

Force Response

Table of Contents

Policy Statement	2
Persons Affected	2
Definitions	2
Authorization	3
When Lawful	3
When Affecting an Arrest.....	3
When Deadly Force is Justified	3
Reasonableness	4
Factors Used To Determine Reasonableness of Force.....	4
Imminent Assault	4
Types of Force – Alternatives.....	5
Duty to Intercede – Excessive or Unlawful Force	5
Post Force Response Actions	6
Medical Attention	6
Refusal.....	6
Persons Exhibiting Specific Signs	6
Photographs	6
Supervisor Notification and Response	6
Reports.....	7

Policy Statement

Whatcom County Sheriff's Office commissioned personnel are sometimes called upon to respond to situations by using force. While there is no way to specify in advance the exact amount or type of force to be applied in any situation, each deputy is expected to use these guidelines to make such decisions in an impartial and reasonable manner that is consistent with our value of Integrity.

Persons Affected

All commissioned law enforcement, corrections, reserve and specifically-authorized special commission deputies.

Definitions

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\(2\)](#)). This definition should not be construed to classify the use of kinetic energy projectiles authorized by the Sheriff's Office's Force Options policy as deadly force.

Necessary - means that no reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended ([RCW 9A.16.010\(1\)](#)).

Choke Hold - A physical maneuver or technique used with the intent to restrict an individual's ability to breath for the purpose of incapacitation.

Vascular Neck Restraint – A technique that constricts the flow of blood to and from the brain through the application of pressure to the carotid artery, the jugular vein, or the sides of the neck for the purpose of controlling an individual's movement or rendering them unconscious.

Authorization

Deputies are involved on a daily basis in numerous and varied human encounters and, when **necessary**, must respond with force in order to carry out their duties. Each deputy shall use only the amount of force that appears necessary given the facts and circumstances perceived by the deputy at the time that responding with force is considered.

Deputies must have an understanding of and appreciation for the limitations of this authority, as responding with force while protecting the public welfare requires a careful balancing of all human interests.

When Lawful

The use, attempted use, or offer to use force upon or toward another person is not unlawful whenever necessarily used by a deputy in the performance of a legal duty, or by a person assisting and acting under the direction of the deputy ([RCW 9A.16.020\(1\)](#)).

When Affecting an Arrest

Any peace officer may use all necessary means to effect an arrest if, after notice of the intention to arrest the defendant, the defendant either flees or forcibly resists ([RCW 10.31.050](#)).

When Deadly Force is Justified

A deputy is justified in responding with **deadly force** under the following circumstances:

- (a) To protect himself/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) To stop a fleeing suspect when the deputy:
 - (1) Has probable cause to believe that the suspect has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, **and**
 - (2) Reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to others if the suspect is not immediately apprehended.

Under the circumstances listed in b., a verbal warning should precede a deadly force response when feasible.

Reasonableness

Embedded in the definition of [necessary](#) is the concept of reasonableness. Reasonableness requires deputies to consider any number of factors – the totality of the circumstances - in deciding whether or not to respond with force and, if so, how much and what type of force to use. Some of those factors are listed in the section below.

After-the-fact evaluations of whether or not a deputy responded with reasonable force must be judged from the perspective of a reasonable deputy who was at the scene at the time of the incident (objective reasonableness). In addition, any interpretation of reasonableness must allow for the fact that deputy sheriffs are often forced to make split-second decisions under tense, rapidly-evolving circumstances about the amount of force with which to respond.

Factors Used To Determine Reasonableness of Force

When deputies are determining whether or not to respond with any amount of force, and when evaluating whether the response was reasonable, a number of factors should be taken into consideration. These factors include, but are not limited to:

- (a) Conduct of the individual being confronted.
- (b) Deputy/subject comparative factors (age, size, strength, skill level, injury/exhaustion and number of deputies vs. subjects).
- (c) Influence of drugs/alcohol on mental capacity.
- (d) Proximity of weapons.
- (e) Degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (f) Availability of other options, time and circumstances permitting (what resources are reasonably known by and available to the deputy).
- (g) Seriousness of the suspected offense or reason for contact with the individual.
- (h) Training and experience of the deputy.
- (i) Potential for injury to citizens, deputies and suspects.
- (j) Risk of escape.
- (k) Other exigent circumstances.

Imminent Assault

While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires a deputy to actually sustain physical injury before responding with force ([RCW 9A.16.020\(3\)](#)).

Types of Force – Alternatives

Circumstances may arise in which deputies reasonably believe that it would be impractical or ineffective to use any of the standard tools, weapons or methods provided by the Sheriff's Office. Deputies may find it more effective or practical to improvise their response to rapidly unfolding conditions they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree necessary to accomplish a legitimate law enforcement purpose.

The use of a choke hold is prohibited except in situations where the use of deadly force is authorized.

Duty to Intercede – Excessive or Unlawful Force

Any deputy who observes any law enforcement officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of such excessive force. Such deputies should promptly report such observations to a supervisor.

Post Force Response Actions

Medical Attention

Deputies shall ensure that medical assistance is obtained for any person who as a result of a force response has sustained visible injury, expressed a complaint of an injury or continuing pain, or who has been rendered unconscious, before that person is released.

Based upon the deputy's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by one or more of the following:

- Medical first responders (fire personnel)
- Paramedics.
- Hospital staff.
- Medical staff at the jail.

Refusal

If the subject refuses medical attention, deputies should identify a third party to observe the refusal and document the refusal and identity of the witness in the case report.

Persons Exhibiting Specific Signs

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called [excited delirium](#)), or those who require a protracted physical encounter with multiple deputies to be brought under control, may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

Photographs

Deputies shall ensure that photographs are taken of all locations of a subject's body where injuries resulting from a force response are visible or alleged.

If the subject objects to such photographs, the deputy should have another deputy and/or medical personnel witness the denial of permission and document it in related written reports.

The deputy will book such photographs into evidence in accordance with applicable procedures.

Supervisor Notification and Response

Following a force response *other than the use of restraints or escort techniques on compliant persons*, deputies shall notify a supervisor as soon as practicable to allow the supervisor the opportunity to respond to the scene.

Supervisors should assist deputies by ensuring that actions required by this policy are taken.

Policy

Reports

Any member of the Sheriff's Office who responds with physical force *other than restraints or escort techniques on compliant persons* shall document the response completely and accurately in a written narrative report.

The use of particular weapons may require the completion of additional report forms as specified in Sheriff's Office policy and/or law.