

Chapter 1: Use of Force

1.01 Use of Firearms / Use of Force

- 1.01.01** Officers shall only employ the minimum amount of force necessary to affect an arrest or assume control over any given situation. An officer may use deadly force only when they reasonably believe the action is in defense of human life, including the officer's own life, or in defense of any person in immediate danger of serious physical injury.
- 1.01.02** Whenever an officer must employ an amount of force capable of causing injury in the course of affecting an arrest, overcoming resistance of controlling a dangerous situation, the officer shall promptly notify the Chief of Police and submit a written report on the incident. This same requirement applies if an incident in which force is used results in actual injury.
- 1.01.03** One the most serious actions a police officer may have to take is to discharge a firearm at someone. Anytime a firearm discharged other than at the range, there is the possibility of injury to some person, and possibility of criticism of the department with regard to the incident.
- 1.01.04** Police officers may use firearms, and other deadly force techniques, only under certain restricted, justifiable circumstances, which are spelled out in RCW 9A.16.020, 9A.16.040, and department policy. The following paragraphs outline this department's policy toward using deadly force. This policy is not intended to apply in any criminal or civil proceeding other than department processes. This department policy should not be construed as a creation of a higher legal standard of safety or care in an evidential sense with respect to third party claims. Violations of this policy should only form the basis for administrative sanctions.
- 1.01.05** An officer is entitled to use deadly force when it is necessary to save themselves, a citizen, another officer or a prisoner from death or grave bodily harm. Officers are not permitted to use deadly force for protection from assaults that are not likely to have serious results.
- 1.01.06** An officer may not use deadly force to affect the arrest or prevent the escape of a person who has only committed a misdemeanor. This restriction does not infringe upon an officer's right of self-defense should they be attacked.
- 1.01.07** An officer shall not shoot at a person who called upon to halt upon mere suspicion, and who simply runs to avoid arrest.
- 1.01.08** The firearm must not be discharged at persons who are running away to escape arrest except under certain compelling circumstances in felony cases. Deadly force may be used to affect the capture or prevent the escape of a person whose freedom is reasonably believed to represent an imminent threat of grave bodily harm or death to the officer or other persons; or of a person whose continued freedom represents a serious threat to innocent persons or to the public safety in general, so that the potential danger to human life as a result of an escape would justify employing deadly force.
- 1.01.09** The rules pertaining to self-defense are equally applicable to juveniles, since a suspect can never be considered less dangerous merely because of their youth. In the event officers are attempting the arrest of a felony offender known to be a juvenile, they should not use deadly force unless the potential to life as a result of the juvenile's escape justifies the consequences of employing deadly force.

- 1.01.10** Regardless of the nature of the crime, or the legal justification for firing at a suspect, officers should remember that their basic responsibility is to protect the public. Officers are prohibited from firing their weapon when it appears likely an innocent person may be injured.
 - 1.01.11** Officers shall not fire from a moving vehicle and / or generally at a moving vehicle unless attempting to stop a fleeing felon at a roadblock location.
 - 1.01.12** The discharge of warning shots is prohibited.
 - 1.01.13** Special weapons such as, but not limited to sniper rifles, automatic weapons, explosives, tear gas (other than department issued chemical spray) may be employed only with the approval of the Chief, and under the supervision of an officer designated by the Chief. In an emergency situation, other than a riot or civil disturbance, where life is in immediate danger, chemical and / or automatic weapons may be authorized by the Chief when used by qualified personnel.
 - 1.01.14** All sworn personnel shall receive training prior to being authorized to carry a weapon. These same individuals will receive and demonstrate an understanding of this department's Use of Force Policy and related directives before being authorized to carry any weapon.
- 1.02** Non-Lethal Weapons
 - 1.02.01** Officers of the Reardan Police Department may carry non-lethal weapons while on duty. These weapons are restricted to those that have been approved by the Chief of police. Officers are further restricted to those weapons that each individual has been instructed in and qualified to use.
 - 1.02.02** Officers shall not carry department issued non-lethal weapons off duty. Officer shall not use department issued non-lethal weapons in any law enforcement function not authorized by the Chief of Police.
- 1.03** Neck Holds
 - 1.03.01** Neck holds must be considered potentially lethal. Because of this, they may be considered as an alternative to the use of a firearm when law permits the use of a firearm.
 - 1.03.02** Neck holds may be used in self-defense or defense of others whenever the force used or attempted to be used against the officer or another is potentially lethal or creates substantial risk of serious bodily injury.
 - 1.03.03** Neck holds shall not be used by officers for routine control of a person already in custody, or already restrained.
 - 1.03.04** Whenever an officer uses a neck hold, they shall immediately cause the person who received the neck hold to be examined by medical personnel and notify the Chief.
 - 1.03.05** Officers shall not use a neck hold unless they have received approved training in the proper application of this technique.
- 1.04** Batons / Impact Devices
 - 1.04.01** Officers will employ batons in a manner consistent with department and Washington State Criminal Justice Training Commission (WSCJTC) standards. Hitting subjects in the head or groin area shall be avoided unless the officer must protect themselves or others from serious injury. Only department approved and / or issued equipment will be carried or utilized.
- 1.05** Chemical Spray

- 1.05.01** Officers will use the chemical agent Oleoresin Capsicum (OC) in manner consistent with WSCJTC training and standards. OC may be used to protect an officer or other persons when the amount of resistance cannot be overcome by use of lesser force.
- 1.05.02** All members of this department who desire to carry a chemical agent will be issued OC and shall be trained in the use of the product and exposed to the agent.
- 1.05.03** OC will only be used when a member of this department believes it is necessary to defend themselves or another and all lesser means of control appear to be ineffective or not applicable.
- 1.05.04** A member delivering OC will have decided prior to using the product that the intended recipient is to be taken into custody. The intended recipient of the agent shall be taken into custody and incarcerated in a jail facility.
- 1.05.05** The department will issue 10% solutions of OC to be carried by authorized personnel from this department.
- 1.05.06** Any use of OC requires that the use, and reasons for the use, be documented in a complete report as in any use of force.
- 1.05.07** Any member who intends to use OC will ask for a back-up unit to be sent to their location, when practical. This request will be made prior to dispersing the product whenever possible. This is to ensure adequate assistance is en-route in the event the member is inadvertently disables themselves with the agents.
- 1.05.08** All incidents involving any use of force beyond verbal commands shall be outlined in an incident report. The incident will be reviewed by the Chief of Police, should any use of force appear to be improper.

1.06 X26P Taser

- 1.06.01** The X26P TASER is a conducted energy weapon; an electronic incapacitation device. It is a device, which is listed in the force continuum at the same level as O.C. spray after escort/touch control. The X26P TASER functions in two ways:
 - 01** It uses compressed nitrogen to project two probes a maximum of 21 feet. An electrical signal is then sent to the probes, via small wires, which disrupt the body's ability to communicate messages from the brain to the muscles and causes motor skill dysfunction.
 - 02** Acts as a touch stun system when brought into immediate contact with a person's body.
- 1.06.02** The decision to use the X26P TASER is based on the same criteria an officer uses when selecting to deploy O.C. spray, or counter-joint tactics. The decision must be made dependent on the actions of the subject(s) or threat facing the officer(s), and the totality of the circumstances surrounding the incident. In any event, the use of the X26P TASER must be reasonable and necessary.
- 1.06.03** The X26P TASER is not meant to be used in deadly force situations. If the situation permits, it is recommended to have a second officer available when the X26P TASER is deployed.
- 1.06.04** The X26P TASER provides a force option in which the officer does not have to get dangerously close to a threat before deploying the tool. Using the X26P TASER may greatly reduce the need for other types of physical force by the officer(s) resulting in serious or potential deadly injury to the offender, officer, or others present.

- 1.06.05** Any use of an electronic incapacitation device contrary to the direction of this policy can result in the revocation of the officer's privilege to use such a product and may subject the officer to disciplinary action.

1.06.06 ISSUING THE X26P TASER

- 01** Department personnel should only carry and use X26P TASERs or electrical incapacitation devices approved by the Chief of Police. Members may only use department issued X26P TASER cartridges. A record of cartridge serial numbers provided with each device will be maintained in a logbook, which will be kept with the weapon at all times. The logbooks will be audited at least once a year by the department X26P TASER Instructor.
- 02** Department issued X26P TASER may be assigned to patrol and specialty units. Other members of the department may have an X26P TASER assigned to them as deemed necessary by their division captain, or the Chief of Police.
- 03** Department members who have successfully completed the four-hour user course and pass subsequent annual re-certification programs have the option to purchase and carry their own TASER. Final approval to carry a personally owned TASER for duty use shall be determined by the Chief of Police following a request through the chain of command. Department members carrying their own TASER will be issued three 21-foot cartridges and a logbook. Department members carrying their own TASER will maintain their logbook in the same manner as those issued with every Department TASER. Department members carrying their own TASER will comply with all sections of the department policy regarding TASERs and Use of Force. Personally owned TASERs and logbooks will be audited at the same interval as department TASERs and logbooks.

1.06.07 TRAINING AND CERTIFICATION

- 01** All members who carry and or use an X26P TASER must first successfully complete a four-hour X26P TASER User Course, to include written and practical tests. Re-familiarization programs will also be completed annually.

1.06.08 USE OF THE X26P TASER

- 01** The X26P TASER is not a substitute for deadly force and should not be used in those situations. Deployment of the X26P TASER should be backed up with the availability of lethal force. The X26P TASER may be used in situations where:
 - a.** A subject is threatening himself, an officer, or another person with physical force and other means of controlling the subject are unreasonable or could cause injury to the officer(s), the subject(s) or others.
 - b.** In cases where officer/subject factors indicate the officer(s), offender(s), or others would be endangered by the use of physical force.
 - c.** Other means of lesser or equal force have been ineffective and the threat still exists to the officer(s), subject(s), and others.
- 02** The X26P TASER will never be used punitively or for the purpose of coercion. It is to be used as a way of averting a potentially injurious or dangerous situation. The X26P TASER has an effective range of 3 to 13 feet, with a 15-foot cartridge; and 3 – 19 feet with a 21-foot cartridge. Range fewer than 3 feet may not provide adequate distribution of the probes to allow the unit to function properly.
- 03** The X26P TASER has the ability to ignite flammable liquids. It will not be deployed at subjects who have come in contact with flammables or in environments where flammables are obviously present.

- 04** Proper consideration and care should be taken when deploying the X26P TASER on subjects who are in an elevated position or in other circumstances where a fall may cause substantial injury or death. Officers must be prepared to justify such a deployment.

1.06.09 DUTIES AFTER DEPLOYMENT

- 01** Immediate action should be taken to care for the injured, to apprehend any suspects, and to protect the scene. Once the subject is restrained or has complied, the TASER should be turned off. The following considerations and actions when applicable will be addressed after deployment:
- a.** An X26P TASER will not be left unattended except in exigent circumstances as when an officer is forced to act alone in taking custody of an immediate threat.
 - b.** Medical personnel will be summoned to the scene to assess the subject. If the exam or other circumstances dictate the subject needs further medical treatment, the subject will be transported to the nearest medical facility. Medical treatment will not be denied for anyone who requests it.
 - c.** Medical personnel will remove probes impacted in sensitive areas such as the face, neck, groin, or breast.
 - d.** Officers may remove probes from other areas not designated as sensitive. Officers will provide for first aid if necessary.
 - e.** Photographs will be taken of probe impact sites and any other related injuries.
 - f.** Probes removed from the skin will be handled as biohazard. They should be placed point down into the expended cartridge bores, secured with tape and entered into evidence.
 - g.** Officers will attempt to locate the yellow, pink and clear colored “micro dots” dispersed at the time of the cartridge firing. These will be collected and placed into evidence with any expended cartridges.
 - h.** The deploying officer(s) will complete a Use of Force Report.
 - i.** Book the offender into jail or take other appropriate action. Jail personnel shall be informed the subject was controlled by use of an X26P TASER.

1.07 Firearms and Ammunition

- 1.07.01** All weapons including handguns, rifles, shotguns, batons and chemical agents shall be used only when necessary in the performance of duty or in training. Discharge or use of any weapon other than in training requires a written report detailing the circumstances requiring the use.
- 1.07.02** All on duty officers shall be armed with a fully loaded department-approved firearm.
- 1.07.03** While officers are on duty, all firearms will only be loaded with department-approved ammunition. Ammunition shall not be altered in any way.
- 1.07.04** Uniformed officers shall carry a minimum of two full reload of approved ammunition on their duty belt.
- 1.07.05** All weapons carried off duty will be loaded only with ammunition authorized by this department.

1.08 Firearms Proficiency

- 1.08.01** It is the policy of the Reardan Police Department that all officers qualify with their service weapons a minimum of twice per year, with additional documented training.

- 1.08.02** The required qualification course format will be left to the discretion of the Firearms Instructor with the approval of the Chief of Police. Officers must qualify with a score of 75% or better, with each weapon, before they are authorized to carry that weapon on or off duty.
- 1.08.03** Officers who fail to meet the minimum qualification requirement will be granted a fifteen-day grace period. Within that fifteen-day period, the officer must report to a Firearms Instructor for remedial training and certification.
- 1.08.04** Officers who fail to achieve certification after attending remedial firearms training will be subject to disciplinary action for failure to comply with department policy.
- 1.08.05** A second or backup weapon is authorized, but only upon meeting specific department approval. Officers who carry a backup weapon in addition to their service weapon are required to qualify a minimum of twice per year.
- 1.08.06** A department approved handgun (on duty, off duty or backup) intended for official use by any officer must meet the following requirements:
- 01** It must be inspected and certified safe by a Firearms Instructor and / or certified gunsmith.
 - 02** The officer must demonstrate safe and proficient use of the weapon
 - 03** The officer must meet training requirements with each approved weapon
- 1.08.07** The carrying of a weapon, police identification and handcuffs off duty is authorized but not mandated. An officer who elects not to carry a weapon off duty shall not be subjected to disciplinary action if an occasion should arise in which the officer could have taken law enforcement actions if armed. Officers shall qualify with off duty weapons once per year.
- 1.08.08** Any officer who chooses to carry a weapon for off duty or backup use, other than their duty weapon, may be expected to furnish his or her own ammunition for the qualification course, training and use of the weapon. The department will furnish ammunition for authorized duty weapons only.
- 1.08.09** Modification to department issued firearms shall not be done without the Chief's authorization.
- 1.08.10** Modifications to personally owned firearms used on or off duty shall not defeat any of the manufacturer's safety features. Modifications shall not affect the safety or reliability of the firearm operation.
- 1.08.11** The Chief shall perform an annual inspection of all department and utilized firearms.
- 1.08.12** Each officer is responsible for the care and cleaning of their weapons and shall, at all times, maintain the weapon in a clean and serviceable manner, whether department owned or personally owned.
- 1.08.13** Officers shall immediately report the loss or theft of any department or personally owned firearm to the Chief of Police. The report shall be in writing and shall detail all facts concerning the incident.
- 1.08.14** Officers shall keep issued weapons on their person or in secure place when off duty.
- 1.08.15** Shotguns and / or rifles provided in patrol vehicles should be stored within reach of the driver in a locked gun rack or locked in the trunk. Each on duty day the officer shall perform the following inspection of the shotgun and / or rifle.

- 01 The safety is off (rifle) is on (shotgun);
- 02 The chamber is empty and hammer is released (rifle) action is locked (shotgun);
- 03 The magazine is full with appropriate ammunition; (minus two rounds for rifle)
- 04 No foreign objects are in the chamber / barrel; and
- 05 No obvious defects exists.

NOTE: Nothing in this policy prohibits the officer from conducting a more complete inspection.

- 1.08.16 Gun racks shall be kept locked during patrol. If an incident occurs which indicates the likelihood that a shotgun / rifle will be needed, the rack may be unlocked prior to arriving at the scene. Upon arrival, if the shotgun / rifle is not used; precautions shall be taken to secure the gun and lock the vehicle.
- 1.08.17 When deployed the shotgun / rifle should be carried in Condition One.
- 1.08.18 When the shotgun / rifle is secured in the patrol car the shotgun / rifle will be in Condition Two.

1.09 Firearms Discharge

- 1.09.01 When a shooting incident occurs that does not result in death or injury, the involved officer(s) shall immediately notify the Chief of Police. The officer(s) shall submit a written report identifying witnesses and include their statements and explain the incident, before leaving on duty status.
- 1.09.02 When a shooting incident occurs and there is a death or injury involved;
 - 01 The officer shall immediately determine the physical condition of any injured person and render first aid when appropriate, request medical aid, and notify Dispatch of the incident and its location.
 - 02 The officer shall remain at the scene (unless injured) until the arrival of the appropriate investigators, unless directed by the ranking officer at the scene to do otherwise.
 - 03 The involved officer shall protect their weapon for examination and submit it to the appropriate investigator. Upon relinquishing a weapon, and at the discretion of the Chief of Police, the officer may be issued a replacement.
 - 04 Also refer to Section 8.01.02
 - 05 The officer shall provide the on-scene supervisor with a verbal report and then prepare either a written or taped report of the incident. This may be prepared with the assistance of the department's and legal counsel, if they are available. In any case the initial report shall be completed before the officer leaves on duty status, unless otherwise directed by the Chief of Police.

NOTE: In beginning the report, the officer involved should always state for the record the following

“This report is prepared by me pursuant to department requirements and through its submission I do not intend to waive any of my constitutional rights with regards to any possible criminal or civil liability.”

1.10 Post Shooting

- 1.10.01** The officer involved in the shooting incident will normally be assigned to station duties. The assignment to station duties is not to be construed as punishment, disciplinary action or that the officer has acted improperly.
- 1.10.02** All officers directly involved in any discharge of a firearm, at a time and under circumstances that could be considered police-related, shall make an appropriate report and submit the report the day of the incident.
- 1.10.03** All officers whose actions result in the death of another human being will immediately be removed from duty and reassigned at the direction of the Chief of Police, with the approval of the Mayor, pending review process. If the officer desires to have additional time off, he / she will notify the Chief of such, and reasonable amount of time will be granted.
- 1.10.04** In all cases where any person has been injured or killed as a result of a firearm discharged by an officer, the involved officer will be required to undergo a post shooting trauma interview within twenty-four hours of the incident. The debriefing shall not be related to any department investigation of the incident. Nothing discussed in the interview will be reported to the department. The interview is to help determine whether the officer is fit for continued duties.
- 1.10.05** In all cases where any person has been injured or killed as a result of a firearm discharged by an officer, all associated employees (Officers, Fire Fighters, Dispatchers, etc.) will be encouraged to attend a post shooting trauma interview.
- 1.10.06** In all cases where any person has been injured or killed as a result of a firearm discharged by an officer, all members and their family will be provided access to the services of a Police Chaplain. The Chaplain's services are not related to the department investigation of the incident and nothing discussed will be divulged to the department.
- 1.10.07** The involved officer shall not discuss the incident with anyone except the department's legal advisor, the officer's psychologist, the chosen clergy, the officer's immediate family, and those assigned to investigate and debrief the officer as related to the incident. Every effort will be made to protect the officer from intrusion by the media. When discussing the incident with immediate family, the family should be cautioned against discussing it with others.
- 1.11** Destruction of Animals

 - 1.11.01** Sick, injured or dangerous animals may be destroyed after all attempts to notify an agency capable of disposing of the animal (Animal Control, State Game Department, etc.) has been made and the agency has not or cannot respond in a reasonable time.
 - 1.11.02** Animals must be destroyed in a safe manner and whenever possible out of the public view.