

USE OF FORCE

CHAPTER 01.21

SECTIONS

<u>01.21.010</u>	<u>PURPOSE</u>
<u>01.21.020</u>	<u>DEFINITIONS</u>
<u>01.21.030</u>	<u>GENERAL AUTHORITY</u>
<u>01.21.035</u>	<u>GOOD FAITH STANDARD</u>
<u>01.21.040</u>	<u>USE OF FORCE</u>
<u>01.21.042</u>	<u>ADDITIONAL FACTORS IN DETERMINING USE OF FORCE IN THE</u> <u>CORRECTIONS ENVIRONMENT</u>
<u>01.21.043</u>	<u>LESS-LETHAL WEAPONS - ALTERNATIVES TO DEADLY FORCE</u>
<u>01.21.044</u>	<u>PAIN COMPLIANCE TECHNIQUES</u>
<u>01.21.050</u>	<u>USE OF DEADLY FORCE</u>
<u>01.21.051</u>	<u>DESTRUCTION OF ANIMALS</u>
<u>01.21.052</u>	<u>USE OF WARNING SHOTS</u>
<u>01.21.053</u>	<u>SHOOTING AT VEHICLES</u>
<u>01.21.054</u>	<u>RENDERING/SUMMONING MEDICAL AID</u>
<u>01.21.055</u>	<u>TACTICAL FIREARMS DISCHARGE</u>
<u>01.21.060</u>	<u>SURRENDER OF WEAPONS</u>
<u>01.21.070</u>	<u>WEAPONS CARRY AND TRAINING</u>
<u>01.21.075</u>	<u>VIOLENCE DE-ESCALATION TRAINING - LETSCA</u>
<u>01.21.080</u>	<u>USE OF RESTRAINTS - VEHICLE TRANSPORT</u>
<u>01.21.081</u>	<u>USE OF RESTRAINTS – IN CUSTODY</u>
<u>01.21.082</u>	<u>USE OF SPIT-NETS</u>
<u>01.21.090</u>	<u>REPORTING FIREARMS DISCHARGE</u>
<u>01.21.095</u>	<u>REPORTING CONDUCTED ELECTRICAL WEAPON DISCHARGE</u>
<u>01.21.100</u>	<u>REPORTING USE OF NON-DEADLY FORCE</u>
<u>01.21.110</u>	<u>REPORTING USE OF LETHAL FORCE</u>
<u>01.21.115</u>	<u>INDEPENDENT INVESTIGATIONS TEAM PROTOCOL - LETSCA</u>
<u>01.21.120</u>	<u>CRITICAL INCIDENT LEAVE</u>
<u>01.21.125</u>	<u>REPORTING USE OF FORCE TO NATIONAL USE OF FORCE</u> <u>DATABASE</u>
<u>01.21.130</u>	<u>ANNUAL ANALYSIS</u>

01.21.010 PURPOSE

Per HB 1310 of 2021, 1735 and 2037 of 2022: The legislature intends to address excessive force and discriminatory policing by establishing a requirement for law enforcement to act with reasonable care when carrying out their duties, including using de-escalation tactics and alternatives to deadly force. It is the intent of the legislature that when practicable, peace officers will use the least amount of physical force necessary to overcome actual resistance under the circumstances. It is the fundamental duty of law enforcement to preserve and protect all human life.

A peace officer may use physical force to the extent necessary, clarifying that deadly force may be used in the face of an immediate threat, clarifying that physical force may be used to protect against a criminal offense when there is probable cause that a person has committed or is committing the offense. A peace officer may use physical force to prevent a person from fleeing a temporary investigative detention or use physical force to take a person into custody when authorized or directed by statute, providing that the standard does not permit violations to the United States Constitution or Washington State Constitution.

It is the intent of the overall policies within this Chapter to apply to Deputy Sheriffs and Corrections Deputies equally. Because of the unique circumstances present in a corrections environment, additional factors are presented for use of force in the corrections environment, as per 01.21.042 ADDITIONAL FACTORS IN DETERMINING USE OF FORCE IN THE CORRECTIONS ENVIRONMENT.

01.21.011 PHILOSOPHY

The Clark County Sheriff's Office recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting deputies with the authority to use reasonable force and protect the public welfare, and for our corrections facilities to maintain safety, security, order and discipline, requires a careful balancing of all human and governmental interests.

01.21.020 DEFINITIONS

ARREST: To deprive a person of their freedom of action to a significant degree for the purpose of answering to a crime.

IMMEDIATE THREAT: 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 bodily injury to the peace officer or another person.

NECESSARY: 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 affect the legal purpose intended or to protect against the threat posed to the officer or others.

TOTALITY OF THE CIRCUMSTANCES: 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.

PHYSICAL FORCE: 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.

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.

VIOLENT OFFENSE: As defined in RCW 9.94A.030 Any of the following felonies: Any felony defined under any law as a class A felony or an attempt to commit a class A felony; Criminal solicitation of or criminal conspiracy to commit a class A felony; Manslaughter in the first degree; Manslaughter in the second degree; Indecent liberties if committed by forcible compulsion;

Kidnapping in the second degree; Arson in the second degree; Assault in the second degree; Assault of a child in the second degree; Extortion in the first degree; Robbery in the second degree; Drive-by shooting; Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW [46.61.502](#), or by the operation of any vehicle in a reckless manner.

ESCAPE: 9A.76.110 A person is guilty of escape in the first degree if he or she knowingly escapes from custody or a detention facility while being detained pursuant to a conviction of a felony or an equivalent juvenile offense or 9A.76.120: A person is guilty of escape in the second degree if: He or she knowingly escapes from a detention facility; or Having been charged with a felony or an equivalent juvenile offense, he or she knowingly escapes from custody; or Having been committed under chapter [10.77](#) RCW for a sex, violent, or felony harassment offense and being under an order of conditional release, he or she knowingly leaves or remains absent from the state of Washington without prior court authorization. – Note that this is a definition as provided by the referenced RCW, and therefore does not include offenses that common understanding might include as offenses that are violent.

DEADLY WEAPON: any explosive or loaded or unloaded firearm, and shall include any other weapon, device, instrument, article, or substance, including a "vehicle" as defined in this section, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or substantial bodily harm

BODILY INJURY, PHYSICAL INJURY, BODILY HARM: physical pain or injury, illness, or an impairment of physical condition.

SUBSTANTIAL BODILY HARM: bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part.

GREAT BODILY HARM: bodily injury which creates a probability of death, or which causes a significant serious permanent disfigurement, or which causes a significant permanent loss or impairment of the function of any bodily part or organ.

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. Depending on the circumstances, "de-escalation tactics" may include, but are not limited to: Using clear instructions and verbal persuasion; attempting to slow down or stabilize the situation so that more time, options, and resources are available to resolve the incident; creating physical distance by employing tactical repositioning to maintain the benefit of time, distance, and cover; when there are multiple officers, designating one officer to communicate in order to avoid competing commands; requesting and using available support and resources, such as a crisis intervention team, a designated crisis responder or other behavioral health professional, or back-up officers.

LESS LETHAL ALTERNATIVE: includes, but is not limited to verbal warnings, de-escalation tactics, conducted energy weapons, devices that deploy oleoresin capsicum, batons, and beanbag rounds.

PROBABLE CAUSE: The minimum knowledge that a deputy must possess to make a constitutionally valid arrest. That amount of knowledge that would lead a reasonable and prudent

person to believe that a crime has been or is about to be committed and a particular person committed or is about to commit it.

REASONABLE SUSPICION: (Terry v. Ohio) Under the Fourth Amendment of the U.S. Constitution, a police officer may stop a suspect on the street and frisk him or her without probable cause to arrest, if the police officer has a reasonable suspicion that the person has committed, is committing, or is about to commit a crime and has a reasonable belief that the person "may be armed and presently dangerous." A peace officer may use physical force to 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

DISCRETIONARY TIME: Having the opportunity, and time, to communicate with partner deputies, a supervisor, or other resource either initially, or otherwise, to develop a plan based upon the information available. The plan should consider safety of life priorities, including an assessment of risk—who is at risk and who is causing the risk—and what level of action is warranted or justified. Circumstances may not provide discretionary time, in which case a deputy must rely on their lawful authority, policy training, and experience to take appropriate action.

PROPORTIONALITY: The level of force applied should consider and reflect the totality of circumstances surrounding the situation. This includes the nature and immediacy of any threats posed to deputies and others. Deputies must rely on their lawful authority, policy, training, experience, and assessment of the situation to decide an appropriate level of force to be applied. Proportional force does not require a deputy to use the same type or amount of 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, objectively reasonable, and necessary to counter it.

PEACE OFFICER: includes any "general authority Washington peace officer," "limited authority Washington peace officer," and "specially commissioned Washington peace officer" as those terms are defined in RCW 10.93.020; however, "peace officer" does not include any corrections officer or other employee of a jail, correctional, or detention facility, but does include any community corrections officer.

SWORN PERSONNEL: For this chapter means enforcement deputy sheriffs but excluding otherwise those with limited, honorary or special commissions.

UNIFORMED PERSONNEL: Employees who are uniformed for purposes of being identifiable as law enforcement or corrections personnel, equipped with a duty belt and/or outer carry vest and badge, or other Sheriff's insignia.

01.21.030 GENERAL AUTHORITY

PHYSICAL FORCE: 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 criminal conduct where there is probable cause to make an arrest.
- (b) Effect an arrest.
- (c) Prevent an escape as defined under chapter 9A.76 RCW.
- (d) Take a person into custody, transport a person for evaluation or treatment, or provide other assistance under chapter 10.77, 71.05, 35 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 the 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) Protect against an imminent threat of bodily injury to the peace officer, another person, or the person against whom force is being used.

DEADLY FORCE: 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.

01.21.035 GOOD FAITH STANDARD

RCW 9A.16.040

Justifiable homicide or use of deadly force by public officer, peace officer, person aiding— Good faith standard.

- (1) Homicide or the use of deadly force is justifiable in the following cases:
 - (a) When a public officer applies deadly force in obedience to the judgment of a competent court; or
 - (b) When necessarily used by a peace officer meeting the good faith standard of this section to overcome actual resistance to the execution of the legal process, mandate, or order of a court or officer, or in the discharge of a legal duty; or
 - (c) When necessarily used by a peace officer meeting the good faith standard of this section or person acting under the officer's command and in the officer's aid:
 - (i) To arrest or apprehend a person who the officer reasonably believes has committed, has attempted to commit, is committing, or is attempting to commit a felony;
 - (ii) To prevent the escape of a person from a federal or state correctional facility or in retaking a person who escapes from such a facility;
 - (iii) To prevent the escape of a person from a county or city jail or holding facility if the person has been arrested for, charged with, or convicted of a felony; or
 - (iv) To lawfully suppress a riot if the actor or another participant is armed with a deadly weapon.
- (2) In considering whether to use deadly force under subsection (1)(c) of this section, to arrest or apprehend any person for the commission of any crime, the peace officer must have probable cause to believe that the suspect, if not apprehended, poses a threat of serious physical harm to the officer or a threat of serious physical harm to others. Among the circumstances which may be considered by peace officers as a "threat of serious physical harm" are the following:

(a) The suspect threatens a peace officer with a weapon or displays a weapon in a manner that could reasonably be construed as threatening; or

(b) There is probable cause to believe that the suspect has committed any crime involving the infliction or threatened infliction of serious physical harm.

Under these circumstances deadly force may also be used if necessary to prevent escape from the officer, where, if feasible, some warning is given, provided the officer meets the good faith standard of this section.

(3) A public officer covered by subsection (1)(a) of this section shall not be held criminally liable for using deadly force without malice and with a good faith belief that such act is justifiable pursuant to this section.

(4) A peace officer shall not be held criminally liable for using deadly force in good faith, where "good faith" is an objective standard which shall consider all the facts, circumstances, and information known to the officer at the time to determine whether a similarly situated reasonable officer would have believed that the use of deadly force was necessary to prevent death or serious physical harm to the officer or another individual.

(5) This section shall not be construed as:

(a) Affecting the permissible use of force by a person acting under the authority of RCW **9A.16.020** or **9A.16.050**; or

(b) Preventing a law enforcement agency from adopting standards pertaining to its use of deadly force that are more restrictive than this section.

01.21.040 USE OF FORCE

Deputies (Enforcement and Corrections) shall use **reasonable care** when determining whether to use physical force and when using any physical force against another person. To that end, a deputy shall:

- When possible, exhaust available and appropriate de-escalation tactics prior to using any physical force, such as:
- Creating physical distance by employing tactical repositioning and repositioning as often as necessary to maintain the benefit of time, distance, and cover.
- When there are multiple deputies present, designating one deputy to communicate in order to avoid competing commands: calling for additional resources such as a crisis intervention team or mental health professional when possible.
- Calling for back-up deputies when encountering resistance; taking as much time as necessary, without using physical force or weapons; and for Deputy Sheriffs only, leaving the area if there is no threat of imminent harm and no crime has been committed, is being committed, or is about to be committed.

When using physical force, 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 14 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.

Deputies must terminate the use of physical force as soon as the necessity for such force ends; When possible, use available and appropriate less lethal alternatives before using deadly force; and make less lethal alternatives issued to the officer reasonably available for their use.

01.21.042 ADDITIONAL FACTORS IN DETERMINING USE OF FORCE IN THE CORRECTIONS ENVIRONMENT

The corrections environment presents additional factors when determining whether or not to apply any level of force and evaluating whether a deputy has used reasonable force. These additional factors include, but are not limited to:

- Legitimate corrections purposes, otherwise considered as “governmental interests” in determining whether or not to apply any level of force includes the necessity for overall safety, security, control and discipline in operating a correctional facility.
- Level of classification (maximum, medium, minimum, inmate worker and all of the subcategories or requirements of escort for each);
- The need to maintain order and discipline in the facility or temporary housing area (i.e., hospital room, transport vehicle, etc.);
- Institutional behavior history (i.e., disciplinary history; history of violence toward staff, inmates, or visitors);
- Medical/mental health condition (if known at the time).
- Conviction status of the inmate

These factors, in addition to those outlined in 01.21.041, recognize that deputies lacking discretionary time in an incident are expected to make split-second decisions and that the amount of a deputy’s time available to evaluate and respond to changing circumstances may impact their decision. While various degrees of force exist, each deputy is expected to use only that degree of force that is reasonable under the circumstances to successfully accomplish the legitimate corrections purpose in accordance with this policy.

01.21.043 LESS-LETHAL WEAPONS - ALTERNATIVES TO DEADLY FORCE

Any application of force that is not reasonably anticipated to result in death shall be considered less-lethal force. Each deputy is provided with equipment, training, and skills to assist in the apprehension and control of suspects as well as protection of deputies and the public. Less-lethal force applications may include, but are not limited to, leg restraints and control devices described below. Given that no policy can realistically predict every possible situation a deputy might encounter in the field, it is recognized that each deputy must be entrusted with well-reasoned

discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires a deputy to actually sustain physical injury before applying reasonable force.

All personnel wishing to carry less-lethal defensive weapons that are not addressed in this manual will obtain written permission from the sheriff or his/her designee prior to the deputy being authorized to carry the weapon. Further, the use of the defensive weapon will be consistent with departmental training regarding the use of less-lethal weapons.

A. STRIKING WEAPONS:

Deputies will employ striking weapons in a manner consistent with [01.42](#).

B. CHEMICAL:

Deputies will employ mace or other chemical agents in a manner consistent with [01.23](#).

C. ELECTRICAL:

Deputies will employ non-lethal electronic restraints in a manner consistent with [01.22 NON-LETHAL ELECTRONIC RESTRAINTS](#). Deputies will employ conducted electrical weapons (CEWs) in a manner consistent with [01.47 USE OF CONDUCTED ELECTRICAL WEAPON](#).

D. SPECIALTY IMPACT MUNITIONS:

Deputies will employ specialty impact munitions (SIMs) in a manner consistent with [01.24 ALTERNATIVES TO DEADLY FORCE - SPECIALTY IMPACT MUNITIONS](#).

01.21.044 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be very effective in controlling a passive or actively resisting individual. Deputies may only apply those pain compliance techniques when they reasonably believe that the use of such a technique appears necessary to further a legitimate law enforcement purpose. Deputies utilizing any pain compliance technique shall do so in compliance with the established reasonable care standard.

01.21.050 USE OF DEADLY FORCE

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.

When possible, use available and appropriate less lethal alternatives that are available and appropriate under the circumstances before using deadly force.

Nothing in this policy permits a peace officer to use physical force or deadly force in a manner or under such circumstances that would violate the United States Constitution or Washington State Constitution.

01.21.051 DESTRUCTION OF ANIMALS

On occasion, deputies will respond to situations requiring the euthanizing of a domestic or wild animal. In most instances, euthanizing the animal is the only practical way to quickly eliminate suffering. It is important that deputies have the proper knowledge in order to euthanize with maximum efficiency and effectiveness. When at all possible, the euthanizing of animals should occur out of the public view.

Deputies may use weapons to destroy severely injured animals or to defend themselves or others against vicious, rabid, or otherwise dangerous animals. The deputy should consider proper shot placement, mobility of the animal and surroundings before conducting the procedure. Handguns

are preferred over rifles due to offset and caliber recommendation by veterinarians. Supervisor approval should be obtained prior to the euthanizing of an animal. In addition, dispatch should be notified that shots are about to be fired to prevent confusion and the unnecessary dispatch of units.

As with any firearms discharge, a written report shall be completed and forwarded through chain of command to the Internal Affairs Unit. The report must be completed before the end of the shift, or by the next working day. Supervisors may authorize an extension if necessary.

01.21.052 USE OF WARNING SHOTS

Warning shots are generally prohibited, provided that warning shots will be evaluated for reasonableness under the circumstances as a use of deadly force/firearms discharge.

01.21.053 SHOOTING AT VEHICLES

Deputies shall not shoot at moving or fleeing vehicles. This section does not limit a deputy's right of self-defense or in the defense of others whose lives they believe are in imminent danger.

01.21.054 RENDERING/SUMMONING MEDICAL AID

A peace officer shall provide or facilitate first aid to the injured person at the earliest and safest opportunity at the scene in accordance with RCW 36.28A.445.

01.21.055 TACTICAL FIREARMS DISCHARGE

Deputies may be confronted with tactical situations outside the scope of warning shots, as elaborated in 01.21.052, where the discharge of a firearm in a safe manner may be a reasonable alternative to the actual application of deadly force. If utilized, firearm discharges of this type will be considered as deadly force and the circumstances will be evaluated for reasonableness under the circumstances.

01.21.060 SURRENDER OF WEAPONS

Deputies should use every tactical tool at their disposal to avoid surrendering a weapon.

01.21.070 WEAPONS CARRY AND TRAINING

The Sheriff's Office is committed to equipping deputies with appropriate weapons necessary to protect themselves and others in the performance of their assigned duties; to updating deputies regarding changes in laws relating to the use of force; and regular training with weapons capable of deadly and less lethal force.

All personnel authorized to carry firearms are required to be trained in the use of less-lethal weapons and tactics including conducted electrical weapons (CEWs), OC spray, baton/striking weapons, and defensive tactics. Sworn personnel are additionally required to be trained in specialty impact weapons.

All uniformed personnel below the rank of commander are required to carry on their person a conducted electrical weapon while uniformed and armed with lethal force. Deputies may carry additional alternatives to lethal force provided they are trained and authorized.

All employees authorized to carry firearms are required to receive annual in-service training on the use of deadly force policies. This training will be in addition to the actual physical hands on firearm training and the training received at the Washington State Criminal Justice Training Commission (Academy).

They shall demonstrate proficiency with all firearms they are authorized to use on an annual basis.

In-service training for less-lethal weapons shall occur at least annually. Employees shall demonstrate proficiency with all approved less-lethal weapons at least annually.

Proficiency training for any weapon must be monitored by an instructor certified in the instruction of that weapon.

Training and proficiency shall be documented in the employee's training file. Training outlines shall be kept on file with the training unit.

The Training Unit will establish procedures for remedial training for those employees who are unable to qualify or demonstrate proficiency with an authorized weapon. In such cases, the employee will not be returned to duty with that weapon until such time as proficiency is demonstrated and documented.

Affected personnel shall be supplied individually with any additions, restrictions, or amendments to these policies as they may occur.

01.21.075 VIOLENCE DE-ESCALATION TRAINING - LETSCA

Deputy Sheriffs shall receive mental health and violence de-escalation training in accordance with WAC 139-11 "LAW ENFORCEMENT TRAINING AND COMMUNITY SAFETY ACT (LETSCA)". Such training will comply with all facets of the law, which includes in part the following topics:

- A. Patrol tactics, actions and communication methods that de-escalate situations when appropriate to reduce the likelihood of injury to all parties involved, avoid unnecessarily escalating situations that may lead to violence, and avoid unnecessarily placing officers in situations that require or lead to deadly force by:
 - (i) Managing the distance between the officer and the persons involved;
 - (ii) Utilizing shielding to protect the officer and others from a threat;
 - (iii) Managing the pace of an interaction; and
 - (iv) Engaging in communication to increase options for resolving the incident and reduce the likelihood of injury to all parties involved.
- B. Recognizing and managing the impact of stress on the officer's perceptions and reactions;
- C. Proper use of nonlethal defensive tactics to gain physical control when necessary;
- D. Alternatives to the use of physical or deadly force so that de-escalation tactics and less lethal alternatives are part of the decision-making process leading up to the consideration of deadly force;
- E. Use of a decision-making simulator ("shoot don't shoot") and cognitive exercises to improve accurate recognition of threats and proper level of force response;
- F. Understand the "good faith" standard as stated in RCW [9A.16.040](#) (4)(a);
- G. First-aid training on the new statewide policy, which states: "All law enforcement personnel must provide or facilitate first aid such that it is rendered at the earliest safe opportunity to injured persons as a scene controlled by law enforcement," focused on:
 - (i) Critical life-saving skills;
 - (ii) Understanding the need to balance the many essential duties of officers with "the solemn duty to preserve the life of a person with whom officers come into direct contact";

- (iii) Understanding best practices for securing a scene to facilitate the safe, swift, and effective provisions for first aid to anyone injured at a scene controlled by law enforcement or as a result of law enforcement action.

01.21.080 USE OF RESTRAINTS - VEHICLE TRANSPORT

Restraint equipment is authorized in cases of severe physical resistance to arrest. Its purpose is to minimize injury to the arrestee, the deputy, and damage to property.

Only authorized restraint equipment should be used. The deputy shall receive training prior to the use of restraint equipment.

The following guidelines should be followed when using leg restraints:

- Never leave a prisoner in leg restraints unattended.
- Transport the prisoner as soon as possible, once they are in leg restraints.
- Maintain verbal contact with the prisoner throughout the transport, to assure their on-going condition.
- The prisoner should never be placed on or permitted to roll off onto the floorboard area with or without a drive line hump.

01.21.081 USE OF RESTRAINTS - IN CUSTODY

The use of restraint equipment is designed to prevent the committing of an offense or self-injury by violent inmates or arrestees. The following procedures are specified for use of restraints by deputies:

- Restraints are to be used only when an individual is in physical custody or for deputy safety, to prevent escape, to prevent injury to the individual and/or another, or to prevent damage to the property of another;
- Consistent with policy on amount of force - only the amount of force necessary to control the situation will be used;
- Restraints will be used to control inmates, not as a form of punishment;
- Restraints shall be applied for only the amount of time necessary.

Selection of equipment for escort purposes shall depend upon the following:

- Security classification of the inmate;
- Anticipated contact with the public;
- Physical and mental health of the inmate;
- Demonstrated behavior of the inmate;
- Purpose and destination of the movement;
- Age, size, and stature of the escort, as compared to the inmate.

Medical approval shall be obtained should restraining equipment be necessary to prevent self-mutilation. If seeking approval is impracticable, the medical authority shall be notified at the earliest opportunity. Medical staff shall examine the restrained inmate at regular and frequent intervals. This equipment shall be used at the discretion of the duty sergeant as a precautionary measure against escape of inmates under escort and to prevent injury to self, others, or property.

Leg restraints should only be used for transport/escort purposes or in conjunction with the Stationary Floor Restraint or Pro-Strait Chair. Use of leg restraints with the Pro-Strait Chair should be a temporary measure until leg/ankle belts can safely be applied.

01.21.082 USE OF SPIT-NETS

Item designed and manufactured for the purpose of containing bodily fluids expelled from the mouth.

If an arrestee/inmate has displayed behavior which indicates that they may spit or bite, a plastic spit shield or department authorized spit-net may be placed on the inmate's head. When using the spit-net, the inmate shall be under **constant** supervision and checked frequently for vomiting, respiratory distress or consciousness.

Under no circumstances will a pillowcase or other unauthorized covering be placed over the inmate's head, eyes, nose, or mouth. Authorized spit-nets shall not be used on any person that is unconscious, vomiting; in respiratory distress, in obvious need of medical attention or on whom chemical restraints have been applied within the last two (2) hours.

01.21.090 REPORTING FIREARMS DISCHARGE

Because of the amount of notoriety received when a firearm is discharged by a deputy, it is most important that every incident be fully investigated.

In the event of either accidental or purposeful discharge of a firearm by a deputy (Enforcement or Corrections), the employee will immediately notify their supervisor of the incident. This does not apply to discharges of a firearm while in training or an off-duty activity not related to law enforcement.

Any time a firearm is discharged, with the above listed exceptions, a written or recorded report will be completed through BlueTeam and forwarded through chain of command to the Internal Affairs Unit. The report must be completed before the end of the shift, or by the next working day. Supervisors may authorize an extension if necessary. The purpose of this review is to determine if the deputy was within the guidelines of agency policy and state statutes.

In the event of an accidental discharge, the shift sergeant will be immediately notified of the discharge and circumstances surrounding the incident. The shift sergeant will then notify the command duty officer (CDO). The CDO will contact their respective chief deputy of the incident. The deputy involved may be placed on administrative leave with pay until such time as the deputy completes remedial firearms training which includes a successful qualification. In the event that the deputy is not required to carry a firearm in the performance of their basic duty (i.e. corrections deputy), the deputy may return to such a duty without their firearm, until the remedial firearms training as outlined above is completed.

If the accidental discharge occurs during training and the range master determined that the deputy was negligent, the range master will contact the training sergeant and advise them of the incident and circumstances. The training sergeant will then contact the CDO. If the range master is unable to contact the training sergeant, they will then contact the CDO. The remaining procedure and responsibilities outlined above remains the same.

01.21.095 REPORTING CONDUCTED ELECTRICAL WEAPON DISCHARGE

It is important that when a conducted electrical weapon (CEW) is discharged by a deputy, that every incident be fully reviewed.

In the event of either accidental or purposeful discharge of a CEW by a deputy, the employee will immediately notify their supervisor of the incident. This does not apply to discharges of a CEW while in training.

Any time a CEW is discharged, with the above listed exception, a written or recorded report including cartridge number(s) and download of discharge data will be completed in BlueTeam and forwarded through chain of command to the Internal Affairs Unit. The report must be completed before the end of the shift, or by the next working day. Supervisors may authorize an extension if necessary. The purpose of this review is to determine if the deputy was within the guidelines of department policy and state statutes.

In the event of an accidental discharge of a CEW, the shift supervisor will coordinate with the Training Unit to schedule refresher training as soon as practical.

01.21.100 REPORTING USE OF NON-DEADLY FORCE

Whenever a deputy must use an amount of force capable of causing injury, in the course of an arrest, overcoming resistance, or controlling a dangerous situation, the deputy will submit a Use of Force Report through BlueTeam to their immediate supervisor. If multiple deputies are involved in a use of force incident, each deputy shall report their use of force. The Use of Force Report will be completed in addition to any other written reports made concerning the incident. The report must be completed before the end of the shift, or by the next working day. Supervisors may authorize an extension if necessary.

This same requirement applies if an incident in which force was used results in an actual or alleged injury.

01.21.110 REPORTING USE OF LETHAL FORCE

Any deputy discharging a firearm or using any other force in their course of duties which results in injury or death of a person will make an oral report of the incident to their supervisor immediately subsequent to fulfilling any immediate demands the situation requires. Such demands may consist of, but are not limited to, pursuing uncaptured suspects, seeking medical aid for wounded persons, and securing evidence.

It is recognized that the use of deadly force may be a traumatic experience. The deputy shall be given some recovery time before any preliminary oral statement. Involved deputies shall be provided a reasonable period of time to discuss the incident with a Guild Attorney/representative before providing a preliminary statement. Deputies are encouraged to utilize an agency designated Peer Support team member and/or the Employee Assistance Program (EAP) in responding to and managing the trauma that may accompany a deadly force incident.

Deputies shall provide sufficient information so as not to hinder or delay the investigation, crime scene processing, and apprehension and charging of suspects. No formal written report or detailed interview will be required for a minimum of 24 hours from the time of the incident. The deputy will be given sufficient time to be physically well rested.

Firearms utilized in the shooting incident should be retained by the shooting deputy until it can be collected by the crime scene investigator. In the case of a rifle, it should be stored in the condition the deputy left it after the shooting. Secure the rifle in a patrol vehicle if needed.

The supervisor will make appropriate notifications to command staff and will request that the Major Crimes Unit supervisor coordinate the notifications for and initiation of a formal investigation by the designated independent investigation team. The Major Crimes Unit supervisor will ensure a Use of Force Report is completed for statistical purposes in BlueTeam on behalf of

the involved deputy. The report(s) of the independent investigation team shall serve as the narrative for the BlueTeam report.

A deputy involved in a shooting incident will respond only to proper inquiries regarding immediate concerns for public safety from other authorities (Public Safety Statement).

The presence of a deputy who has been previously involved in a shooting may be requested to meet with the involved deputy or family as soon as possible after a shooting incident where death or injury has occurred.

The sheriff shall designate an administrator to provide direct assistance to the deputy in managing the proceedings which are associated with a shooting. The sheriff shall request a deputy prosecuting attorney to provide ongoing legal assistance.

01.21.115 INDEPENDENT INVESTIGATIONS TEAM PROTOCOL - LETSCA

In accordance with WAC 139-12 “LAW ENFORCEMENT TRAINING AND COMMUNITY SAFETY ACT - INDEPENDENT INVESTIGATIONS CRITERIA (LETSCA)”, any use of deadly force by a peace officer that results in death, substantial bodily harm, or great bodily harm upon the person that such force was used, will result in an investigation by an “Independent Investigation Team”. While the above referenced act relates specifically to those incidents involving peace officers, and does not expressly include corrections deputies, this agency has adopted a policy to include the same protocols for any such incident involving a corrections deputy as well.

The Criminal Justice Training Commission has established procedures for Initial Incident Response as well as the continuing follow-up investigation after an officer-involved use of deadly force. Per those procedures, it is critical that every involved law enforcement member should recognize the transitory nature of evidence and after first aid has been provided or facilitated, take immediate steps to preserve the scene and evidence.

These procedures describe the first initial responsibilities:

A. Involved Deputies

Deputies involved in an incident triggering the use of an IIT shall take initial steps to render the scene safe, protect the safety of themselves and others, render first aid where necessary, and preserve evidence.

B. Involved and/or Venue Agency Responsibilities

1. Activate the IIT – the Sheriff or their designee shall immediately notify the IIT of the incident and the need to respond.
2. Designate a Liaison to remain available to the IIT.
3. Maintain perimeter control of the scene if requested by the IIT commander.
4. Turn over all evidence in their possession to the IIT.
5. Arrange for all documents, reports, and information on the incident to be available to the IIT immediately or as soon as possible.
6. Allow use of space, resources, and facilities as needed by the IIT.

All components of the LETSCA Independent Investigations Team (IIT) protocols, including the above referenced first initial responsibilities will be followed.

01.21.120 CRITICAL INCIDENT LEAVE

An employee may be placed on paid critical incident leave when, in the opinion of the sheriff, it is determined to be in the best interests of the employee and/or the Sheriff's Office. Whenever a deputy uses force that results in the death or great bodily harm of any person, that deputy shall not be returned to their regular assignment but shall be placed on paid critical incident leave.

This assignment shall continue for a period of time necessary to determine the facts of the incident. The deputy shall remain available to the Department during this time to assist in the criminal and internal review of the incident.

These investigations are highly sensitive in nature and will be afforded top priority for timely completion. The placement on critical incident leave is not to be construed as a disciplinary action. This is done for protection of both the deputy and the Sheriff's Office. Those placed on critical incident leave status will not lose any deputy benefits or salary while in this status.

01.21.125 REPORTING USE OF FORCE TO NATIONAL USE OF FORCE DATABASE

The law enforcement community, in partnership with the FBI, is working to improve the way the nation collects, analyzes, and uses crime statistics about law enforcement's use of force. The Clark County Sheriff's Office supports this effort, for benefit of increased transparency and better understanding of use of force incidents, both by law enforcement and by the communities they serve. As such, the agency has opted-in as a voluntary participant in this national data collection and analysis program.

The stated goal of the program is not to offer insight into single use of force incidents but to provide an aggregate view of the incidents reported and the circumstances, subjects, and deputies involved. Statistical reports will emphasize the collective nature of the data and will not assess whether deputies involved in use of force incidents acted lawfully or within the bounds of agency policy. Those efforts remain as responsibilities of the local authorities in accordance with agency policy, collective bargaining agreements, and state & federal law. Publications of the data will focus on descriptive information, trends, and characteristics of the data.

The following process has been implemented consistent with the FBI's request of participating agencies:

- A. Within five days, or as soon as practicable thereafter of receiving a use of force report, the Sheriff's designee shall submit a report to the FBI Use-of-Force Data Collection database if the use of force involved or resulted in:
 - 1. The death of a person due to a deputy's use of force;
 - 2. The serious bodily injury of a person due to a deputy's use of force; or
 - 3. The discharge of a firearm by a deputy at or in the direction of a person that did not otherwise result in death or serious bodily injury.
- B. The Sheriff's designee shall submit a "zero" report to the FBI database monthly if there were no uses of force described above.

The statistical data transmitted to the FBI will not include any personally identifying information on suspects or deputies.

01.21.130 ANNUAL ANALYSIS

Annually, the Sheriff's designee(s) shall conduct reviews of all use of force incidents, firearms discharge incidents (intentional and accidental), and of all assaults on law enforcement officers during the previous year. These reviews shall be completed for the purpose of identifying any training, equipment, policy, or safety needs. The Use of Force policy shall be included and reviewed during annual in-service training.


CHUCK E. ATKINS, SHERIFF

Creation Date: March 21, 1986
Revision Date: November 15, 1990
January 7, 1991
April 30, 1991
July 25, 1995
October 16, 1995
September 16, 1997
October 15, 1999
January 31, 2000
December 27, 2000
July 3, 2001
August 15, 2005
December 1, 2005
March 22, 2007
April 1, 2010
February 10, 2011
October 5, 2011
December 12, 2011
June 3, 2014
January 1, 2015
November 21, 2016
August 27, 2018
January 22, 2020
June 9, 2022
September 20, 2022