 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p><i>EMERGENCY MANAGEMENT SYSTEM</i></p> <p>POLICY</p>	APPLICABILITY DEPARTMENT WIDE		
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	TITLE USE OF FORCE IN THE COMMUNITY		

REVIEW/REVISION HISTORY:

Effective: 8/25/04
Revised: 6/23/05
Revised: 5/5/08
Revised: 9/2/08 AB 08-024
Revised: 1/1/09 AB 08-037
Revised: 2/24/09 AB 09-006
Revised: 7/13/09
Revised: 11/16/09
Revised: 2/1/12
Revised: 10/1/14 Use of Force - Community Corrections (RESTRICTED)
Revised: 1/19/23 Use of Force Outside of Prisons
Revised: 4/24/23

SUMMARY OF REVISION/REVIEW:


Updated title
Policy Statement I.C., Directive I.B.2., IV.A.2.a., X.B.1., X.B.1.g., XI.C. - Added language for clarification
Added I.D.1. that employees will notify their supervisor when force is used against an animal
II.A.2.c. - Removed language for clarification
II.A.3.a., IV.A.6., V.B.1.d., VIII.A., XI.A.4., XII.A. - Adjusted language for clarification
IX.B. & C. - Adjusted supervisor and administrator/Appointing Authority's responsibilities
Added XI.A.1. that subject matter experts will review and the appropriate Assistant Secretary will be provided a briefing of the incident
Added XI.B.1.a. that temporary reassignment is subject to agreement
Added XII.A.1. that the Assistant Secretary may consider additional reimbursement
Removed XII.A.2. that employees may have a representative assist in preparing the incident report

APPROVED:

Signature on file

CHERYL STRANGE, Secretary
Department of Corrections

4/20/23
Date Signed

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REFERENCES:


DOC 100.100 is hereby incorporated into this policy; RCW 9.94.050; RCW 9A.16.020(1); RCW 9A.16.040; RCW 9A.76; RCW 10.116.020; RCW 10.116.030; RCW 10.120.020; DOC 400.100 Incident and Significant Event Reporting (RESTRICTED); DOC 400.110 Reporting and Reviewing Critical Incidents; DOC 410.200 Use of Force (RESTRICTED); DOC 410.230 Use of Deadly Force (RESTRICTED); DOC 850.150 Drug and Alcohol Free Workplace; Collective Bargaining Agreement

POLICY:

- I. The Department has established procedures for employees to use force in the performance of their legal duties.
 - A. The use of force and/or deadly force is only authorized to achieve a legitimate law enforcement objective.
 - B. Whenever possible, employees must use all available and appropriate de-escalation/less-lethal tactics before using physical and/or deadly force.
 - C. An employee who witnesses another employee/officer engaging in or attempting to engage in the use of excessive force will intervene and end the use of excessive force, when possible.
 - D. The following are prohibited:
 1. Use of any chokehold/neck restraint
 2. Tear gas in a non-Prison setting
- II. This policy does not apply to Prison employees. Use of force/deadly force by Prison employees will be conducted per DOC 410.200 Use of Force (RESTRICTED) and/or DOC 410.230 Use of Deadly Force (RESTRICTED).

DIRECTIVE:

- I. General Requirements
 - A. Employees will terminate any use of force as soon as the need for it ends.
 - B. Use of physical force is limited to the least amount of force necessary to safely achieve the legitimate law enforcement objective. Employees will exercise reasonable care when considering:

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1. Using physical/deadly force and when force is appropriate or can be used on a person.
 2. The totality of circumstances including the immediacy and severity of the threat and the seriousness of the law enforcement objective.
- C. Verbal commands and de-escalation techniques will continue throughout the use of physical, intermediate, and deadly force.
- D. Force may be used to defend against animal attacks.
1. If force is used against an animal, employees will notify their supervisor.

II. Use of Force Options

- A. The following are use of force options:
1. Physical force includes:
 - a. Techniques to direct movement (e.g., push back, escort, lift, carry)
 - b. Control holds (e.g., wrist/finger locks, joint manipulation)
 - c. Open hand techniques
 - d. Takedowns
 - e. Use of a hobble restraint
 2. Intermediate force includes:
 - a. Electronic Control Devices (ECDs)
 - b. Oleoresin Capsicum (OC)
 - c. Punches, kicks, or other strikes
 3. Deadly force includes:
 - a. Impact weapon strikes to the head, neck, throat, or spine
 - b. Use of a vehicle against a person not inside another vehicle
 - c. Discharge of a firearm

III. Before Use of Force

- A. Prior to the use of force, when safe and feasible to do so, employees will:
1. Identify themselves as law enforcement officers.
 2. Provide clear instruction and warning that force may be used and allow a reasonable opportunity for the person to comply.


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3. Use all available and appropriate de-escalation tactics prior to using physical force which may include, but is not limited to:
 - a. Tactical positioning/repositioning to create distance and cover
 - b. Using barriers/structures to provide a shield
 - c. Requesting additional support/resources
 - d. Attempting to slow down/stabilize while awaiting additional assistance/options
 - e. Exhibiting patience
 - f. Using verbal/non-verbal techniques designed to calm a person
 - g. Attempting to communicate in non-verbal ways when verbal instructions may be inadequate
 - h. Communicating in a way that demonstrates respect and dignity towards the person
 - i. Designating one employee to communicate to avoid competing or confusing commands
4. Attempt to determine if characteristics and conditions exist (e.g., physical/mental impairment, language barrier, pregnant, children present) that may impact a person's ability to understand and/or comply with commands.

- B. Officers should not unnecessarily jeopardize their own safety or the safety of others through tactical decisions that unreasonably place themselves or others at risk.

IV. Use of Physical Force


- A. The use of physical force is authorized when necessary to:
 1. Protect against:
 - a. An imminent threat of bodily injury to a peace officer, another person, or the person against whom force will be used.
 - b. When there is probable cause that the person has committed, is committing, or is about to commit a criminal offense.
 2. Effect an arrest/take a person into custody, transport an individual for evaluation/treatment, or provide other assistance.
 - a. In situations involving taking a minor into protective custody, employees should notify law enforcement for assistance.
 3. Implement or enforce:

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- a. A court order authorizing or directing a peace officer to take a person into custody.
 - b. An oral directive issued by a judicial officer in the courtroom or a written order where the court expressly authorizes a peace officer to use physical force to implement or enforce the directive or order.
4. Prevent:
 - a. An escape as defined in RCW 9A.76.
 - b. A person from fleeing or stop a person who is actively fleeing a lawful temporary investigative detention, if the person has been notified they are being detained and are not free to leave.
5. Take a person into custody when authorized or directed by statute.
6. Search an individual under the Department's jurisdiction, including their residence, automobile, or personal property.
7. Implement any other community caretaking function (e.g., performing a welfare check, assisting first responder/medical or behavioral health professional/ social service provider/designated crisis responder/shelter or housing provider/member of the public).

V. Use of Deadly Force

- A. An officer may use deadly force against another person only when deadly force is necessary to protect against an immediate threat of serious physical injury or death to the officer or another person.
 1. Officers will not use deadly force against persons who present a danger only to themselves and do not pose a threat of death or serious bodily injury to another person or officer.
- B. Restrictions on the Use of Firearms
 1. Employees will adhere to the following guidelines:
 - a. Whenever possible, use available and appropriate less-lethal alternatives prior to using deadly force.
 - b. Warning shots are prohibited.

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- c. Firearms should not be used in a manner likely to endanger non-aggressors.
- d. While on duty, employees will only carry Department-issued firearms.

C. Drawing or Displaying a Firearm

- 1. Pointing a firearm at another person is a reportable use of force subject to review.
- 2. The decision to draw a firearm at another person should be based on the totality of circumstances and a reasonable observation that deadly force may be justified to defend against a threat of serious bodily injury or death to the employee and/or another person.
- 3. When the employee has gained control of the situation, safely withdrawn from the scene, and/or the imminent threat has subsided, the employee will re-holster the firearm when safe to do so.


VI. Self Defense

- A. When there is an imminent risk of death or serious bodily injury, employees may use any reasonable means necessary to stop the action.
- B. All employees at the scene of a use of force incident involving Department employees and/or individuals under the Department's jurisdiction will attempt to provide assistance in the defense of another person by:
 - 1. Calling or summoning additional employees to the scene
 - 2. Notifying law enforcement
 - 3. Issuing a verbal command to stop the action
 - 4. Assisting in controlling or stopping the aggressor's actions.

VII. Medical Aid

- A. When it is safe, employees are required to provide or facilitate first aid to any person injured as the result of the use of force at the earliest opportunity.
 - 1. In cases where an individual under the Department's jurisdiction declines medical aid, the reporting employee will document the refusal in the individual's electronic file.


VIII. Reporting

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- A. Employees may have a legal/union representative present during any report writing and/or investigation consistent with the Collective Bargaining Agreement.
- B. A supervisor will be notified as soon as possible when employees are involved in any use of force.
- C. A description of the incident will be submitted in the Incident Management Reporting System (IMRS) when:
 1. Any force is used
 2. A firearm or ECD is discharged outside of training
 3. A firearm is used for anything other than its intended purpose
 4. A firearm was pointed at another person
- D. When it is safe, each employee involved in a use of force situation will:
 1. Notify a supervisor.
 2. Provide an initial verbal statement of the incident.
 3. Complete an initial DOC 21-984 Use of Force Report within 72 hours of the incident.
 - a. Employees may submit follow-up reports as additional information is recalled or becomes available.
 - b. Reports should be written individually to describe each employee's personal involvement. The narrative should describe:
 - 1) The circumstances warranting the need for force, including the statements and actions of the suspect(s).
 - 2) The force and force options used.
 - 3) The physical condition of the suspect(s), noting any apparent injuries, complaint of injuries, or the absence of injuries.
 4. If an ECD is deployed, complete DOC 21-781 ECD/EID Body Application Report.

IX. Use of Force Resulting in Death or Serious Bodily Injury

- A. When a use of force results in death or serious bodily injury, and after it is safe, employees will:

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1. Notify law enforcement.
2. Provide first aid to self and then to others as necessary.
3. Control the scene and preserve evidence.
4. Notify a supervisor.
5. Provide any required public safety statement.

B. Upon notification, the supervisor will:

1. Respond to the location of the officer(s) and ensure their welfare.
2. Provide an opportunity for the employee to:
 - a. Contact family/close friend
 - b. Contact union/legal/personal representative
 - c. Change clothes if required to be surrendered as evidence
3. Verify law enforcement and medical personnel have been contacted.
4. Obtain any required public safety statement.
5. Notify the appropriate administrator/Appointing Authority.
6. Notify the appropriate Community Response Unit (CRU) Supervisor.
7. Ensure Peer Support has been notified and remain with officer until they arrive.
8. Deploy resources as needed.
9. If applicable and authorized, ensure replacement firearm is issued.
10. Review all documentation submitted by the employee(s) and document any injury sustained by all employees, however minor.

C. Upon notification, the administrator/Appointing Authority will.

1. Report the incident to the appropriate Assistant Secretary/Headquarters Duty Officer.
2. Respond to the incident scene and/or employee location.
3. Notify the Office of Independent Investigation.
4. Act as a liaison with the responding law enforcement agency.

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5. Place the employee on administrative leave.
6. Review DOC 850.150 Drug and Alcohol Free Workplace.
7. Review all use of force incident reports.

X. Deadly Force Review

- A. The Department will conduct a formal critical incident review per DOC 400.110 Reporting and Reviewing Critical Incidents.
- B. The appropriate Assistant Secretary may convene a Deadly Force Review Board to investigate and review all incidents involving the use of deadly force.
 1. The Community Corrections Program Administrator will chair the Board, which will consist of the following members serving a 3-year term:
 - a. Community Corrections Officer/Specialist authorized to carry a firearm
 - b. Community Corrections Supervisor
 - c. Use of force/firearms instructor
 - d. Firearms Program Manager
 - e. Bargaining unit representative, as appointed by the Labor Union
 - f. Community Response Unit Supervisor
 - g. Additional ad hoc members as assigned by the appropriate Assistant Secretary.
 2. The Board will investigate any incident involving deadly force, including the discharge of a firearm.
 - a. The investigation will include a review of compliance with Department policies, training, tactics, and equipment and recommendations for the findings.

XI. Return to Work Protocol

- A. Before an employee involved in a deadly use of force incident can return to full duty, the following will occur:
 1. Subject matter experts including the Community Corrections Program Administrator, Appointing Authority, CRU Supervisor, and legal/union representative, will review the incident, documentation, and any available video and provide the appropriate Assistant Secretary with a briefing on the facts surrounding the incident and any investigative information.

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2. The appointing authority will contact the employee to determine if the employee is ready to return.
 3. If the incident involves the discharge of a firearm, the employee will requalify with their firearm.
 4. The employee will participate in a critical incident evaluation conducted by an independent, contracted psychologist with law enforcement expertise and receive a return to duty recommendation.
- B. The appropriate Assistant Secretary will determine if the employee should return to duty, based upon a review of all documentation and facts as to whether the use of force was necessary and reasonable, then provide a recommendation to the Deputy Secretary.
1. If the Assistant Secretary recommends the employee should not be returned to full duty, the recommendation to the Deputy Secretary may include whether the employee should remain on administrative leave or be temporarily assigned other duties.
 - a. Temporary reassignment is subject to agreement by the employee and management in accordance with the Collective Bargaining Agreement.
- C. The Deputy Secretary will review the totality of circumstances, seek legal advice, and make a final determination regarding the employee's return to duty.

XII. Legal Representation

- A. An employee who uses deadly force and retains a private attorney may be eligible for reimbursement of attorney costs up to \$5,000.00, if at the end of the legal process no administrative disciplinary action or criminal charges are sustained against the employee.
 1. The appropriate Assistant Secretary may consider additional reimbursement on a case-by-case basis.

DEFINITIONS:

The following words/terms are important to this policy and defined in the glossary section of the Emergency Management System Policy Manual: Chokehold, Deadly Force, De-Escalation Tactics, Feasible, Fleeing, Immediate Threat of Serious Physical Injury or Death, Less-Lethal Alternatives, Necessary, Neck Restraint, Physical Force, Serious Bodily Injury, Totality of

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Circumstances, Use of Force. Other words/terms appearing in this policy may also be defined in the glossary.

ATTACHMENTS:

None

DOC FORMS:

DOC 21-781 ECD/EID Body Application Report
DOC 21-984 Use of Force Report