made to the personal firearm must be approved by the range master prior to being done. The weapon will then be inspected by the range master prior to being put back into service.

6. **Proficiency Levels:** Commissioned officers will demonstrate proficiency with each of their authorized weapons in accordance with standard 4.3.2
7. **Unsafe Weapons:** If officers discover a mechanical problem with any of their assigned weapons, they must notify the range master immediately. The range master inspects the weapon to determine what repairs are needed. If necessary, the range master replaces the unsafe weapon until the repairs have been completed.
8. All weapons will be inspected by a qualified weapons instructor prior to being issued.

B. Ammunition

The only ammunition authorized for on or off duty use is that ammunition issued or inspected by the range master, and approved for purchase by the Chief of Police. Commercially manufactured ammunition is the only approved ammunition.

Hand loaded ammunition will not be carried or fired in any PPD firearm. Hand loaded ammunition is not authorized for carry in any personal firearm used during police action by PPD officers. Some less-than lethal rounds can be reloaded with the manufacturer's powder charge and used for training purposes.

C. Firearms Inventory

The range master keeps a complete inventory of all firearms carried by commissioned officers during their duty hours. This inventory tracks both personal and department issued firearms. This inventory includes the description (make, model, serial number and caliber), date of purchase/issue and owner or assignee. Annual inspections are conducted on all department issued firearms.

D. Less-Lethal Weapons

A less-lethal weapon is any weapon other than a firearm or knife used to control persons or defend officers and others from harm. Such weapons include, but are not limited to: batons,

flashlights, OC aerosols and CS/CN chemical weapons. Officers may carry these weapons only after successful completion of a department-approved training program. This training program includes annual refresher training.

E. Noise Flash Diversionsary Devices

Definition - A diversionary device, (NFDD), shall be defined as any device designed to emit a loud noise and dazzling light for the purpose of distracting or disorienting a suspect. NFDD's are not considered a use of force in the manner they are normally used.

Persons authorized to use NFDD's - Only personnel who have successfully completed a departmentally approved training course in the proper use and deployment of NFDD's shall be authorized to deploy them during actual operations. Any personnel assigned to Tri-City Regional SWAT Team may deploy NFDD's during training. In order to remain authorized users, all personnel must successfully complete an annual refresher course. Because of the specialized nature of these devices and the training required to deploy them, their use shall be restricted to trained members of the Tri-City Regional SWAT Team.

F. Rubber Ball Blast Devices

A hand delivered device used as a crowd management tool which is designed to emit a loud report and a flash, with or without the chemical irritant OC. Its purpose is to distract and/or disorientate. Ball blast devices may be thrown in the general direction of the crowd. At the discretion of the operator it may be deployed for ground bursts or aerial bursts. The purpose of the rubber ball blast device is to minimize the risks to all parties through temporary distraction or disorientation of potentially violent or dangerous subjects

Only personnel who have successfully completed a departmentally approved training course in the proper use and deployment of rubber blast ball devices shall be authorized to deploy them during actual operations.

G. Weapons Security

All authorized firearms shall be secured in the following manner:

Police Department Vehicles

- Long Guns: Whenever a long gun is carried in a Police Department vehicle the weapons shall be secured into a mounted gunlock system or secured in a location out of view and with a locking mechanism that allows the weapon to be locked.

The primary storage location for issued long guns is the police officer's locker inside the police station. Lockers containing any weapons shall be locked at all times. Except for take home vehicles, issued long guns will not be stored in a Police vehicle when a police officer is off duty. Police officers will remove their long gun and other weapons from their police vehicle at the end of each work shift and store them inside their assigned locker.

Police officers with a take home patrol vehicle may leave the weapon locked inside the vehicle if the weapon is in an approved locking system. Police officers with a take home unmarked vehicle may leave the weapon locked inside the vehicle if the weapon is in an approved locking system, the weapon is out of view from outside the vehicle, and the

vehicle is locked. For any take home vehicle (marked and unmarked), when the criteria in this paragraph cannot be met the weapon must be stored in a locked gun safe inside their residence or in their locker at the police station.

- Unattended sidearms: While on-duty, if it becomes necessary to secure an authorized sidearm in a Police Department vehicle the police officer should first ensure the vehicle is in a secure location and then place the sidearm out of view and lock the vehicle.

Unmarked Vehicles

Police officers shall not store an authorized firearm in an unattended vehicle unless a locking system is used in an area of the vehicle not visible to the outside and that secures the weapon.

- Less Lethal Weapons: Generally, department issued Tasers and other less lethal weapons are to be stored in the officer's assigned locker at the police station between work shifts. Officers who commute to work in full uniform may take their issued less lethal weapons with them between shifts provided the following security requirements are followed:
 - All department issued weapons and the police radio are never left inside an unattended vehicle; and
 - When the officer is not in uniform these items must be stored in a secure location in the officer's residence.

Police Facility

All authorized firearms being stored at the Police Facility must be secured (padlocked) in a police officer's assigned locker or stored in another authorized and locked weapons storage area.

Off-duty Security/Storage of Authorized Firearms

Police officers have the option of taking their issued service sidearm with them between work shifts provided the listed security measures are followed. When authorized firearms are secured at any other location they must use a firearm lock-up system that prevents unwanted access to the weapon.

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

Unsecured Firearms

Any member of the Police Department that finds a firearm that is not properly secured as this standard instructs, shall immediately notify a supervisor. The supervisor shall insure the firearm is properly secured and attempt to identify the police officer authorized to carry the

firearm. The supervisor will also generate a memorandum explaining the circumstance and provide it to their division commander.

Security Specifications

If a hard-mounted gunlock system is not in place inside a vehicle, the following is an alternative lock-up system which is required to secure a weapon inside *any* vehicle – police or private. This locking system will be used in an area of the vehicle not visible to the outside.

- A padlock;
- The issued safety cable and padlock.

4.3.2 DEMONSTRATING PROFICIENCY WITH WEAPONS

All commissioned personnel shall be proficient in the use of the weapons they carry on duty. This includes both lethal and less-lethal weapons. All proficiency training will be conducted by a department weapons instructor and includes policy training outlined in standard 4.3.3. Weapons proficiency is an essential job function of a police officer. Failure to meet department standards for the use of primary weapons shall constitute cause for dismissal.

An officer who fails to meet department primary weapons (i.e. service handgun or rifle) standards must immediately enter into remedial training. Initially, the range master identifies the officer's problems and provides correction. After this corrective training, the officer is required to pass the failed qualification course of fire and that of the previous qualification. If the officer is not able to qualify after remedial training, the Chief of Police will be notified through the chain of command that the officer is unqualified to carry that service weapon and the range master is unable to improve the officer's firearms skill any further.

Officers who, after appropriate remedial training, fail to meet department standards in the use of primary weapons (i.e. service handgun or rifle) will be removed from duty pending administrative action.

Weapons proficiency training and demonstration is conducted as follows:

A. Handguns

Officers are required to qualify with their service pistol at least once a year. Notice from the training coordinator of qualification periods are through electronic mail and/or training announcements posted in the briefing room. All commissioned personnel will attend during those time frames. Officers who choose to carry a secondary gun must qualify with it at least once a year. The range master determines the course of fire.

1. Officers who qualify with their service pistols and approved secondary guns are authorized to carry them whether on or off duty. When choosing secondary guns, officers should consider the need to use these guns for law enforcement purposes on and off duty. When off-duty officers act with police authority, they are considered to be on-duty.

2. Each officer has three opportunities to pass the service pistol qualification. The first two may be under the direction of a department firearms instructor or range safety officer. If a third attempt is needed, it only takes place under the direction of the department range master or a designated firearms instructor. The third attempt is made only after the officer receives specific training to increase skill level.
3. Officers who do not attend or fail to meet qualification standards during the allotted time period, (unless excused by the Division Captain or Chief of Police), are no longer authorized to carry that service pistol. A written notice of this is immediately forwarded through the chain of command to the Chief of Police.
4. Service pistol qualifications consist of accuracy standards and manipulation skills. A passing accuracy score is 75%. Manipulation skills are observed and documented. Poor pistol manipulation skills or unsafe gun handling can result in a qualification failure, even with a score above 75%. Officers may not practice or "warm-up" on the day they attend qualification.
5. Additional combat/judgment/handling skills training may be added to the qualification or be included in other in-service training. These courses are evaluated as either "pass" or "needs improvement" at the discretion of the range master or other firearms instructors.
6. Officers who fail to meet department standards in the use of back-up handguns will have their authorization to use these firearms restricted by the range master. Authorization is restored when department standards are met.

B. Rifles

AR-15 rifle qualification is conducted once a year. PPD uses the Washington State CJTC Rifle Qualification course. The qualification standard is 80%.

Additional combat/judgment/handling skills training may be added to the qualification or be included in other in-service training. These courses are evaluated as either "pass" or "needs improvement" at the discretion of the range master or other firearms instructors.

C. Special Purpose Weapons

Tri-City Regional SWAT Team personnel will conduct qualification courses specific to the officer's assigned weapon(s).

D. Less-Lethal Weapons

Officers receive training in the use of all impact weapons and OC spray at least annually. This training is documented by the training coordinator as part of mandatory in-service training. Officers are required to have a one-time direct exposure to OC spray either at the CJTC Basic Law Enforcement Academy or at a regular in-service training session. Officers who cannot demonstrate proficiency with assigned less lethal weapons will have their authorization to carry them restricted by the assigned instructor until remedial training is successfully completed. The

instructor will formulate remedial training in the use of these weapons based on the officer's need.

E. Scenario Based Training

The department uses live and video training scenarios that require decision making and use of proper police tactics. The live training scenarios are incorporated into the force options training. A Simunitions type weapon replaces the duty firearm during the training exercises. Training scenarios will include escalation and de-escalation force options.

4.3.3 ANNUAL/BIENNIAL PROFICIENCY TRAINING

Prior to being authorized to carry any weapon, officers are properly trained in the use of that weapon. This training is conducted prior to issuing the weapon and is updated annually. The content of this training includes, but is not limited to:

- A. Instruction on federal, state and local laws as they pertain to the use of force.
- B. Explanation of Pasco Police Department policies regarding the use of force. Specifically, the use of force continuum and the use of deadly force.
- C. Safe handling techniques for each of the weapons issued or authorized by the Pasco Police Department.

A defensive tactics instructor is responsible for both classroom lecture and hands-on training for most less-lethal weapons. This includes training in the use of impact weapons such as flashlights, batons and the use of OC spray. Certified extended range kinetic energy projectile instructors are responsible for all training related to the use of beanbag rounds and baton rounds.

A firearms instructor is responsible for the classroom lecture and proficiency training in the use of firearms. Department range safety officers may monitor proficiency demonstrations such as weapons qualifications. Demonstrating proficiency includes both safe handling of the firearm and minimum qualification scores as defined in standard 4.3.2.

Authorization to carry and use department-issued weapons applies to officers while either on or off duty. Nothing in this policy shall limit the authority of police officers to carry firearms as defined in [RCW 9.41.050](#) and [RCW 9.41.060 \(1\)](#).

The range master records all firearms training. The range master, or range safety officers, record all firearms proficiency demonstrations and qualifications. The range master or training coordinator is responsible to ensure that these records are entered into the training database.

In the event an officer becomes pregnant, she will be exempt from qualifications after the 4th month of her term. Upon her return to work, the officer will have to qualify with the weapons that she normally carries.

4.3.4 PREREQUISITES TO CARRYING ALL DEPARTMENT AUTHORIZED WEAPONS

Officers receive training in all Department authorized weapons and OC spray at least annually. This training is documented by the training coordinator as part of mandatory in-service training. Officers who cannot demonstrate proficiency with assigned weapons will have their authorization to carry them restricted by the assigned instructor until remedial training is successfully completed. Remedial training will be coordinated by the sergeant responsible for training and the officer must successfully pass before allowed to use the weapon. The instructor will formulate remedial training in the use of these weapons based on the officer's need. A copy and instruction of the use of force policy will be provided to each officer before they are authorized the carry a weapon.