

## Use of Force

### 300.1 PURPOSE AND SCOPE

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

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

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

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

#### 300.1.1 DEFINITIONS

Definitions related to this policy include:

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

**Deadly force** - The intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury (RCW 9A.16.010).

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

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

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

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

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

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

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

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

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

### **300.2 POLICY**

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

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

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

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

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

#### **300.2.1 DUTY TO INTERVENE AND REPORT**

Any on duty deputy present and observing another peace officer or a member attempting to use or using force that is clearly beyond that which is objectively reasonable under the circumstances

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shall, when in a position to do so, intervene to prevent the use of unreasonable force (RCW 10.93.190).

Any deputy who observes another peace officer or a member attempting to use or using force that is potentially beyond that which is objectively reasonable under the circumstances shall report these observations to their immediate supervisor as soon as feasible (RCW 10.93.190).

#### 300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each deputy should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

#### 300.2.3 ADDITIONAL STATE REQUIREMENTS ON THE DUTY TO INTERVENE AND REPORT

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

#### 300.2.4 CRITICAL DECISION MAKING

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

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

Nothing in this policy precludes deputies from taking quick action when faced with a life-threatening situation. When safe and feasible, deputies 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 a deputy and the person.
- (c) Not providing time for a person to comply with commands.
- (d) Unnecessarily escalating a situation.

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### **300.3 USE OF FORCE**

Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose and use only the amount of force necessary to safely achieve a legitimate law enforcement objective under the circumstances. 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 deputy or others.

Law enforcement encounters rapidly evolve and are not static. Thus, deputies must continuously assess the necessity and effectiveness of their actions.

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

Proportionality shall be evaluated based on whether the use of force corresponds to the immediacy and severity of the threat or resistance the deputy encounters at the time force is applied, as well as the seriousness of the law enforcement objective that is being served. The proportionality may change throughout the encounter and proportional force does not require deputies to use the same type or amount of physical force as the subject.

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

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

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

If deputies do apply physical or deadly force they must terminate the use of force as soon as the necessity for such force ends.

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Deputies may not use any force tactics prohibited by department policy, or by law except to protect his or her life, or the life of another person from an imminent threat.

### 300.3.1 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether a deputy has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to (RCW 10.120.020):

- (a) Immediacy and severity of the threat to deputies or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.
- (c) Deputy/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual displays signs of mental, behavioral, intellectual, developmental, or physical impairments or disabilities, including individuals who reasonably appear suicidal.
- (f) The individual's ability to understand and comply with deputy commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and the individual's ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the deputy.
- (l) Potential for injury to deputies, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the deputy.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) The individual is visibly pregnant or claims to be pregnant.
- (s) The individual is a minor, appears to be a minor, or claims to be a minor.
- (t) The individual is known to be a vulnerable adult or appears to be a vulnerable adult as defined by RCW 74.34.020.

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- (u) The individual has limited English proficiency.
- (v) The individual is in the presence of a child.
- (w) Any other exigent circumstances.

### 300.3.2 PAIN COMPLIANCE TECHNIQUES

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

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

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

### 300.3.3 USE OF FORCE TO SEIZE EVIDENCE

In general, deputies may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, deputies are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, deputies should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted.

### 300.3.4 ALTERNATIVE TACTICS - DE-ESCALATION

When possible, deputies shall use all reasonably available and appropriate de-escalation tactics prior to using force (RCW 10.120.020).

Depending on the circumstances, deputies have a number of de-escalation tactics to choose from which include but are not limited to (Washington State Office of the Attorney General Model Use of Force Policy):

- (a) Employing tactical positioning and repositioning to maintain the benefit of distance and cover, such as backing away from the person to re-assess and determine which tactics to use.
- (b) Placing barriers or using existing structures to provide a shield or other protection between deputies and a person.
- (c) Attempting to slow down or stabilize the situation to allow for the consideration and arrival of additional resources that may increase the likelihood of a safe resolution.
- (d) Requesting and using available support and resources, such as a crisis intervention team, a designated crisis responder, other behavioral health providers, or back-up deputies, including more experienced deputies or supervisors.

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

### 300.3.5 RESTRICTIONS ON RESPIRATORY RESTRAINTS

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

Per RCW 10.120.020 (4), The Cowlitz County Sheriff's Office recognizes that a situation may arise where deadly force is justified and a chokehold or neck restraint is the only use of force option available to the deputy during a rapidly evolving altercation. If a chokehold or neck restraint is the only reasonable application of deadly force that a deputy has to perform in order to preserve their life or the life of another from an imminent threat, that application of deadly force could be considered reasonable and appropriate.

### 300.3.6 WASHINGTON STATE LAW - PHYSICAL FORCE

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 (RCW 10.120.010).

A deputy may use physical force upon another person to the extent necessary to (RCW 10.120.020):

- (a) Protect against an imminent threat of bodily injury to the deputy, another person or the person against whom physical force is being used (RCW 10.120.020)
- (b) Protect against a criminal offense when there is probable cause that the person has committed, is committing, or is about to commit the offense.
- (c) Effect an arrest.
- (d) Prevent an escape as defined under chapter 9A.76 RCW.

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- (e) Take a person into custody, transport a person for evaluation or treatment, or provide other assistance under RCW 10.77; RCW 71.05; or RCW 71.34.
- (f) Take a minor into protective custody when authorized or directed by statute.
- (g) Execute or enforce a court order authorizing or directing a deputy to take a person into custody.
- (h) Execute a search warrant.
- (i) Execute or enforce an oral directive issued by a judicial officer in the courtroom or a written order where the court expressly authorizes a deputy to use physical force to execute or enforce the directive or order.
- (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 the person 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 deputy, another person, or the person against whom force is being used.
- (m) Execute any other community caretaking function, including but not limited to, performing welfare checks, assisting other first responders and medical professionals, behavioral health professionals, social service providers, designated crisis responders, shelter or housing providers or any member of the public.

Deputies shall terminate the use of physical force as soon as the necessity for such force ends (RCW 10.120.020).

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

When safe and feasible, prior to the use of force, deputies should

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



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### **300.4 DEADLY FORCE APPLICATIONS**

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

Deputies are only permitted to discharge a firearm at a person in situations where deadly force is justified.

A deputy may use deadly force against another person only when deadly force is necessary to protect against an immediate threat of serious physical injury or death to the deputy or another person (RCW 10.120.020). Deputies shall not use deadly force against persons who present a danger only to themselves and do not pose an immediate threat of death or serious bodily injury to another person or deputy.

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

For purposes of deadly force, an "immediate threat of serious physical injury or death" exists when, 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 (RCW 10.120.020).

#### **300.4.1 MOVING VEHICLES**

Shots fired at or from a moving vehicle involve additional considerations and risks.

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

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

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

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

#### **300.4.2 POINTING AND DRAWING A FIREARM**

- (a) Deputies should only point a firearm at a person when deadly force is authorized. If after un-holstering a firearm, it is determined that deadly force is not necessary,

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deputies should, as soon as safe, reasonable and feasible, holster or secure their firearm.

- (b) Pointing a firearm directly at a person is a reportable use of force and its justification and circumstances shall be documented in accordance with procedures set by the statewide use of force data collection program. (RCW 10.118.030)
- (c) For the purposes of this policy, drawing a firearm to a compressed ready or high ready position when the muzzle of the firearm is not directly pointed at a person does not constitute a reportable use of force.

### **300.4.3 RESTRICTED USE**

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

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

### **300.4.4 DISCHARGE OF FIREARMS**

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

## **300.5 REPORTING THE USE OF FORCE**

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

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

### **300.5.1 NOTIFICATIONS TO SUPERVISORS**

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

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

#### 300.5.2 ROUTING USE OF FORCE REPORTS

Use of force reports shall be documented and submitted to the deputy's immediate supervisor. The report will then be routed to the Chief Criminal Deputy and training deputy for review before being forwarded to the Chief Administrative Deputy.

#### 300.5.3 NOTIFICATION TO INDIAN AFFAIRS

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

#### 300.5.4 NOTIFICATION TO CRIMINAL JUSTICE TRAINING COMMISSION (CJTC)

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

#### 300.5.5 REPORTING TO WASHINGTON STATEWIDE USE OF FORCE DATA PROGRAM

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

### **300.6 MEDICAL CONSIDERATIONS**

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically

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assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe (RCW 10.93.190).

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

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

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

See the Medical Aid and Response Policy for additional guidelines.

### **300.7 SUPERVISOR RESPONSIBILITIES**

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved deputies. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained in case file until all potential for civil litigation has expired.
- (d) Review and approve all related reports.

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

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### **300.7.1 SHIFT SERGEANT RESPONSIBILITY**

The Shift Sergeant shall review each use of force by any personnel within his/her command to insure compliance with this policy and to address any training issues.

### **300.8 TRAINING**

Deputies will receive periodic training on this policy and demonstrate their knowledge and understanding. Training should be both classroom and scenario based learning, include community partners if relevant and feasible, and incorporate cultural competency to understand disproportionately impacted community members and racial biases. Use of force training should include defensive tactics, firearms and less lethal options.

Deputies shall receive training and subsequent periodic training on RCW's related to this policy.

(a)

(b)

### **300.9 USE OF FORCE ANALYSIS**

At least annually, the Chief Administrative Deputy should prepare an analysis report on use of force incidents. The report should be submitted to the Sheriff. The report should not contain the names of deputies, suspects, or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

# Handcuffing and Restraints

## 302.1 PURPOSE AND SCOPE

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

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

### 302.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

## 302.2 POLICY

Restraint devices are designed to compel, control, constrain or restrain a person's movement, The Cowlitz County Sheriff's Office authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy, use of force reporting, and office training. Restraint devices shall not be used to punish, display authority, or an act of intimidation.

## 302.3 USE OF RESTRAINTS

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

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

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

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

Restrained persons shall be monitored while in law enforcement custody.

### **302.3.1 RESTRAINT OF DETAINEES**

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

### **302.3.2 RESTRAINT OF JUVENILES**

Consideration should be made when making the decision to restrain juveniles. Factors to be considered include:

- (a) whether the juvenile is suspected of a dangerous crime
- (b) when the deputy has a reasonable suspicion that the juvenile may resist arrest or detention, attempt escape, injure him/herself, injure the deputy, injure others, or damage property.

Deputies who are school resource officers should only use restraints on a student participating in school-sponsored instruction or activity when necessary to control the student's behavior that poses risk of serious harm and pursuant to the school policy for students and staff (RCW 28A.600.485).

### **302.3.3 NOTIFICATIONS**

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

### **302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS**

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

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

## *Handcuffing and Restraints*

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

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

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

### **302.5 APPLICATION OF SPIT HOODS**

A spit hood or guard is a woven mesh device which can be placed over a person's head and face with the intent of preventing or reducing the transmission of infectious disease through saliva, mucous, and blood, and/or to prevent biting.

Prior to application of a spit guard, a deputy shall warn the individual and provide a reasonable time for the person to comply with the deputies commands. If applied, the deputy shall remove the spit guard as soon as the threat of spitting or biting has ended or the deputy observes that the spit guard is no longer necessary. After application of a spit guard and when safe to do so, deputies shall move the individual into a seated or side recovery position and shall monitor the individual until the spit guard is removed. Those wearing spit guards may have limited visibility and should be escorted by law enforcement when traversing.

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

Deputies utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Deputies should provide assistance during the movement of the person due to the potential for impairing or distorting that person's vision. Deputies should avoid commingling those wearing spit hoods with others and detainees.

Deputies should complete agency approved training prior to applying spit hoods and shall use only agency authorized spit hoods.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. Spit hoods should be removed during any medical emergency. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who



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have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head, and clothing, prior to application of a spit hood.

Individuals in mental health crisis may react adversely to the application of a spit hood. Deputies should offer verbal reassurance and continually monitor the situation to remove the spit guard as soon as appropriate and safe.

Spit hoods should not be used on persons who state they have a medical condition that affects their breathing or who demonstrate symptoms of labored or distressed breathing.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

### **302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES**

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

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

### **302.7 APPLICATION OF LEG RESTRAINT DEVICES**

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

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

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

#### **302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS**

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

- (a) If practicable, deputies should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the deputy arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

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- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on their stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person shall be continually monitored by a deputy while in the leg restraint. The deputy should ensure that the person does not roll onto and remain on the person's stomach.
- (e) The deputy should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by emergency medical services, the restrained person should be accompanied by a deputy when requested by medical personnel. The transporting deputy should describe to medical personnel any unusual behaviors or other circumstances the deputy reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

Deputies shall not connect a leg restraint to handcuffs or other types of restraints (i.e., hog tie an individual).

### **302.8 REQUIRED DOCUMENTATION**

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

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

Deputies shall document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person

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

### **302.9 TRAINING**

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

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

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- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

### **302.10 POSITIONAL ASPHYXIATION AND COMPRESSION ASPHYXIATION**

Consistent with training, deputies shall take the following actions to reduce the risk of positional asphyxiation and compression asphyxiation.

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

## Control Devices and Techniques

### 303.1 PURPOSE AND SCOPE

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

#### 303.1.1 DEFINITIONS

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

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

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

### 303.2 POLICY

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

### 303.3 ISSUING, CARRYING, AND USING CONTROL DEVICES

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

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

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

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

### 303.4 RESPONSIBILITIES

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### **303.4.1 TRAINING DEPUTY RESPONSIBILITIES**

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

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

### **303.4.2 USER RESPONSIBILITIES**

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

Any damaged, inoperative, outdated, or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Training Deputy for disposition. A memo documenting damage to county property shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

### **303.4.3 SUPERVISOR RESPONSIBILITIES**

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

### **303.5 BATON GUIDELINES**

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

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

### **303.6 TEAR GAS GUIDELINES**

Deputies or other members are not authorized to use tear gas unless necessary to alleviate a present risk of serious harm posed by a (RCW 10.116.030):

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

Only the Shift Sergeant, Incident Commander, or Special Weapons and Tactics Team Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions

### *Control Devices and Techniques*

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known at the time and determining that such force reasonably appears justified and necessary, and other alternatives to the use of tear gas have been exhausted (RCW 10.116.030).

If tear gas is to be used outside a correctional, jail, or detention facility, authorization shall be obtained from the highest elected official of the jurisdiction in which the tear gas is to be used (RCW 10.116.030).

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

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

A written notice of chemical agent on property warning shall be left at any scene where a chemical agent was deployed.

#### **303.7 OLEORESIN CAPSICUM GUIDELINES**

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

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

OC spray is not appropriate in an enclosed, highly populated space where there is a likelihood of impacting uninvolved persons, except where OC spray is the only available and appropriate force option. Deputies deploying OC will attempt to avoid or minimize incidental exposure to non-involved persons.

##### **303.7.1 OC SPRAY**

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

##### **303.7.2 PEPPERBALL LAUNCHER**

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder (PAVA) or an inert powder. Because the compressed Pepperball gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

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

Each deployment of a live or inert pepper projectile shall be documented in a Use of Force and incident report. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a Pepperball Launcher, such as training and product demonstrations, is exempt from the reporting requirement.

Persons who have been sprayed with or otherwise affected by the use of OC or PAVA powder should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

Deployment of the Pepperball Launcher where direct exposure is not utilized but only indirect exposure, second hand exposure, or area deniability shall fall under an applied use of force and is therefore subject to reporting requirements.

The Pepperball Launcher and munitions will be stored and checked in/out in accordance with CCSO received training.

A written notice of chemical agent on property warning shall be left at any scene where a Pepperball Launcher was used.

### **303.7.3 TREATMENT FOR OC SPRAY EXPOSURE**

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

### **303.8 POST-APPLICATION NOTICE**

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

### **303.9 PROJECTILE IMPACT WEAPONS (PIW)**

This office is committed to reducing the potential for violent confrontations. PIW's, when used properly, are less likely to result in death or serious physical injury and when feasible, can be used in an attempt to de-escalate a potentially deadly situation. PIW's fire less-lethal ammunition and are designed to stun, temporarily incapacitate or cause temporary discomfort to a person without penetrating the person's body.

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All PIW use should be deployed in accordance with agency provided training prior to use in the field. When feasible, a deputy about to deploy a PIW should advise other deputies at the scene prior to deployment. Target zones should coincide with manufacturer recommendations to include buttocks, thigh, calf and large muscle groups.

Deputies deploying a PIW shall assess the effectiveness of the PIW after each shot and assess target zones if additional deployments are necessary.

### 303.9.1 DEPLOYMENT AND USE

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

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

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

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

### 303.9.2 DEPLOYMENT CONSIDERATIONS

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

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

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



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A deputy should target the buttocks, thigh, calf, and large muscle groups. Deputies should keep in mind the manufacturer's recommendations and their training regarding effective distances.. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. Deputies should not use kinetic energy projectiles in the following circumstances unless the use of deadly force is justified (see the Use of Force Policy):

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

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

### **303.9.3 SAFETY PROCEDURES**

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

Deputies will ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects. Absent compelling circumstances, deputies who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second deputy watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

When it is not deployed, the shotgun will be properly and securely stored in the vehicle. It is considered properly stored and deployment ready if marked with an inspection tag on the chamber block signed/dated by the deputies who have completed the two person rule as outlined above.

When deploying the kinetic energy projectile shotgun, if there is no tagged chamber block, the deputy shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

### **303.10 TRAINING FOR CONTROL DEVICES**

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

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

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

#### **303.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES**

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

## Conducted Energy Device

### 304.1 PURPOSE AND SCOPE

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

#### 304.1.1 DEFINITIONS

Definitions related to this policy include:

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

### 304.2 POLICY

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

### 304.3 ISSUANCE AND CARRYING TASER DEVICES

Only members who have successfully completed office-approved training and have demonstrated satisfactory skill and proficiency may be issued and carry the TASER device. Deputies must carry, function check and deploy the TASER consistent with department training, manufacturer recommendations and this policy. Any malfunctions shall be reported to the appropriate supervisor or Taser Instructor.

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

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

When carrying while in uniform, deputies shall carry the TASER device in a holster. The holster shall be mounted on an external load bearing vest or the duty belt in such a way to avoid any confusion with the duty firearm. If mounted on a duty belt, it shall be mounted on the side opposite the duty firearm.

- (a) Whenever practicable, deputies should carry two or more cartridges on their person when carrying the TASER device.
- (b) Deputies shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.
- (c) Deputies should not hold both a firearm and the TASER device at the same time unless an exigent circumstance exists.
- (d) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device

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### **304.4 VERBAL AND VISUAL WARNINGS**

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

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

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

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

### **304.5 USE OF THE TASER DEVICE**

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

#### **304.5.1 APPLICATION OF THE TASER DEVICE**

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

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

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

#### **304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS**

The use of the TASER device on certain individuals should generally be avoided unless the deputy reasonably believes that the need to control the individual outweighs the risk of using the device or if lethal force is justified. This may include:

- (a) Individuals who are known to be pregnant or state they are pregnant.

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- (b) Elderly individuals or children.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained and in a compliant, non combative state.
- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating motorized vehicles).

Because the application of the TASER device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit or when no other less lethal options are available and appropriate.

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

### 304.5.3 TARGETING CONSIDERATIONS

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

### 304.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

Deputies should apply the TASER device for only one standard cycle and then evaluate the situation before applying any subsequent cycles unless the deputy reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications. Multiple repeated applications of the CEW may increase the risk of serious bodily injury or death.

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

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

Deputies should generally not intentionally apply more than one TASER device at a time against a single subject unless the first application clearly failed. Each standard cycle of deployment of

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the TASER device is a stand alone use of force that needs to be justified and deputies shall only use the minimum number of cycles necessary to control a person.

### **304.5.5 ACTIONS FOLLOWING DEPLOYMENTS**

Deputies shall notify a supervisor of all TASER device discharges. The expended cartridge, along with both probes and wire, shall be submitted into evidence. The evidence packaging shall be marked "Biohazard" if the probes penetrated the subject's skin. The TASER device shall be left for the TASER instructor for downloading data by the end of the shift unless otherwise approved by a supervisor.

### **304.5.6 DANGEROUS ANIMALS**

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

### **304.5.7 TASER® CAM™**

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

### **304.5.8 OFF-DUTY CONSIDERATIONS**

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

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

## **304.6 DOCUMENTATION**

Deputies shall document and articulate the justification for all TASER device discharges in the related arrest/crime report and the Use of Force report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation, and arcing the device will also be documented in a report.

### **304.6.1 REPORTING**

Items that shall be included in the Use of Force report form are:

- (a) Date, time, and location of the incident.
- (b) Whether any display, laser or arc deterred a subject and gained compliance.
- (c) The number of TASER device activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (d) The range at which the TASER device was used.
- (e) The type of mode used (probe or drive-stun).
- (f) Location of any probe impact.

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- (g) Location of contact in drive-stun mode.
- (h) Description of where missed probes went.
- (i) Whether medical care was provided to the subject.
- (j) Whether the subject sustained any injuries.
- (k) Whether any deputies sustained any injuries.
- (l) Method of probe removal.

The Chief Administrative Deputy should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Chief Administrative Deputy should also conduct audits of data downloads and reconcile Use of Force report forms with recorded activations.

### **304.6.2 REPORTS**

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

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

### **304.7 MEDICAL TREATMENT**

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

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

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

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Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another deputy and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

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

### **304.8 SUPERVISOR RESPONSIBILITIES**

A supervisor should review each incident where a person has been exposed to an activation of the TASER device and ensure proper documentation and reporting is completed to include photos of probe sites and TASER downloads

### **304.9 TRAINING**

Personnel who are authorized to carry the TASER device shall be permitted to do so only after successfully completing the initial office-approved training.

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

Command staff, supervisors, and investigators should receive TASER device training as appropriate for the investigations they conduct and review.

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

The Chief Administrative Deputy is responsible for ensuring that all members who carry TASER devices have received initial and annual proficiency training. Periodic audits should be used for verification.

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

The Chief Administrative Deputy should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.



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- (e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the TASER device.
- (h) Probe removal.