

## **Pierce County Sheriff's Department Use of Force Policy**

**December 1, 2022**

**Re: Articulation for Use of Force Policy portions that are not consistent with AGO model policy**

**The numbers below reflect the number of the Pierce County Sheriff Department's policy number. Attorney General's Office model policy page number and sections are cited below PCSD policy numbers. "AGO" refers to the Attorney General's Office model policy, and includes page number and title of relevant section.**

### **PCSD 300.1.1**

#### **AGO- Page 3 - Definitions**

PCSD is consistent with most of this section but omits "using force is not a de-escalation tactic" from the definition of De-escalation tactics. The additional language is not found in the RCW definition. Our policy will maintain the RCW definition of de-escalation. As expressed in other parts of this policy, the goal is to utilize non-physical force tactics when feasible, but acknowledges there are times when use of force is necessary to de-escalate or reduce the amount of intrusion ultimately needed to stop or subdue a subject.

#### **AGO – Page 5- Critical Decision Making -**

PCSD omits this section. It is not in the RCW. We are still consistent as PCSD sections 300.3.1 Factors used To Determine The Reasonableness of Force and section 300.3.2 Alternative Tactics – De-Escalation already cover most if not all of what is in this section.

### **PCSD 300.4.2**

#### **AGO – Page 13 Drawing and Pointing a Firearm / Restricted Use/ Discharge of Firearms**

Pierce County SD adopts section (d) of 300.4.1. PCSD policy is still within RCW and consistent with the AGO policy without the added sections because the information is covered in other portions of PCSD policy. PCSD Firearms Policy 312.4 (h) lays out the firearms safety rules "Members shall abide by the four basic safety rules: All guns are always loaded; Never point your weapon at anything you are not willing to shoot; Keep your finger off the trigger until your sights are on target and you are ready to fire; Be sure of your target and the backstop beyond." Discharging a firearm at someone is a use of Deadly Force which is already covered and consistent in PCSD policy 300.4 Deadly Force Applications

**300.7** – Omit section (f)– PCSD does not include the AGO policy in whole or verbatim so section (f) is unnecessary. .. PCSD will include appropriate training

### Handcuffing and Restraints

#### PCSD 306.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

##### AGO- Page 15 Hobble Restraint

PCSD will stay consistent with most of this policy but will omit “Deputies shall not connect a leg restraint to handcuffs or other types of restraints (i.e., hog tie an individual).” There is no statute that prohibits its use. Provided the individual is monitored and placed in proper position after application of the restraint, the restraint can be safely used. The 4 point restraint in and of itself has not been proven to cause death.

This was heavily discussed in *Price V. County of San Diego*. Quotes from the decision in that case:-

“After Dr. Reay's retraction, little evidence is left that suggests that the hogtie restraint can cause asphyxia. All of the scientists who have sanctioned the concept of positional asphyxia have relied to some degree on Dr. Reay's work. The UCSD study has proven Dr. Reay's work to be faulty, which impugns the scientific articles that followed it. Like a house of cards, the evidence for positional asphyxia has fallen completely.” *Price v. County of San Diego*, 990 F.Supp. 1230 (1998), FN 10.

“In light of the UCSD study, the hogtie restraint in and of itself does not constitute excessive force-- when a violent individual has resisted less severe restraint techniques, applying a physiologically neutral restraint that will immobilize him is not excessive force. See *Mayard v. Hopkins*, 105 F.3d 1226, 1227-28 (8th Cir.1997) (holding that placing a person wearing handcuffs and leg restraints in a prone position was reasonable as a matter of law where the person had violently resisted arrest). [FN13]”

#### PCSD 308.5

##### AGO – Page 11 Impact Weapons.

PCSD is consistent with most of this policy but omits groin or kidney from prohibited areas to strike unless deadly force is authorized. This is not inconsistent with any RCW. A baton strike to those regions is not likely to cause death or serious physical injury. Multiple repeated strikes to those regions could result in injury just as they could to other parts of the body. Judgement of the reasonableness of any impact weapon strikes would be based on the totality of the circumstances per policy.

### PCSD 309.3

#### AGO – Page 12 Electronic Control Weapons

PCSD is consistent with most of the model policy. PCSD policy encourages deputies to operate the taser with the off- hand. PCSD trains deputies to use their off- hand when possible, but not everyone is sufficiently coordinated with their off hand to adequately operate the device with it. By forcing those deputies to use their off hand, the tool becomes less effective which could lead to a confrontation turning deadly. We believe that by encouraging and training the off -hand method we are staying consistent with the AGO policies intent of reducing weapon confusing but still allowing deputies to do what is needed to be more effective with the device and bring a confrontation to a safe resolution.

# Use of Force

## 300.1 PURPOSE AND SCOPE

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

While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every deputy of this 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 parts of 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).

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

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

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

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

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

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

**Physical force** (referred to as "force" in this policy) - Any act reasonably likely to cause physical pain or injury or any other act exerted upon a person's body to compel, control, constrain, or restrain the person's movement. Physical force does not include pat-downs, incidental touching,

verbal commands, or compliant handcuffing where there is no physical pain or injury (RCW 10.120.010).

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

### **300.2 POLICY**

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

This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

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

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

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

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

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

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

Any deputy who observes another 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 PERSPECTIVE**

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

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

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

### **300.3 USE OF FORCE**

Deputies shall use only the least amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose. Deputies shall use reasonable care when determining whether to use and when using any physical force or deadly force against another person (RCW 10.120.020).

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

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

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

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

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

When determining whether to apply force and evaluating whether a deputy has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit.

These factors include but are not limited to (RCW 10.120.020):

- (a) Immediacy and severity of the threat to deputies or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.
- (c) Deputy/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).
- (d) The effects of suspected drug or alcohol use
- (e) The individual displays signs of mental, behavioral, intellectual, developmental, or physical impairments or disabilities, including individuals who reasonably appear suicidal.
- (f) The individual's ability to understand and comply with deputy commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and the

individual's ability to resist despite being restrained.

- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the deputy.
- (l) Potential for injury to deputies, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the deputy.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) The individual is visibly pregnant or claims to be pregnant
- (s) The individual is a minor, appears to be a minor, or claims to be a minor
- (t) The individual is known to be a vulnerable adult or appears to be a vulnerable adult as defined by RCW 74.34.020
- (u) The individual has limited English proficiency
- (v) The individual is in the presence of a child
- (w) Any other exigent circumstances.

### **300.3.2 ALTERNATIVE TACTICS - DE-ESCALATION**

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

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

- (a) Employing tactical positioning and repositioning to maintain the benefit of distance and cover, such as backing away from the person to re-assess and determine which tactics to use.
- (b) Placing barriers or using existing structures to provide a shield or other protection between deputies and a person.
- (c) Attempting to slow down or stabilize the situation to allow for the consideration and arrival of additional resources that may increase the likelihood of a safe resolution.
- (d) Requesting and using available support and resources, such as a crisis intervention team, a designated crisis responder, other behavioral health providers, or back-up deputies, including more experienced deputies or supervisors.
- (e) Using clear instructions and verbal persuasion.
- (f) Employing verbal and non-verbal communication techniques to calm a person (e.g.,
- (g) speaking slowly, regulating tone and body language, uncrossing one's arms, minimizing hand gestures, reducing bright, flashing lights and sirens).
- (h) Attempting to communicate in non-verbal ways when verbal instructions would be inadequate (e.g., when the person and deputy speak different languages, the person is unable to hear or understand instructions).

- (i) Communicating in a way that demonstrates respect for people's dignity (e.g., clearly explaining the deputy's actions and expectations, listening to the person's questions and concerns and responding respectfully, being neutral and fair when making decisions).
- (j) When there are multiple deputies, designating one deputy to communicate in order to avoid competing or confusing commands.
- (k) Exhibiting patience while using all available and appropriate tactics and resources to provide as much time as needed to resolve the incident without using force.

### **300.3.3 PERMISSIBLE USES OF FORCE**

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

- (a) Protect against a criminal offense when there is probable cause that the person has committed, is committing, or is about to commit the offense.
- (b) Effect an arrest.
- (c) Prevent an escape as defined under chapter 9A.76 RCW.
- (d) Take a person into custody, transport a person for evaluation or treatment, or provide other assistance under RCW 10.77; RCW 71.05; or RCW 71.34.
- (e) Take a minor into protective custody when authorized or directed by statute.
- (f) Execute or enforce a court order authorizing or directing a deputy to take a person into custody.
- (g) Execute a search warrant.
- (h) Execute or enforce an oral directive issued by a judicial officer in the courtroom or a written order where the court expressly authorizes a deputy to use physical force to execute or enforce the directive or order.
- (i) Prevent a person from fleeing or stop a person who is actively fleeing a lawful temporary investigative detention, provided that the person has been given notice that the person is being detained and is not free to leave.
- (j) Take a person into custody when authorized or directed by statute.
- (k) Protect against an imminent threat of bodily injury to the deputy, another person, or the person against whom force is being used.

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

### **300.3.4 RESTRICTIONS ON RESPIRATORY RESTRAINTS**

The use of chokeholds and/or neck restraints by deputies is prohibited unless deadly force is authorized by applicable law and the policies of this department, and such deadly force is necessary for the protection of their life or the life of another person from imminent threat of serious physical injury or death. RCW 10.116.020; RCW 10.120.020(3). "Chokehold" means the intentional application of direct pressure to a person's trachea or windpipe for the purpose of restricting another person's airway. "Neck restraint" refers to any vascular neck restraint (VNR) or similar restraint, hold, or other tactic in which pressure is applied to the neck for the purpose of constricting blood flow.

In the event a chokehold or neck restraint, including VNR, is applied to any individual, the deputy shall ensure:

- (a) The individual is promptly examined by paramedics or other qualified medical personnel.
- (b) Any person receiving custody of the individual is he or she has been subjected a chokehold or neck restraint and whether the individual lost consciousness as a result.



(c) Any individual losing and then regaining consciousness after application of a chokehold or neck restraint is observed for two (2) hours starting from the time the individual regained consciousness.

The use or attempted use of a chokehold or neck restraint on any person shall be promptly and thoroughly documented in the related incident report by the member who used or attempted to use the restraint.

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

When safe and feasible, prior to the use of force, deputies 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 deputy has objectively reasonable grounds to believe the person is aware of this fact.

(b) Attempt to determine whether the person has a special need, mental condition, physical limitation, developmental disability, language barrier, or other factor that may impact the person's ability to understand and comply with deputy commands.

(c) Provide clear instructions and warnings.

(d) Warn a person that force will be used unless the person's resistance ceases.

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

### **300.4 DEADLY FORCE APPLICATIONS**

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

Use of deadly force is only justified when the deputy reasonably believes it is necessary in the following circumstances (RCW 10.120.020):

(a) A deputy may use deadly force to protect the deputy or others from what the deputy reasonably believes is an immediate threat of serious physical injury or death.

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

#### **300.4.1 MOVING VEHICLES**

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

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

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

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

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

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

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).

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

Any use of force by a member of this department shall be documented promptly, completely, and

accurately in an appropriate report, depending on the nature of the incident. The deputy should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the 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.

##### **300.5.1 NOTIFICATION TO INDIAN AFFAIRS**

When the use of force by a deputy results in the death of a person who is an enrolled member of a federally recognized Indian tribe, notification shall be made to the Governor's Office of Indian Affairs within a reasonable period of time, but not more than 24 hours after the 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).

##### **300.5.2 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 a deputy (RCW 43.101.135).

##### **300.5.4 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).

#### **300.6 MEDICAL CONSIDERATIONS**

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

Based upon the deputy's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical

services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another deputy and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

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

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain, or who require a protracted physical encounter with multiple deputies to be brought under control, may be at an increased risk of sudden death.

Calls involving these persons should be considered medical emergencies. Deputies who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

### **300.7 TRAINING**

All deputies 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.

Deputies shall receive training and subsequent periodic training on (RCW 43.101.450; RCW 43.101.495; RCW 10.120.010; RCW 10.120.020):

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including 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.

### **300.8 USE OF FORCE ANALYSIS**

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

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

# Handcuffing and Restraints

## 306.1 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).

### 306.1.1 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.

## 306.2 POLICY

The Pierce County Sheriff's 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.

## 306.3 USE OF RESTRAINTS

Only members who have successfully completed Pierce County Sheriff's 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, deputies should carefully balance officer safety concerns with factors that include but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

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

### **306.3.1 RESTRAINT OF DETAINEES**

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of deputies and others.

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

### **306.3.2 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 deputy 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).

### **306.3.3 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 deputy has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the deputy 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).

### **306.3.4 NOTIFICATIONS**

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

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

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety. Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Deputies should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, deputies should not conclude that in order to avoid risk every person should be handcuffed regardless of the circumstances.

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

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

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

### **306.5 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. Deputies 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 deputy reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

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

Deputies 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, deputies shall move the individual into a seated or side recovery position. Deputies 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. Deputies should provide verbal reassurance and dynamically assess the situation to remove the spit guard as soon as appropriate. Deputies should avoid commingling those wearing spit guards with others and detainees.

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.

### **306.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES**

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility. Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

### **306.7 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, deputies should consider:

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

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

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

- (a) If practicable, deputies should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the deputy arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated, upright position, or side recovery position, secured with a seat belt prior to transport, and shall not be placed on the person's stomach for an extended period, as this could reduce the person's ability to breathe. However, if a person refuses to stay in one of the above positions and continually rolls onto their stomach, and appear to be breathing adequately, deputies are discouraged from fighting them into a different position which could risk injury to them or the deputy.
- (d) The restrained person shall be continually monitored by a deputy while in the leg restraint. (Washington State Office of the Attorney General Model Use of Force Policy)
- (e) The deputy should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by emergency medical services, the restrained person should be accompanied by a deputy when requested by medical personnel. The transporting deputy should describe to medical personnel any unusual behaviors or other circumstances the deputy reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

### **306.8 REQUIRED DOCUMENTATION**

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

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

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

#### **306.8.1 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.

#### **306.8 POSITIONAL ASPHYXIATION AND COMPRESSION ASPHYXIATION**

Consistent with training, deputies 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 deputies shall place the person in that position unless doing so poses a substantial risk of safety to the individual, deputies, or others.

(b) Do not put prolonged pressure on the chest, neck, or back, including by sitting, kneeling, or standing.

(c) Continuously monitor the person's condition while being restrained, as death can occur suddenly and develop beyond the point of viable resuscitation within seconds. Monitoring includes but is not limited to assessing the adequacy of the individual's breathing, color, and any impairment as verbalized by the individual.

(d) Whenever possible during team restraint when manpower limitations allow, the ranking deputy shall designate a safety officer. The safety officer shall monitor the health and welfare of the person until:

1. Responsibility is transferred to a health care professional (e.g., emergency medical technician (EMT), paramedic); or

2. The person is placed in a seated position in a transport vehicle and verbalizes to the safety officer that the person feels okay, and the person appears to the safety officer to be well and speaking normally.

(e) If the safety officer becomes aware of an issue with the person's breathing, color, or any impairment, the safety officer shall inform the ranking deputy.

(f) Whenever feasible do not transport a restrained person in the prone position.

## **Control Devices and Techniques**

#### **308.1 PURPOSE AND SCOPE**

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

#### **308.1.1 WHEN DEVICES MAY BE USED**

When a decision has been made to restrain or arrest a violent, resisting, or threatening suspect,



an approved control device may only be used when its use appears reasonable under the totality of the circumstances.

### **308.1.2 TRAINING FOR CONTROL DEVICES**

Only LEO's trained and having shown adequate proficiency in the use of any control device and this agency's Use of Force policy are authorized to carry the device. Proficiency training must be monitored and documented by a certified weapons or defensive tactics instructor. Members will train on all control devices covered under this policy at least once every two years.

All training and proficiency for control devices will be documented in the LEO's training file.

### **308.1.3 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).

### **308.2 POLICY**

In order to control subjects who are violent or who demonstrate the intent to be violent, or who are barricaded or in a hostage situation as defined in RCW 10.116.030, the Pierce County Sheriff's Department authorizes deputies to use control devices in accordance with the guidelines in this policy and the Use of Force policy.

#### **308.2.1 DEPARTMENT AUTHORIZED IMPACT WEAPONS**

Impact weapons are a use of force tool designed to induce blunt trauma to impede or defend against an attack, or to overcome resistance offered by a violent, threatening or resistive suspect. Department approved batons and flashlights are examples of impact weapons authorized for use. Batons may only be carried on duty belts by LEO's who have successfully completed approved Department training on the use of batons.

### **308.3 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 Sheriff or the authorized designee.

Only deputies 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, deputies should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

### **308.4 OLEORESIN CAPSICUM (OC) SPRAY GUIDELINES**

Only authorized personnel may possess and maintain department issued oleoresin capsicum (OC) spray. OC Sprays are weapons used to minimize the potential for injury to LEO's, offenders, or other persons. They should be used only in situations where such force reasonably appears justified and necessary.

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

After the initial application of OC spray, each subsequent application must also be justified. OC spray is not appropriate in an enclosed, highly populated space where there is a likelihood of impacting uninvolved persons, except where OC spray is the only available and appropriate force option. Deputies deploying OC will attempt to avoid or minimize incidental exposure to noninvolved persons (Washington State Office of the Attorney General Model Use of Force Policy).

#### **308.4.1 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 Rangemaster for disposition. Damage to County property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

#### **308.4.2 TREATMENT FOR CHEMICAL AGENT EXPOSURE**

When it is feasible and safe to do so, persons who have been exposed to a chemical agent should be provided a means to decontaminate and cleanse the affected areas. Generally, this means access to the use of fresh water, and exposure to fresh air. Persons should be cautioned that rubbing or touching the affected areas may worsen and/or prolong the decontamination process. Persons exhibiting or complaining of severe or adverse effects from a chemical agent exposure, which may be inconsistent with the typical chemical agent exposure symptoms, shall be afforded medical examination by qualified medical personnel.

#### **308.4.3 REPORT OF USE**

All uses of OC Sprays, control devices, and chemical agents shall be documented in the related arrest/crime report and Use of Force report form.

### **308.5 BATON GUIDELINES**

The need to immediately control a suspect must be weighed against the risk of causing serious injury. Deputies shall not intentionally strike vital areas, including the head, neck, face, throat,

and spine unless deadly force is justified. Deputies shall reassess the effectiveness of baton strikes as soon as safe and feasible, and if not effective, move to another appropriate target or to another tactical or physical force option. Deputies shall not use a baton to intimidate a person when a baton warning is not justified by the threat presented (see the Use of Force Policy) (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.

### **308.5.1 DEPLOYMENT**

Approved munitions are justified and may be used to compel an individual to cease his/her actions when such munitions present a reasonable option for resolving the situation at hand. LEO's are not required or compelled to use approved munitions in lieu of other reasonable tactics

if the involved LEO(s) determine that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons, and LEO's takes priority over the safety of subjects engaged in criminal or suicidal behavior.

### **308.5.2 EXAMPLES OF CIRCUMSTANCES APPROPRIATE FOR DEPLOYMENT**

Examples include, but are not limited to, the following types of situations where the subject:

- (a) Is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) Has made credible threats to harm himself/herself or others.
- (c) Is engaged in riotous behavior or is throwing rocks, bottles, or other dangerous projectiles at people and/or LEO's.

### **308.5.3 DEPLOYMENT CONSIDERATIONS**

Before discharging munitions, the LEO should consider the following factors:

- (a) Severity of the crime or incident.
- (b) Subject's capability to pose an imminent threat to the safety of LEO's or others.
- (c) If the subject is actively resisting arrest or attempting to evade arrest by flight.
- (d) The credibility of the subject's threat as evaluated by the LEO's present, and physical capacity/capability.
- (e) The proximity of weapons available to the subject.
- (f) The LEO's versus the subject's physical factors (e.g., age, size relative strength, skill level, injury/exhaustion, the number of LEO(s) versus subject(s)).
- (g) The availability of other force options and their possible effectiveness.
- (h) Distance and angle to target.
- (i) Type of munitions employed.
- (j) Type and thickness of subject's clothing.
- (k) The subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.
- (l) The training and experience of the LEO, and other LEO's at the scene.

### **308.5.4 SHOT PLACEMENT**

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and solar plexus should not be intentionally targeted when deadly force is not reasonably justified.

LEO's should generally follow the manufacturer's recommendations regarding minimum deployment distances and target areas however any target area or distance may be considered when it reasonably appears necessary to accomplish immediate incapacitation in order to prevent serious injury or death and other reasonable methods have failed or reasonably appear ineffective.

### **308.5.5 APPROVED MUNITIONS**

Only department approved kinetic energy munitions shall be carried and deployed.

### **308.5.7 TRAINING REQUIRED FOR USE**

LEO's who have successfully completed an approved departmental training course shall be authorized to use kinetic energy munitions. LEO's deploying kinetic energy munitions will complete an annual recertification course.

## **308.6.TEAR GAS GUIDELINES**

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

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

Only the Special Weapons and Tactics Team Commander or Acting SWAT Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary, and other alternatives to the use of tear gas have been exhausted (RCW 10.116.030).

If tear gas is to be used in the case of a riot outside of a correctional, jail, or detention facility, the officer or employee may use tear gas only after:

- (a) Receiving authorization from the highest elected official of the jurisdiction in which the tear gas is to be used, and
- (b) meeting the requirements of subsection (2) of this section.

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

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

### **308.6.1 SHIFT SERGEANT RESPONSIBILITIES**

With the exception of tear gas use and deployment, the Shift Sergeant shall monitor the use of control devices in the same manner as all other use of force incidents.

### **308.6.2 MAINTENANCE RESPONSIBILITY**

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

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of damage, shall be returned through the appropriate chain of command for disposition. MAINTENANCE RESPONSIBILITY

## **Conducted Energy Device**

### **309.1 PURPOSE AND SCOPE**

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

#### **309.1.1 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., TASER device).

### **309.2 POLICY**

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

### **309.3 ISSUANCE AND CARRYING TASER DEVICES**

Only members who have successfully completed department-approved training and have demonstrated satisfactory skill and proficiency may be issued and carry the TASER device. A deputy that is issued a TASER device is expected to carry it as an option to be considered when deadly force is not justified (Washington State Office of the Attorney General Model Use of Force Policy) TASER devices are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department's inventory.

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

Consistent with training, a deputy carrying a TASER device shall perform a function check on the weapon and check remaining battery life prior to every shift. A deputy should report any malfunction to a supervisor or other appropriate personnel.

A deputy shall carry a TASER device on the support side of the body, While not required, deputies are encouraged to draw, exhibit, and use the device with the support (i.e., non handgun firing hand).

(a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.

(b) Whenever practicable, deputies should carry two or more cartridges on their person

when carrying the TASER device.

(c) Deputies shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.

(d) Deputies should not hold both a firearm and the TASER device at the same time.

### **309.4 VERBAL AND VISUAL WARNINGS**

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

(a) Provide the individual with a reasonable opportunity to voluntarily comply.

(b) Provide other deputies and individuals with a warning that the TASER device may be deployed.

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

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

#### **309.4.1 APPLICATION OF THE TASER**

Authorized personnel may use the TASER when circumstances known to the individual member at the time indicate that such application is reasonable to control a person in any of the following circumstances:

(a) The subject is violent or physically resisting.

(b) A subject who, by words or action, has demonstrated an intention to be violent or to physically

resist and who reasonably appears to present the potential to harm the member him/herself or others. When practicable, the member should give a verbal warning of the intended use of the TASER followed by a reasonable opportunity to voluntarily comply. The member must be able to articulate a reasonable belief that other available options appeared ineffective, impractical or would have presented a greater danger to the member, the subject or others.

(c) Absent meeting the conditions set forth in (a) or (b) above, or a reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from a pursuing member shall not serve as good cause for the use of the TASER to apprehend an individual.

#### **309.4.2 SPECIAL DEPLOYMENT CONSIDERATIONS**

The use of the TASER should generally be avoided in the following situations unless the totality of the circumstances indicate that other available options reasonably appear ineffective, impractical, or would present a greater danger to the member, the subject or others, and the member reasonably believes that the need to control the individual outweighs the risk of using the TASER:

(a) Pregnant females.

(b) Extremely elderly individuals or obvious juveniles.

(c) Individuals who are handcuffed or otherwise restrained.

(d) Individuals who have been recently sprayed with a flammable chemical agent or who

are otherwise in close proximity to any flammable material.

(e) Individuals whose position or activity may result in collateral injury (e.g. falls from height, operating vehicles).

(f) Corrections Bureau: Except in emergent circumstances, a TASER may not be deployed on Inmates with "Medical Contra Indicators" as determined by the Jail Physician (MD).

Because the application of the TASER in the drive-stun mode (i.e., direct contact without darts) relies primarily on pain compliance and requires close proximity to the subject, additional caution should be exercised. The application in drive-stun mode should be limited to brief applications in which pain compliance would reasonably appear necessary to achieve control. The TASER shall not be used to intentionally psychologically torment, elicit statements or to punish any individual.

### **309.4.3 TARGETING CONSIDERATIONS**

While manufacturers generally recommend that reasonable efforts should be made to target lower center mass and to avoid intentionally targeting the head, neck, chest and groin, it is recognized that the dynamics of each situation and member safety may not permit the member to limit the application of the TASER darts to a precise target area. As such, member's should take prompt and ongoing care to monitor the condition of the subject if one or more darts strikes the head, neck, chest or groin until he/she is examined by paramedics or other medical personnel.

### **309.4.4 MULTIPLE APPLICATIONS OF THE TASER**

If the first application of the TASER appears to be ineffective in gaining control of an individual and if circumstances allow, the LEO should consider the following before additional applications of the CEW:

(a) Whether the probes or darts are making proper contact.

(b) Whether the application of the TASER is interfering with the ability of the individual to comply.

(c) Whether verbal commands, other options or tactics may be more effective.

This, however, shall not preclude any member from deploying multiple, reasonable applications of the TASER on an individual. If more than 3 cycles of the TASER are used while taking control of a subject, the subject should be checked by medical aid personnel prior to the booking or release of the subject.

### **309.4.5 POST DEPLOYMENT/MEDICAL**

Removal of TASER probes from the suspect is the member's responsibility. If the probes are removed in the field, members can use their discretion regarding the need for medical aid to respond. The suspect shall be transported to a medical facility in the event the probes are in a sensitive area (eyes, mouth, and groin), so the probes can be removed by a physician.

If an arrestee has been subjected to TASER dart penetration and has not been seen by medical personnel, the LE Deputy will notify the Jail booking desk staff.

Members shall photograph or cause to be photographed any visible injuries to the suspect as a result of the TASER application.

Expendable TASER darts which have penetrated the skin shall be treated as biohazards and processed according to department guidelines.

#### **309.4.6 CORRECTIONS BUREAU**

Once the Inmate is compliant the Supervisor shall ensure medical attention and a medical examination is completed for the Inmate. Either the member or the clinic staff can remove the TASER probes from the Inmate and process them in accordance with department guidelines. The physical examination should include the possibility of any secondary injuries suffered by the inmate if he/she fell during the application of the TASER. The member shall note in his/her LINX report and Blue Team Use of Force entry when this examination occurred, who performed it, and the results of the examination.

#### **309.5 USE OF THE TASER DEVICE**

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

##### **309.5.1 TASER® CAM™**

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

##### **309.5.2 DANGEROUS ANIMALS**

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

#### **309.6 DOCUMENTATION**

A deputy shall clearly articulate and document the justification for each individual application of the TASER device in the related arrest/crime report and a Blue Team Use of Force Report. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation, and arcing the device will also be documented on the report form.