



Chehalis Police Department Policies and Procedures Manual

CHAPTER 1.00.00 LAW ENFORCEMENT ROLE AND AUTHORITY

Effective Date: 12/01/2022

Revision Notes: Sections 1.2, 1.3.1, 1.11 modified 04/12/21; Modified Sections 1.2, 1.3, 1.6.5, 1.6.6, 1.6.7, 1.6.7, 1.8 on 12/01/2022; Added 1.12 on 12/01/2022

1.1. DEPARTMENT AUTHORITY AND JURISDICTION

1.1.1. The Chehalis Police Department is established by Chehalis Municipal Code Chapter 2.28.010. The authority of officers derives from this section and chapter of the Municipal Code and is conferred by the commission issued by the Chief and is enhanced by the Mutual Aid Peace Officers Powers Act of 1985.

1.1.2. Commissioned personnel are sworn to enforce the ordinances of the City of Chehalis, State and Federal law, to protect the public peace and safety within the City of Chehalis, and to abide by the Code of Professional Conduct and Responsibility for Peace Officers. The Washington State Constitution, Article II, Section II, grants municipalities the authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations that are not in conflict with general laws. The Revised Code of Washington, Chapter 10.93.070, lists the circumstances when a general authority Washington peace officer may enforce the traffic and criminal laws of this State, Commissioned personnel are sworn to enforce the ordinances of the City of Chehalis, State and Federal law, to protect the public peace and safety within the City of Chehalis, and to abide by the Code of Professional Conduct and Responsibility for Peace Officers.

1.1.3. All persons hired as law enforcement officers for the Chehalis Police Department shall be commissioned as Police Officers for the City of Chehalis prior to being assigned to law enforcement duties.

Oath of Office: Prior to assuming a police commission, persons hired for a position that requires a commission will take an oath of office to enforce the laws of Washington State; support, obey and defend the Constitution of the United States and the State of Washington and the Law Enforcement Officer's Code of Ethics, before the Chief or a designee.

1.1.4. A law enforcement commission may be issued to any employee of the City of Chehalis who, by virtue of training and/or experience, has proven competence in the field of law enforcement and whose duties are police related.

1.1.5. Limited special commissions may be issued upon approval of the Chief to persons who have a need to have limited enforcement capabilities such as parking, parks and arson. These limited commissions will specifically state the authority of the holder to enforce specific identified ordinances. These limited commissions shall be valid until revoked.

1.1.6. Police commissions from other law enforcement agencies may be issued to Chehalis Police Officers from time to time when necessary. No Officers may accept a commission from another agency without prior notice and permission from the Chief.

1.1.7. Any abuse or unjustified use of any police commission or mutual aid peace officers' powers will result in the commission being withdrawn and/or subject the offending officer to departmental discipline procedures.

1.2 USE OF FORCE

1.2.1 For the purposes of this policy the following definitions shall apply:

- a. "Necessary" means that, under the totality of the circumstances, a reasonably effective alternative to the use of physical force or deadly force does not appear to exist, and the type and amount of physical 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 officer or others.
- b. "Physical force" means 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.
- c. "Totality of the circumstances" means all facts known to the peace officer leading up to, and at the time of, the use of force, and includes the actions of the person against whom the peace officer uses such force, and the actions of the peace officer.
- d. "Chokehold" means the intentional application of direct pressure to a person's trachea or windpipe for the purpose of restricting their airway.
- e. "Deadly force" means the intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury.
- f. "De-escalation tactics" means actions used by a peace officer that are intended to minimize the likelihood of the need to use force during an incident. Using force is not a de-escalation tactic.

- g. “Feasible” means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.
 - h. “Immediate threat of serious bodily injury or death” means 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.
 - i. “Imminent” means ready to take place; impending. Note that imminent does not mean immediate or instantaneous.
 - j. “Neck restraint” means 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.
 - k. “Physical force” means 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.
 - l. “Totality of the circumstances” means all facts known to the officer leading up to, and at the time of, the use of force, and includes the actions of the person against whom the officer uses such force, and the actions of the officer.
- 1.2.2 Nothing in this policy precludes officers from taking quick action when faced with a life-threatening situation, such as an active shooter. When safe and feasible, officers should 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:
- a. Immediately approaching a person without proper evaluation of the situation.
 - b. Leaving insufficient space between an officer and the person.
 - c. Not providing time for a person to comply with commands.
 - d. Unnecessarily escalating a situation.
- 1.2.3 When safe and feasible, prior to the use of physical force, officers should:
- a. Identify themselves as law enforcement officers;

- 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 their ability to understand and comply with officer commands;
 - c. Provide clear instructions and warnings;
 - d. Provide for the opportunity to comply with commands.
- 1.2.4. Except as otherwise provided under this section, a peace officer may use physical force against a person to the extent necessary to:
- a. Protect against; a criminal offense when there is probable cause that the person has committed, is committing, or is about to commit the offense.
 - b. Effect an arrest;
 - c. Prevent an escape as defined under chapter 9A.76 RCW; or
 - d. 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.
 - e. Take a minor into protective custody when authorized or directed by statute.
 - f. Execute or enforce a court order authorizing or directing a peace officer to take a person into custody.
 - g. Execute a search warrant.
 - h. Execute or enforce an oral directive issued by a judicial officer in the courtroom or a written order where the court expressly authorizes a peace officer to use physical force to execute or enforce the directive or order.
 - i. Protect against an imminent threat of bodily injury to the peace officer, another person, or the person against whom force is being used.
 - j. Prevent a person from fleeing or stop a person who is actively fleeing a lawful temporary investigative detention, provided that person has been given notice that he or she is being detained and is not free to leave.
 - k. Take a person into custody when authorized or directed by statute.
 - l. Execute any other community caretaking function, including but not limited to performing welfare checks or assisting other first responders, medical

professionals, behavioral health professionals, social service providers, designated crisis responders, shelter or housing providers, or any member of the public.

1.2.5. 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.

- a. 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.

1.2.6 When using physical force, officers will use the least amount of physical force necessary to overcome resistance under the circumstances. This includes a consideration of the characteristics and conditions of a person for the purposes of determining whether to use force against that person and, if force is necessary, determining the appropriate and least amount of force possible to effect a lawful purpose. Such characteristics and conditions may include, for example, whether the person:

- a. Is visibly pregnant, or states that they are pregnant,
- b. Is known to be a minor, objectively appears to be a minor, or states that they are a minor,
- c. Is known to be a vulnerable adult, or objectively appears to be a vulnerable adult as defined in RCW 74.34.020,
- d. Displays signs of mental, behavioral, or physical impairments or disabilities,
- e. Is experiencing perceptual or cognitive impairments typically related to the use of alcohol, narcotics, hallucinogens, or other drugs;
- f. Is suicidal,
- g. Has limited English proficiency or
- h. Is in the presence of children.

1.2.7 Officers shall use reasonable care when determining whether to use physical or deadly force and when using any physical or deadly force against another person. To that end, a peace officer shall:

- a. When possible, use all de-escalation tactics that are available and appropriate under the circumstance before using physical force.
- b. De-escalation tactics refers to actions used by a peace officer that are intended to minimize the likelihood of the need to use force during and an incident. Depending on the circumstances, de-escalation tactics may include, but are not limited to:
 1. Creating physical distance by employing tactical repositioning and repositioning as often as necessary to maintain the benefit of time, distance, and cover.
 2. When there are multiple officers, designating one officer to communicate in order to avoid competing commands.
 3. Calling for additional resources such as a crisis intervention team, a designated crisis responder or other behavioral health professional, or back up officers.
 4. Attempting to slow down or stabilize the situation so that more time, options, and resources are available to resolve the incident.
 5. Using clear instructions and verbal persuasion.
- c. Terminate the use of physical force as soon as the necessity for such force ends.
- d. When possible, use available and appropriate less lethal alternatives before using deadly force. "Less lethal alternatives" include, but are not limited to, verbal warnings, de-escalation tactics, conducted energy weapons, devices that deploy oleoresin capicum, batons, and beanbag rounds.

1.2.8 A peace officer may not use any force tactics prohibited by applicable departmental policy, this chapter, or otherwise by law, except to protect his or her life or the life of another person from an imminent threat.

1.2.9 If multiple applications of intermediate or less lethal weapons are used, each application of the weapon must be independently justified as outlined in this policy.

1.3 USE OF DEADLY FORCE / FIREARMS

1.3.1 A peace officer may use deadly force against another person only when necessary to protect against an immediate threat of serious physical injury or death to the officer or another person.

1.3.2 Discharge of a firearm:

- a. The discharging of a firearm is appropriate in the following situations:
 - 1. Deadly force as described and allowed in this policy.
 - 2. Training or practicing at an approved range.
 - 3. Destruction of animals as described later in this policy.
 - 4. Special weapons such as sniper rifles, explosives, impact munitions, tear gas, etc. may be employed with the approval of the shift supervisor only when deployed by personnel authorized and trained in the weapon's use.
- b. The discharging of firearms is prohibited in the following situations:
 - 1. Firing at a moving vehicle: A peace officer may not fire a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious physical harm resulting from the operator's or a passenger's use of a deadly weapon. For the purposes of this subsection, 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 officer.
 - 2. Firing from a moving vehicle unless the suspects represent a direct threat to the life and safety of the Officer or other persons and there is no other reasonable alternative.
 - 3. Warning shots are prohibited.
- c. When safe, feasible, and tactically sound officers should give a verbal warning that a firearm will be discharged.
- d. Officers should consider field of fire, backdrop, bystanders, potential for ricochet, and other risks prior to making the decision to use firearms.

1.3.3 Pointing a firearm at a person is a reportable use of force and shall be documented with incident and use of force reports.

1.3.4 Chokeholds and neck restraints will not be used except when necessary to protect against an immediate threat of serious physical injury or death to the officer or another person.

1.3.5 Striking a person's head onto a hard fixed object would be considered deadly force and will not be used except when necessary to protect against an immediate threat of serious physical injury or death to the officer or another person.

1.4 POST SHOOTING

1.4.1 Except as required by federal consent decree, federal settlement agreement, or federal court order, where the use of deadly force by an officer results in death, substantial bodily harm, or great bodily harm, an independent investigation must be completed to inform any determination of whether the use of deadly force met the good faith standard established in RCW 9A.16.040 and satisfied other applicable laws and policies. The investigation must be completely independent of the agency whose officer was involved in the use of deadly force. Employees who have authority over the scene shall take all lawful measures necessary for the purposes of protecting, obtaining, or preserving evidence relating to the incident until a Washington State investigator, or independent investigation team, takes charge of the scene. The involved agency should ensure that evidence, including but not limited to the following, is protected and preserved:

- a. Physical evidence that is at risk of being destroyed or disappearing and cannot be easily reconstructed, including evidence which may be degraded or tainted by human or environmental factors if left unprotected or unpreserved;
- b. Identification and contact information for witnesses to the incident; and
- c. Photographs and other methods of documenting the location of physical evidence and location and perspective of witnesses.

1.4.2 Weapon discharge incidents not involving the use of force shall be investigated by the Detective Sergeant unless otherwise designated by the Chief. If the Detective Sergeant is involved in the incident where a weapons discharge occurred, the investigation responsibility shall be the Deputy Chief's. It is likely, after the initial investigation is reviewed, the incident will require further investigation following procedures outlined in this policy under Chapter 26.

1.4.3 On Scene Responsibilities:

- a. Officers at the scene of a shooting incident shall take those measures that are reasonably possible and appropriate to protect their safety and to preserve

evidence essential to the investigation. This includes the following actions, undertaken in the order deemed appropriate:

1. Ensure the threats to officer safety and the safety of others are contained.
2. Secure and separate suspects.
3. Relay information on fleeing suspects to communications and other field units and work with them to establish a containment area.
4. Request a supervisor and additional backup, emergency medical services and any other assistance required immediately.
5. If injured, administer emergency first aid to yourself first, then others as necessary pending the arrival of emergency medical assistance.
6. Holster any involved handguns or secure them as evidence. Secure long guns in the prescribed manner or as evidence. Do not open, reload, remove shell casings or in any other manner tamper with involved firearms.
7. Take note of the time, survey the entire area for relevant facts, individuals who are present and who departed the scene, witnesses, potential suspects and suspect vehicles.

b. As time and capabilities permit:

1. Secure the area, establish a perimeter with crime scene tape and limit access to authorized persons necessary to investigate the shooting and assist the injured.
2. Protect evidence from loss, destruction or damage that is likely to occur before backup can arrive. Ensure evidentiary items are not moved or, if moved, note the original location and position of persons, weapons, and other relevant objects and evidence.
3. Record the names, addresses and phone numbers of all witnesses and other persons present at the shooting scene and request they remain on hand in order to make a brief statement whether or not they say they saw the incident.

1.4.4 Supervisory Responsibilities:

- a. Ensure the safety and determine the condition of the officers, suspects and third parties. Summon emergency medical service providers, if needed and not yet summoned.
- b. If an Officer has been shot or otherwise injured in the shooting:
 - 1. Ensure an Officer accompanies and remains with the injured officer at the hospital.
 - 2. Ensure the Officer's family is notified as soon as possible and in person. Assign them transportation to the hospital or other location where they are needed as soon as possible.
 - 3. Do not release the Officer's name to the media or an unauthorized party.
 - 4. Assign an employee to the family for security, support, control of the press and visitors, establishment of communications and related matters.
 - 5. Ensure clothing and equipment of the Officers and other injured persons are safeguarded for potential evidentiary purposes and arrangements are made to collect.
 - 6. Ensure photographs of the Officer as he/she appears at the scene are taken, including any injuries sustained.
- c. If the officer is not injured, move them away from the center of activity accompanied by another officer. Ensure all necessary steps are taken consistent with this agency's policy on dealing with post-shooting trauma.
- d. Read the Public Safety Statement form to the officer(s) involved in the shooting and record their responses to the questions. Note: This form may only be completed by an employee of higher rank or with supervision over the officer(s). If an involved officer is the rank of Sergeant, the form must be completed by command staff. The supervisor will not ask additional questions to determine how or why the shooting occurred. This form only applies to officers directly involved in the shooting. Witness officers will be interviewed normally.
- e. Immediately take appropriate action based on the answers from the Public Safety Statement form.

- f. Assume incident command and establish a command post.
- g. Appoint a recorder to make a chronological record of activities at the scene, to include persons present, actions taken by police personnel and the identity of any personnel who entered the incident/crime scene, to include emergency medical and fire personnel.
- h. Confirm the on-scene and investigative responsibilities have been adequately addressed and if not, take appropriate action. If it is determined to be a use of force incident, notify the Washington State use of force investigation team. If they decline to conduct the investigation, contact the Lewis County Sheriff's Office and request the Critical Incident Investigation Team.
- i. Make notifications to other personnel as needed, to include:
 - 1. Detective Sergeant
 - 2. Chief of Police
 - 3. Public Information Officer
 - 4. Deputy Chief
 - 5. City Attorney
 - 6. Coroner
 - 7. Chaplain or police advocate
- j. Establish a media staging area as time permits unless a Public Information Officer assumes this responsibility.
- k. Ensure all involved employees write an incident report immediately after the incident unless the shooting resulted in death or injury, in which case they will submit an incident report within a timeframe set by the command officer.

1.4.5 Command Responsibilities:

- a. Media relations – The command officer will designate a Public Information Officer (PIO). All personnel involved in a shooting incident should be advised they are not permitted to speak with the media about the incident. Officers shall refer inquiries from the media to the PIO, unless otherwise authorized to release a statement pertaining to the incident. The command officer should review information prior to being released to the media.
- b. Notifications – The command officer will decide if any additional notifications will be made.

- c. Assign a lead investigator who will serve as the Officer in Charge (OIC) at the scene. In incidents involving the use of force, control of the scene will be turned over to the Critical Incident Investigation Team once they arrive.
- d. When a Washington State investigator, or independent investigation team acting at the request of the office, arrives at the scene of an incident under the jurisdiction of the office, the involved agency will relinquish control of the scene. If the office declines to investigate a case, the authority and duty to investigate remains with the independent investigation team or local law enforcement authority with jurisdiction over the incident.

1.4.6 Post-Incident Procedures:

- a. Supervisory, investigative and other sworn and non-sworn employees shall be familiar with and follow provisions established by this agency's policy on dealing with post-shooting trauma in police personnel.
- b. The involved officers will be advised they may seek legal counsel and to not discuss the incident with anyone except a personal or agency attorney, union representative, clergy, or departmental investigator, until the conclusion of the preliminary investigation.
- c. Involved Officers should notify their families about the incident as soon as possible. When an Officer is unable to do so, an agency official shall personally notify his family.
- d. Involved personnel shall be removed from line duties pending formal review but shall remain available for any necessary administrative investigations.
- e. All Officers directly involved in the shooting incident shall be required to contact an agency designated specialist for counseling and evaluation as soon as practical after the incident. Involved support personnel should also be encouraged to contact such specialists after a shooting incident or attend a post shooting trauma briefing.
- f. All Officers involved in the shooting incident and their families will be offered the services of the City's Employee Assistance Program and Chaplain Services. The E.A.P. and Chaplain services are not related to the departmental investigation of the incident and nothing discussed will be divulged to the department.
- g. Any agency investigation of incident shall be conducted as soon as practical.

- h. The agency should brief other agency members concerning the incident so rumors are kept to a minimum.
- i. In order to protect against crank or abusive calls, Officers should be advised to have phone calls answered by another person for several days.
- j. Officers directly involved in the shooting incident shall be required to re-qualify as soon as practical.
- k. The Police Chief may order an officer to undergo a fitness for duty evaluation by a mental health specialist upon a reasonable belief stress may be disrupting the Officer's job performance.
- l. No member of the Chehalis Police Department will discuss the incident with the press or distribute any reports outside of normal records release practices and procedures.

1.5 DESTRUCTION OF ANIMALS

1.5.1. In the case of sick or injured domestic animals and pets, Animal Control or the animal's owner shall be called to take care of it. Domestic animals shall not be destroyed by Officers unless that animal is dangerous and creating a risk of serious injury to Officers or others. Injured wildlife may be destroyed if the Officer is confident other agencies, such as the State Game Department, would not be able to care for the animal, and other reasonable options do not exist.

1.5.2. Wildlife must be destroyed in a safe manner and whenever possible, out of the public view.

1.5.3. Anytime an animal is destroyed by the use of a firearm, the Officers will complete an incident report prior to going off-duty.

1.6 INTERMEDIATE AND LESS LETHAL WEAPONS

1.6.1 Definitions

- a. Intermediate Weapons: refers to all weapons carried by officers, excluding handguns and patrol rifles. The approved intermediate weapons carried on duty includes the straight baton, OC, Taser, beanbag shotgun, and 37 mm impact munitions.
- b. CED: Conducted Energy Device (e.g. Taser)
- c. OC: Oleoresin Capsicum, pepper spray

1.6.2 The decision to use force, and the level of force used must be made dependent on the actions of the subjects or threats facing the Officer, and the totality of the circumstances known at the time of the incident. The use of force by an Officer in any circumstance must be reasonable and appropriate in relation to the resistance and aggression offered by the subject.

1.6.3 Officer must successfully complete departmentally approved training before they are authorized to carry and use intermediate and less lethal weapons. Unless extenuating circumstances exist, and permission from a supervisor has been given, all Officers on duty will carry a properly functioning department issued CED. Officers have the option of also carrying the straight baton, and OC. All weapons carried by officers, intermediate or otherwise must be those approved by the department. Administration and plain clothes detectives are exempt from carrying a CED but must carry at least one intermediate weapon when working a uniformed patrol assignment.

1.6.4 The CED and Beanbag Shotgun are intended for use as defensive weapons. Officer may use these weapons to incapacitate, control and apprehend:

- a. A dangerous, violent, or potentially violent subject.
- b. A subject who makes an overt act of aggression towards officers or others.
- c. To prevent an individual from harming themselves or others while displaying aggressive acts.
- d. Flight from an officer, standing alone, is not a justification for the use of a CED or less lethal shotgun. Either weapon may be used to control a fleeing subject if it is reasonably believed the subject has committed or is likely to commit a violent crime; or the subject may be armed and/or has shown aggression towards Officers attempting to apprehend him/her.

1.6.5 Conductive Energy Devices (CED)

- a. Officers shall carry an CED on the support side of the body, and in all but extreme circumstances, should draw, exhibit and use the device with the support (non-pistol firing) hand.
- b. The preferred targeting is the center mass of the subject's back. Where back targeting is not possible, frontal targeting should be lower center mass. While manufactures have generally recommended reasonable efforts should be made to target lower center mass and avoid intentionally targeting the head, neck, groin, and chest, it is recognized the dynamics of each situation may not permit the Officer to limit the application of the darts to a precise target area. As such, the Officer should take prompt and ongoing

care to monitor the condition of the subject if one or more darts strikes the head, neck, chest or groin.

- c. The CED in Dart Mode is considered a higher level of force than the device used in Stun Mode. The decision to use the CED in either mode must be weighed individually against the factors outlined in 1.5.2 of this policy.
- d. The CED and other less lethal weapons will not be used under the following conditions:
 - 1. Punitively.
 - 2. As a prod or escort device.
 - 3. To rouse unconscious, impaired or intoxicated individuals.
 - 4. For illegal purposes. (e.g. coercion, torture, etc.)
 - 5. Against any person displaying only passive resistance, meaning a subject that offers no physical resistance to arrest, simply goes limp, or makes no overt act of aggressive behavior.
 - 6. In the case of a CED, when the Officer knows or has reason to believe 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.
 - 7. The CED and other less lethal weapons will not be used other than in an Officer's official duty, or during authorized training with a certified instructor. The CED will not be used for public or private demonstrations unless prior permission has been granted by the Chief of Police.
 - 8. On an operator in physical control of a vehicle in motion unless deadly force is authorized.
- e. Officers should be aware of the greater potential for injury when using the CED in certain conditions and against certain types of people. Unless exigent circumstances exist, further consideration shall be given prior to using the CED against:
 - 1. Pregnant women. Officers who are aware a female subject is pregnant shall not use the CED unless deadly force would be justified

due to the danger created by secondary impact or the possibility of muscle contractions leading to premature birth.

2. Elderly or persons with apparent debilitating illness or conditions.
3. In a location or under circumstances where a fall by the suspect, or loss of control may cause substantial risk or further injury.
4. Against subjects who are handcuffed or confined within a patrol car.

f. Officers shall:

1. Give explicit verbal commands to the suspect prior to deployment, except when the suspect, Officers or others might be placed in jeopardy by such a warning.
2. Verbally warn other officers on scene the CED is about to be Deployed.
3. Avoid intentionally hitting or contacting the subject in sensitive tissue areas such as the head, face, neck, or groin.
4. Reassess the need for additional CED applications after each cycle of five seconds or less.
5. Officer should not hold a CED and firearm simultaneously unless exigent circumstances exist.

g. Post Deployment:

1. Officers may remove probes from subjects, unless those probes impacted sensitive areas such as the face, neck, female breast, or groin, in which case the probes will only be removed by medical personnel.
2. Probes removed from the subject will be handled as a biohazard and disposed of in a sharps container.
3. Officers will attempt to locate and collect a sampling of the colored microdots dispersed at the time the cartridge is fired. The microdots will be placed into evidence along with the expended cartridge.
4. In the event the subject is booked into jail, the Officer will advise the jail staff the subject was controlled by the use of the CED.

5. The department Taser Instructor will be notified of the CED use. The instructor will then conduct a data port download and attach that information to the use of force report.

1.6.6 Impact Munitions

- a. Only department issued 12-gauge shotguns containing department issued flexible projectile rounds, or the 37mm impact munitions will be used by officers. The 12-gauge bean bag shotguns shall be carried in the vehicles of all officers on duty who are working a patrol shift.
- b. The shotguns shall be carried secured in the patrol vehicle, with the chamber empty, and department issued less lethal flexible projectile rounds loaded into the shotgun tube. All other types of shotgun ammunition are prohibited from being loaded into less lethal shotguns.
- c. Officer shall give explicit verbal commands to the suspect prior to deployment, except when the suspect, Officers, or others might be placed in jeopardy by such a warning.
- d. When appropriate, Officers will verbally warn other Officers on scene the less lethal shotgun or other impact munitions is about to be deployed.
- e. When the less lethal shotgun is used, photographs of the impact points on the subject shall be taken and attached to the incident report.
- f. Officers should target buttock, thigh, calf, abdomen, or large muscle groups.
- g. Less lethal shotgun should not be used in the following circumstances unless the use of deadly force is justified:
 1. Intentionally aiming at the head, neck, chest, or groin unless deadly force is authorized.
 2. At ranges that are inconsistent with the manufacturer's guidelines.
 3. At a person who is situated on an elevated surface (e.g., a ledge, scaffold, near a precipice, etc.) unless reasonable efforts have been made to prevent or minimize a fall-related injury (e.g., deploying a safety net).
- h. Officers shall reassess the effectiveness of impact weapon munitions as soon as safe and feasible, and if not effective, consider moving to another appropriate target or to another tactical or physical force option.

1.6.7 Oleoresin Capsicum

- a. Only department issued OC will be carried by Officers on duty.
- b. The Officer shall give explicit verbal commands to the suspect prior to deployment, except when the suspect, Officers, or others might be placed in jeopardy by such a warning.
- c. OC shall not be used against any person displaying passive resistance, meaning a subject that offers no physical resistance to arrest, simply goes limp, or makes no overt act of aggressive behavior.
- d. After the initial application of OC spray, each subsequent application must also be justified separately.
- e. Additional considerations should be taken when using OC spray in highly populated space where there is a likelihood of impacting uninvolved persons. Officers deploying OC will attempt to avoid or minimize incidental exposure to non-involved persons.
- f. As soon as tactically safe to do so, subjects who have been sprayed shall be placed in an upright, seated position and allowed fresh air and fresh water for decontamination.
- g. When safe and feasible, medical personnel will be summoned to the scene to evaluate the individual sprayed. In the case of the subject wearing contact lenses, only medical personnel will remove the contact lenses for the subject.

1.6.8 Batons

- a. Only approved straight, and expandable batons will be carried by Officers on duty.
- b. In an emergency situation, such as insufficient reaction time, Officers may use other objects such as a flashlight or handheld radio in lieu of the baton as an impact weapon. The use of other emergency objects must be in accordance with all policies and training as they relate to the use of the baton.
- c. Officers shall not intentionally strike vital areas, including the head, neck, face, throat, spine, groin, or kidney unless deadly force is authorized.

- d. Officers shall reassess the effectiveness of baton strikes as soon as safe and feasible, and if not effective, consider moving to another appropriate target or to another tactical or physical force option.

1.6.9 Tear gas may not be used unless necessary to alleviate a present risk of serious harm posed by a riot, barricaded subject, or hostage situation. Prior to use, the officer shall exhaust alternatives that are available and appropriate under the circumstances, obtain authorization from a supervising officer, announce to the subject(s) the intent to use tear gas, and allow sufficient time and space for the subject(s) to comply with the officer's directives. Tear gas refers to CN or CS but not OC. In the case of a riot outside of a correctional, jail, or detention facility, the officer may only use tear gas after receiving authorization from the Chehalis Mayor.

1.6.10 All incidents involving the use of less lethal force will be reviewed by the Officer's immediate supervisor. In the case of use by a supervisor, the Deputy Chief will review the incident. All reports indicating use of force will be directed to the Deputy Chief for final review. The Deputy Chief is responsible for any necessary recommendations to the Chief should any use of force appear to be improper.

1.7 REPORTING

1.7.1 Any action taken that is capable of injuring a person performed in an Officer's official capacity, except for standard, non-resistive handcuffing, must be completely and accurately documented by Officers on both a use of force report form, and within the Officer's incident narrative. Such report shall be completed prior to the Officer's shift ending, unless specific permission has been given by a supervisor. In incidents involving the use of deadly force, Officers will submit their reports within 72 hours, or within a timeframe set by the Chief.

1.7.2 The display of any weapon directed at an individual, whether as a cover Officer or while giving verbal commands, shall be considered a use of force for the purpose of reporting mentioned above.

1.7.3 Once a use of force report is submitted, the approving Sergeant shall review the incident, provide comments and sign the back of the form. The use of force report will then be forwarded to the Deputy Chief for review. All reportable use of force incidents reviewed by the Deputy Chief will be noted on a use of force log, and all such incidents will be reviewed at least annually by the Chief of Police. Any use of force review that reveals potentially inappropriate or unlawful use of force will promptly be brought to the attention of the Chief of Police and will be addressed through existing internal investigation and discipline policies.

1.7.4 Whenever an employee injures someone, causes property damage, or discharges a less lethal weapon outside of an intentional use of force incident, they will immediately

notify the shift supervisor. The supervisor will ensure that a memo describing the incident is completed prior to the end of shift and will forward it to the Deputy Chief through the chain of command.

1.8 MEDICAL CONSIDERATIONS

1.8.1 Officers shall provide or facilitate first aid such that it is rendered at the earliest safe opportunity to injured persons at a scene controlled by law enforcement.

1.8.2 Injured and/or restrained persons shall be monitored while in law enforcement custody.

1.8.3 Consistent with training, officers shall take the following actions to reduce the risk of positional asphyxiation and compression asphyxiation:

- 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 them to an upright position that does not impede the mechanism of normal breathing, except if they are unconscious. This requirement is especially important when the person is handcuffed in the prone position. If the person is conscious and expresses a desire to be placed in a different position, the officers shall place them in that position unless doing so poses a substantial risk of safety to the individual, officers, 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. Do not transport a restrained person in the prone position.

1.9 WEAPONS AND AMMUNITION

1.9.1. All weapons including handguns, rifles, shotguns, batons, chemical agents, and Tasers shall be used only when necessary in the performance of duty or in training. All on-duty officers shall be armed with a department-approved firearm.

1.9.2. A second or backup weapon is authorized, but only upon meeting approval of the firearm instructor and the Chief. No secondary or backup weapons will be carried that have not been approved by a firearms instructor and the Chief.

1.9.3. A department-approved handgun intended for official use by any employee must meet the following requirements;

- a. The department will issue Smith & Wesson .40 caliber handguns to Officers to use as their primary duty firearm. The Officer is responsible for the proper storage, cleaning, and security of the issued firearm both on and off duty.
- b. Officers will be allowed to carry department approved, personally owned weapons on duty or off duty under the following conditions:
 1. Personally owned handguns for duty use will be 9mm, .40, or .45 calibers and be manufactured by a reputable manufacturer (i.e. Smith and Wesson, Colt, Kimber, Para-Ordinance, H&K, Beretta, Sig).
 2. Personally owned patrol rifles shall be in .223 caliber and also be made by a reputable manufacturer.
 3. Personally owned firearms will be in good working condition and will have no modifications to factory installed safety or trigger mechanisms that defeat manufacturer's safety devices. A department firearm instructor and the Chief must approve any other modifications.
 4. Before being carried, firearms must be approved by a department firearm instructor and the Chief of Police.
 5. The Officer must demonstrate his/her safe and proficient handling of the firearm and qualify with the firearm at the range with a firearm instructor prior to carrying the firearm either on or off duty.
 6. The maintenance, repair, or replacement of a personally owned firearm shall be the responsibility, and at the expense of the Officer who owns that firearm.
 7. The associated accessories needed to carry a personally owned firearm, such as holsters, magazines, magazine pouches, etc. shall be the responsibility, and at the expense of the Officer who owns the weapon.
 8. Only department issued ammunition will be used in department authorized firearms.
 9. Officers who opt to carry a personally owned weapon will not be issued a department owned firearm.

10. Officers will be allowed to change back to a department issued firearm at any time, as long as that Officer first qualifies with the firearm before carrying it.

c. The employee must meet training requirements with each approved weapon.

1.9.4. The carrying of an off-duty weapon, police identification and handcuffs is encouraged but not mandated. An employee who elects not to carry a weapon while off duty shall not be subjected to disciplinary action if an occasion should arise in which the employee could have taken law enforcement action if armed.

1.9.5. Any employee that chooses to carry a weapon for backup or off-duty use must use a .38 Spl, .357 Mag, .45, .40, .9mm, or .380 caliber weapon. The department will furnish ammunition for those weapons.

1.9.6. All weapons used by Officers in their official capacity will be registered with the firearm instructor. This includes back up and off-duty weapons. Employees are responsible for notifying the firearm instructor of any weapons they carry in an official capacity on or off duty.

1.9.7. Modification of or to department owned firearms shall be limited to those approved by the Chief.

1.9.8. Modifications to personally owned firearms used on duty or off duty shall not defeat any of the manufacturer's safety features. Modifications shall not affect the safety or reliability of the firearm operation. Modifications to personally owned firearms used on or off duty shall be reported to the department armorer.

1.9.9. A firearm's instructor or department armorer shall perform an annual inspection of all firearms used while on or off duty.

1.9.10. All necessary repairs to department owned firearms will be coordinated by the department armorer.

1.9.11. Each employee is responsible for the care and cleaning of their on-duty and off-duty weapons and will, at all times, maintain them in a clean and serviceable manner. If any employee believes a firearm is not functioning properly, they will put the weapon out of service and contact a firearms instructor as soon as possible.

1.9.12. Employees shall immediately report the loss or theft of any department or personally owned duty firearm to the Chief through the Chain of Command. The report will be in writing and will detail all the facts concerning the incident.

1.9.13. Employees shall keep weapons on their person, in a gun locker, in a locked changing room locker, or the arms room when at the police department or on-duty. Rifles and shotguns will only be stored in the department arms room. Handguns will be kept in a proper holster when stored inside an employee's locker.

1.9.14. Rifles are to be carried in the patrol vehicles, secure, and within the reach of the driver. They are to be secured in the gun rack, if available. Prior to placing the weapon in the vehicle, the Officer will complete the following inspection while utilizing the clearing barrel in the arms room:

- a. The rifle will be stored in the arms room with the safety on, bolt locked to the rear, empty chamber. If the weapon is found in any other state (loaded), the Officer will clear the weapon, make it safe, and contact his supervisor to report the storage violation.
- b. For carrying the patrol rifle in the vehicle, the bolt will be placed forward, chamber empty, magazine inserted.
- c. The weapon will be inspected for any other defects. If the weapon does not function or is found to be faulty, it will be tagged "Out of Service". The firearm instructor or department armorer will be notified as soon as possible.
- d. After steps A through C have been completed, the weapon will be secured in the vehicle. At the end of the shift, the weapon will be unloaded by removing the magazine. The weapon will then be stored as described above.

1.9.15. Shotgun/Rifle racks will be kept closed during normal patrol. If an incident occurs which indicates the likelihood a shotgun or rifle may be needed, the rack may be opened prior to proceeding on the call. Upon arrival, precautions will be taken to close the gun rack or to lock the car if the shotgun or rifle is not used.

1.9.16. All weapons in a vehicle will be removed and secured at the Police Department prior to transporting that vehicle for maintenance.

1.9.17. Shotguns/Rifles will be carried in the vehicle with the safety on and the chamber empty. The safety will be released only when the weapon is about to be fired.

1.9.18. The firearm storage area will be equipped with an alarm that will be monitored by a contracted security company. Each authorized employee will be provided their own alarm access code to be used to gain entry. When the arms room is unattended, the last employee who used the room will be responsible for locking the door and activating the alarm. No employee will give any other person their alarm entry code. The Chief will maintain a list of employee alarm entry codes and will keep it in a secure location.

1.9.19. While employees are on duty, all firearms will be loaded only with department issued and approved ammunition. Ammunition shall not be altered in any way.

1.9.20. Uniformed Officers will carry a minimum of eighteen rounds of issue ammunition on their duty belt (including the rounds in the firearm).

1.9.21. Plain-clothes officers while on duty will carry sufficient ammunition on their person to permit one full reload of their duty firearm. Officers assigned to undercover or specialized details may be exempt from this requirement with approval from their supervisor.

1.10 TRAINING

1.10.1. It is the policy of this department that each officer qualifies with his/her duty, back up, and off-duty weapons a minimum of once a year.

1.10.2. Required firearms qualification courses will be left to the discretion of the firearms instructor. Each employee must qualify with a passing score before they are authorized to carry the weapon.

1.10.3. Less than lethal weapon qualifications will occur at least once every two years for each weapon type.

1.10.4. All employees carrying firearms or less than lethal weapons will annually receive training in the use of force and deadly force policies and any policies related to their weapons.

1.10.5. Employees who fail to meet the qualification requirements will be granted a two-week time period in which they must report to a department instructor for remedial training and qualification. Failure to achieve qualification after receiving remedial training may subject an Officer to discipline for failure to comply with department policy.

1.10.6 Employees will use lethal and less lethal tools consistent with departmental training.

1.11 DUTY TO INTERVENE

1.11.1 For the purposes of this section the following definitions shall apply:

- a. Excessive Use of Force: Force that exceeds the force permitted by law or the policies of the Chehalis Police Department.
- b. Wrongdoing: Conduct that is contrary to law or the policies of the Chehalis Police Department, provided that the conduct is not de minimis or technical in nature.

1.11.2 Any identifiable on-duty peace officer who witnesses another peace 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.

1.11.3 A peace officer shall render aid at the earliest safe opportunity in accordance with RCW 36.28A.445, to any person injured as a result of the use of force.

1.11.4 Any identifiable on-duty peace officer who witnesses any wrongdoing committed by another peace 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 peace officer in accordance with the witnessing peace officer's employing agency's policies and procedures for reporting such acts committed by a peace officer. "Wrongdoing" means conduct that is contrary to law or contrary to the policies of the witnessing officer's agency, provided that the conduct is not de minimis or technical in nature.

1.11.5 A peace officer who is present and visually observes another peace officer using force that is excessive shall intervene and attempt to prevent and/or stop the use of excessive force or other wrongdoing as soon as it is safe and feasible.

1.11.6 A peace officer who visually observes another peace officer use force that is excessive under this policy, or who otherwise witnesses clear wrongdoing or has a good faith belief that another peace officer committed wrongdoing, shall promptly report those observations and actions to their immediate supervisor. These actions and observations shall be documented in an official report to be completed prior to the end of the shift. If the involved officer is the Chief of Police, the peace officer shall notify and make the report to the City Manager.

1.11.7 Any supervisor who is made aware of excessive force or wrongdoing will notify the Deputy Chief as soon as is practicable.

1.11.8 A member of a law enforcement agency shall not discipline or retaliate in any way against a peace officer for intervening in good faith or for reporting wrongdoing in good faith as required by this section.

1.12 Spit Guard/Spit Hoods

1.12.1 An officer may apply a spit guard when lawfully restraining or attempting to restrain an individual who is spitting or biting.

1.12.2 Officers applying spit guards must ensure that the spit guard is fastened properly according to the manufacturer's instructions to allow for adequate ventilation so that the restrained person can breathe normally.

1.12.3 Only officers who have successfully completed agency-approved training on application of a spit guard are authorized to use one.

1.12.4 Officers shall only use agency-issued spit guards.

1.12.5 Additional considerations should be used in the following circumstances:

- a. Persons who have been sprayed with OC spray should be decontaminated so their breathing is not distressed prior to application of a spit guard.
- b. For individuals in mental health crisis, application of a spit guard may provoke an elevated level of distress. Officers should provide verbal reassurance and dynamically assess the situation to remove the spit guard as soon as appropriate.

1.12.6 Officers should not apply spit guards in the following situations because of higher risks:

- a. Where the restrained person is bleeding profusely from the area around the mouth or nose.
- b. On an individual who is actively vomiting. If a person vomits while wearing a spit guard, the spit guard should be promptly removed and discarded.
- c. On an individual who states that they have a medical condition that affects their breathing, or who demonstrates symptoms of labored or distressed breathing.

1.12.6 In the event of a medical emergency, spit guards should be removed immediately.

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

1.12.8 After application of a spit guard and when safe to do so, officers shall move the individual into a seated or side recovery position and shall monitor the individual until the spit guard is removed. Officers shall assist when escorting the individual due to the potential for impaired or distorted vision.

1.12.9 Application of a spit guard must be documented.

1.12.10 Spit guards shall be discarded after each use.