PURPOSE

To establish policy and procedure in the use of force by University of Washington Police Department (UWPD) sworn personnel in accordance with federal and state laws.

POLICY

It is the policy of the University of Washington Police Department (UWPD) to deliver police services as efficiently and effectively as possible with minimal reliance upon the use of physical force. Officers will use only force that is reasonable and necessary, given the facts and circumstances known at the time of the event, to effectively bring an incident under control.

DEFINITIONS

Color of Law: For the purposes of this policy, Color of Law is defined as a sworn member of the UWPD representing him/herself as a certified peace officer. As such, all actions by such members – on-duty or off-duty – wherein identification is used as a sworn member of this Department (i.e., badge, identification card, commission card) is considered action under the Color of Law.

Excessive Force: Any physical force that exceeds the degree of physical force permitted by this policy.

Force: Actions taken by a member to control a situation or the behavior of others.

Great Bodily Harm: As described in RCW 9A.04.110, 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 body part or organ.

Imminent Danger: The person must be acting in such a manner that the officer can reasonably conclude that the person will inflict death or serious bodily harm to others imminently. The officer must reasonably believe that the person has indicated by words, actions or behavior that he/she will likely inflict death or serious bodily harm upon the officer, other officers or other third parties.
**Less-Lethal Force**: That force, when used properly, is less likely to result in death or serious bodily injury than force commonly referred to as lethal force.

**Less-Lethal Munitions**: Those munitions that can be fired, launched or otherwise propelled for the purpose of encouraging compliance, overcoming physical resistance or preventing serious injury without significant potential of causing death or great bodily harm.

**Lethal Force**: The intentional application of force through the use of firearms or any other means likely to cause death or great bodily harm.

**Necessary**: No reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to accomplish the lawful purpose intended.

**Reasonable Belief**: Facts, circumstances or knowledge presented to the officer sufficient to justify a thought or feeling.

**Serious Bodily Injury**: As described in RCW 9A.04.110, serious bodily injury is injury that creates a probability of death, or which causes significant permanent loss or impairment of the function of any body part or organ.

**Substantial Bodily Harm**: As described in RCW 9A.04.110, substantial bodily harm involves a temporary but substantial disfigurement, or a temporary but substantial loss or impairment of the function of any body part or organ, or causes a fracture of any body part.

**PROCEDURE**

A. **Use of Reasonable Force (CALEA 4.1.1)**

   1. The reasonable force standard employed by the UWPD is the “objectively reasonable” standard as enunciated in Graham v. Connor (1989). The test of reasonableness is based on an officer’s actions being reasonable in light of the facts and circumstances confronting the officer, without regard to his/her underlying intent or motivation.
   2. When use of force is necessary, the degree of force used will be in direct relationship to the amount of resistance used by the person, or the immediate threat the person poses to the officer or others. In all instances, the use of force will cease once the officer gains control or compliance.
   3. Whenever possible, the response to resistance by officers of the Department will be progressive. Officers will remain alert to the possibility of the de-escalation of force and will invoke such procedures when appropriate.
   4. Officers will only use reasonable force to accomplish lawful objectives.
B. Use of Lethal Force (CALEA 4.1.2)

1. Lethal force may be used when the officer reasonably believes that the action is in defense of any human life or imminent danger of death or serious bodily injury.

2. The use of any form of a chokehold (e.g., restriction of blood or oxygen by the use of arm bars, sleeper holds, etc.) on or about the neck is considered use of lethal force and may only be used when lethal force is necessary as described in this policy.

3. Reasonable means of apprehension will be exhausted or deemed ineffective before the use of lethal force. Officers will not be reprimanded if a suspect is not apprehended when all methods – short of the use of lethal force – have been exhausted and the use of lethal force is determined by the officer to be inadvisable. Officers will not unreasonably or unnecessarily endanger themselves or the public in using lethal force.

C. Rules for the Use of Firearms

1. Officers are prohibited from discharging their firearms in the following situations:

   a. As a warning shot. (CALEA 4.1.3) (IACLEA 7.1.3)
   b. At or from a moving vehicle, unless the moving vehicle poses an imminent threat of serious physical harm to the officer or others from which there is no reasonable means of escape. Officers:

      1) Will not intentionally step in the path of an oncoming vehicle and attempt to disable the vehicle by discharging a firearm.

      2) Will attempt, when possible, to move out of the path of an oncoming vehicle, rather than discharge a firearm.

   c. Over the heads of or into crowds.
   d. As attention shots or shots to summon aid.
   e. At or into a building or through doors, walls or windows when the person fired at is not clearly visible, unless absolutely necessary to prevent imminent death or serious bodily harm to themselves or another person from the suspect's use of deadly force.
   f. At a fleeing suspect, unless the officer has probable cause to believe that:

      1) The suspect has committed a felony crime involving the infliction or threatened infliction of serious physical harm, and

      2) If not apprehended, the suspect poses a threat of serious physical harm either to the officer or to others.
2. Deadly force must not be used unless an officer first gives a warning to the suspect, if the warning is feasible under the circumstances.

3. Officers must not draw or display their firearm unless it might be necessary to use the weapon in accordance with these rules. This rule does not apply to general maintenance, storage or authorized training.

4. Officers will not horseplay, quick draw, dry fire, brandish or unholster their weapons, except for general maintenance, storage or training, or for use in accordance with this policy.

5. Officers will not alter their issued weapons from factory condition without Department approval.

6. Officers will not use their firearm to kill an injured animal unless necessary to protect themselves or others from injury. Injured animals are to be referred to the University of Washington (UW) Environmental Health and Safety Division or Seattle Animal Control.

7. When an officer uses a drawn firearm to control or challenge a subject, the officer will document the incident according to UWPD policy 4-02, Use of Force Reporting and Review.

8. Use of Shotguns

   a. Except when removed for use, general maintenance, checking the shotgun before a shift, storage in the station, or authorized training, the shotgun assigned to a patrol vehicle must remain in the shotgun holder.

   b. When in a police vehicle, the shotgun will not have a round loaded in the chamber. A round will be loaded in the chamber of the weapon only outside the police vehicle in anticipation of the weapon's imminent use. Immediately after the situation, the round will be removed from the chamber.

   c. Loading rounds into the shotgun chamber as a psychological tactic is prohibited.

   d. All routine loading and unloading procedures are accomplished outdoors in the police motor court at the clearing barrel.

   e. The shotgun safety will be on when it is not being used.

   f. When armed with a shotgun, officers are to wait for additional back-up units before searching or handcuffing suspects.

   g. The same rules applicable to handguns apply to the use of the shotgun as a defensive weapon. Officers must always be aware of the destructive capability of the weapon and the possibility of danger to innocent bystanders.

   h. When an officer uses a shotgun to control or challenge a subject, the officer will document the incident according to UWPD policy 4-02, Use of Force Reporting and Review.
9. Use of the Patrol Rifle

a. All commissioned personnel will be trained annually on the use of the patrol rifle.

b. Qualified rifle operators, who have successfully completed the Patrol Rifle Basic Operator Course, may deploy the patrol rifle in the field. The patrol rifle will only be deployed in accordance with the rifle operator's training.

c. Officers who fail to successfully qualify with a patrol rifle will be assigned foot patrol, or other administrative duties, until they have qualified. They shall not be assigned to operate a patrol vehicle.

d. The rifle assigned to each patrol vehicle must remain locked and secured in the lockable rifle rack, unless removed for authorized use, checking for patrol car readiness, general maintenance, storage, or authorized training.

e. When stored in a police vehicle, the rifle will always be maintained in the "Patrol Car Ready" condition, which consists of:

1) Selector switch on "safe".
2) Chamber empty (rifle unloaded).
3) Bolt forward and dust cover closed.
4) One issued magazine loaded with 28 rounds of duty ammunition with the magazine fully seated in the magazine well.

f. Once a qualified patrol rifle operator decides to deploy the rifle, and its use is imminent, the rifle will be placed in the "Action Carry" condition, which is accomplished by pulling the rifle's charging handle to the rear and releasing it, chambering a round. The selector switch will remain in the "safe" position until that officer has made a decision to fire. Immediately after the situation is resolved, the rifle will be administratively unloaded and placed back into the “Patrol Car Ready” condition before being replaced in the patrol vehicle's lockable rifle rack.

g. Loading rounds into the rifle's chamber as a psychological tactic is prohibited.

h. All routine loading and unloading procedures are accomplished outdoors in the police motor court at the clearing barrel.

i. When armed with a rifle, officers are to wait for additional back-up units before searching or handcuffing suspects.

j. The same rules applicable to handguns apply to the use of the rifle as a defensive weapon. Officers must always be aware of the destructive capability of the rifle and the possibility of danger to innocent bystanders.
k. When an officer uses a rifle to control or challenge a subject, the officer will document the incident according to UWPD policy 4-02, Use of Force Reporting and Review.

D. Use of Authorized Less-Lethal Weapons (CALEA 4.1.4)

1. Less-lethal weapons are intended to provide officers with a force option that may be appropriately used when necessary to confront any of the following circumstances:

   a. To overcome a subject's combative intent, physical resistance, and/or assaultive behavior, or
   b. To control, disable or subdue persons determined to harm themselves or others, or
   c. To provide self-defense to the officer or defend others from harm.

2. Electronic Control Device (ECD) commonly referred to as a "Taser" (also known as Conducted Energy Weapon CEW). All sworn personnel will be required to successfully complete the Department-authorized training and certification course before they have authorization to carry and use the ECD. The training will be repeated on an annual basis.

   a. Fielding

      1) While working in a uniformed capacity, sworn personnel will carry the ECD as part of their duty equipment if an ECD is available.
      2) Sworn personnel working in a plain-clothes capacity are not required to carry the ECD due to limited space for equipment.

   b. Deployment

      1) In deciding to deploy a less-lethal option, officers should carefully evaluate conditions or factors they know or have reason to believe may affect responses to the deployment or increase the indirect risks (such as injuries caused by a fall) of the deployment to the subject. Such conditions or factors include subjects who are very old or very young, pregnant, physically disabled, suffering from a debilitating illness or medical condition, or drug users. In such cases, the need to stop the behavior should clearly justify the potential for additional risks. Generally speaking, subjects weighing less than sixty pounds or those over the age of sixty-five or those who are known to be pregnant should not be subjected to ECD application unless lethal force is justified. An ECD will not be used as a weapon against a handcuffed or non-combative person.
2) No more than one officer should activate an ECD against a person at one time.

3) When activating an ECD, an officer should use it for one standard cycle and stop to evaluate the situation (a standard cycle is five seconds). If subsequent cycles are necessary, the minimal number of cycles will be used in order to place the subject in custody.

4) Officers are allowed to utilize the ECD to achieve a "touch or drive stun" effect when circumstances prohibit the use of the probes being deployed. The act of "touch or drive stunning" is described as touching or driving the end of the ECD forcefully into the individual and holding it on the suspect during its discharge. It can take one or more 5-second cycles to overcome the subject's combative behavior.

c. Post-Deployment

1) Whenever an ECD is applied to an individual, a Seattle Fire Department Aid or Medic Unit will be called to the scene. Only medical personnel will remove the ECD probes that penetrate an individual's skin. Officers will obtain the name(s) of those examining the subject at the scene. If the subject is subsequently booked into a jail facility, the staff will be notified that the prisoner was the subject of an ECD application. The name of the notified jail staff will also be documented.

2) All persons who have been subjected to an ECD activation should be monitored regularly while in police custody, even if they received medical care. This should be done in fifteen (15) minute intervals or less.

3) Spent ECD probes and cartridges will be handled as a biohazard and will be disposed of in properly marked biohazard containers.

4) The contact area(s) will be photographed and the photograph(s) will be attached to the required documentation, per UWPD policy 4-02, Use of Force Reporting and Review. Photographs will be taken whether the application was completed by the shooting of the probes or by use of a "drive" or "touch" stun.

d. All ECDs contain information, which allows the Department to review that particular ECD's activity. Every time an ECD is applied, it will be documented as per UWPD policy 4-02, Use of Force Reporting and Review. The ECD itself will be given to the supervisor on duty in preparation for the information to be downloaded. The downloading of the ECD information shall be done within 48 hours of it being utilized to ensure the least amount of time out of service. The downloaded information will be kept in a database. These reports will be completed
by one of the Department's ECD instructors and forwarded to the Deputy Chief of the Office of Professional Accountability and Community Compliance (OPACC).

e. The report will include the following:

1) Officer’s name.
2) Officer’s serial number
3) ECD serial number.
4) Time and date of use.
5) Length of shock(s).
6) Frequency of shock(s).

f. The above information and a copy of the incident report will be forwarded to the Deputy Chief of the OPACC as required by policy 4-02, Use of Force Reporting and Review. In addition, officers will be required to complete a Taser International statistical information sheet, available from the Taser instructor, which will be attached to the downloaded information.

g. Inventory: ECDs will be individually assigned to certified officers. This will be done only after the officer has been certified to use the ECD and signs it out on their personnel equipment inventory.

h. Testing: All ECDs will be tested prior to being taken out into the field by the authorized officer. This will be conducted at the Department clearing barrels and after the cartridges have been removed. This test will consist of a 1-5 second burst. Officers who have a permanently issued ECD will only be required to spark test their ECD at the beginning of their normal workweek. Officers with a permanently issued ECD may spark test their ECD daily at the beginning of their shift. Officers who sign out an ECD on a daily basis will spark test the ECD at the beginning of each shift. There is no requirement to download the information after each test is completed. If the ECD is applied later on that shift, the downloaded information should show the test time and the application time in question. If an ECD fails a spark test, it will be taken out of service, labeled and forwarded to the Department’s ECD instructor for analysis and repair.

i. Accidental Discharge: Discharge of an ECD cartridge for any reason other than at a subject or an approved training exercise will be documented according to UWPD policy 4-02, Use of Force Reporting and Review.

3. Use of Chemical Agents: Chemical agents may be used only in reaction to physical resistance and to gain control of a situation. Officers will be trained to
use chemical agents. Additional training will be incorporated into the annual Defensive Tactics classes.

a. The chemical agent Oleoresin Capsicum (OC) will be issued to all officers for use in subduing individuals during confrontational police-suspect encounters (e.g., combative persons, and mentally or emotionally disturbed individuals).

b. The carrying of OC by uniformed officers is mandatory. The carrying of OC by officers in a non-uniform assignment is mandatory when officers may reasonably expect to encounter persons suspected of criminal activity (i.e., detectives).

1) OC will not be used against handcuffed suspects unless the suspect still presents a threat to the safety of officers, themselves or others.

2) If OC is used, the officer is to ensure that the subject is evaluated at the scene by Seattle Fire Department medics or transported to a medical facility for examination.

3) If OC is used, the officer is to ensure that the subject's exposed area is flushed with water as soon as possible.

4) The on-scene supervisor must determine the tactical use of OC during crowd dispersal or riot situations.

5) When an officer discharges OC to control or challenge a subject, the officer will document the incident according to UWPD policy 4-02, Use of Force Reporting and Review.

4. Impact Weapons: The carrying of the Department-approved baton is mandatory for uniformed officers and optional for officers in a non-uniform assignment.

a. In most circumstances, only an authorized baton will be used as an impact weapon. In situations when an officer does not have immediate access to a baton and an impact weapon is the appropriate tool to use, other items immediately accessible to the officer may be used as impact weapons.

b. Impact weapons will only be used defensively to overcome violent behavior that threatens the safety of the officer or others, or to affect the arrest of combative persons, when less potent force fails to overcome resistance or is deemed inappropriate.

c. An impact weapon will not be used as a weapon against handcuffed or non-combative persons.

d. When using impact weapons, blows will not be intentionally delivered to a person’s head, neck or throat areas. Such blows are considered lethal force and will only be used in compliance with Section B of this policy.
e. The baton may be used against a subject when the use of OC would be inappropriate or when OC has proven ineffective.

5. Officers will use only those blows that have been demonstrated and approved during Department training as follows:

a. Primary target areas will be the first choice when delivering blows with the baton. Primary target areas are those areas of the body which, when struck with a baton, will cause pain but are least likely to result in permanent damage or death. Primary targets are hands, forearms, upper arms, feet, ankles, shins, thighs, upper torso below the first rib, back (T-1 and lower excluding the spine), gluteal fold, hamstring area and calf muscle.

b. Secondary target areas will be the second choice when delivering blows with the baton. Secondary target areas are those areas of the body which, when struck with a baton, will cause pain, but are more likely than primary targets to result in permanent damage or death. Secondary targets are elbows, knees, groin, testicles, kidneys, solar plexus, spine between tailbone and T-1 vertebra and clavicle.

c. Tertiary target areas will be the third choice when delivering blows with the baton. Tertiary target areas are those areas of the body which, when struck with a baton, are likely to cause permanent damage or death. Tertiary targets are the head and neck. Tertiary target areas may be used only as a last resort in situations requiring deadly force, and when there is no opportunity for the officer to draw the firearm.

d. The baton may be used for a come-along against resistant subjects, but will not be used for choking the person.

e. The baton must be worn on the equipment belt.

f. When an officer uses a baton to push, strike, or physically control a person during normal duty, the officer will document the incident according to UWPD policy 4-02, Use of Force Reporting and Review.

g. Only batons approved and issued by the Department are authorized.

6. Use of Baton during Tactical Operations

a. Under normal circumstances, use of the baton during tactical operations must be determined by the on-scene supervisor. If a supervisor is not present, officers may use the baton in taking reasonable action as sanctioned by Department procedures.

b. The baton may be used for crowd control as a measure to restrain or move the crowd back.

c. Field supervisors must incorporate these guidelines into their briefings of personnel in the use of the baton during tactical operations.
d. When an officer uses a baton to push, strike, or physically control a person during a tactical operation, the officer will document the incident according to UWPD policy 4-02, Use of Force Reporting and Review.

7. Use of Less-Lethal Munitions

a. Officers may deploy less-lethal munitions in the following circumstances:

1) Less-lethal munitions may be used for the purpose of compelling an individual to cease violent or potentially violent actions when the officer reasonably believes that deploying less-lethal munitions is a viable option for resolving the situation at hand.

2) The officers on scene will evaluate the tactical situation taking into consideration available information including, but not limited to:
   a. The suspect stated or exhibited intent to violently resist being taken into custody.
   b. The credibility of that threat as evaluated by the on-scene officer(s).
   c. Additional information immediately available to the officer(s), such as knowledge apparent of the suspect’s expertise in martial arts or other unarmed defensive tactics.
   d. Indications of drug use or alcohol intoxication.
   e. Availability of other force options and their possible effectiveness and appropriateness.
   f. Indications that an attempt to subdue the subject with control holds or self-defense techniques would be ineffective.
   g. The subject’s actions indicate the need for an immediate response, and the use of less-lethal munitions reasonably appears to be appropriate, especially if the only option to deal with those actions may be the use of deadly force.

3) While the option to consider less-lethal munitions is available, nothing in this policy will require any officer to deploy such option when circumstances reasonably indicate the use of deadly force is appropriate.

b. Less-Lethal Munitions Training

1) Training will consist of a class taught by a certified instructor in the use of less-lethal munitions. The instruction will include
lecture and practical application on the methods of deploying less-lethal munitions. Officers will be required to qualify annually with less-lethal weapons.

2) All commissioned personnel will be trained in the use of less-lethal munitions using the designated Remington 870, 12-gauge pump action shotgun.

c. The Remington 870, 12-gauge pump action shotgun specially used to deploy less-lethal munitions will be identified by an orange stock and an orange fore-end, which are stored in both of the Supervisor vehicles. Additional less-lethal ammunition will be carried in a receiver-mounted or stock type carrier. Only Department-approved standard beanbag munitions will be used in this shotgun.

d. The officer deploying the less-lethal shotgun will be responsible for ensuring only less-lethal munitions are loaded into, or stored in, the protective carrying case with the less-lethal shotgun, and on the receiver or stock mounted ammunition carrier. Officers should always have immediate lethal force backup. If practical, the deploying officer should communicate to other officers at the scene and the UWPD Communications Unit that less-lethal munitions are being deployed to prevent sympathetic fire.

e. The officers should not direct shots of less-lethal munitions (beanbags) at the head, neck or throat areas, or at a distance of less than ten (10) feet, unless the suspect’s actions are so threatening that the only other apparent option is the use of deadly force.

f. In the event that a person is struck with a less-lethal munitions projectile, and taken into custody, the deploying officer will ensure the arrested person is taken to a medical facility for treatment and medically cleared by a physician before being booked into jail. Jail personnel will be notified whenever a subject who was apprehended with the use of less-lethal munitions is booked into the jail. All medical treatment given to the subject should be documented.

g. Discharge of a less-lethal weapon for any reason other than an approved training exercise will be documented according to UWPD policy 4-02, Use of Force Reporting and Review.

E. Rendering Aid after Use of Force (CALEA 4.1.5)

1. Appropriate medical aid will be summoned as quickly as possible through the Seattle Fire Department after a use of force incident, whenever:

   a. There is any obvious injury.
   b. There is any complaint of injury.
c. The officer or the officer’s supervisor requests that medical aid is provided.

d. An ECD is applied to an individual.

e. A chemical agent is used to subdue a suspect.

f. Less-lethal munitions are applied to an individual.

2. Initial medical treatment may be provided by the officer, depending on his/her training and expertise.