

Use of Force

300.1 PURPOSE AND SCOPE

This policy is intended to provide clarity to officers and promote safety for all by ensuring that all available and appropriate de-escalation techniques are used when possible, force is used appropriately only when necessary, and the amount of force used is proportional to the threat or resistance the officer 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 officer of this department 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 officer 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 officer 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 officer leading up to, and at the time of, the use of force, and includes the actions of the person against whom the officer uses such force, and the actions of the officer (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. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers 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). Officers 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 officers through the use of force, officers must remain mindful that they derive their authority from the community and that unreasonable force degrades the legitimacy of that authority (Washington State Office of the Attorney General Model Use of Force Policy).

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

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

300.2.1 DUTY TO INTERVENE AND REPORT

Any officer present and observing another law enforcement 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 officer who observes another law enforcement 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 a supervisor as soon as feasible (RCW 10.93.190).

300.2.2 LEGISLATIVE INTENT

The legislature intends to address excessive force and discriminatory policing by establishing a requirement for law enforcement and community corrections officers to act with reasonable care when carrying out their duties, including using de-escalation tactics and alternatives to deadly force. Further, the legislature intends to address public safety concerns by limiting the use of deadly force to very narrow circumstances where there is an imminent threat of serious physical injury or death. It is the intent of the legislature that when practicable, peace officers will use the least amount of physical force necessary to overcome actual resistance under the circumstances.

It is the fundamental duty of law enforcement to preserve and protect all human life. (2021 Legislation HB1310) Officers shall respect and uphold the dignity of all persons and use their authority in a bias-free manner. (AG2022)

The legislature intends to provide clear authority for officers to use physical force to prevent persons from fleeing lawful temporary investigative detentions, also known as Terry stops, and to take persons into custody when authorized or directed by state law. Yet this authority is not without limits. Officers must exercise reasonable care when determining whether to use physical force and when using any physical force against another person. Officers must, when possible and appropriate, use de-escalation tactics before using physical force. Officers may only use force to the extent necessary and reasonable under the totality of the circumstances. (2022 Legislation HB2037)

300.2.3 CRITICAL DECISION MAKING

Use of critical decision making can help officers 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, officers shall (Washington State Office of the Attorney General Model Use of Force Policy):

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

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

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

300.3 DE-ESCALATION

When possible, officers shall use all de-escalation tactics that are available and appropriate under the circumstances before using physical force. (RCW 10.120.020)

(1) Depending on the circumstances, officers have a number of de-escalation tactics to choose from, which may include, but are not limited to:

- a) Employing tactical positioning and repositioning to maintain the benefit of distance and cover, such as backing away from the person to re-assess and determine which tactics to use;
- b) Placing barriers or using existing structures to provide a shield or other protection between officers and a person;
- c) Attempting to slow down or stabilize the situation to allow for the consideration and arrival of additional resources that may increase the likelihood of a safe resolution;
- d) Request and using available support and resources, such as a crisis intervention team, a designated crisis responder, other behavioral health providers, or back-up officers, including more experienced officers or supervisors;
- e) Using clear instructions and verbal persuasion;
- f) Employing verbal and non-verbal communication techniques to calm a person (such as speaking slowly, regulating tone and body language, not crossing one's arms, minimizing hand gestures, and reducing bright flashing lights and sirens);
- g) Attempting to communicate in non-verbal ways when verbal instructions would be inadequate (such as when a person and officer speak different languages, or the person is clearly unable to hear or understand instructions);
- h) When there are multiple officers, designating one officer to communicate in order to avoid competing or confusing commands; or
- i) Exhibiting patience while using all available and appropriate tactics and resources without using physical force. (AG2022)

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300.4 REASONABLENESS, PROPORTIONALITY, AND NECESSITY

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

1) For physical force to be necessary, a reasonably effective alternative does not appear to exist and the use of force must be a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the officer or others.

a) Reasonableness shall be evaluated based on the totality of circumstances known to the officer leading up to, and at the time of, the use of physical force, including the immediacy of the threat, the actions of the person against whom force is used, the actions of the officer, and the seriousness of the crime. Officers should use all available and appropriate de-escalation tactics when possible prior to using physical force and exercise reasonable care when using physical force.

b) Proportionality shall be evaluated based on whether the use of physical force corresponds to the immediacy and severity of the threat or resistance the officer encounters at the time force is applied, as well as the seriousness of the crime. The threat or resistance may change over the course of the incident. Proportional force does not require officers to use the same type or amount of force of physical force as the subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be proportional. (AG2022)

300.5 IDENTIFICATION, WARNING, AND OPPORTUNITY TO COMPLY

When safe and feasible, prior to the use of physical force, officers should:

1) Identify themselves as law enforcement officers;

2) Attempt to determine whether the person has a special need, mental condition, physical limitation, developmental disability, language barrier, or other factor that may impact their ability to understand and comply with officer commands;

3) Provide clear instructions and warnings;

4) Warn the person that physical force may be used;

5) Give the person a reasonable opportunity to comply with the warning that physical force may be used. (AG2022)

300.6 USE OF FORCE

1. Physical Force

An officer may use physical force against a person to the extent necessary to:

a) Protect against a criminal offense when there is probable cause that the person has committed, is committing, or is about to commit the offense;

b) Effect an arrest

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- c) Prevent an escape as defined under chapter 9A.76 RCW;
- d) Prevent a person from fleeing or stop a person who is actively fleeing a lawful temporary investigative detention, provided that the person has been given notice that he or she is being detained and is not free to leave;
- e) Take a person into custody, transport a person for evaluation or treatment, or provide other assistance under chapter 10.77, 71.05, or 71.34 RCW;
- f) Take a person into custody when authorized or directed by statute;
- g) Execute or enforce a court order authorizing or directing an officer 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 an officer to use physical force to execute or enforce the directive or order; or
- j) Protect against an imminent threat of bodily injury to the officer, another person, or the person against whom force is being used.
- k) 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. (AG2022)

2. Deadly Force

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

"Immediate threat of serious physical injury or death" means that, 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.

3. Reasonable Care

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

- (a) When possible, use all de-escalation tactics that are available and appropriate under the circumstances before using physical force;
- (b) When using physical force, use the least amount of physical force necessary to overcome resistance under the circumstances. This includes a consideration of

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the characteristics and conditions of a person (including children, elderly persons, pregnant individuals, limited English proficiency speakers and those demonstrating mental, behavioral, physical, cognitive and perceptual impairments or disabilities) for the purposes of determining whether to use force against that person and, if force is necessary, determining the appropriate and least amount of force possible to effect a lawful purpose. Such characteristics and conditions may include, for example, whether the person:

- Is visibly pregnant, or states that they are pregnant;
 - Is known to be a minor, objectively appears to be a minor, or states that they are a minor;
 - Is known to be a vulnerable adult, or objectively appears to be a vulnerable adult as defined in RCW 3074.34.020;
 - Displays signs of mental, behavioral, or physical impairments or disabilities;
 - Is experiencing perceptual or cognitive impairments typically related to the use of alcohol, narcotics, hallucinogens, or other drugs;
 - Is suicidal;
 - Has limited English proficiency; or
 - Is in the presence of children.
- (c) Terminate the use of physical force as soon as the necessity for such force ends;
- (d) When possible, use less lethal alternatives that are available and appropriate under the circumstances before using deadly force; and
- (e) Make less lethal alternatives issued to the officer reasonably available for their use.

4) Nothing in this policy limits or restricts an officer's ability to respond to a call for community caretaking or protection of health and safety, and to use the appropriate and least amount of physical force to execute those functions. (RCW 10.120.020)

5) An officer may not use any force tactics prohibited by applicable departmental policy, this chapter, or otherwise by law, except to protect his or her life or the life of another person from an imminent threat. (2021 Legislation HB1310; 2022 Legislation HB1735)

300.6.1 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer 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 officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).

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- (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 officer 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 officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (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 officer 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.
- (u) The individual has limited English proficiency.
- (v) The individual is in the presence of a child.
- (w) Any other exigent circumstances.

300.6.2 TYPES OF FORCE

- (a)
- (b)
- (c)

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

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1) Lower Level Physical Force: This type of force is not intended to and has a low probability of causing injury, but may cause momentary discomfort or pain. Depending on the circumstances, including the characteristics and conditions of the person, lower level force options may include:

- a) Techniques to direct movement (e.g., push back, escort, lift, carry);
- b) Control holds (e.g., wrist locks, finger locks, joint manipulation);
- c) Open hand techniques;
- d) Takedowns; or
- e) Use of the WRAP or department approved hobble restraint.

2) Intermediate Physical Force: This type of physical force poses a foreseeable risk of significant injury or harm but is neither likely nor intended to cause death. Depending on the totality of circumstances, intermediate physical force may be reasonable when a person threatens imminent assault upon an officer or others. Intermediate force options include:

- a) OC-10 spray
- b) Electronic control weapons (e.g. Taser)
- c) Projectile impact weapons (e.g. 40mm)
- d) Canine bite or injury caused by physical contact between a canine and a subject;
- e) Impact weapon strikes (except impact weapon strikes to the head, neck, throat, or spine); or
- f) Punches, kicks, or other strikes with an officer's body.

1. Officers shall only use striking techniques directed at a subject's head as a means of self-defense, or in the defense of others. Striking a person's head using fists, elbows, knees, and feet shall not be used as a means of pain compliance.

3) Deadly Force: An officer may use deadly force against another person only when deadly force is necessary to protect against an immediate threat of serious physical injury or death to the officer or another person. (RCW 10.120.020) Deadly force includes:

- a) Impact weapon strikes to the head, neck, throat, or spine;
- b) Striking a person's head onto a hard, fixed object;
- c) Discharge a firearm loaded with lethal ammunition at a person; or
- d) Intentionally striking with a vehicle a person who is not inside a vehicle. (AG2022)

Also see 300.8 Deadly Force Applications.

300.6.3 NECK RESTRAINTS AND CHOKE HOLDS

All neck restraint and choke hold techniques are prohibited. (2021 Legislation HB1054)

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300.6.4 STATE REPORTING

Supervisors completing use of force reports must be aware that each law enforcement agency in the state is required to report each incident where a law enforcement officer employed by the agency used force and:

- (a) A fatality occurred in connection with the use of force;
- (b) Great bodily harm occurred in connection with the use of force;
- (c) Substantial bodily harm occurred in connection with the use of force; or
- (d) A law enforcement officer:
 - (i) Discharged a firearm at or in the direction of a person;
 - (ii) Pointed a firearm at a person;
 - (iii) Used a chokehold or vascular neck restraint;
 - (iv) Used an electronic control weapon including, but not limited to, a taser, against a person;
 - (v) Used oleoresin capsicum spray against a person;
 - (vi) Discharged a less lethal shotgun or other impact munitions at or in the direction of a person;
 - (vii) Struck a person using an impact weapon or instrument including, but not limited to, a club, baton, or flashlight;
 - (viii) Used any part of their body to physically strike a person including, but not limited to, punching, kicking, slapping, or using closed fists or feet;
 - (ix) Used a vehicle to intentionally strike a person or vehicle;
 - (x) Deployed a canine by releasing it from the physical control of the law enforcement officer or had under the law enforcement officer's control a canine that bites a person.

Supervisors must capture pertinent data regarding each use of force event to include the below elements which are required in each report:

- (a) The date and time of the incident;
- (b) The location of the incident;
- (c) The agency or agencies employing the law enforcement officers;
- (d) The type of force used by the law enforcement officer;
- (e) The type of injury to the person against whom force was used, if any;
- (f) The type of injury to the law enforcement officer, if any;
- (g) Whether the person against whom force was used was armed or unarmed;
- (h) Whether the person against whom force was used was believed to be armed;
- (i) The type of weapon the person against whom force was used was armed with, if any;
- (j) The age, gender, race, and ethnicity of the person against whom force was used, if known;
- (k) The tribal affiliation of the person against whom force was used, if applicable and known;
- (l) Whether the person against whom force was used exhibited any signs associated with a potential mental health condition or use of a controlled substance or alcohol based on the observation of the law enforcement officer;
- (m) The name, age, gender, race, and ethnicity of the law enforcement officer, if known;
- (n) The law enforcement officer's years of service;

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- (o) The reason for the initial contact between the person against whom force was used and the law enforcement officer;
- (p) Whether any minors were present at the scene of the incident, if known;
- (q) The entity conducting the independent investigation of the incident, if applicable;
- (r) Whether dashboard or body worn camera footage was recorded for an incident;
- (s) The number of officers who were present when force was used; and
- (t) The number of suspects who were present when force was used. (2021 Legislation SB5259)

300.6.5 ALTERNATIVE TACTICS - DE-ESCALATION

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

Depending on the circumstances, officers 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 officers and a person.
- (c) Attempting to slow down or stabilize the situation to allow for the consideration and arrival of additional resources that may increase the likelihood of a safe resolution.
- (d) Requesting and using available support and resources, such as a crisis intervention team, a designated crisis responder, other behavioral health providers, or back-up officers, including more experienced officers or supervisors.
- (e) Using clear instructions and verbal persuasion.
- (f) Employing verbal and non-verbal communication techniques to calm a person (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 officer 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 officer'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 officers, designating one officer 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.

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

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

- (a) Identify themselves as law enforcement officers.
 1. Identification is unnecessary when the officer 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 officer commands.
- (c) Provide clear instructions and warnings.
- (d) Warn a person that force will be used unless the person's resistance ceases.
- (e) Give the person a reasonable opportunity to comply with the warning that force may be used.

300.7 OC, IMPACT WEAPONS, PROJECTILE IMPACT WEAPONS, AND FIREARMS (ALSO SEE POLICIES 302, 303 AND 304)

Whenever possible, officers should use available and appropriate less lethal alternatives before using deadly force. The agency must make less lethal alternatives reasonably available for officers' use. (RCW 10.120.020) Officer shall use all tools in accordance with training and equipment manufacturer's instructions.

Oleoresin Capsicum (OC) Spray

- 1) After the initial application of OC spray, any subsequent application must also be justified.
- 2) 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. Officers deploying OC will attempt to avoid or minimize incidental exposure to non-involved persons.

Impact Weapons

- 1) Officers should not intentionally strike vital areas, including the head, neck, face, throat, spine, groin, or kidney unless deadly force is authorized.
- 2) Officers should not use an impact weapon to intimidate a person when an impact weapon warning is not justified by the threat presented.
- 3) Officers should reassess the effectiveness of impact weapon strikes as soon as safe and feasible, and if not effective, move to another appropriate target or another tactical or physical force option.

Projectile Impact Weapons (PIW)

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- 1) Officers must be trained to use a PIW before deploying one during the course of law enforcement operations.
- 2) When safe and feasible, an officer about to discharge a PIW should advise other officers at the scene prior to the discharge.
- 3) An officer should target buttocks, thigh, calf, and large muscle groups.
- 4) Officers deploying a PIW should assess the effectiveness if the PIW after each round. If subsequent PIW rounds are needed, officers should consider targeting different areas.
- 5) Restricted Uses. The PIW should not be used in the following circumstances unless the use of deadly force is justified:
 - a) Intentionally aiming a PIW at the head, neck, chest, or groin unless deadly force is authorized.
 - b) At ranges inconsistent with the PIW manufacturer's guidelines.
 - c) At a person on an elevated surface unless reasonable efforts have been made to prevent or minimize a fall-related injury (e.g. deploying a safety net.)

Firearms

Officers are only permitted to discharge a firearm at a person in situations where deadly force is authorized. Each discharge of the firearm must be justified.

Pointing and Drawing a Firearm:

- a) Officers should only point a firearm at a person when deadly force is authorized.
- b) Officers should only draw a firearm in the low ready position or sul position (i.e., unholstered but out of the officer's visual field) when the officer makes reasonable observations based on the totality of the circumstances that the situation may evolve to the point where deadly force would be authorized.
- c) When it is determined that the use of deadly force is not necessary, officers should, as soon as safe and feasible, lower, holster, or secure their firearm.
- d) Pointing a firearm at a person is a reportable use of force and its justification and circumstances shall be documented in accordance with procedures set by the statewide use of force data collection program. (RCW 10.118.030).
- e) When feasible, officers shall give a verbal warning that a firearm will be discharged.
- f) Prior to the decision to use a firearm, officers should consider field of fire, backdrop, bystanders, potential for ricochet, and other risks of life.

Restricted Uses:

- a) Officers shall not use firearms as impact weapons except when deadly force is permitted.

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b) Discharging a Firearm at or from a Moving Vehicle:

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

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

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

4) Officers shall not discharge a firearm from a moving vehicle, unless a person is immediately threatening the officer or another person with deadly force.

Prohibited Uses.

Officers shall not use a firearm in the following circumstances:

a) When it appears likely that an innocent person may be injured.

b) Firing a "warning shot."

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 the officer 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 the officer or another person. (AG2022)

300.8 FIRST AID

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 (RCW 36.28A.455)

At the earliest safe opportunity, officers shall recognize and act in accordance with the urgency of providing first aid to preserve human life for all persons at the scene. Officers should:

a) remove or control any known human, environmental, and/or physical threats.

b) Request Emergency Medical Services (EMS) personnel.

c) If there are multiple injured parties at the scene, triage and treat those with the most urgent need for life-saving measures including 1) controlling bleeding, 2) maintaining a heartbeat, and 3) maintaining breathing.

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- d) Provide first aid at the level of their training, until relieved by emergency medical personnel, a health care professional or someone that arrives on the scene with more medical training than the officer.
- e) Identify and utilize available medical resources (i.e., first aid kits, AEDs, tourniquets, etc.)
- f) Utilize Personal Protective Equipment (PPE) to ensure the safety of everyone at the scene. (CJTC LETCSA First Aid Guidelines)

300.9 DEADLY FORCE APPLICATIONS

When feasible, the officer shall, prior to the use of deadly force, identify him/herself as a peace officer and to warn that deadly force may be used.

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

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 (Chapter 324 § 3, 2021 Laws).

Officers shall not use deadly force against persons who present a danger only to themselves and do not pose an immediate threat of death or serious bodily injury to another person or officer. (AG2022)

300.9.1 MOVING VEHICLES

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

An officer 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 officer. (RCW 10.116.060).

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

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

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

300.9.2 DRAWING AND POINTING A FIREARM

- (a) An officer should only draw a firearm in the low-ready position (i.e., unholstered but out of the officer's visual field) when the officer makes reasonable observations based on the totality of the circumstances that the situation may evolve to the point where deadly force would be justified.

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- (b) An officer should only point a firearm at a person when deadly force is justified.
- (c) When it is determined that the use of deadly force is not necessary, the officer should, as soon as safe and feasible, lower, holster, or secure the firearm.
- (d) Pointing a firearm at a person is a reportable use of force and its justification and circumstances shall be documented in accordance with procedures set by the statewide use of force data collection program (RCW 10.118.030).

300.9.3 RESTRICTED USE

Officers 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 officer 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 officer 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 officer or another person.

300.9.4 DISCHARGE OF FIREARMS

Officers 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, officers shall give a verbal warning that a firearm will be discharged. Prior to the decision to use a firearm, officers 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).

300.10 REPORTING THE USE OF FORCE

Each officer who uses force upon another person at or above lower level physical force, or capable of producing injury, while actively engaged in providing police services or who witnesses such a use of force shall write a police report that details the use of force. The employee's supervisor will then complete a separate Use of Force Report for each person upon whom force is used. Any force used at or above lower level physical force and/or the below types force will be reported:

- Physical take-downs, leg sweeps, or tackles
- Any technique which forcibly requires the subject to end up on the ground.
- Application of the WRAP.
- Pointing a firearm "on target" at a person.
- Punches, kicks, elbow strikes, etc.
- Any use of Aerosol/Mechanical/Electrical restraint products.

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- Canine Bite.
- Any impact device used to deliver force whether designed for that function or not.
- Any use of less lethal extended range devices.
- Any action which results in a complained, suspected, or visible injury to a subject.

In the rare occasion where a case number is not associated with the incident, at a minimum, a memo will be completed documenting the below officer report writing factors and upon whom the force was used. A supervisor will be notified who will complete a use of force report.

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

Officer Report Writing for Use of Force Incidents:

The use of force factors established in this policy and current case law should guide the reporting of every use of force incident. Officer Reports should answer these questions:

- Who did you perceive you were dealing with? (juvenile/adult, under influence of drugs/ alcohol, criminal suspect or EDP (Emotionally Disturbed Person), etc.
- Could you de-escalate the situation?
- Specify all attempts and techniques used to de-escalate.
- If a de-escalation tactic was not feasible, or was ineffective, provide the reasons why.
- Was there probable cause to believe a crime had been committed?
- What was the severity of the crime? Why?
- Did the suspect or EDP pose an imminent threat of physical harm? To whom?
- Was the suspect or EDP attempting to flee or forcefully resist?
- What specific verbal warnings were given before force was applied?
- What other factors were considered in making the decision to use physical force?

300.10.1 NOTIFICATIONS TO SUPERVISORS

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

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer 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 Conducted Energy Weapon or control device.

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- (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 was forced to the ground
- (j) Any technique capable of producing an injury was utilized
- (k) An individual alleges unreasonable force was used or that any of the above has occurred.

300.10.2 NOTIFICATION TO INDIAN AFFAIRS

When the use of force by an officer 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 department 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).

300.10.3 NOTIFICATION TO CRIMINAL JUSTICE TRAINING COMMISSION (CJTC)

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

300.10.4 REPORTING TO WASHINGTON STATEWIDE USE OF FORCE DATA PROGRAM

The Department 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).

300.11 MEDICAL CONSIDERATIONS

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

Based upon the officer'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 officer 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 officer 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

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description of the force used and any other circumstances the officer 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 officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers 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.

300.12 SUPERVISOR RESPONSIBILITIES

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

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived the individual's *Miranda* rights, the following shall apply:
 1. The content of the interview should not be summarized or included in any related criminal charges.
 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

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- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

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

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

300.12.1 COMMANDER RESPONSIBILITY

The Commander 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.

300.13 TRAINING

All officers and supervisors shall receive training consistent with this policy and related use of force policies at least annually. Training should (Washington State Office of the Attorney General Model Use of Force Policy):

- Be a combination of classroom and scenario-based learning.
- Include community partners, when relevant and feasible.
- Incorporate cultural competency to understand disproportionately impacted communities, and how racialized experiences of policing and the criminal justice system may impact interactions with police.

This policy should be incorporated into defensive tactics curricula.

Officers 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 reasonably effective alternatives to force including applicable legal requirements.
- (c) Duty to intervene.
- (d) Exercising reasonable care in determining when to use force.
- (e) Evaluation of whether certain applications of force are reasonable and proportional to the threat or resistance.
- (f) The Washington State Office of the Attorney General Model Use of Force Policy.

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300.14 USE OF FORCE ANALYSIS

At least annually, the Operations Division Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, 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 (Washington State Office of the Attorney General Model Use of Force Policy). However, physical force does not include compliant handcuffing where there is no complaint of physical pain or injury (RCW 10.120.010).

302.1.1 DEFINITIONS

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

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

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

302.2 POLICY

The Lacey Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

302.3 USE OF RESTRAINTS

Only members who have successfully completed Lacey Police Department-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, officers should carefully balance officer safety concerns with factors that include but are not limited to:

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

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

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

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 officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

302.3.2 RESTRAINT OF PREGNANT PERSONS

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

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

302.3.3 RESTRAINT OF JUVENILES

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

302.3.4 NOTIFICATIONS

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer 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.

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Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department if the subject will not be transported from the scene. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers 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, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

All persons under arrest that are transported in Department vehicles will be handcuffed or otherwise secured in plastic cuffs or the WRAP.

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 GUARDS

A spit guard (sometimes referred to as spit hood, spit mask, or spit sock) is a woven mesh device which can be placed over a person's head and face with the intent of preventing or reducing the transmission of infectious disease through saliva, mucous, and blood. Officers shall only use department-issued spit guards (Washington State Office of the Attorney General Model Use of Force Policy).

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

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

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

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Spit guards should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition that affects their breathing, or the person demonstrates symptoms of labored or distressed breathing. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit guard, the spit guard should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head, and clothing, prior to application of a spit guard.

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

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons, the WRAP 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 department-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 department shall be used.

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

- (a) Whether the officer 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 officer while handcuffed, kicking at objects or officers).
- (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, officers 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 officer 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 the person's stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person shall be continually monitored by an officer while in the leg restraint (Washington State Office of the Attorney General Model Use of Force Policy). The officer should ensure that the person does not roll onto and remain on the person's stomach.
- (e) The officer 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 an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

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

302.8 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the officer 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.

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

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

302.8.1 SCHOOL RESOURCE OFFICERS

Members working as school resource officers shall prepare a report pursuant to RCW 28A.600.485 and provide a copy to the school administrator whenever a student is restrained in a room or other enclosure or restrained by handcuffs or other restraint devices during school-sponsored instructions or activities.

Handcuffing and Restraints

302.9 TRAINING

Subject to available resources, the Personnel and Training Sergeant should ensure that officers 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 Department.
- (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.

302.10 POSITIONAL ASPHYXIATION AND COMPRESSION ASPHYXIATION

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

- (a) As soon as safe and feasible after handcuffing or otherwise restraining a person taken to the ground, roll the person to the side and move the person to an upright position that does not impede the mechanism of normal breathing, except if the person is unconscious. This requirement is especially important when the person is handcuffed in the prone position.
 - 1. An exception is if the person is conscious and expresses a desire to be placed in a different position, the officers should place the person in that position unless doing so poses a substantial risk of safety to the individual, officers, or others.
- (b) Do not put prolonged pressure on the chest, neck, or back, including by sitting, kneeling, or standing.
- (c) Continuously monitor the person's condition while being restrained, as death can occur suddenly and develop beyond the point of viable resuscitation within seconds. Monitoring includes but is not limited to assessing the adequacy of the individual's breathing, color, and any impairment as verbalized by the individual.
- (d) Whenever possible during team restraint when manpower limitations allow, the ranking officer 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 officer.
- (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.

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 resist arrest; who are attempting to escape as defined under RCW 9A.76; or who demonstrate the present and apparent ability, opportunity, and intent to imminently cause bodily injury to a peace officer, another person, or the person against whom force is being used, the Lacey Police Department authorizes officers 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 department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

Only officers who have successfully completed department-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, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

303.4 RESPONSIBILITIES

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303.4.1 SHIFT 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.

303.4.2 LESS-LETHAL PROGRAM SERGEANT RESPONSIBILITIES

The less-lethal program Sergeant 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 less-lethal program Sergeant or the designated instructor for a particular control device. The inspection shall be documented.

303.4.3 USER RESPONSIBILITIES

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

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the less-lethal program Sergeant for disposition. Damage to a control device will be documented in a memo and forwarded through the chain of command, explaining the cause of damage.

303.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. Officers shall not intentionally strike vital areas, including the head, neck, face, throat, spine, groin, or kidney unless deadly force is justified. Officers 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. Officers shall not use a baton to intimidate a person when a baton warning is not justified by the threat presented (see the Use of Force Policy) (Washington State Office of the Attorney General Model Use of Force Policy).

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

303.6

The Lacey Police Department does not possess or deploy tear gas (chloroacetophenone (CN) or chlorobenzylidene malononitrile (CS) or 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 (OC).

In instances where mutual aid is requested, agencies responding to assist the Lacey Police Department may deploy tear gas as in accordance with Washington State law. (2021 Legislation HB1054)

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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 officers 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. Officers deploying OC will attempt to avoid or minimize incidental exposure to non-involved persons (Washington State Office of the Attorney General Model Use of Force Policy).

303.7.1 OC SPRAY

Uniformed field personnel shall carry OC spray in its holster on their person. 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 PEPPER PROJECTILE SYSTEMS

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

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

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

303.7.3 TREATMENT FOR OC SPRAY EXPOSURE

At the earliest safe opportunity at a scene controlled by law enforcement, an officer shall take action to address the effects of the OC by flushing the person's eyes out with clean water and

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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, officers 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 KINETIC ENERGY PROJECTILE GUIDELINES

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

303.9.1 DEPLOYMENT AND USE

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

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers 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 officers.
- (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 officer should consider such factors as:

- (a) Distance and angle to target.

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- (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 officers 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 officers and individuals that the device is being deployed.

An officer should target the buttocks, thigh, calf, and large muscle groups (Washington State Office of the Attorney General Model Use of Force Policy). Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances. However, officers 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. Officers should not use kinetic energy projectiles in the following circumstances unless the use of deadly force is justified (see the Use of Force Policy) (Washington State Office of the Attorney General Model Use of Force Policy):

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

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

303.9.3 LESS LETHAL SHOTGUNS

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

Officers will inspect the shotgun and projectiles at the beginning of each shift to ensure the shotgun is in proper working order and only less-lethal department approved projectiles which appear to be free from defects are carried.

When it is not actively deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the less-lethal shotgun, officers shall visually inspect each kinetic energy projectile to ensure that conventional ammunition is not being loaded into the shotgun.

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303.10 TRAINING FOR CONTROL DEVICES

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

- (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 officer's training file.
- (c) Officers 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 an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer 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.

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304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of Conducted Energy Weapons.

304.1.1 DEFINITIONS

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

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

304.2 POLICY

The CEW 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 officers and suspects.

304.3 ISSUANCE AND CARRYING CEWS

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

An officer that is issued a CEW is expected to carry it when in the field as an option to be considered when deadly force is not justified (Washington State Office of the Attorney General Model Use of Force Policy).

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

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

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

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

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

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

304.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CEW should precede its application, unless it would otherwise endanger the safety of officers 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 officers and individuals with a warning that the CEW may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer 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 CEW. 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 officer deploying the CEW in the related report.

304.5 USE OF THE CEW

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

304.5.1 APPLICATION OF THE CEW

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

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

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

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CEW on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject, or others, and the officer reasonably believes

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that the need to control the individual outweighs the risk of using the device. This includes (Washington State Office of the Attorney General Model Use of Force Policy):

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

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

The CEW 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 officer to limit the application of the CEW probes to a precise target area, officers 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 CEW

Officers shall apply the CEW for only one standard cycle of five seconds or less and then evaluate the situation before applying any subsequent cycles (Washington State Office of the Attorney General Model Use of Force Policy). Multiple applications of the CEW against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

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

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

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

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

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

- (a)
 - (a)
 - (b)
 - (c)
 - (d)
 - (e)
 - (f)
 - (g)

304.5.6 DANGEROUS ANIMALS

The CEW 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 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department CEWs while off-duty.

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Officers shall ensure that CEWs 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

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

304.6.1 CEW FORM

Items that shall be included in the CEW report form are:

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

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

304.6.2 REPORTS

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

- (a) Identification of all personnel firing CEWs
- (b) Identification of all witnesses

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- (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, officers shall remove CEW 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 CEW 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 CEW 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 CEW 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 officer 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 officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CEW (see the Medical Aid and Response Policy).

304.8 SUPERVISOR RESPONSIBILITIES

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

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

304.9 TRAINING

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

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

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

Officers who do not carry CEWs should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Personnel and Training Sergeant is responsible for ensuring that all members who carry CEWs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of CEWs during training could result in injury to personnel and is not mandatory for certification.

The Personnel and Training Sergeant 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 CEW and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the CEW.