

Use of Force

300.1 PURPOSE AND SCOPE

This policy is intended to provide clarity to deputies and promote safety for all by ensuring that all available and appropriate de-escalation techniques are used when possible, force is used appropriately only when necessary, and the amount of force used is proportional to the threat or resistance the deputy encounters as well as the seriousness of the law enforcement objective that is being served.

While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every deputy of this office is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

This policy incorporates the Washington State Office of the Attorney General Model Use of Force Policy.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Chokehold - The intentional application of direct pressure to a person's trachea or windpipe for the purpose of restricting another person's airway (RCW 10.116.020).

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).

De-escalation tactics - Actions used by a peace officer that are intended to minimize the likelihood of the need to use force during an incident (RCW 10.120.010). Using force is not a de-escalation tactic.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the deputy or another person.

Flight - An act or instance of running away in an effort to leave and intentionally evade law enforcement.

Immediate threat of serious bodily injury or death - Based on the totality of the circumstances, it is objectively reasonable to believe that a person has the present and apparent ability, opportunity, and intent to immediately cause death or serious body injury to the peace officer or another person (RCW 10.120.020).

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

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Necessary - Under the totality of the circumstances, a reasonably effective alternative to the use of force or deadly force does not appear to exist, and the type and amount of force or deadly force used is a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the deputy or others (RCW 10.120.010).

Neck restraint - Any vascular compression or similar restraint, hold, or other tactic in which pressure is applied to the neck for the purpose of constricting blood flow (RCW 10.116.020).

Physical force (referred to as "force" in this policy) - Any act reasonably likely to cause physical pain or injury or any other act exerted upon a person's body to compel, control, constrain, or restrain the person's movement. Physical force does not include pat-downs, incidental touching, verbal commands, or compliant handcuffing where there is no physical pain or injury (RCW 10.120.010).

Totality of the circumstances - All facts known to the deputy leading up to, and at the time of, the use of force, and includes the actions of the person against whom the deputy uses such force, and the actions of the deputy (RCW 10.120.010).

Less lethal alternatives-include, but are not limited to, verbal warnings, de-escalation tactics, conducted energy weapons, devices that deploy oleoresin capsicum, batons, and beanbag rounds. (RCW 10.120.010).

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Deputies are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Deputies must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

It is the fundamental duty of law enforcement to preserve and protect all human life (RCW 10.120.010). Deputies shall respect and uphold the dignity of all persons and use their authority in a bias-free manner.

The proper use of force is essential to ensure impartial policing and build trust in the community. While there are circumstances where individuals will not comply with the law unless compelled or controlled by deputies through the use of force, deputies must remain mindful that they derive their authority from the community and that unreasonable force degrades the legitimacy of that authority (Washington State Office of the Attorney General Model Use of Force Policy).

Vesting deputies with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

Nothing in this policy limits or restricts a deputy's authority or responsibility to perform lifesaving measures or community caretaking functions or prevents a deputy from responding to requests for assistance or service (RCW 10.120.020).

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300.2.1 DUTY TO INTERVENE AND REPORT

Any identifiable on-duty officer who witnesses another officer engaging or attempting to engage in the use of excessive force against another person shall intervene when in a position to do so to end the use of excessive force or attempted use of excessive force, or to prevent the further use of excessive force. Any identifiable on-duty officer who witnesses any wrongdoing committed by another officer, or has a good faith reasonable belief that another peace officer committed wrongdoing, shall report such wrongdoing to the witnessing officer's supervisor or other supervisory officer in accordance with the witnessing officer's employing agency's policies and procedures for reporting such acts committed by an officer. (See also Washington State Criminal Justice Training Commission's (CJTC) Duty to Intervene Model Policy.)

300.2.2 ADDITIONAL STATE REQUIREMENTS ON THE DUTY TO INTERVENE AND REPORT

A deputy shall not be disciplined for or retaliated against in any way for intervening in good faith or for reporting in good faith the unreasonable use of force by another law enforcement officer (RCW 10.93.190) (see the Anti-Retaliation Policy).

300.2.3 CRITICAL DECISION MAKING

Use of critical decision making can help deputies achieve the expectations outlined in this manual. When safe and feasible, when making or considering whether to make contact with a member of the public, deputies shall (Washington State Office of the Attorney General Model Use of Force Policy):

- (a) Begin assessment and planning with available facts before arriving at the scene.
- (b) Request available resources, as needed, such as a crisis intervention team or other appropriate specialty unit or professionals.
- (c) Collect information when on scene.
- (d) Assess situations, threats, and risks.
- (e) Identify options for conflict resolution.
- (f) Determine a reasonable course of action.
- (g) Review and re-assess the situation as it evolves.

Nothing in this policy precludes deputies from taking quick action when faced with a life-threatening situation, such as an active shooter. When safe and feasible, deputies shall not unnecessarily jeopardize their own safety or the safety of others through tactical decisions that unreasonably place themselves or others at risk including but not limited to (Washington State Office of the Attorney General Model Use of Force Policy):

- (a) Immediately approaching a person without proper evaluation of the situation.
- (b) Leaving insufficient space between a deputy and the person.
- (c) Not providing time for a person to comply with commands.
- (d) Unnecessarily escalating a situation.

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Deputies shall use only the least amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose. Deputies shall use reasonable care when determining whether to use and when using any physical force or deadly force against another person (RCW 10.120.020).

The reasonableness of force will be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that deputies are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation a deputy might encounter, deputies are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which deputies reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by this office. Deputies may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires a deputy to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 DE-ESCALATION

300.3.1.1 Core Principle: Duty to De-Escalate

When possible, officers shall use all available and appropriate de-escalation tactics prior to using physical force. (RCW 10.120.020 [2022 c 4 §3]).

- (a) Depending on the circumstances, officers have a number of de-escalation tactics to choose from, which include, but are not limited to:
 - (a) Employing tactical positioning and repositioning to maintain the benefit of distance and cover, such as backing away from the person to re-assess and determine which tactics to use;
 - (b) Placing barriers or using existing structures to provide a shield or other protection between officers and a person;
 - (c) Attempting to slow down or stabilize the situation to allow for the consideration and arrival of additional resources that may increase the likelihood of a safe resolution;
 - (d) Requesting and using available support and resources, such as a crisis intervention team, a designated crisis responder, other behavioral health

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providers, or back-up officers, including more experienced officers or supervisors;

- (e) Using clear instructions and verbal persuasion;
- (f) Employing verbal and non-verbal communication techniques to calm a person (such as, speaking slowly, regulating tone and body language, uncrossing one's arms, minimizing hand gestures, and reducing bright, flashing lights and sirens);
- (g) Attempting to communicate in non-verbal ways when verbal instructions would be inadequate (such as, when the person and officer speak different languages, or the person is unable to hear or understand instructions);
- (h) Communicating in a way that demonstrates respect for people's dignity (such as, clearly explaining the officer's actions and expectations; listening to the person's questions and concerns and responding respectfully; and being neutral and fair when making decisions);
- (i) When there are multiple officers, designating one officer to communicate in order to avoid competing or confusing commands; or
- (j) Exhibiting patience while using all available and appropriate tactics and resources to provide as much time as needed to resolve the incident without using physical force.

300.3.2 REASONABLE CARE

300.3.2.1 Core Principle: Duty to Use Reasonable Care

Consider people's characteristics and conditions, including children, elderly persons, pregnant individuals, Limited English Proficiency speakers and those demonstrating mental, behavioral, physical, cognitive and perceptual impairments or disabilities, when determining whether to use physical force or deadly force, and if necessary, the appropriate and least amount of physical force possible to effect a lawful purpose. (RCW 10.120.020).

300.3.2.2 Core Principle: Perform Community Caretaking Functions

Nothing in this policy limits or restricts an officer's ability to respond to a call for community caretaking or protection of health and safety, and to use the appropriate and least amount of physical force to execute those functions. (RCW 10.120.020 [2022 c 4 §3]). The same standards for using physical force apply. However, incidental touching, which may occur in the course of community caretaking, is not defined as physical force.

300.3.2.3 Reasonable care means that the officer shall:

- (a) When possible, use all available and appropriate de-escalation tactics before using physical force. (RCW 10.120.010 [2022 c 4 §3].
- (b) Consider the characteristics and conditions of a person for the purposes of determining whether to use physical force or deadly force against that person and, if physical force is necessary, determine the appropriate and least amount of physical force possible to affect a lawful purpose. Such characteristics and conditions may include, for example, whether the person:

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1. Is visibly pregnant, or states that they are pregnant;
 2. Is known to be a minor, objectively appears to be a minor, or states that they are a minor;
 3. Is known to be a vulnerable adult, or objectively appears to be a vulnerable adult as defined by RCW 74.34.020;
 4. Displays signs of mental, behavioral, intellectual, developmental or physical impairments or disabilities;
 5. Is experiencing perceptual or cognitive impairments typically related to the use of alcohol, narcotics, hallucinogens, or other drugs;
 6. Is suicidal;
 7. Has limited English proficiency; or
 8. Is in the presence of children. (RCW 10.120.020).
- (c) Terminate the use of physical force as soon as the necessity for such force ends. (RCW 10.120.020)

300.3.3 USE OF PHYSICAL FORCE SHALL BE NECESSARY FOR A LAWFUL PURPOSE

Law enforcement encounters rapidly evolve and are not static. Thus, officers must continuously assess the necessity and effectiveness of their actions, including their tactical positioning, to decrease the likelihood of needing to use physical force.

- (a) For physical force to be necessary, a reasonably effective alternative does not appear to exist and the use of force must be a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the officer or others.
1. Reasonableness shall be evaluated based on the totality of circumstances known to the officer leading up to, and at the time of, the use of physical force, including the immediacy of the threat, the actions of the person against whom force is used, the actions of the officer, and the seriousness of the law enforcement purpose. Determining whether physical force is reasonable includes assessing whether the officer made tactical decisions to minimize unnecessary risk to themselves and others, used all available and appropriate de-escalation tactics when possible prior to using physical force and exercised reasonable care when using physical force.
 2. Proportionality shall be evaluated based on whether the use of physical force corresponds to the immediacy and severity of the threat or resistance the officer encounters at the time force is applied, as well as the seriousness of the law enforcement objective that is being served. The threat or resistance may change over the course of the incident. Proportional force does not require officers to use the same type or amount of physical force as the subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be proportional.
- (b) Use of Physical Force Must Be for a Lawful Purpose. An officer may use physical force against a person to the extent necessary to:

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1. Protect against an imminent threat of bodily injury to the officer, another person, or the person against whom physical force is being used (RCW 10.120.020);
2. Protect against a criminal offense when there is probable cause that the person has committed, is committing, or is about to commit the offense (RCW 10.120.020 [2022 c 80 §3]);
3. Effect an arrest (RCW 10.120.020);
4. Take a person into custody when authorized or directed by statute (RCW 10.120.020 [2022 c 80 §3]);
5. Prevent an escape as defined under chapter 9A.76 RCW (RCW 10.120.020);
6. Prevent a person from fleeing or stop a person who is actively fleeing a lawful temporary investigative detention, provided that the person has been given notice that he or she is being detained and is not free to leave (RCW 10.120.020 [2022 c 80 §3]);
7. Take a person into custody, transport a person for evaluation or treatment, or provide other assistance under chapter 10.77, 71.05, or 71.34 RCW (RCW 10.120.020 [2022 c 4 §3]);
8. Take a minor into protective custody when authorized or directed by statute (RCW 10.120.020 [2022 c 4 §3]);
9. Execute or enforce a court order authorizing or directing an officer to take a person into custody (RCW 10.120.020 [2022 c 4 §3]);
10. Execute a search warrant (RCW 10.120.020 [2022 c 4 §3]);
11. Execute or enforce an oral directive issued by a judicial officer in the courtroom or a written order where the court expressly authorizes an officer to use physical force to execute or enforce the directive or order (RCW 10.120.020 [2022 c 4 §3]); or
12. Execute any other community caretaking function, including but not limited to performing welfare checks, assisting other first responders and medical professionals, behavioral health professionals, social service providers, designated crisis responders, shelter or housing providers, or any member of the public (RCW 10.120.020 [2022 c 4 §3]).

The reasonableness of force will be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that deputies are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation a deputy might encounter, deputies are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

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It is also recognized that circumstances may arise in which deputies reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by this office. Deputies may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

When determining whether to apply force and evaluating whether a deputy has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to deputies or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.
- (c) Deputy/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).
- (d) The effects of suspected drug or alcohol use (RCW 10.120.020).
- (e) The individual's mental state or capacity (RCW 10.120.020s).
- (f) The individual's ability to understand and comply with deputy commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the deputy.
- (l) Potential for injury to deputies, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the deputy.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) The individual is visibly pregnant or claims to be pregnant (RCW 10.120.020).
- (s) The individual is a minor, appears to be a minor, or claims to be a minor (RCW 10.120.020).

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- (t) The individual is known to be a vulnerable adult or appears to be a vulnerable adult as defined by RCW 74.34.020 (RCW 10.120.020).
- (u) The individual has limited English proficiency (RCW 10.120.020).
- (v) The individual is in the presence of a child (RCW 10.120.020).
- (w) Any other exigent circumstances.

300.3.4 FORCE LEVELS

Core Principle: Use the Least Amount of physical Force Necessary to Overcome Resistance Under the Circumstances. (RCW 10.120.020).

Core Principle: Use Deadly Force only when necessary to protect against an immediate threat of serious physical injury or death. (RCW 10.120.020 [2022 c 80 §3 and 2022 c 4 §3]).

Officers are not required to exhaust one type of force before moving to greater force.

- (a) Lower Level Physical Force: This type of force is not intended to and has a low probability of causing injury, but may cause momentary discomfort or pain. Depending on the circumstances, including the characteristics and conditions of the person, lower level force options may include:
 - 1. Techniques to direct movement (e.g., push back, escort, lift, carry);
 - 2. Control holds (e.g., wrist locks, finger locks, joint manipulation);
 - 3. Open hand techniques;
 - 4. Takedowns; or
 - 5. Use of a hobble restraint.
- (b) Intermediate Physical Force: This type of physical force poses a foreseeable risk of significant injury or harm but is neither likely nor intended to cause death.

Depending on the totality of the circumstances, intermediate physical force may be reasonable when a person threatens imminent assault upon the officer or others. Intermediate force options include:

- (a) Oleoresin Capsicum (OC) spray;
- (b) Electronic control weapons;
- (c) Projectile Impact Weapons;
- (d) Canine bite or injury caused by physical contact between a canine and a subject;
- (e) Impact weapon strikes (except impact weapon strikes to the head, neck, throat, or spine); or
- (f) Punches, kicks or other strikes with an officer's body.
 - 1. Officers shall only use striking techniques directed at a subject's head as a means of self-defense, or in the defense of others. Striking at a person's head using fists, elbows, knees, and feet, shall not be used as a means of pain compliance.

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- (g) **Deadly Force:** 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. (RCW 10.120.020). Officers shall not use deadly force against persons who present a danger only to themselves and do not pose an immediate threat of death or serious bodily injury to another person or officer. Deadly force includes:
1. Impact weapon strikes to the head, neck, throat, or spine;
 2. Striking a person's head onto a hard, fixed object;
 3. Discharge of a firearm loaded with lethal ammunition at a person;
 4. Intentionally striking, with a vehicle, a person who is not inside a vehicle

300.3.5 PAIN COMPLIANCE TECHNIQUES

When use of force is permissible, pain compliance techniques may be effective in controlling a physically or actively resisting individual. Deputies may only apply those pain compliance techniques for which they have successfully completed office-approved training. Deputies utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the deputy.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the deputy determines that compliance has been achieved.

300.3.6 USE OF FORCE TO SEIZE EVIDENCE

In general, deputies may use reasonable force, when permissible under the use of force policy, to lawfully seize evidence and to prevent the destruction of evidence. However, deputies are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, deputies should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Deputies are encouraged to use techniques and methods taught by the Skagit County Sheriff's Office for this specific purpose.

300.3.7 TERMINATION OF USE OF FORCE

Deputies shall terminate the use of physical force as soon as the necessity for such force ends.

300.3.8 RESTRICTIONS ON RESPIRATORY RESTRAINTS

Deputies of this office are not authorized to use respiratory restraints, also known as chokeholds or neck restraints (RCW 10.116.020).

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300.3.9 IDENTIFICATION, WARNING, AND OPPORTUNITY TO COMPLY PRIOR TO THE USE OF FORCE

When safe and feasible, prior to the use of force, deputies shall (Washington State Office of the Attorney General Model Use of Force Policy):

- (a) Identify themselves as law enforcement officers.
 - 1. Identification is unnecessary when the deputy has objectively reasonable grounds to believe the person is aware of this fact.
- (b) Attempt to determine whether the person has a special need, mental condition, physical limitation, developmental disability, language barrier, or other factor that may impact the person's ability to understand and comply with deputy commands.
- (c) Provide clear instructions and warnings.
- (d) Warn a person that force will be used unless the person's resistance ceases.
- (e) Give the person a reasonable opportunity to comply with the warning that force may be used.

300.4 DEADLY FORCE APPLICATIONS

When reasonable, deputies shall, prior to the use of deadly force, make efforts to identify themselves as peace officers and to warn that deadly force may be used, unless a deputy has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is only justified when the deputy reasonably believes it is necessary in the following circumstances (RCW 10.120.020):

- (a) A deputy may use deadly force to protect the deputy or others from what the deputy reasonably believes is an immediate threat of serious physical injury or death.
- (b) A deputy may use deadly force to stop a fleeing subject when the deputy has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the deputy reasonably believes that there is an immediate threat of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

A deputy may not fire a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious bodily injury resulting from the operator's or a passenger's use of a deadly weapon. A vehicle is not considered a deadly weapon unless the operator is using the vehicle as a deadly weapon and no other reasonable means to avoid potential serious harm are immediately available to the deputy. (RCW 10.116.060).

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When feasible, deputies shall attempt to move out of the path of a moving vehicle rather than discharge their weapon at the operator.

Deputies shall not shoot at any part of a vehicle in an attempt to disable the vehicle.

A deputy shall not discharge a firearm from a moving vehicle, unless a person is immediately threatening the deputy or another person with deadly force.

300.4.2 WARNING SHOTS NOT PERMITTED

Deputies shall not fire warning shots.

300.4.3 DRAWING AND POINTING A FIREARM

- (a) A deputy should only draw a firearm in the low-ready position (i.e., unholstered but out of the deputy's visual field) when the deputy makes reasonable observations based on the totality of the circumstances that the situation may evolve to the point where deadly force would be justified.
- (b) A deputy should only point a firearm at a person when deadly force is justified.
- (c) When it is determined that the use of deadly force is not necessary, the deputy should, as soon as safe and feasible, lower, holster, or secure the firearm.
- (d) Pointing a firearm at a person is a reportable use of force and its justification and circumstances shall be documented in accordance with procedures set by the statewide use of force data collection program (RCW 10.118.030).

300.4.4 RESTRICTED USE

Deputies shall not use a firearm in the following circumstances (Washington State Office of the Attorney General Model Use of Force Policy):

- (a) As an impact weapon except when deadly force is justified.
- (b) When it appears likely that an innocent person may be injured by the deputy discharging the firearm in the direction of an innocent person.
- (c) When discharging or pointing a firearm at a person who presents a danger only to themselves and does not have the apparent ability, opportunity, and intent to immediately cause death or serious bodily injury to the deputy or another person.
- (d) When discharging or pointing a firearm at a person who presents a danger only to property and does not have the apparent opportunity or intent to immediately cause death or serious bodily injury to the deputy or another person.

300.4.5 DISCHARGE OF FIREARMS

Deputies are only permitted to discharge a firearm at a person in situations where deadly force is justified. Each discharge of the firearm must be justified. When feasible, deputies shall give a verbal warning that a firearm will be discharged. Prior to the decision to use a firearm, deputies should consider field of fire, backdrop, bystanders, potential for ricochet, and other risks of life (Washington State Office of the Attorney General Model Use of Force Policy).

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300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this office shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The deputy should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Office may require the completion of additional report forms, as specified in office policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable deputy to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the TASER (TM) device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) Any allegation that excessive force was used or that any of the above has occurred.

300.5.2 NOTIFICATION TO INDIAN AFFAIRS

When the use of force by a deputy results in the death of a person who is an enrolled member of a federally recognized Indian tribe, notification shall be made to the Governor's Office of Indian Affairs within a reasonable period of time, but not more than 24 hours after the office has good reason to believe the person was an enrolled member. Notice shall include sufficient information for the Governor's Office of Indian Affairs to attempt to identify the deceased person and tribal affiliation (RCW 10.114.021).

300.5.3 NOTIFICATION TO CRIMINAL JUSTICE TRAINING COMMISSION (CJTC)

Notification shall be made to CJTC within 15 days of learning of the occurrence of any death or serious injury caused by the use of force by a deputy (RCW 43.101.135).

300.5.4 REPORTING TO WASHINGTON STATEWIDE USE OF FORCE DATA PROGRAM

The Office shall submit reports regarding use of force incidents as provided by RCW 10.118.030 to the Washington statewide use of force data program in the format and time frame established by the program (RCW 10.118.030).

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300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe (RCW 10.93.190).

Based upon the deputy's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another deputy and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling deputy shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain, or who require a protracted physical encounter with multiple deputies to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Deputies who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved deputies. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived the individual's *Miranda* rights, the following shall apply:

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1. The content of the interview should not be summarized or included in any related criminal charges.
 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

When an incident results in death, serious bodily harm, or great bodily harm, the supervisor shall immediately contact the Office of Independent Investigations pursuant to the procedures established by the Office of Independent Investigation (RCW 43.102.120).

Training

208.1 PURPOSE AND SCOPE

It is the policy of this office to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the Office will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

208.2 PHILOSOPHY

The Office seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates. Whenever possible, the Office will use courses certified by the Washington Criminal Justice Training Commission (CJTC).

208.3 OBJECTIVES

The objectives of the Training Program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of office members.
- (c) Provide for continued professional development of office members.

208.4 TRAINING PLAN

A training plan for all employees will be developed and maintained by the Training Sergeant. It is the responsibility of the Training Sergeant to maintain, review, and update the training plan on an annual basis. The plan will ensure, at minimum, the following:

- (a) All sworn members will successfully complete an annual in-service training program of no less than 24 hours that includes the training required by the CJTC (WAC 139-05-300).
 - 1. Successful completion of the CJTC's two-hour annual online crisis intervention course shall be included in the 24 hours (RCW 43.101.427).
- (b) All deputies must complete a minimum of 40 hours of continuing de-escalation and mental health training every three years as provided in WAC 139-11-020 and WAC 139-11-060.
 - 1. This training may substitute the annual 24 hours in-service requirement under WAC 139-05-300 in the year the deputy completes the 40-hour violence de-escalation training.
- (c) All sworn members will successfully complete an annual in-service training program on the office use of force and deadly force policies.
- (d) All sworn members will successfully complete in-service training on less-than-lethal weapons every two years.

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- (e) Full-time supervisors or managers will receive appropriate training and certification required by CJTC.
- (f) All sworn members will successfully complete the National Incident Management System (NIMS) introductory training course.
- (g) Members who will serve as school resource officers shall receive training for school resource officers (RCW 28A.400.345).
 - 1. Training shall include the subject requirements of the safety and security staff training program developed by the educational service districts and completed within the required timeframe (RCW 28A.310.515; RCW 28A.400.345).
 - 2. Review of applicable school district policies and procedures of duties and responsibilities of school resource officers (RCW 28A.320.124).
- (h) Any request for exemption, waiver, extension, or variance from any requirement of CJTC training must be made under WAC 139-03-030 and corresponding information be made available to the public in accordance with the Records Maintenance and Release Policy (WAC 139-11-030).
- (i) Be a combination of classroom and scenario-based learning
- (j) Include community partners, when relevant and feasible
- (k) Incorporate cultural competency to understand disproportionately impacted communities, and how racialized experiences of policing and the criminal justice system may impact interactions with police.
- (l) This policy should be incorporated into defensive tactics curricula.

208.5 TRAINING NEEDS ASSESSMENT

Each division should attempt to conduct an annual training-needs assessment of their division. The needs assessment will be reviewed by the division chief. Upon approval by the division chief, the needs assessment will form the basis for the training plan for the fiscal year.

208.6 TRAINING DOCUMENTATION

Detailed records shall be kept of all in-service training sponsored by or presented on behalf of the Skagit County Sheriff's Office. Records should minimally include the following:

- An overview of the course content and/or an instructor lesson plan.
- Names and agency contact information of all attendees.
- Instructor credentials or resume.
- Individual attendee test results (if applicable).
- Course completion roster.

Training

208.7 TRAINING PROCEDURES

- (a) All employees assigned to attend training shall attend unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to:
 - 1. Court appearances
 - 2. Pre-approved vacation
 - 3. Sick leave
 - 4. Physical limitations preventing the employee's participation.
 - 5. Emergency situations
- (b) When an employee is unable to attend mandatory training, that employee shall:
 - 1. Notify his/her supervisor as soon as possible, but no later than one hour prior to the start of training.
 - 2. Document his/her absence in a memorandum to his/her supervisor.
 - 3. Make arrangements through his/her supervisor and the Training Sergeant to attend an alternate date.

208.8 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Skagit County Sheriff's Office policy manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Sergeant.

Personnel assigned to participate in DTBs shall only use login credentials assigned to them by the Training Sergeant. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Office.

Employees who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisor. Employees should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any internet-active computer, employees shall only take DTBs as part of their on-duty assignment unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.

Conducted Energy Device

308.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of TASER (TM) devices.

308.1.1 DEFINITIONS

Definitions related to this policy include (Washington State Office of the Attorney General Model Use of Force Policy):

Conducted energy device - A portable device that fires darts/electrodes that transmit an electrical charge or current intended to temporarily immobilize a person (e.g., TASER device).

308.2 POLICY

The TASER device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to deputies and suspects.

308.3 ISSUANCE AND CARRYING TASER DEVICES

Only members who have successfully completed office-approved training and have demonstrated satisfactory skill and proficiency may be issued and carry the TASER device.

A deputy that is issued a TASER device is expected to carry it as an option to be considered when deadly force is not justified (Washington State Office of the Attorney General Model Use of Force Policy).

TASER devices are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the office's inventory.

Deputies shall only use the TASER device and cartridges that have been issued by the Office. Uniformed deputies who have been issued the TASER device shall wear the device in an approved holster on their person. Non-uniformed deputies may secure the TASER device in the driver's compartment of their vehicle.

When consistent with training, a deputy carrying a TASER device shall perform a function check on the weapon and check remaining battery life prior to every shift. A deputy should report any malfunction to a supervisor or other appropriate personnel.

A deputy shall carry a TASER device on the support side of the body, and in all but extreme circumstances, shall draw, exhibit, and use the device with the support (i.e., non-handgun firing) hand (Washington State Office of the Attorney General Model Use of Force Policy).

- (a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, deputies should carry two or more cartridges on their person when carrying the TASER device.

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- (c) Deputies shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.
- (d) Deputies should not hold both a firearm and the TASER device at the same time.

308.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the TASER device should precede its application, unless it would otherwise endanger the safety of deputies or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other deputies and individuals with a warning that the TASER device may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with a deputy's lawful orders and it appears both reasonable and feasible under the circumstances, the deputy may, but is not required to, display the electrical arc or the laser in a further attempt to gain compliance prior to the application of the TASER device. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the deputy deploying the TASER device in the related report.

308.5 USE OF THE TASER DEVICE

The TASER device has limitations and restrictions requiring consideration before its use. The TASER device should only be used when its operator can safely approach the subject within the operational range of the device. Although the TASER device is generally effective in controlling most individuals, deputies should be aware that the device may not achieve the intended results and be prepared with other options.

308.5.1 APPLICATION OF THE TASER DEVICE

The TASER device may be used in any of the following circumstances, when the circumstances perceived by the deputy at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm deputies, themselves, or others.

Mere flight from a pursuing deputy, without other known circumstances or factors, is not good cause for the use of the TASER device to apprehend an individual.

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308.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER device on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the deputy, the subject, or others, and the deputy reasonably believes that the need to control the individual outweighs the risk of using the device. This includes (Washington State Office of the Attorney General Model Use of Force Policy):

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained unless deadly force is authorized.
- (e) In any environment where a deputy knows or has reason to believe that a potentially flammable, volatile, or explosive material is present that might be ignited by an open spark, including but not limited to OC spray with a volatile propellant, gasoline, natural gas, or propane.
- (f) Individuals who are situated on an elevated surface (e.g., a ledge, scaffold, near a precipice) unless reasonable efforts have been made to prevent or minimize a fall-related injury (e.g., deploying a safety net).
- (g) Operators in physical control of vehicles in motion, including automobiles, trucks, motorcycles, all-terrain vehicles, bicycles, and scooters unless deadly force is justified.

The primary use of a TASER device is not as a pain compliance tool. Drive-stun mode should only be used when necessary to complete the incapacitation circuit where only one probe has attached to the person, where both probes attached in close proximity, or when no other alternatives to deadly force are available and appropriate (Washington State Office of the Attorney General Model Use of Force Policy).

The TASER device shall not be used to psychologically torment, elicit statements, or to punish any individual.

308.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the deputy to limit the application of the TASER device probes to a precise target area, deputies should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

308.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

Deputies shall apply the TASER device for only one standard cycle of five seconds or less and then evaluate the situation before applying any subsequent cycles (Washington State Office of the Attorney General Model Use of Force Policy). Multiple applications of the TASER device against a single individual are generally not recommended and should be avoided unless the deputy

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reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the TASER device appears to be ineffective in gaining control of an individual, the deputy should consider certain factors before additional applications of the TASER device, including:

- (a) Whether the probes are making proper contact.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

Multiple applications of the TASER device increase the risk of serious bodily injury or death. Deputies should not intentionally deploy multiple TASER devices at the same person, unless the first deployed TASER device clearly fails. A deputy shall consider other options if the deputy has used a TASER device three times against a person and the person continues to be a threat, as the TASER device may not be effective against that person (Washington State Office of the Attorney General Model Use of Force Policy).

308.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Deputies should take appropriate actions to control and restrain the individual to minimize the need for longer or multiple exposures to the. As soon as practicable, deputies shall notify a supervisor of all TASER device discharges.

Deputies shall notify a supervisor of all TASER device discharges.

Deputies should take photographs of the location of contact of the TASER device device probes prior to and after collection.

Deputies who have received training may remove probes from a person's body, following deployment, as long as the TASER device device probes are not lodged in a sensitive area (e.g., groin, female breast, head, face, neck – see Policy 309.7(d).

The expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

Deputies will remove the Taser 7 battery used in the deployment to the dock station in the squad room and trade it in for a new battery. Deputies are to mark the used battery with an orange tag with the case number and union number. Deputies will email their supervisor and the Taser instructors notifying them of the taser use and battery location. The Taser instructors are responsible for downloading data from the battery to evidence.com. After the battery data has been downloaded, the battery will be made available for use.

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308.5.6 DANGEROUS ANIMALS

The TASER device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

308.5.7 TASER® CAM™

If equipped, the TASER CAM is activated any time the safety is in the off position. The safety should be in the safe position unless the deputy intends to use the device. Because the TASER CAM memory is limited, the video and audio data should be downloaded frequently and retained as required by the office records retention schedule.

308.5.8 OFF-DUTY CONSIDERATIONS

Deputies are not authorized to carry office TASER devices while off-duty.

Deputies shall ensure that TASER devices are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

308.6 DOCUMENTATION

A deputy shall clearly articulate and document the justification for each individual application of the TASER device in the related arrest/crime report and the TASER device report form (Washington State Office of the Attorney General Model Use of Force Policy). Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation, and arcing the device will also be documented on the report form.

308.6.1 TASER DEVICE FORM

Items that shall be included in the TASER device report form are:

- (a) The type and brand of TASER device and cartridge and cartridge serial number.
- (b) Date, time and location of the incident.
- (c) Whether any display, laser or arc deterred a subject and gained compliance.
- (d) The number of TASER device activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the TASER device was used.
- (f) The type of mode used (probe or drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.

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- (l) Whether any deputies sustained any injuries.

The Taser Instructors should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Taser Instructors should also conduct audits of data downloads and reconcile TASER device report forms with recorded activations. TASER device information and statistics, with identifying information removed, should periodically be made available to the public.

308.6.2 REPORTS

The deputy should include the following in the arrest/crime report:

- (a) Identification of all personnel firing TASER devices
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication or other medical problems

308.7 MEDICAL TREATMENT

At the earliest safe opportunity at a scene controlled by law enforcement, deputies shall remove TASER device probes, unless probes are in a sensitive area, such as the head, breast, or groin. Probes in sensitive areas shall be removed by an emergency medical technician (EMT), paramedic, or other health care professional (Washington State Office of the Attorney General Model Use of Force Policy). Used TASER device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle and handled appropriately. Universal precautions should be taken.

All persons who have been struck by TASER device probes or who have been subjected to the electric discharge of the device or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The TASER device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically

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evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another deputy and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting deputy shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the TASER device (see the Medical Aid and Response Policy).

308.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the TASER device may be used. A supervisor should respond to all incidents where the TASER device was activated.

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. The device's onboard memory should be downloaded through the data port by a supervisor or Rangemaster and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

308.9 TRAINING

Personnel who are authorized to carry the TASER device shall be permitted to do so only after successfully completing the initial office-approved training and demonstrating satisfactory skill and proficiency. Any personnel who have not carried the TASER device as a part of their assignment for a period of six months or more shall be recertified by a office-approved TASER device instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued TASER devices should occur every year. A reassessment of a deputy's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Sergeant. All training and proficiency for TASER devices will be documented in the deputy's training file.

Deputies who do not carry TASER devices should receive training that is sufficient to familiarize them with the device and with working with deputies who use the device.

The Training Sergeant is responsible for ensuring that all members who carry TASER devices have received initial and are recertified on a yearly basis. Periodic audits should be used for verification.

Application of TASER devices during training could result in injury to personnel and should not be mandatory for certification.

The Training Sergeant should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.

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- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest, and groin.
- (e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the TASER device.

Control Devices and Techniques

307.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

Core Principle: Whenever Possible, Use Available and Appropriate Less Lethal Alternatives Before Using Deadly Force. (RCW 10.120.020).

(1) The agency must make less lethal alternatives reasonably available for officers' use. (RCW 10.120.020 [2022 c 4 §3]).

(2) Officers shall use all tools in accordance with training and the equipment manufacturer's instructions.

307.1.1 DEFINITIONS

Definitions related to this policy include (Washington State Office of the Attorney General Model Use of Force Policy):

Oleoresin capsicum (OC) - An inflammatory agent that causes an intense burning sensation of the eyes, nose, mouth, and skin, which may result in closing, tearing, and swelling of the eyes, as well as choking, gagging, and gasping for breath.

Tear gas - Chloroacetophenone (CN), O-chlorobenzylidene malononitrile (CS), and any similar chemical irritant dispersed in the air for the purpose of producing temporary physical discomfort or permanent injury. "Tear gas" does not include oleoresin capsicum (RCW 10.116.030).

Projectile Impact Weapon: a less lethal weapon that fires projectiles such as 40mm sponge or foam rounds, pepperball or similar projectile, blast balls or bean bag designed to temporarily incapacitate a person.

307.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Skagit County Sheriff's Office authorizes deputies to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

307.2.1 IMPACT DEVICE TARGET AREAS

PRIMARY AREA: These areas will be considered when incapacitation is necessary and minimal potential for injury is the appropriate response:

- (a) Arm below the elbow (excluding hands and wrists),
- (b) Thigh,

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- (c) Buttocks, and
- (d) Lower leg.

SECONDARY AREA: Deputies may consider these areas if the use of force is reasonable and efforts to subdue the suspect using primary target areas are ineffective, acknowledging an increase in the potential for serious injury:

- (a) Upper arm,
- (b) Knee,
- (c) Hands,
- (d) Back of shoulder, and
- (e) Lower Abdomen.

TERTIARY AREA: Deputies should avoid impact to these areas unless the use of deadly force is justified:

- (a) Head,
- (b) Neck, and
- (c) Chest
- (d) Groin

307.3 ISSUING, CARRYING, AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this office only if the device has been issued by the Office or approved by the Sheriff or the authorized designee.

Only deputies who have successfully completed office-approved training and have demonstrated satisfactory skill and proficiency in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain, or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, deputies should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

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307.4 PROHIBITED CONTROL DEVICES

Effective July 25, 2021, this Office may not acquire nor may any member use control devices that include rifles of .50 caliber or greater, long range acoustic hailing devices, bayonets, directed energy systems, and electromagnetic spectrum weapons (RCW 10.116.040)

"Rifle" has the same meaning as provided under RCW 9.41.010, except "rifle" does not include: Any shotgun, as defined under RCW 24 9.41.010; any device designed or used to deploy less lethal munitions including, but not limited to, rubber, bean bag, soft nose, sponge, or other nonpenetrating impact rounds; or any less lethal equipment.

307.5 RESPONSIBILITIES

307.5.1 SHIFT SERGEANT RESPONSIBILITIES

The Shift Sergeant may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

307.5.2 RANGEMASTER RESPONSIBILITIES

The Rangemaster shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Rangemaster or the designated instructor for a particular control device. The inspection shall be documented.

307.5.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for disposition. Damage to County property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

307.6 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. Deputies shall not intentionally strike vital areas, including the head, neck, face, throat, spine, groin, or kidney unless deadly force is justified. Deputies shall reassess the effectiveness of baton strikes as soon as safe and feasible, and if not effective, move to another appropriate target or to another tactical or physical force option. Deputies shall not use a baton to intimidate a person when a baton warning is not justified by the threat presented (see the Use of Force Policy) (Washington State Office of the Attorney General Model Use of Force Policy).

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

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307.7 TEAR GAS GUIDELINES

Deputies or other members are not authorized to use tear gas (chloroacetophenone/CN and O-chlorobenzylidene malononitrile/CS and other similar chemical irritants except oleoresin capsicum/OC) unless necessary to alleviate a present risk of serious harm posed by a (RCW 10.116.030):

- (a) Riot
- (b) Barricaded subject
- (c) Hostage situation

Only the Shift Sergeant, Incident Commander, or HRT Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time, determine whether the present circumstances warrant the use of tear gas, whether available and appropriate alternatives have been exhausted and that such force reasonably appears justified and necessary. (RCW 10.116.030).

If tear gas is to be used outside a correctional, jail, or detention facility, authorization shall be obtained from the highest elected official (chair of the board of county commissioners for unincorporated counties, mayor for cities and towns) of the jurisdiction in which the tear gas is to be used (RCW 10.116.030).

Prior to any use, an announcement shall be made of the intent to use tear gas. Sufficient time and space shall be allowed for compliance with the announcement (RCW 10.116.030).

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

307.8 OLEORESIN CAPSICUM GUIDELINES

As with other control devices, oleoresin capsicum spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of deputies or the public.

After the initial application of OC spray, each subsequent application must also be justified.

OC spray is not appropriate in an enclosed, highly populated space where there is a likelihood of impacting uninvolved persons, except where OC spray is the only available and appropriate force option. Deputies deploying OC will attempt to avoid or minimize incidental exposure to non-involved persons (Washington State Office of the Attorney General Model Use of Force Policy).

307.8.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt or external carrier. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

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307.8.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine, or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the deputy reasonably believes the use of deadly force is justified (see the Use of Force Policy).

Deputies encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

307.8.3 TREATMENT FOR OC SPRAY EXPOSURE

At the earliest safe opportunity at a scene controlled by law enforcement, a deputy shall take action to address the effects of the OC by flushing the person's eyes out with clean water and ventilating with fresh air, if possible (Washington State Office of the Attorney General Model Use of Force Policy). Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

307.9 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, deputies should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

307.10 KINETIC ENERGY PROJECTILE GUIDELINES

This office is committed to reducing the potential for violent confrontations. Kinetic energy projectiles are designed to stun, temporarily incapacitate, or cause temporary discomfort without penetrating the person's body (Washington State Office of the Attorney General Model Use of Force Policy). When used properly, kinetic energy projectiles are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

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307.10.1 DEPLOYMENT AND USE

Only office-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Deputies are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved deputy determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and deputies takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or deputies.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

307.10.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the deputy should consider such factors as:

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of deputies or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other deputies and individuals that the device is being deployed.

A deputy should target the buttocks, thigh, calf, and large muscle groups (Washington State Office of the Attorney General Model Use of Force Policy). Deputies should keep in mind the manufacturer's recommendations and their training regarding effective distances. However, deputies are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. Deputies should not use kinetic energy projectiles in the following

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circumstances unless the use of deadly force is justified (see the Use of Force Policy) (Washington State Office of the Attorney General Model Use of Force Policy):

- (a) When intentionally aiming kinetic energy projectiles at the head, neck, chest, or groin.
- (b) At ranges that are inconsistent with the projectile manufacturer's guidelines.
- (c) Directed at a person who is situated on an elevated surface (e.g., a ledge, scaffold, near a precipice) unless reasonable efforts have been made to prevent or minimize a fall-related injury (e.g., deploying a safety net).

A deputy deploying kinetic energy projectiles shall assess the effectiveness of the projectiles after each shot. If subsequent projectiles are needed, the deputy should consider aiming at a different targeted area.

307.10.3 SAFETY PROCEDURES

Launchers specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Deputies will inspect the launcher and projectiles at the beginning of each shift to ensure that the launcher is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not deployed, the launcher will be unloaded and properly and securely stored in the vehicle.

307.11 TRAINING FOR CONTROL DEVICES

The Training Sergeant shall ensure that all personnel who are authorized to carry a control device have been properly trained, have demonstrated satisfactory skill and proficiency, are certified to carry the specific control device, and are retrained or recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the deputy's training file.
- (c) Deputies who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If a deputy cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the deputy will be restricted from carrying the control device and may be subject to discipline.

307.12 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

Firearms

311.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance, and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

311.1.1 DEFINITIONS

Firearm: A weapon with lethal ammunition carried by an officer that meets the firearm specifications of the agency or that has been authorized as a specialty firearm by the leadership of the law enforcement agency

Sworn Deputies: For purposes of this section, "Sworn" deputies shall be considered full time fully commissioned law enforcement personnel.

.Rangemaster: The Rangemaster is the person appointed by the Sheriff, or his designee, to supervise the Sheriff's Office range program. The supervisor will normally be the rank of sergeant or higher. Duties of the Rangemaster include scheduling of range personnel in cooperation with the Training Sergeant, documenting employee training, developing range lesson plans, scheduling of range dates and other duties as assigned by the Watch Commander.

. Range Officer: The Range Officer position is a tested specialty position. Range Officers provide employee training in firearms and are supervised by the Rangemaster.

. Armorer: An armorer is a member, contract employee or vendor, certified to repair firearms. The certification shall be issued by the specific firearm manufacturer or CJTC approved course instructor. Armorers shall only repair or modify firearms for which they are certified to repair.

311.2 POLICY

The Skagit County Sheriff's Office will equip its members with firearms to address the risks posed to the public and office members by violent and sometimes well-armed persons. The Office will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

311.3 AUTHORIZED FIREARMS, AMMUNITION, AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Office and have been thoroughly inspected by the Rangemaster.

All other weapons not provided by the Office may not be carried by members in the performance of their official duties without the express written authorization of the member's Division Chief including but not limited to:

- (a) Edged weapons.

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- (b) Chemical or electronic weapons.
- (c) Impact weapons.
- (d) Any weapon prohibited, or restricted by law, or that is not covered elsewhere by office policy.

This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

311.3.1 FIREARMS

All firearms shall be deployed consistent with department training.

When not deployed, firearms shall be properly secured consistent with department training.

311.3.2 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Sheriff or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order and on the office list of approved firearms.
- (b) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the office qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

311.3.3 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry office or personally owned secondary handguns are subject to the following restrictions:

- (a) The handgun shall be in good working order and on the office list of approved firearms.
- (b) Only one secondary handgun may be carried at a time.
- (c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Office.
- (d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (e) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) Ammunition shall be the same as office issue. If the caliber of the handgun is other than office issue, the Sheriff or the authorized designee shall approve the ammunition.

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- (g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the office qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

311.3.4 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Sheriff but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

- (a) A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.
 - 1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.
- (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The member will successfully qualify with the firearm prior to it being carried.
- (f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.
- (g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) Members shall only carry office-authorized ammunition.
- (i) When armed, deputies shall carry their badges and Skagit County Sheriff's Office identification cards under circumstances requiring possession of such identification.

311.3.5 AMMUNITION

Members shall carry only office-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all office-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Office shall be dispensed by the Rangemaster when needed, in accordance with established policy.

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Members carrying personally owned authorized firearms of a caliber differing from office-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

311.3.6 PROHIBITED FIREARMS AND ARMED EQUIPMENT

The Sheriff's Office may not acquire nor may any member use firearms and ammunition of .50 caliber or greater, machine guns, armed helicopters, armed or armored drones, armed vessels, armed vehicles, armed aircraft, tanks, rockets, rocket launchers, grenades, or missiles (WA SB 1054 2021)

311.4 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

311.4.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Rangemaster.

Firearms that are the property of the Office or personally owned firearms that are approved for office use may be repaired or modified only by a person who is office-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Rangemaster.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Rangemaster.

311.4.2 HOLSTERS

Only office-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

311.4.3 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

311.4.4 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Once the approved tactical lights have been

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properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

311.5 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Office, except where clearing barrels are present.
- (d) Members shall not place or store any firearm or other weapon on office premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (e) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (f) Any firearm authorized by the Office to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Office or a Rangemaster approved by the Office for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

311.5.1 INSPECTION

Firearms shall be inspected regularly and upon access or possession by another person. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of firearms shall be done in a safe manner while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

311.5.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit office-issued firearms to be handled by anyone not authorized by the Office to do so. Members should be aware that negligent storage of a firearm could result in civil liability.

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311.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

311.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training every trimester with their duty firearms. In addition to trimester training, all members will qualify at least annually with their duty firearms. Members will qualify with off-duty and secondary firearms at least annually. Training and qualifications must be on an approved range course.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

311.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
 - 1. Unauthorized range make-up.
 - 2. Failure to meet minimum standards or qualify after remedial training.

Members who fail to meet minimum standards three times will be removed from field assignment and may be subject to disciplinary action.

311.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

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- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Division Chief or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

311.7.1 DESTRUCTION OF ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, office members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, TASER device, oleoresin capicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

311.7.2 INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

311.8 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Training Sergeant after each range date. Failure of any deputy to sign in and out with the Rangemaster may result in non-participation or non-qualification.

The range shall remain operational and accessible to office members during hours established by the Office.

The Rangemaster has the responsibility of making periodic inspections, at least once a year, of all duty weapons carried by deputies of this office to verify proper operation. The Rangemaster has the authority to deem any office-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until inspected and approved by the Rangemaster.

The Rangemaster has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Rangemaster shall complete and submit to the Training Sergeant documentation of the training courses provided. Documentation shall include the qualifications of each instructor who

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provides the training, a description of the training provided and, on a form that has been approved by the Office, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Sergeant.

311.9 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to deputies who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- (a) Deputies wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Office based on the law and published TSA rules.
- (b) Deputies must carry their Skagit County Sheriff's Office identification card, bearing the deputy's name, a full-face photograph, identification number, the deputy's signature and the signature of the Sheriff or the official seal of the Office and must present this identification to airline officials when requested. The deputy should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The Skagit County Sheriff's Office must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the deputy's travel. If approved, TSA will send the Skagit County Sheriff's Office an NLETS message containing a unique alphanumeric identifier. The deputy must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Sheriff authorizing armed travel may also accompany the deputy. The letter should outline the deputy's need to fly armed, detail his/her itinerary, and include that the deputy has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Deputies must have completed the mandated TSA security training covering deputies flying while armed. The training shall be given by the office-appointed instructor.
- (f) It is the deputy's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any deputy flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The deputy must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

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- (i) Deputies should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Deputies shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

311.10 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time deputies of this office are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The deputy shall carry his/her Skagit County Sheriff's Office identification card whenever carrying such firearm.
- (b) The deputy is not the subject of any current disciplinary action.
- (c) The deputy may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The deputy will remain subject to this and all other office policies (including qualifying and training).

Deputies are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield a deputy from arrest and prosecution in such locally restricted areas.

Active permits from other states are subject to all requirements set forth in 18 USC § 926B.

311.11 LIMITED COMMISSION EMPLOYEES

Limited commissioned employees may carry an office handgun while on duty with approval of the Sheriff.

If approved, the requesting employee is required to complete all office approved training and must meet office qualifications standards, prior to carrying the handgun.

Limited commission employees will not be required to carry a handgun unless required by their position.

Limited commissioned employees shall not carry their department issued firearm off duty.

Limited commissioned employees shall abide by the policies related to use of force and firearms set forth in the Sheriff's Office Policy Manual unless specifically outlined in this section.

Limited commissioned employees may use deadly force in accordance with current state law.

Limited commission employees shall not carry or use any office firearm or specialty impact weapon without permission from the Sheriff or his designee and not until all required office training is completed.

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Limited commission employees who choose to be armed will not be used to augment or assist other law enforcement officers with incidents or situations that are not primarily related to their job position.

Limited commission employees shall qualify at least annually with the department owned weapon.

Handcuffing and Restraints

306.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

Because restraint devices are designed to compel, control, constrain, or restrain a person's movement, use of these devices is physical force and all considerations governing uses of physical force detailed in this policy and the Use of Force Policy apply to their use (Washington State Office of the Attorney General Model Use of Force Policy). However, physical force does not include compliant handcuffing where there is no complaint of physical pain or injury (RCW 10.120.010).

306.1.1 DEFINITIONS

Definitions related to this policy include (Washington State Office of the Attorney General Model Use of Force Policy):

Compression asphyxia - An inadequate oxygen level in the blood and/or an excessive increase of carbon dioxide in the blood causing unconsciousness or death brought on by mechanically limiting expansion of the lungs through compressing of the chest and/or abdomen, interfering with breathing.

Positional asphyxia - An inadequate oxygen level in the blood and/or an excessive increase of carbon dioxide in the blood causing unconsciousness or death brought on by a person being placed in a body position which compresses the person's airway and does not allow the person to breathe freely.

306.2 POLICY

The Skagit County Sheriff's Office authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and office training. Restraint devices shall not be used to punish, to display authority or as a show of force.

306.3 USE OF RESTRAINTS

Only members who have successfully completed Skagit County Sheriff's Office-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, deputies should carefully balance officer safety concerns with factors that include but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.

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- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

Restrained persons shall be monitored while in law enforcement custody (Washington State Office of the Attorney General Model Use of Force Policy).

306.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of deputies and others. When deciding whether to remove restraints from a detainee, deputies should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

306.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner available and reasonable under the circumstances, but in no case shall leg irons or waist chains be used. Handcuffs behind the body should not be used unless the deputy has a reasonable suspicion that the person may resist, attempt escape, injure herself or others, or damage property (RCW 70.48.500).

When the person is in labor no restraints of any kind shall be used. This does not prohibit a treating physician licensed under Title 18 RCW from requesting the use of hospital restraints for the medical safety of the person (RCW 70.48.500).

306.3.3 RESTRAINT OF JUVENILES

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the deputy has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the deputy or damage property.

Members who are school resource officers should only use restraints on a student participating in school-sponsored instruction or activity when there is an imminent likelihood of serious harm and pursuant to the school policy for students and staff (RCW 28A.600.485).

306.3.4 NOTIFICATIONS

Whenever a deputy transports a person with the use of restraints other than handcuffs, the deputy shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the deputy reasonably believes would be potential safety concerns or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

306.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

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Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Office. Deputies should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, deputies should not conclude that in order to avoid risk every person should be handcuffed regardless of the circumstances.

In most situations handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person's size, deputies should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

306.5 APPLICATION OF SPIT GUARDS

A spit guard (sometimes referred to as spit hood, spit mask, or spit sock) is a woven mesh device which can be placed over a person's head and face with the intent of preventing or reducing the transmission of infectious disease through saliva, mucous, and blood. Deputies shall only use office-issued spit guards (Washington State Office of the Attorney General Model Use of Force Policy). Only deputies who have successfully completed agency approved training on application of a spit guard are authorized to use one.

Spit guards may be placed upon persons in custody when the deputy reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Prior to application of a spit guard, a deputy shall warn the individual and provide a reasonable time for the person to comply with the deputy's commands. If applied, the deputy shall remove the spit guard as soon as the threat of spitting or biting has ended, or the deputy observes that the spit guard is no longer necessary.

Deputies utilizing spit guards should ensure that the spit guard is fastened properly according to the manufacturer's instructions to allow for adequate ventilation and that the restrained person can breathe normally. After application of a spit guard and when safe to do so, deputies shall move the individual into a seated or side recovery position. Deputies shall provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. For individuals in mental health crisis, application of a spit guard may provoke an elevated level of distress. Deputies should provide verbal reassurance and dynamically assess the situation to remove the spit guard as soon as appropriate. Deputies should avoid commingling those wearing spit guards with others and detainees.

Spit guards should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition that affects their breathing, or the person demonstrates symptoms of labored or

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distressed breathing. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit guard, the spit guard should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head, and clothing, prior to application of a spit guard.

Those who have been placed in a spit guard shall be continually monitored and shall not be left unattended until the spit guard is removed. In the event of a medical emergency, spit guards should be removed immediately. Spit guards shall be discarded after each use.

Spit guard application should be properly documented.

306.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

A leg restraint (eg hobble restraint) is a strap designed to restrain a persons feet in order to control an assaultive person.

Only deputies who have successfully completed agency approved training on application of leg restraints (eg hobble restraints) are authorized to use one.

Only office-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

306.7 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints (e.g., hobble restraints) may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest, or transportation. Only restraint devices approved by the office shall be used.

In determining whether to use the leg restraint, deputies should consider:

- (a) Whether the deputy or others could be exposed to injury due to the assaultive or resistant behavior of a person.
- (b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting deputy while handcuffed, kicking at objects or deputies).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

306.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints, the following guidelines should be followed:

- (a) If practicable, deputies should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

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- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the deputy arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on the person's stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person shall be continually monitored by a deputy while in the leg restraint (Washington State Office of the Attorney General Model Use of Force Policy). The deputy should ensure that the person does not roll onto and remain on the person's stomach.
- (e) The deputy should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by emergency medical services, the restrained person should be accompanied by a deputy when requested by medical personnel. The transporting deputy should describe to medical personnel any unusual behaviors or other circumstances the deputy reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

Deputies shall not connect a leg restraint to handcuffs or other types of restraints (i.e., hog tie an individual) (Washington State Office of the Attorney General Model Use of Force Policy).

306.8 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the deputy shall document the details of the detention and the need for handcuffs or other restraints.

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Deputies shall document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person (Washington State Office of the Attorney General Model Use of Force Policy):

- (a) The factors that led to the decision to use restraints.
- (b) Supervisor notification and approval of restraint use.
- (c) The types of restraint used.
- (d) The amount of time the person was restrained.
- (e) How the person was transported and the position of the person during transport.
- (f) Observations of the person's behavior and any signs of physiological problems.
- (g) Any known or suspected drug use or other medical problems.

306.8.1 SCHOOL RESOURCE OFFICERS

Members working as school resource officers shall prepare a report pursuant to RCW 28A.600.485 and provide a copy to the school administrator whenever a student is restrained in a room or

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other enclosure or restrained by handcuffs or other restraint devices during school-sponsored instructions or activities.

306.9 TRAINING

Subject to available resources, the Training Sergeant should ensure that deputies receive periodic training on the proper use of handcuffs and other restraints, including:

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Office.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

306.10 POSITIONAL ASPHYXIATION AND COMPRESSION ASPHYXIATION

Consistent with training, deputies shall take the following actions to reduce the risk of positional asphyxiation and compression asphyxiation (Washington State Office of the Attorney General Model Use of Force Policy):

- (a) As soon as safe and feasible after handcuffing or otherwise restraining a person taken to the ground, roll the person to the side and move the person to an upright position that does not impede the mechanism of normal breathing, except if the person is unconscious. This requirement is especially important when the person is handcuffed in the prone position.
 - 1. An exception is if the person is conscious and expresses a desire to be placed in a different position, the deputies shall place the person in that position unless doing so poses a substantial risk of safety to the individual, deputies, or others.
- (b) Do not put prolonged pressure on the chest, neck, or back, including by sitting, kneeling, or standing.
- (c) Continuously monitor the person's condition while being restrained, as death can occur suddenly and develop beyond the point of viable resuscitation within seconds. Monitoring includes but is not limited to assessing the adequacy of the individual's breathing, color, and any impairment as verbalized by the individual.
- (d) Whenever possible during team restraint when manpower limitations allow, the ranking deputy shall designate a safety officer. The safety officer shall monitor the health and welfare of the person until:
 - 1. Responsibility is transferred to a health care professional (e.g., emergency medical technician (EMT), paramedic); or
 - 2. The person is placed in a seated position in a transport vehicle and verbalizes to the safety officer that the person feels okay, and the person appears to the safety officer to be well and speaking normally.

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- (e) If the safety officer becomes aware of an issue with the person's breathing, color, or any impairment, the safety officer shall inform the ranking deputy.
- (f) Do not transport a restrained person in the prone position.