

Wahkiakum County Sheriff's Office

Sheriff Mark C. Howie



P. O. Box 65/64 Main Street ,Cathlamet, WA 98612
Chief Civil Deputy Joannie Kuhlmeier

360-795-3242 or 360-465-2202 Fax: 360-795-3145
Undersheriff Gary Howell

11-30-2022

To: Washington State Attorney General Office

From: Sheriff Mark Howie

RE. Use of force policy

The Wahkiakum County Sheriff Office has adopted a use of force policy written by lexipol and modified it to meet the requirements of 10.120.020, along with the needs of the Wahkiakum Sheriff Office in providing the best and safest service possible to our community.

A handwritten signature in blue ink, appearing to read "Mark Howie".

Sheriff Mark Howie

Use of Force

300.1

PURPOSE AND SCOPE

Best Practice

MODIFIED

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this office is expected to use these guidelines to make such decisions in a professional, impartial, unbiased and reasonable manner. This policies intent is to provide clarity to deputies and promote safety for all by insuring that all available and appropriate de-escalation techniques are used when possible, physical forcer is used appropriately when necessary, and the amount of physical force used is proportional to the threat or resistance encountered as well as the seriousness of the law enforcement objective that is being served.

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. 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 police through the use of force, deputies must remain mindful that they derive their authority from the community and the unreasonable force degrades the legitimacy of that authority.

300.1.1

DEFINITIONS

Federal

MODIFIED

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 9A.16.020)

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.

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)

Deadly force - intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury. (RCW9A.16.010)

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.

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. (RCW 10.120.010)

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 bodily injury to the peace officer or another person

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. (RCW 10.120.010).

Less lethal alternatives- includes but not limited to, verbal warnings, de-escalation tactics, conducted energy weapons, devices that deploy oleoresin capicum, batons and beanbag projectiles.

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)

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 effect the legal purpose intended or to protect against the threat posed to the officer or others. (RCW 10.120.010)

Projectile Impact Weapon- a less lethal weapon that fires projectiles such as 40mm rounds, Pepper Ball or similar projectile, 12 gauge less lethal socks, blast balls or any other projectile designed to temporarily incapacitate a person.

Positional asphyxia- an inadequate oxygen level in the blood and/or 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 their airway and does not allow them to breath freely

Tear Gas- Chloroacetophenone (CN), O-chlorobenzyl Dene malononitrile (CS) an any similar chemical irritant disperse in the air for the purpose of producing temporary physical discomfort. This does not include oleoresin capicum (OC).

Excessive Use of Force - force that exceeds the force permitted by law or policy of the peace officers agency

Wrongdoing - conduct that is contrary to law or contrary to the policies of this office, provided that the conduct is not de minimis or technical in nature.

300.2

POLICY

Best Practice

MODIFIED

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.

The Cowlitz County Sheriff's Office recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting deputies with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

Using critical decision making can help achieve the expectations outlined in this policy. When safe and feasible, when making or considering whether to make contact with the public officers shall

- a. Begin assessment and planning with available facts before arriving at the scene
- b. Request available resources, as needed, such as a crisis intervention or other appropriate specialty units 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 officers from taking quick action when faced with a life threatening situation. When safe and feasible, deputies shall not unnecessarily jeopardize their own safety or the safety of others through tactical decisions that unreasonable 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

300.2.1

DUTY TO INTERVENE AND REPORT

Federal

MODIFIED

Any identifiable on-duty deputy who witnesses another peace officer engaging or attempting to engage in the use of excessive force against another person shall intervene when in a position to do so, in accordance with RCW 10.93.190, to end the use of excessive force or attempted use of force, or to prevent the further use of excessive force.

Any identifiable on duty deputy who observes any wrongdoing committed by another peace officer or has a good faith reasonable belief that another peace officer committed wrongdoing, shall report such wrongdoing to the witnessing officers supervisor or other supervisory peace officer.

Peace officers must intervene if witnessing a fellow officer engaging in any act that is unethical, violates law or policy, or when force is being excessively applied or being applied when no longer reasonable or necessary.

A peace officer's duty to intervene and report will be reviewed under an objectively reasonable officer standard. A peace officer who visually observes another peace officer use force that is excessive under this policy, or who otherwise witnesses clear wrongdoing or has a good faith belief that another peace officer committed wrongdoing, shall promptly report those observations and actions to their immediate supervisor in accordance with the witnessing deputies employing agency's policies and procedures for reporting such acts committed by a deputy. These actions and observations shall be documented in an official report.

300.2.2

PERSPECTIVE

Best Practice

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

State

MODIFIED

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).

Law Enforcement agencies shall send notice to CJTC of any disciplinary decision resulting from a peace officer's failure to intervene or failure to report as require by this section.

300.3

USE OF FORCE

Federal

MODIFIED

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 least 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 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 to decrease the likelihood of needing to use physical force.

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

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 of deadly harm.

300.3.1

FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

Federal

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

- a. Immediacy and severity of the threat to deputies or others.
- b. The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.
- c. Deputy/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).
- d. The effects of suspected drug or alcohol use (RCW 10.120.020).
- e. The individual's mental state or capacity (RCW 10.120.020).
- 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 (RCW 10.120.020).
- s. The individual is a minor, appears to be a minor, or claims to be a minor (RCW 10.120.020).
- t. The individual is known to be a vulnerable adult or appears to be a vulnerable adult as defined by RCW 74.34.020 (RCW 10.120.020).
- u. The individual has limited English proficiency (RCW 10.120.020).
- v. The individual is in the presence of a child (RCW 10.120.020).
- w. Any other exigent circumstances.

300.3.2

PAIN COMPLIANCE TECHNIQUES

Best Practice

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

Best Practice

MODIFIED

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 - DUTY TO DE-ESCALATE

State

MODIFIED

When circumstances reasonably permit and only when safe to do so, deputies should use all available and appropriate de-escalation tactics prior to using physical force. These strategies are non-violent strategies and techniques used to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance. De-escalation strategies include but are not limited to:

- a. Tactical positioning and re-positioning to maintain distance and cover/concealment to include using barriers or existing structures as shielding
- b. Attempts to slow down or stabilize a scene in order to wait for additional resources
- c. Utilizing additional support resources, such as behavioral health, crisis response or better equipped deputies
- d. Use of clear instruction and verbal persuasion
- e. Employing verbal and non-verbal communication techniques to calm a person (uncrossed arms, reduced flashing lights/sirens, slow speech, regulate tone, minimize hand gestures, etc)

- f. Attempt alternative communications via text, apps, etc when verbal instructions are inadequate due to language barriers or the individual does not understand verbal directions
- g. Communicating in ways that demonstrates respect for people dignity, i.e. explaining deputies intent, listening to individuals concerns, being fair and impartial
- h. When utilizing multiple deputies, designate one to communicate to avoid competing commands
- i. Exhibiting patience while using all available and appropriate tactics and resources to provide as much time as needed to resolve the incident without using physical force if safe to do so.

(e.g., summoning additional resources, formulating a plan, attempting verbal persuasion) (RCW 10.120.010; RCW 10.120.020).

300.3.5

RESTRICTIONS ON RESPIRATORY RESTRAINTS

State

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

300.3.6

WASHINGTON STATE LAW - PHYSICAL FORCE

State

MODIFIED

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.
- 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 an 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 COMPLIANCE PRIOR TO USING FORCE

Agency Content

When safe and feasible, prior to the use of physical force, deputies shall:

- a. Identify themselves as law enforcement officers
- b. Attempt to determine whether the person has a special need, mental condition, physical limitation, developmental disability, language barrier or tother factor that may impact their ability to understand or comply with commands
- c. Provide clear instructions and warnings
- d. Warn a person that physical force will be used unless their resistance ceases
- e. Give the person a reasonable opportunity to comply with the warning that physical force may be used

300.4

DEADLY FORCE APPLICATIONS

Federal

MODIFIED

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. Each discharge of the firearm must be 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

State

MODIFIED

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective. Deputies shall not discharge a firearm from a moving vehicle, unless a person is immediately threatening the deputy or another person with deadly force.

When feasible, deputies should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

A deputy should only discharge a firearm at a moving vehicle or its occupants when necessary to protect against an imminent threat of serious physical harm resulting from the operator's or 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). the deputy reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle or of deadly force other than the vehicle that is directed at the deputy or others (RCW 10.116.060).

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

A vehicle is not considered a threat for purposes of this policy unless the operator is using it as a deadly weapon and there are no other reasonable means to immediately avoid that threat (RCW 10.116.060).

300.4.2

POINTING AND DRAWING A FIREARM

Agency Content

Deputies should only point a firearm at a person when deadly force is authorized. Drawing and positioning a firearm. If after un-holstering a firearm, it is determined that deadly force is not necessary, deputies should, as soon as safe and feasible, holster or secure their firearm.

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)

When safe and feasible, deputies should give a verbal warning of the intent to use a firearm. Prior to using a firearm, deputies should consider the field of fire, backdrop, bystanders, potential ricochets and other risks to life.

Firearms should not be used as impact weapons unless deadly force is permitted.

300.4.3

PROHIBITED FIREARM USAGE

Agency Content

Deputies should not use a firearm in the following circumstances:

- a. When it appears likely that an innocent person may be injured
- b. As warning shots
- c. 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 law enforcement or another person.
- d. 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 law enforcement or another person.

300.5

REPORTING THE USE OF FORCE

Best Practice

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

Best Practice

MODIFIED

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

- a. The application caused a visible injury.
- b. The application would lead a reasonable deputy to conclude that the individual may have experienced more than momentary discomfort.
- c. The individual subjected to the force complained of injury or continuing pain.
- d. The individual indicates intent to pursue litigation.
- e. Any application of the TASER (TM) device, 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

Agency Content

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

State

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)

State

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

300.5.5

REPORTING TO WASHINGTON STATEWIDE USE OF FORCE DATA PROGRAM

State

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

Best Practice

MODIFIED

All law enforcement personnel must provide or facilitate first aid such that it is rendered at the earliest safe opportunity to injured persons at a scene controlled by law enforcement. (RCW36.28A.445). Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Likewise injured persons and restrained persons shall be monitored while in law enforcement custody.

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 (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple deputies to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Deputies who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.6.1

POSITIONAL/COMPRESSION ASPHYXIATION

Agency Content

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 them to an upright position that does not impede the mechanism of normal breathing, except if they are unconscious. If the person is conscious and expresses a desire to be placed in a different position, the deputies shall place them in that position unless doing so poses a substantial risk of safety to the individual, deputies or others.
- b. Avoid 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 and when manpower allows, a deputy shall be designated as a "Safety Deputy" who shall monitor the health and welfare of the person until: responsibility is transferred to a healthcare provider or when the individual is seated in a transport vehicle and verbalizes they are okay and appear to be well and speaking normal.
- e. Safety Deputy should notify the OIC of the incident if they become aware of any issues with the person's breathing, color or impairment.
- f. Do not transport a person restrained in the prone position

Deputies must provide or facilitate first aid specific to particular force tools.

- a. Oleoresin Capsicum (OC) spray: 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
- b. Electronic Control Weapon (ECW): At the earliest safe opportunity at a scene controlled by law enforcement a deputy shall remove ECW probes unless probes are in a sensitive area such as head, breast or groin. Probe removal from sensitive areas shall be removed by an EMT, paramedic or health care professional.

300.7

SUPERVISOR RESPONSIBILITIES

Best Practice

MODIFIED

I. I. 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 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.

300.7.1

SHIFT SERGEANT RESPONSIBILITY

Best Practice

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

300.8

WASHINGTON STATE LAW - REASONABLE CARE

State

MODIFIED

Deputies shall use reasonable care when determining whether to use and when using any physical force or deadly force against another person. Deputies should consider peoples characteristics and conditions, when determining whether or not to use force. The least amount of physical force necessary shall be used to overcome resistance under the circumstances (RCW 10.120.020).

When possible deputies shall exhaust available and appropriate de-escalation tactics under the circumstances before using physical force.

De-escalation tactics include but are not limited to:

- a. creating physical distance and continual tactical repositioning to maintain the benefit of time, distance and cover
- b. designating one deputy to communicate in order to avoid competing commands from a multiple officer response
- c. use of additional resources such as crisis responders
- d. calling for additional deputies to respond to the scene
- e. potentially leaving the scene if there is not threat of imminent harm and no crime has been committed, is being committed or is about to be committed
- f. Utilization of less lethal alternatives when applicable

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 the person for the purposes of determining whether to use force against that person or determining the appropriate and least amount of force required to effect a lawful purpose. Such characteristics and conditions may include but not limited to:

- a. obvious or implied signs of pregnancy
- b. obvious or implied signs of being a minor
- c. is known to be or appears to be a vulnerable adult
- d. displays signs of mental, behavioral or physical impairments or disabilities
- e. is suicidal

- f. displays signs of impairment related to drugs or alcohol
- g. has limited English proficiency
- h. is in the presence of children

Nothing in this policy limits or restricts a deputies ability to respond to a call for community caretaking or protection of health and safety, and to use the appropriate and least amount of physical force to execute those functions (RCW 10.120.010) The same standards for using physical force apply. However, incidental touching, which may occur in the course of community caretaking, is not defined as physical force.

- a. limits or restricts a peace officer's authority or responsibility to perform lifesaving measures or perform community caretaking functions to ensure health and safety including but not limited to rendering medical assistance, performing welfare checks, or assisting other first responders and medical professionals.
- b. Prevents a deputy from responding to requests for assistance or service from first responders, medical professionals, behavioral health professionals, social service providers, designated crisis responders, shelter or housing providers or any member of the public
- c. Permits a peace officer to use physical force or deadly force in a manner or under such circumstances that would violate the US Constitution or state Constitution

300.9 TRAINING

State

MODIFIED

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, 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 43.101.450; RCW 43.101.495; RCW 10.120.010; RCW 10.120.020):

- a. Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- b. De-escalation tactics, including alternatives to force and legal requirements.
- c. Duty to intercede.

300.10 USE OF FORCE ANALYSIS

Discretionary

At least annually, the Operations Division Chief 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 recommendation

Handcuffing and Restraints

302.1

PURPOSE AND SCOPE

Best Practice

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

302.2

POLICY

Best Practice

MODIFIED

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, to display authority or as a show of force. Only restraint and temporary protective devices approved by the Sheriff are authorized.

302.3

USE OF RESTRAINTS

Best Practice

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.
- 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.

302.3.1

RESTRAINT OF DETAINEES

Best Practice

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

State

MODIFIED

Consideration should be made when making the decision to restrain juveniles. Factors to be considered should be if the juvenile is suspected of a dangerous crime or when the deputy has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the deputy, injure others, or damage property.

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

302.3.3

NOTIFICATIONS

Best Practice

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

Best Practice

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.

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

Best Practice

MODIFIED

A spit hood 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 a restrained 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 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 asses to situation to remove the spit guard as soon as appropriate.


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

Best Practice

 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 (HOBBLE) RESTRAINT DEVICES

Best Practice

MODIFIED

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

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

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

Deputies should not connect a hobble restraint to handcuffs or other types of restraints (i.e. "hog tie"). Once a leg restraint device is applied, the person should not be placed face down. Individuals wearing leg restraints shall be monitored and deputies shall take immediate action if necessary to protect the person's health and safety. Deputies shall discontinue use of a leg restraints once the necessity for its use ceases.

302.7.1

GUIDELINES FOR USE OF LEG RESTRAINTS

Best Practice

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.
- 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 his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- d. The restrained person should 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 his/her 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).

302.8

REQUIRED DOCUMENTATION

Best Practice

MODIFIED

If a person is detained or arrested, the use of restraints other than handcuffs shall be documented in the related report. The deputy should include, as appropriate:

- a. The amount of time the person was restrained.
- b. How the person was transported and the position of the person during transport.
- c. Observations of the person's behavior and any signs of physiological problems.
- d. Any known or suspected drug use or other medical problems.

302.9

TRAINING

Best Practice

MODIFIED

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


Control Devices and Techniques

303.1

PURPOSE AND SCOPE

Best Practice

MODIFIED

 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 reasonable 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.

303.2

POLICY

Best Practice

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

Best Practice

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

Best Practice

MODIFIED

303.4.1

TRAINING DEPUTY RESPONSIBILITIES

Best Practice

MODIFIED

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

Best Practice

MODIFIED

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. Damage to County property memos 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

Best Practice

MODIFIED

I The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

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.

Deputies shall not use an impact weapon to intimidate a person when an impact weapon warning is not justified by the threat presented.

Deputies shall reassess the effectiveness of impact weapon strikes as soon as safe and feasible, and if not effective, move to another appropriate target or to another force option

303.6

TEAR GAS GUIDELINES

State

MODIFIED

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 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 (OC) GUIDELINES

Best Practice

MODIFIED

OC is an inflammatory agent that causes an intense burning sensation of the eyes, nose, mouth, and/or skin which may result in closing, tearing and swelling of the eyes, choking, gagging or gasping for breath.


As with other control devices, oleoresin capsicum (OC) 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 officers or the public.

303.7.1

OC SPRAY

Best Practice

MODIFIED

 Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. 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.

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


Deputies deploying OC will attempt to avoid or minimize incidental exposure to non-involved persons.

303.7.2

PEPPERBALL LAUNCHER

Best Practice

MODIFIED

 Pepper projectiles are plastic spheres that are filled with a derivative of OC powder (PAVA) or an inert powder. Because the compressed Pepper ball 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.

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 Pepper ball 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 Pepper ball 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 Pepper ball 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 therefore subject to reporting requirements.

The Pepper ball 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 Pepper ball Launcher was used.

303.7.3

TREATMENT FOR OC SPRAY EXPOSURE

Best Practice

Persons who have been sprayed with or otherwise affected by the use of OC 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.

303.8

POST-APPLICATION NOTICE

Best Practice


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)

Best Practice

MODIFIED

 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.

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.

PIW deployment should not be used in the following circumstances unless lethal force is justified:

- a. Intentionally aiming a PIW at the head, neck, chest or groin
- b. At ranges that are inconsistent with PIW manufacturer's guidelines
- c. At individuals who are situated in elevated positions where a fall would likely cause serious unintended injury unless reasonable efforts have been made to prevent fall related injury.

303.9.1

DEPLOYMENT AND USE

Best Practice

MODIFIED

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

Best Practice

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.

Deputies should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, deputies are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

303.9.3

SAFETY PROCEDURES

Best Practice

MODIFIED

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

Best Practice

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.
- 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

Best Practice


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

Best Practice

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

304.2

POLICY

Best Practice

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

Best Practice

MODIFIED

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 consistent with department training and manufacturer recommendations and this policy.

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

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

When 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 weapon. If mounted on a duty belt, it shall be mounted on the side opposite the duty weapon.

- 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 shall not hold both a firearm and the TASER device at the same time unless an exigent circumstance exists.

304.4

VERBAL AND VISUAL WARNINGS

Best Practice

MODIFIED

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

Best Practice

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

Best Practice

MODIFIED

The TASER device may be used when the circumstances perceived by the deputy at the time indicate that such application is reasonably necessary to control a person as stated in 300.3:

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

Best Practice

MODIFIED

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.
- 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 capsicum (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

Best Practice

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

Best Practice

MODIFIED

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, other options or tactics 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 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

Best Practice

MODIFIED

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

Best Practice

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™

Best Practice

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

Best Practice

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

Best Practice

MODIFIED

Deputies shall document 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 will also be documented on the report form.

304.6.1

REPORTING

Best Practice

MODIFIED

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.
- 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

Best Practice

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

Best Practice

MODIFIED

Deputies may remove TASER probes themselves, or call an aid crew for probe removal, in contact areas without potential for serious or lasting injury. 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 and have been subjected to the electric discharge of the device, and meet following circumstances should, as soon as practicable, be examined by qualified medical personnel:

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

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

304.8

SUPERVISOR RESPONSIBILITIES

Best Practice

MODIFIED

A supervisor should review each incident where a person has been exposed to an activation of the TASER device and ensure proper documentation is completed.

304.9

TRAINING

Best Practice

MODIFIED

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.
- 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.