

FORM OF ORDER AND TRANSMITTAL BY BOARD, COMMISSION, OR COUNCIL

State of Washington

CORRECTIONS STANDARDS BOARD
(name of governing body)

(agency name, if applicable)

Resolution No. _____

Administrative Order No. 84-02

(1) Be it resolved by the CORRECTIONS STANDARDS BOARD
acting at Ginni Stevens Hearing Room, Snohomish County Administrative Building
(place) 300 Rockefeller
Everett, Washington

that it does adopt the annexed rules relating to:

Amendments to WAC 289-15-130 and 230 Use Of Force

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to RCW No. 84-09-066
filed with the code reviser on 4/10/84. These rules shall take effect:
 thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).
 at a later date, such date being _____

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

We, _____, find that
an emergency exists and that this order is necessary for the preservation of the public health, safety, or general
welfare and that observance of the requirements of notice and opportunity to present views on the proposed action
would be contrary to public interest. A statement of the facts constituting the emergency is:

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026¹ that "every agency shall incorporate the most specific, but
in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b),
or (c) as appropriate:

(a) This rule is promulgated pursuant to RCW _____
and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW _____
which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the
CORRECTIONS STANDARDS BOARD

(agency)

as authorized in RCW 70.48.050(3)(c)

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public
Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register
Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this governing body, is herewith transmitted to
the Code Reviser for filing, pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

STATE OF WASHINGTON
APPROVED AND ADOPTED July 27, 19 84

JUL 27 1984

By Robert W. Cote

Robert W. Cote, Executive Secretary

Title

CODE REVISER'S OFFICE
WSR 84-16-042

AMENDATORY SECTION (Amending Order 13, filed 3/24/81)

WAC 289-15-130 USE OF FORCE. (HOLDING FACILITIES.) (1) The department of corrections or chief law enforcement officer shall establish and maintain written policies and procedures regarding the use of force and the use of deadly force, which shall be consistent with this section.

(2) Only lawful and reasonable force to the person of a prisoner shall be used.

~~((2)-A record of the use of such force shall be made.)~~

(3) Deadly force shall not be used on a prisoner unless the person applying the deadly force reasonably believes that the prisoner poses an immediate threat of death or grievous physical injury to an officer or employee of a jail or any other person, or to prevent the escape of a prisoner arrested for a felony, and the officer reasonably believes that other reasonable and available alternatives would be ineffective.

(4) A written report on the use of force or deadly force shall be made. In the case of deadly force a written report shall be made by each staff member involved or observing the use of such deadly force. The report(s) on the use of deadly force shall be reviewed by the chief law enforcement officer or department of corrections or his designee who shall, if appropriate, investigate the incident further and make a determination whether appropriate, justified or reasonable force was used. Said determination shall be made a matter of record.

(5) The "carotid sleeper hold" means any hold or restraint specifically designed to inhibit blood flow through the carotid arteries of the neck without inhibiting breathing by compression of the airway in the neck and without compression of the larynx or trachea. The carotid sleeper hold shall be considered to be deadly force.

(6) The "choke hold" means any hold or restraint specifically designed to inhibit breathing by compression of the airway in the neck. The choke hold shall be considered to be deadly force.

(7) The carotid sleeper hold generally presents less danger of causing serious injury or death than the choke hold and therefore is generally preferred over the choke hold in situations where such holds are permissible.

(8) No neck hold shall be used, except by persons instructed in the dangers of the neck holds, its definition as deadly force, and the proper use and constraints of the carotid sleeper hold, by someone specifically trained in the use and dangers of neck holds. Refresher training shall be provided on at least an annual basis.

(9) Medical attention shall be administered to the prisoner by a qualified medical professional as soon as possible after the use of the carotid sleeper hold or the choke hold.

AMENDATORY SECTION (Amending Order 10, filed 3/18/81)

WAC 289-15-230 USE OF FORCE. (DETENTION AND CORRECTIONAL FACILITY.) (1) The department of corrections or chief law enforcement officer shall establish and maintain written policies and procedures regarding the use of force and the use of deadly force, which shall be consistent with this section.

(2) Only lawful and reasonable force to the person of a prisoner shall be used. ((A record of the use of such force shall be made.))

(3) Deadly force shall not be used on a prisoner unless the person applying the deadly force reasonably believes that the prisoner poses an immediate threat of death or grievous physical injury to an officer or employee of a jail or any other person, or to prevent the escape of a prisoner arrested for a felony, and that the officer reasonably believes that other reasonable and available alternatives would be ineffective.

(4) A written report on the use of such force or deadly force shall be made. In the case of deadly force a written report shall be made by each staff member involved or observing the use of such deadly force. The report(s) shall be reviewed by the chief law enforcement officer or department of corrections or his designee who shall, if appropriate, investigate the incident further and make a determination whether appropriate, justified or reasonable force was used. Said determination shall be made a matter of record.

(5) The "carotid sleeper hold" means any hold or restraint specifically designed to inhibit blood flow through the carotid arteries of the neck without inhibiting breathing by compression of the airway in the neck and without compression of the larynx or trachea. The carotid sleeper hold shall be considered to be deadly force.

(6) The "choke hold" means any hold or restraint specifically designed to inhibit breathing by compression of the airway in the neck. The choke hold shall be considered to be deadly force.

(7) The carotid sleeper hold generally presents less danger of causing serious injury or death than the choke hold and therefore is generally preferred over the choke hold in situations where such holds are permissible.

(8) No neck hold shall be used, except by persons instructed in the dangers of the neck holds, its definition as deadly force, and the proper use and constraints of the carotid sleeper hold, by someone specifically trained in the use and dangers of neck holds. Refresher training shall be provided on at least an annual basis.

(9) Medical attention shall be administered to the prisoner by a qualified medical professional as soon as possible after the use of the carotid sleeper hold or the choke hold.