

**05.01**



**USE OF FORCE**

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**05.01.010 PURPOSE**

The purpose of this policy is to provide clear guidance to members regarding the reasonable use of force

**05.01.020 DEFINITIONS**

- **Active Aggression:** A threat or overt act of an assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, which reasonably indicates an assault or injury to any person is about to happen, unless intervention occurs.
- **Administrative Review:** A written determination that requires the gathering and evaluating of information to develop a course of action.

- **After Action Report:** A written report that describes a police action and assesses its adherence to policy through critique and evaluation using required criteria.
- **Arcing:** Activating a conducted electrical weapon (CEW) without discharging the probes or making contact with a subject, to serve as a warning to the subject.
- **Boxing In:** A coordinated tactic of making contact between police vehicles and a subject's vehicle to stop or prevent the start of a pursuit.
- **Choke Hold:** 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).
- **Complaint of Improper Force:** A complaint by a subject or person at the scene, or while in police custody, of improper force during a police action. Complaints of improper force include complaints of inappropriate and/or excessive force.
- **Complaint of Physical Injury:** An assertion by a person that a member caused the person physical injury.
- **Conducted Electrical Weapon (CEW):** A weapon, including Tasers, designed primarily to discharge electrical charges into a subject that will cause involuntary muscle contractions and overrides the subject's voluntary motor responses.
- **CEW Application:** The contact and delivery of an electrical impulse to a subject using a CEW.
- **CEW Cycle:** An activation of the CEW for a duration of up to five seconds.
- **Constitutional Force Standard:** Under *Graham v. Connor* and subsequent cases, the federal courts have established that government use of force must comply with the "reasonableness" requirement of the Fourth Amendment. Under this standard, members must choose from the objectively reasonable force options at a scene. See the definition of "objectively reasonable" below.
- **Cover Fire:** When a member discharges a firearm in a tactical situation in response to the ongoing threat of the use of deadly physical force by a subject, and direct action against the subject is not feasible. Cover fire is not intended to strike a subject but is meant only to prevent a subject from taking further action against the police or others that could result in death or serious physical injury. Cover fire can be dangerous and must be used with extreme caution. Cover fire is also intended to allow officers to take actions to resolve the situation, such as effecting a rescue, advancing or retreating, or delivering chemical agents.
- **Critical Firearm Discharge:** Each discharge of a firearm by a member. This term includes discharges at persons where no one is struck. This term is not intended to

include discharges at the range or in training, or negligent discharges not intended as an application of force, which are still subject to administrative investigation.

- **Bodily Injury:** As defined in RCW § 9A.42.010 (c), physical pain or injury, illness, or an impairment of physical condition.
- **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:** 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 physical force is not a de-escalation tactic.
- **De Minimis Contact:** Physical interaction or techniques that are not intended to, nor are reasonable likely to, cause any pain or injury. Includes:
  - Incidental touching
  - Compliant handcuffing
  - Pat Downs
  - Using hands to move or escort a person without causing pain or in a manner that would not reasonably cause pain.
- **Drive Stun:** The process of applying energy to a subject through the terminal on a cartridge or conducted electrical weapon.
- **Excessive Force:** Force that exceeds the force permitted by law or department policy.
- **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.
- **Force:** Physical coercion used to effect, influence, or persuade an individual to comply with an officer, to include the intentional pointing of a firearm at an individual. De-Minimis touching or handcuffing without resistance does not constitute force.
- **Great Bodily Harm:** As defined in RCW § 9A.42.010 (c), bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily part or organ.

- **Immediate Cover:** A member who stands ready to deploy additional control if needed (e.g., the CEW is ineffective, or it fails to function properly).
- **Immediate Threat of serious injury or death:** Based on the totality of the circumstances, it is objectively reasonable to believe that a person has the present and apparent ability, opportunity, and intent to immediately cause death or serious bodily injury to the peace officer or another person (RCW 10.120.020).
- **Improper Use of Force:** The application of force where there is insufficient justification for its use, where the use of force is more than is objectively necessary or that violates policy.
- **Involved Member:** For the purposes of this policy, an involved member is a department member who is involved in the application of force or directs another to use force.
- **Less Lethal Force:** A force application that is not intended or expected to cause death or serious injury and that is commonly understood to have less potential for causing death or serious injury than conventional, more lethal police tactics. Nonetheless, use of less-lethal force can result in death or serious injury.
- **Less Lethal Weapons:** A less lethal weapon is any weapon other than a knife or firearm, used to control persons or defend officers and others from harm, that is less likely to cause death or serious bodily harm. These weapons include, but are not limited to, CEWs, impact weapons, impact munitions, aerosol restraints.
- **Mental Health Crisis:** An incident in which someone with an actual or perceived mental illness experiences intense feelings of personal distress (e.g., anxiety, depression, anger, fear, panic, hopelessness), a thought disorder (e.g., visual or auditory hallucinations, delusions, sensory impairment or cognitive impairment), obvious changes in functioning (e.g., neglect of personal hygiene) and/or catastrophic life events (e.g., disruptions in personal relationships, support systems or living arrangements; loss of autonomy or parental rights; victimization or natural disasters), which may, but not necessarily, result in an upward trajectory of intensity culminating in thoughts or acts that are dangerous to self and/or others.
- **Mental Illness:** Health conditions that are characterized by alterations in thinking, mood, or behavior (or some combination thereof) associated with distress and/or impaired functioning. Alterations in thinking, mood, or behavior contribute to a host of problems-patient distress, impaired functioning, or heightened risk of death, pain, disability, or loss of freedom.
- **Misconduct:** Conduct by a member that violates department regulations, orders, policies, or other standards of conduct required of City employees.

- **Necessary:** Under the totality of the circumstances, a reasonably effective alternative to the use of physical force or deadly force does not appear to exist, and the type and amount of physical force or deadly force used is a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the officer or others. (RCW 10.120.010).
- **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).
- **Non-Disciplinary Corrective Action:** Action other than discipline taken by a supervisor to enable or encourage a member to improve their performance.
- **Objectively reasonable:** The reasonableness of a use of force is based on the totality of circumstances known by an officer at the time of action or decision-making. It shall be judged from the perspective of a reasonable officer on the scene, without the clarity of 20/20 hindsight after the event has concluded. The measure of reasonableness gives consideration to the reality that officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving. In the application or evaluation of the use of force, uses of the terms reasonable and reasonably in this policy refer to objective reasonableness.
- **Passive Resistance:** A person's non-cooperation with a member that does not involve violence or other active conduct by the individual.
- **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).
- **Physical Resistance:** A person's physical attempt to evade a member's control that does not rise to the level of active aggression.
- **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 their airway and does not allow them to breathe freely.
- **Probe Cartridge:** A device that contains two probes connected to light gauge wire that is propelled and attaches to the subject upon activation of the CEW.
- **Projectile Impact Weapon:** a less lethal weapon that fires projectiles such as 40mm sponge or foam rounds, Pepper Ball or similar projectile, blast balls or bean bags designed to temporarily incapacitate a person.

- **Pursuit Intervention Techniques (PIT):** A driving technique designed to stop a fleeing motorist safely and quickly by making contact with the fleeing car at a specific point on the vehicle, which throws the car into a spin and brings it to a stop.
- **Ramming:** The use of an emergency (police) vehicle, other than in a pursuit intervention technique or boxing-in maneuver to purposely cause contact with another vehicle in order to disable the vehicle.
- **Serious Use of Force:** (1) all uses of force by a member that reasonably appear to create or do create a substantial risk of death, serious disfigurement, disability, or impairment of the functioning of any body part or organ; (2) all critical firearm discharges by a member; (3) all uses of force by a member resulting in a significant injury, including a broken bone, an injury requiring hospitalization, or an injury deemed to be serious by a member's supervisor; (4) all head, neck and throat strikes with an object or carotid neck holds; (5) force used upon juveniles known or reasonably assumed to be under fifteen or individuals known or reasonably assumed to be pregnant; (6) all uses of force by a member resulting in a loss of consciousness; (7) more than two applications of a CEW on an individual during a single interaction, regardless of the mode or duration of the application, regardless of whether the applications are by the same or different officers, and regardless of whether the CEW application is longer than 15 seconds, whether continuous or consecutive; and (8) any strike, blow, kick, electronic control weapon system cycle, or similar use of force against a handcuffed, otherwise restrained, under control, or in custody subject, with or without injury.
- **Substantial Bodily Harm:** As defined in RCW § 9A.42.010 (b), bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part.
- **Takedown:** Physical coercion used by a member to affect, direct, or influence a person to go to the ground not under their own control. A takedown is a type of force.
- **Totality of the circumstances:** All facts known to the peace officer leading up to and at the time of the use of force and includes the actions of the person against who the peace officer uses such force, and the actions of the peace officer. (RCW 10.120.010).
- **Warning shot:** Discharge of a firearm for the purpose of compelling compliance from an individual, but not intended to cause physical injury.
- **Witness member:** For the purposes of this policy, a witness member is another law enforcement member who observes or has firsthand knowledge of the events surrounding the use of force by another member, and other than observing the

incident, did not use force themselves. Additionally, a member who observes or has knowledge of the events surrounding a member's direction to another to use force.

- **Wrongdoing:** Conduct that is contrary to law or contrary to department policy, provided that the conduct is not de minimis or technical in nature.

### **05.01.030 POLICY**

#### **Pre-Amble:**

The Ridgefield Police Department is committed to protecting human life, property, and maintaining civil order. The Department's commitment to public safety includes ensuring the welfare of members of the public, its officers and professional staff, with an emphasis on the sanctity of life and policing with respect.

#### **Policy:**

The Ridgefield Police Department recognizes this commitment may require members to use force. The community expects and the Ridgefield Police Department requires members use only the objectively reasonable force necessary to perform their duties and overcome the threat or resistance of the subject, under the totality of the circumstances. Objectively unreasonable force erodes the confidence of the community and may expose themselves, those present, and the greater population to unnecessary danger; thus, objectively unreasonable uses of force shall result in corrective action and/or discipline, up to and including termination.

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

Over the course of their careers, the Ridgefield Police Department expects members to develop and use skills and abilities that allow them to regularly resolve confrontations while minimizing the need to use force. Members are to be aware sections of this policy is more restrictive than state or federal laws.

The Ridgefield Police Department is dedicated to providing training in all categories of force and de-escalation techniques, as well as providing sufficient resources, to help members safely and effectively resolve confrontations through the application of de-escalation tools and lower levels of force. When feasible, members are expected to use de-escalation tactics in order to avoid the need for or reduce the amount of force. However, the department recognizes each situation is unique and presents its own challenges. Members are expected to adapt and apply departmental training principles reasonably in unanticipated situations.

Member accountability is integral to building and maintaining community trust. The Ridgefield Police Department is committed to institutionalizing systems of accountability and establishing transparent reporting practices. When force is used, the Ridgefield Police Department is dedicated to reviewing, reporting and investigating member actions to determine if the force used was in accordance with departmental training and policy. This policy establishes reporting and investigative guidelines for all use of force. It includes the specific reporting requirements for all force incidents and the completion of police reports and After-Action reports, as defined in this policy.

Nothing in this policy is intended to deny officers the rights given to them by law or by the labor agreement.

#### **05.01.040 PROCEDURE**

##### **1. De-Escalation:**

- a. Members shall use de-escalation techniques when time and circumstances reasonably permit. De-escalation techniques provide members the opportunity to stabilize the scene or reduce the necessity for or intensity of force so that more time, options, and resources are available to resolve the confrontation. Members shall take proactive steps to eliminate the immediacy of the threat, establish control and minimize the need for force.
- b. De-escalation techniques include, but are not limited to:
  1. Using verbal techniques to calm an agitated subject and promote rational decision making.
  2. Allowing the subject appropriate time to respond to direction.
  3. Communicating with the subject from a safe position using verbal persuasion, advisements, or warnings.
  4. Decreasing exposure to a potential threat by using distance, cover, or concealment.
  5. Placing barriers between an uncooperative subject and an officer.
  6. Ensuring there are an appropriate number of members on scene.
  7. Containing a threat.
  8. Moving to a safer position.
  9. Avoiding physical confrontation, unless immediately necessary.
  10. Bringing in additional resources like Crisis Responders or Mental Health Professionals.
  11. Leaving the area if there is no threat of imminent harm and no crime has been committed, is being committed, or is about to be committed.
- c. When practical and appropriate, members shall consult with and/or call specialized units to respond, including but not limited to those related to behavioral health, tactics and/or negotiation, to assist in de-escalating the situation or devising a disengagement strategy or otherwise assist in safely resolving the incident.

- d. To avoid confusion, members shall establish and maintain one-on-one communication with the subject and avoid giving simultaneous directions or having multiple members verbally engaging the subject.
- e. Members shall consider whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including, but not limited to: 1) medical conditions; 2) mental impairment; 3) developmental disability; 4) physical limitation; 5) language barrier; 6) drug or alcohol impairment; and 7) mental health crisis.
- f. Members shall consider a disengagement plan when the benefits to be gained by police intervention are clearly outweighed by the risks associated with the call.
- g. Members shall refrain from using force against individuals who are already under control by officers or who express verbal discontent with officers, but do not otherwise pose a threat to officers or others or impede a valid law enforcement function. Members must balance the governmental interest to take action in service of the public against the rights of individuals involved.

## **2. Authorized Use of Force:**

Members are authorized to use force when permitted by this policy in order to:

- a. Prevent or terminate the commission or attempted commission of an offense;
- b. Lawfully take a person into custody, make an arrest or prevent an escape;
- c. Prevent a suicide or serious self-inflicted injury;
- d. Defend the member or other person from the use of physical force; or,
- e. 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.
- f. Take a person into custody when authorized or directed by statute; or
- g. Take a person into custody, transport a person for evaluation or treatment, or provide other assistance under chapter RCW 10.77, 71.05, 35 or 71.34; 36.
- h. Take a minor into protective custody when authorized or directed by statute:
- i. Execute or enforce a court order authorizing or directing a peace officer to take a person into custody.

- j. Execute or enforce an oral directive issued by a judicial officer in the courtroom or a written order where the court expressly authorizes a peace officer to use physical force to execute or enforce the directive or order:
- k. A peace officer may use deadly force against another person only when necessary to protect against an imminent threat of serious physical injury or death to the officer or another person.

Nothing in the law or this policy limits or restricts an officer's authority or responsibility to perform lifesaving measures or perform community caretaking functions to ensure health and safety including, but not limited to, rendering medical assistance, performing welfare checks, or assisting other first responders and medical professionals; or Prevents a peace officer from responding to request for assistance or service from first responders, medical professionals, behavioral health professionals, social service providers, designated crisis responders, shelter or housing providers, or any member of the public.

### 3. **Warning Issuance:**

- a. Unless it would present a danger to the member(s) or others, members shall issue a clear and intelligible verbal warning prior to using any force.
- b. Members shall provide a description of the warning given in their use of force reports. If no warning was given, members shall provide a justification for the lack of warning.
- c. Prior to using a less lethal weapon, members should, when feasible, warn or announce to other members their intent to use the tool, in an attempt to avoid sympathetic fire.

### 4. **Prohibited Use of Force:**

- a. Members shall not use force against people who engage in passive resistance that does not impede a lawful objective. Physically moving a subject engaged in passive resistance is permitted when it is necessary and objectively reasonable.
- b. Members are prohibited from using force for interrogation or torture. Under no circumstances will a member use force solely because another member is using force.

### 5. **Graham Standard: Force Performance Requirements:**

To comply with this policy and satisfy the constitutional standard, members shall only use force that is objectively reasonable under the totality of circumstances. When determining to use any force, members must balance the individual's Fourth Amendment rights against the government's interest. Members shall at least consider the following criteria in making a decision to use force:

- 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 (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- d. The effects of drugs or alcohol.
- e. Subject's mental state or capacity.
- f. Proximity of weapons or dangerous improvised devices
- g. The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- h. The availability of other options and their possible effectiveness.
- i. Seriousness of the suspected offense or reason for contact with the individual.
- j. Training and experience of the officer.
- k. Potential for injury to officers, suspects, and others.
- l. Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
- m. The risk and reasonably foreseeable consequences of escape.
- n. The apparent need for immediate control of the subject or a prompt resolution of the situation.
- o. Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- p. Prior contacts with the subject or awareness of any propensity for violence.
- q. Any other exigent circumstances.

**6. Member Considerations for Use of Force:**

- a. Members should recognize that their approach to confrontations may influence whether force becomes necessary and the amount force that must be used.

- b. Members must not precipitate a use of force by placing themselves or others in jeopardy through actions that are inconsistent with the department's training without a substantial justification for variation from recommended practices.
- c. When feasible, members shall allow individuals time to submit to arrest before force is used.
- d. When using physical force, use the least amount of physical force necessary to overcome resistance under the circumstances. This includes a consideration of the characteristics and conditions of a person for the purposes of determining whether to use force against that person and, if force is necessary, determining the appropriate and least amount of force possible to effect a lawful purpose. Such characteristics and conditions may include, for example, whether the person:
  - e. Is visibly pregnant, or states they are pregnant.
  - f. Is known to be a minor, objectively appears to be a minor, or states that they are a minor.
  - g. Is known to be a vulnerable adult, or objectively appears to be a vulnerable adult as defined in RCW 74.34.020.
  - h. Displays signs of mental, behavioral, or physical impairments or disabilities.
  - i. Is experiencing perceptual or cognitive impairments typically related to the use of alcohol, narcotics, hallucinogens, or other drugs.
  - j. Is suicidal.
  - k. Has limited English proficiency; or
  - l. Is in the presence of children.
- m. Terminate the use of physical force as soon as the necessity for such force ends.
- n. When possible, use available and appropriate less lethal alternatives before using deadly force; and

## **7. Other Member Responsibilities:**

- a. Members must individually justify their independent application of force. When feasible, members shall re-evaluate the need for continued force in between independent uses of force. Members witnessing force shall document their observations in a Use of Force Report.

- b. Members shall take into account all available information, including observed behavior, reports from other members or witnesses, known mental health history and perceived mental illness or mental health crisis.
- c. During a confrontation with an individual known or perceived to be in mental health crisis, members must recognize and reasonably balance the governmental interest in providing care to the individual with the need for force. Members shall call in specialized units when practical.
- d. Members shall notify a supervisor upon any use of force, either on or off duty, when acting in their role as a police officer, that was capable of causing injury, or any discharge of firearm on or off duty that was not part of recreational shooting.

## **8. Duty to Intervene:**

- a. Any identifiable on-duty officer who witnesses another officer engaging or attempting to engage in the use of excessive force against another person shall intervene when in a position to do so to end the use of excessive force or attempted use of excessive force, or to prevent the further use of excessive force.
- b. Any identifiable on-duty officer who witnesses any wrongdoing committed by another officer or has a good faith reasonable belief that another officer committed wrongdoing, shall report such wrongdoing to the witnessing officer's supervisor.
- c. No member of this department shall discipline or retaliate in any way against an officer for intervening in good faith or for reporting wrongdoing in good faith as required by law and this policy.
- d. The department shall send notice to the Washington Criminal Justice Training Commission of any disciplinary decision it makes resulting from an officer's failure to intervene or failure to report wrongdoing as defined in this policy so the Commission may determine whether the officer's conduct may be grounds for suspension or revocation of certification under RCW 43.101.105.

### **05.01.050 LESS LETHAL FORCE**

The Ridgefield Police Department provides members with several less lethal tools.

- Asp Baton
- Impact Munitions
- Aerosol Restraint
- Conduct Electrical Weapon (CEW) Taser

This does not cover every item that a police officer may use in a fluid and dynamic situation but is only a list of the tools provide by the Ridgefield Police Department. Officers can carry

the listed less lethal weapons only after successfully participating in on-going department approved training by a certified instructor.

Additionally, less lethal force provides members with additional tactics or options for managing encounters with threatening or actively resistive subjects. However, members shall consider the use of less lethal force can still result in death or serious injury. Restricted Use of less lethal force include:

- Children known to be, or are obviously under the age of twelve.
- An individual known to be, or is obviously pregnant.
- A person known to be, or is obviously medically fragile.
- Members shall not use any less lethal weapons against individuals who are handcuffed or otherwise restrained, and under control.
- Additional rules for department-authorized less lethal weapons are outlined below:

#### **1. Impact Weapons -Asp Baton:**

##### **a. Authorized Uses.**

- i. In response to active aggression.
- ii. When striking, members should only use the department-issued baton Use of any other impact tool is discouraged and is appropriate only when the member reasonably believes that other authorized physical force responses are not available.
- iii. Members shall make reasonable efforts to ensure that impact weapons are used on preferred target areas, including arms and legs.
- iv. Members shall reassess the effectiveness of impact weapon strikes as soon as safe and feasible, and if not effective, move to another appropriate target or to another tactical or physical force option.

##### **b. Restricted Uses.**

- i. Members striking or jabbing with a baton shall not deliberately target the head or throat, neck, spine, or groin unless deadly force would be authorized.
- ii. Unintentional or inadvertent strikes to these restricted areas require following all other reporting procedures, with the addition of explicitly verbally notifying a

supervisor that this has occurred. Reports must specifically address the circumstances and actions that related to striking restricted areas.

## **2. Impact Munitions - 40mm Launcher:**

- a. To avoid the use of a higher level of force; See Policy 05.02 SPECIALTY IMPACT MUNITIONS for details,
- b. Restricted Uses.
  - i. Members shall not deliberately target a subject's head, neck, throat, or groin area, unless deadly force is authorized.
  - ii. Members are prohibited from using impact munitions against an individual for the purpose of crowd control or crowd management, except at the direction of a supervisor and with the approval of the Incident Commander (IC), unless there are exigent circumstances requiring deployment to prevent the threat of death or serious injury to a person.

## **3. Aerosol Restraints:**

- a. Authorized Uses
  - i. When a person(s) engages in physical resistance or indicates the intent to engage in physical resistance.
  - ii. Members may use aerosol restraints on vicious or aggressive animals, when the presence of those animals interferes with the safety of the members or the public, the execution of a police function, or completion of a mission.
- b. Restricted Uses.
  - i. Aerosol restraints shall not be used on the operator of a motor vehicle that is immediately capable of being driven unless there is a substantial justification for doing so and no reasonable alternative is apparent.
  - ii. When deploying aerosol restraints, members shall attempt to minimize exposure to non-targeted persons.
- c. Actions Following the Use of Aerosol Restraints.
  - i. Members shall make a reasonable effort to ensure that affected individuals are exposed to fresh air. Members shall, as soon as practicable, relieve the subject's discomfort by washing aerosol spray from the subject's eyes with water, unless the subject refuses by words or action.

- ii. Members shall notify the receiving agency of aerosol restraint exposure, and the condition of the exposed individual taken into custody shall be continuously monitored. If the individual's condition appears to worsen, members shall notify medical personnel.

#### 4. **Conducted Electrical Weapon System (CEW) TASER:**

##### a. Authorized Uses.

- i. To avoid the use of a higher level of force; See Policy 05.02 Taser for details.
- ii. Members may carry only department issued (CEW) Tasers.
- iii. Members may also utilize warning tactics such as arcing or activating the CEW lasers in an attempt to gain compliance. Members should point the CEW in a safe direction when arcing and never intentionally direct the lasers into the eyes of a person.
- iv. Members may use a CEW on vicious or aggressive animals when the presence of those animals interferes with the safety of the members or the public, the execution of a police function, or completion of a mission.

##### b. Restricted Uses.

- i. Members shall avoid the use of more than three CEW applications against the same individual, unless exigent circumstances (immediate and serious bodily harm to a person or persons is about to occur) warrant use. Members shall not use a CEW for pain compliance against those a reasonable officer would believe have an actual or perceived mental illness or are in mental health crisis, except in exigent circumstances and then only to avoid the use of a higher level of force.
- ii. Members shall not use a CEW to threaten or coerce a person except for the purpose of managing a potential or actual physical confrontation.
- iii. On a person who is fleeing the scene, absent other factors.
- iv. Members shall not use a CEW when there is a significantly heightened risk of secondary injury (e.g., uncontrolled fall, drowning) to the subject or others unless the member reasonably believes the threat or danger posed by the subject outweighs the risk of injury that might occur as a result of loss of control.
- v. Members shall not use a CEW on a handcuffed or otherwise restrained subject, unless doing so is necessary to prevent them from causing serious physical injury to themselves or others, and/or to avoid greater application of use of force and no reasonable alternative is apparent. Where practical and safe to do so, members shall obtain supervisory authorization before deploying a CEW on a handcuffed subject.

- vi. Members shall not draw both a firearm and a CEW at the same time.
  - vii. Members shall not use a CEW for crowd control or management purposes.
  - viii. Members shall not deliberately target the head, face, or groin. When tactically feasible and time reasonably permits, members shall target lower-center mass for front shots.
  - ix. Members shall not use a CEW on subjects who are known or who the member should have reasonably known to have come in contact with flammables or those in areas where flammables are present.
- c. Additional considerations when using a CEW.
- i. Members shall visually and physically confirm the weapon they are holding is a CEW and not a firearm.
  - ii. Only one member may intentionally deploy a CEW at any given time on a subject, except where lethal force would be permitted.
  - iii. Members deploying a CEW operationally, if feasible, should be supported by at least one member capable of providing immediate cover.
  - iv. Members shall make every reasonable effort to attempt handcuffing during or between each CEW cycle.
  - v. After one standard CEW cycle, the member shall re-evaluate the situation to determine if subsequent cycles are necessary; members shall issue a warning prior to each additional cycle and wait a reasonable amount of time to allow the subject to comply, unless doing so would present a danger to the member(s) or others. Members shall describe and explain the reasonableness of each CEW cycle in their use of force reports.
- d. Actions following the use of a CEW.
- i. Involved member responsibilities:  

If possible, members shall photograph the areas of probe strikes, whether probes penetrated the person's skin, left visible marks or only penetrated the person's clothing, before and after probe removal, as well as any marks, or lack of marks, left by drive stun. Consent should be obtained before photographing personally sensitive areas. All photographs shall be placed into evidence in accordance with departmental policy.
  - ii. Supervisor responsibilities:

1. Verify evidence of CEW deployment is collected, including photographs of tags, cartridges, and probes.
2. Verify appropriate medical services are summoned, if necessary.

## 5. **Canine Deployment:**

### a. Authorized Uses

- i. To protect the canine officer, the police canine or members of the community from an immediate threat.
- ii. To apprehend or control subjects reasonably believed to be involved in a crime.
- iii. To apprehend a fleeing criminal subject when the canine officer reasonably believes probable cause exists to arrest a subject for a crime.
- iv. To apprehend hiding subjects when it would be unsafe for officers to proceed into an area.
- v. The Ridgefield Police Department does not currently have a police K9. If a K9 is called in from another agency, members shall defer to the canine handler for details on deployment and the handler will fall under their own agencies policy.

### b. Restricted Uses

- i. Members shall not use canines for crowd control or management purposes.

## 6. **Restraint Device - Hobble Restraint:**

### a. Authorized Uses:

- i. To control a subject beyond the capability of handcuffs.
- ii. The hobble restraint may be used to supplement handcuffs. It shall not be used in lieu of handcuffs.
- iii. If a subject has demonstrated the intent to slip their handcuffs to the front, hobble restraints may be used on the upper arms or legs to prevent such an action.
- iv. Hobble restraints (straight leg restraint) may be used to secure a combative subject's legs together to prevent kicking.

v. A hobble may be used to secure an animal.

b. Restricted Uses

- i. Members shall not use the maximum restraint technique (i.e., securing a subject's knees or ankles in a straight leg restraint, then fastening the hobble to the handcuffs).
- ii. Once secured, a subject shall not be placed on their stomach for an extended period. If feasible, the subject should be placed the subject's side or in a seated position.

c. Refer to [05.01.120 Handcuffing / Restraints](#) for additional guidance.

**7. Police Vehicle Intervention Strategies:**

- a. Intentional contact between a police vehicle and another occupied vehicle shall constitute a use of force for purposes of this policy. These techniques include, but are not limited to, Pursuit Intervention Technique maneuver (PIT), boxing in, and ramming.
- b. Use of vehicle intervention strategies shall require use of force reporting and After-Action review pursuant to the reporting sections in this policy. Members should refer to the applicable force categories for reporting requirements.
- c. Members shall refer to Policy 07.03 Pursuit Policy, for additional guidance on the authorized use of these vehicle intervention strategies.

**8. Lateral Vascular Neck Restraint/Choke Hold:**

- a. The use of a lateral vascular neck restraint constitutes the use of deadly force. All neck restraint and choke hold techniques are prohibited by law and this policy.
- b. If an officer uses a Lateral Vascular Neck Restraint (LVNR) in their performance of duty, that officer shall notify a supervisor at the earliest convenience. If an LVNR technique is applied to a subject and the subject is rendered unconscious or complains of injury, the officer shall seek medical attention and have the subject evaluated by medical personnel as soon as is practical.

**05.01.060 DEADLY FORCE**

1. Authorized uses of deadly force:

- a. Members may use deadly force to protect themselves or others from what they reasonably believe to be an immediate threat of death or serious physical injury; or,

- b. If necessary to prevent escape, a member may use deadly force where the member has probable cause to believe that the subject has committed a felony crime involving the infliction or threatened infliction of serious physical harm, and the member reasonably believes the subject poses an immediate threat of death or serious physical injury to the member or others.
2. The member shall give a verbal warning to the subject, if time, safety, and circumstances permit.
3. Members should be mindful of the risks inherent in employing deadly force, which may endanger others. Reckless or negligent use of deadly force is not justified in this policy or state statute.
4. Cover fire shall be investigated as use of deadly force and is only authorized if the member reasonably believes an immediate threat of death or serious physical injury exists.
5. Restrictions on the use of firearms as deadly force:
  - a. Members are prohibited from firing warning shots.
6. Additional authorized uses for firearms:
  - a. A member is authorized to discharge a firearm to stop an aggressive animal that poses a danger to the member or others or end the suffering of a badly injured animal. Members shall refer to Policy 04.06, Animal Control, for additional guidance. An After-Action review is required when a member dispatches an animal but, it is not listed as a use of force event.
7. Moving Vehicles.
  - a. A moving vehicle does not presumptively constitute a deadly force threat.
  - b. Members shall not shoot at a moving or fleeing vehicle unless an immediate risk of death or serious physical injury to the member or others exists.
  - c. Members are prohibited from intentionally positioning themselves in the path of a moving vehicle or in a location that is clearly vulnerable to vehicular attack.
  - d. When feasible, members shall move out of the path of a vehicle rather than discharging a firearm at the vehicle or its occupants.
  - e. Members shall consider whether the threat to the member or other persons (including all vehicle occupants) is increased by incapacitating the vehicle operator. If the operator is incapacitated, the unguided vehicle may remain a threat to anyone in its path.

- f. Members shall weigh the threat of incapacitating the driver against the threat posed by allowing the driver to maintain control of the vehicle.
- g. Members must be aware that shooting at a moving vehicle presents unique challenges of target and backstop.
- h. Members are prohibited from entering a moving vehicle.
- i. Members shall not use poor tactics or positioning as justification for shooting at a moving vehicle.
- j. Members are prohibited from entering an occupied vehicle that is readily capable of being driven (i.e., engine running or keys in the ignition) without substantial justification.

#### **05.01.070 POST FORCE MEDICAL REQUIREMENTS**

1. Members shall summon medical services at the earliest available opportunity when a subject is injured, complains of injury following any use of force, or is a person in a prohibited category (i.e., children under the age of twelve; an individual who is known to be, or is obviously pregnant; a person who is known to be, or is obviously medically fragile). If an individual refuses medical evaluation, the refusal must be documented in an appropriate report.
2. When safe to do so, members shall render emergency first aid within the limits of their individual skills, training and available equipment until professional medical care providers arrive on the scene.
3. The member shall continually monitor the person for changes in skin or lip color, breathing and levels of consciousness. If the individual's condition deteriorates, the member shall immediately notify Emergency Medical Services (EMS).
4. Members shall provide known and reasonably necessary information to facilitate the injured person's transport to a medical facility for additional treatment if recommended by EMS.
5. When transporting a person from hospital treatment to a correctional facility, members shall notify a corrections staff member of the extent of the person's injuries and medical treatment given and provide the corrections staff with the person's medical release forms from the medical facility.
6. If a person complains of or appears to be experiencing respiratory distress (e.g., positional asphyxia), members shall perform the following as soon as practical:
  - a. If a member's body weight is impeding a subject's breathing, the member shall remove their body weight.

- b. Summon EMS.
  - c. Check and continue to monitor the person's breathing and pulse until EMS arrives.
  - d. If medically appropriate, place the person in a seated position or position the person on their side to facilitate breathing.
7. Members shall follow protocols developed by the department, in conjunction with medical professionals, on their responsibilities following CEW use. Conditions requiring medical treatment after deployment:
  - a. When a CEW is deployed in probe mode:
    - i. If the probes are embedded in the skin, Fire and Rescue shall be summoned to remove the probes and provide medical treatment, if necessary.
    - ii. Fire and Rescue shall be the first responder to CEW deployments that require only the removal of probes and no other medical treatment, other than removal and treatment of the wound caused by the CEW probes. To ensure a response from Fire and Rescue only, members must advise dispatch that Fire and Rescue is needed to remove the CEW probes.
    - iii. When the CEW is deployed on a person in drive stun mode and no probes are deployed, EMS is not required on the scene, unless medical treatment is otherwise necessary.
    - iv. Members shall summon EMS if the CEW is deployed in drive stun mode on a person in a prohibited category (i.e., children under the age of twelve; an individual who is known to be, or is obviously pregnant; a person who is known to be, or is obviously medically fragile).
8. When any force is used on a person suffering or perceived to be suffering from excited delirium (before, during or after the application of force), members shall summon EMS to the scene. Members shall ensure the subject is examined at the scene. If in custody and EMS recommends transport, the subject will be transported to the hospital. If not in custody, and EMS declares the individual mentally competent, the individual can refuse treatment and transport.

#### **05.01.080 USE OF FORCE REPORTING**

1. Members shall immediately notify a supervisor regarding any use of force, or any negligent or unintentional discharge of a weapon or less lethal weapon. The dispatch of an injured animal made be made in a routine fashion.

2. All members will notify a supervisor as soon as practical when a complaint of improper force, a complaint of physical injury, or actual injury to a subject in custody as defined within this policy occurs or they become aware of the same.
3. All members involved in a use of force, other than deadly physical force, shall provide a candid and detailed verbal account of the event at the scene.
4. All members involved in a use of force, other than deadly physical force, shall submit use of force reports in a timely manner, which include a candid and detailed account of the event, to facilitate a thorough review of the incident in question by supervisory members. Involved members shall submit use of force reports prior to the conclusion of the shift, unless incapacitated. Involved members shall report all uses of force whether or not the subject is struck or affected by any weapon.
5. Members who use force in any police action while off duty shall comply with the reporting requirements of this section.
6. Members involved in a Deadly use of force shall be investigated by an Independent Investigation Team (IIT) as guided by Law Enforcement Training and Community Safety Act (LETCSA).
7. All members who witness any use of force shall provide a candid and detailed verbal account of the event at the scene. Members who witness a use of force shall also submit Use of Force Report indicating they are a witness and what they observed; Witness officers shall include a candid and detailed account of the event, to facilitate a thorough review of the incident in question by supervisory members. Witness members shall submit reports prior to the conclusion of the shift, unless incapacitated. Witness members shall report all uses of force whether or not the subject is struck or affected by any weapon.
8. Reports shall demonstrate the member(s) made diligent efforts to locate witnesses and obtain contact information or explain when circumstances prevented them from doing so. Reports shall also include all available identifying information for anyone who refuses to provide a statement.
9. All reports related to use of force shall include a description of the following in their use of force reports:
  - a. The reason for the initial police presence.
  - b. The unique characteristics of the event.
  - c. Whether the individual or subject was known by the member to be mentally ill or in mental health crisis. If mental illness was present, members shall describe how they took that into account and how it impacted their decision making.

- d. A description of the decision-making at each significant point leading up to and during the event.
  - e. The force used, to include descriptive information regarding the use of any weapon.
  - f. Any observable injury to the subject, any complaint of injury or the absence of injury, including information regarding any medical aid or on-scene medical evaluation provided or refused by the subject, when applicable.
  - g. The level of resistance encountered by each officer that led to each separate use of force and, if applicable, any injuries to the subject(s) or member(s).
  - h. What, if any, de-escalation techniques were used and whether or not they were effective. If not used, the member shall provide justification as to how time and circumstances did not reasonably permit the member to utilize de-escalation techniques.
  - i. Members shall include all relevant considerations found within this, and other appropriate, policies in their reports.
  - j. A narrative account of the force they observed another member apply.
  - k. Members shall immediately notify an on-duty supervisor of any use of force by another member that violates the constitutional standard as soon as safe to do so.
10. Additional Reporting Guidelines for Less Lethal Weapon & Munition Use. The member shall complete and submit a use of force report documenting the incident.
11. The use of force report shall contain:
- a. The specific circumstances that led to the discharge of the weapon.
  - b. The name of the supervisor who was verbally notified, as well as the name of the responding supervisor, if different.
  - c. A description of the warning given. If no warning was given, members shall state why.
12. If the member who discharged the weapon is injured and unable to submit a use of force report, the reporting requirement for involved members can be delayed until the member is capable of completing the report.
13. Reporting of CEW Use. The report shall document:
- a. The specific circumstances leading to the use of the CEW.

- b. All warnings given to members and the subject. If no warnings were given, members shall document their justification for not issuing a warning.
- c. The distance from which the CEW was used.
- d. The location on the subject's body of the probe strike and the impact points.
- e. The serial numbers of all cartridges expended.
- f. The serial number of the CEW used.
- g. The name of the member designated as immediate cover, if applicable or present.
- h. The name of the supervisor who was verbally notified as well as the responding supervisor, if different.
- i. Whether EMS responded and the results of any medical evaluation, if applicable. If EMS was not summoned, the member shall provide a justification.
- j. Any evidence or complaints of injury or illness by the subject.

14. Reporting of Canine Use.

Canine handlers shall follow their own agencies protocols but the RPD supervisor shall still conduct and complete a use of force after action report for all bites.

**05.01.090 SUPERVISOR REPORTING AND INVESTIGATION**

1. An on-duty supervisor who receives notification of a use of force, including negligent discharge of a member's firearm, shall respond to the scene unless extraordinary circumstances exist. In rare circumstances, safety or other practicality reasons may prevent a supervisor from responding directly to the scene, and instead necessitate the supervisor follow up at later time, but as soon as practicable. Where necessary, the supervisor shall ensure that the subject upon whom force was used receives medical attention from an appropriate medical provider. Not responding to the scene does not relieve a supervisor of the responsibility of the post use of force after action review. If the supervisor does not respond to the scene, they will coordinate with the member to gather the information. Sergeants should consider using a supervisor from another agency to assist or requesting assistance from the Lieutenant.
2. The supervisor shall conduct an administrative review and a thorough investigation of the use of force, consistent with this policy, gathering applicable evidence described in Section **05.01.100 (3) FORCE AFTER ACTION REPORTS** of this policy.
3. If a supervisor is involved in the use of force, they shall contact another supervisor to conduct the administrative review of the incident.

4. Supervisors shall personally speak to the involved member and make an inquiry sufficient to determine the nature of the event and the member's justification for the use of force.
5. Supervisors shall personally speak to the witness member(s) and make an inquiry sufficient to describe the nature of the force.
6. Supervisors shall interview members and witnesses individually and not in groups.
7. Supervisors shall make diligent efforts to document witness observations.
8. Supervisors shall immediately notify the lieutenant or the Chief of Police regarding any use of force that could appear, to a reasonable supervisor, to violate the Constitutional Force standard or any suspected significant member misconduct. If the force appears criminal, the officer is entitled to legal representation. Sergeants shall consult with the Lt. or the Chief in these cases.

#### **05.01.100 FORCE AFTER ACTION REPORTS**

1. For all force incidents, the supervisor shall document the findings of the review and investigation in an After-Action report within 72 hours of the use of force and forward the report through the chain of command.
2. The After-Action report form serves as a checklist to ensure that supervisors carry out force investigation responsibilities.
3. All deadly force incidents After Action reports shall take place after the Independent Investigation Team conducts their criminal investigation and after the consultation with the prosecuting attorney. Deadly force After Action reports contain a detailed description and comprehensive account of the force. The report(s) shall include:
  - a. Summary: a short one or two paragraph narrative that describes the significant facts of the event.
  - b. Involved Member statement: a narrative that describes the use of force.
  - c. Investigation: a description of what actions supervisors took and directions they gave on scene.
  - d. Discussion of force: a description of the nature of the force and the member's justification for the use of force.
  - e. Injuries: a description and photographs of the presence or absence of injuries to the subject or department member involved in the use of force and if any medical treatment was administered, and by whom.

- f. Subject statement: supervisors shall make an attempt to obtain a statement from the subject detailing the event and any injuries.
  - g. Witness Member statement: supervisors shall obtain a statement from the witness member(s) detailing their observation of the event.
  - h. Non-member witness statements: supervisors shall make an attempt to locate witnesses to the event and obtain and document complete statements. If any information from the witness statements needs to be documented in a criminal report, the supervisor shall ensure the witness statements are documented in the appropriate report. Supervisors shall document circumstances that prevent them from identifying witnesses or obtaining contact information. Reports shall include all available identifying information for anyone who refuses to provide a witness statement.
  - i. Physical evidence: supervisors shall ensure that the administrative review includes collecting any physical or photographic/video evidence that may assist other reviewers in the chain of command in understanding the scene and event.
  - j. Critique Findings and Recommendations: the critique of findings and recommendations shall contain a thorough analysis of the incident. It shall address any applicable policies, whether or not members complied with such policies and any recommendations or actions taken to address issues encountered on-scene or during the reporting process. Supervisors may also modify findings as appropriate and document modifications.
4. The authoring supervisor shall:
- a. Review all use of force reports to ensure they include information required per departmental policy;
  - b. Evaluate the weight of the evidence;
  - c. Use a decision-point approach to analyze each use of force;
  - d. Determine whether the member's actions appear consistent with departmental policy;
  - e. Determine whether there was legal justification for the original stop and/or detention;
  - f. Document any non-disciplinary corrective action, training deficiencies, policy deficiencies or poor tactical decisions and ensure that they discuss poor tactical decisions with the member and that the discussion is documented in the After-Action Report.
5. Supervisors in the chain of command review shall:
- a. Ensure the authoring supervisor met all the requirements;

- b. Review after action report findings using a preponderance of the evidence standard;
  - c. Review after action reports to ensure completeness and order additional investigation, when necessary;
  - d. Assess the incident for tactical and training implications, including whether the use of force may have been avoided through the use of de-escalation techniques or less force options;
  - e. Modify findings as appropriate and document modifications;
  - f. Order additional investigation when it appears there is additional relevant evidence that may assist in resolving inconsistencies or improve the reliability or credibility of the findings and counsel the investigator;
  - g. Implement corrective action whenever there are material omissions or inaccuracies in the members' use of force reports, and for failing to report a use of force, whether applied or observed;
  - h. Document any non-disciplinary corrective action, training deficiencies, policy deficiencies or poor tactical decisions and ensure the authoring supervisor discusses poor tactical decisions with the member and that the discussion is documented in the After Action Report;
  - i. Suspend an investigation immediately and notify the Chief, if they find evidence of apparent criminal conduct by a member; and
  - j. If a supervisor determines there were performance deficiencies not rising to the level of misconduct, supervisors shall determine whether additional training or counseling is warranted. The department shall provide such counseling or training, consistent with departmental policies.
6. All supervisors in the chain of command shall be held accountable for inadequate reports and analysis. As a result, all supervisors shall be subject to corrective action or discipline for the accuracy and completeness of After Action reports completed by other supervisors under their command. Corrective or disciplinary action may include training, demotion, and/or removal from a supervisory position, based on repeated deficient After Action reviews at any level of command.
7. When, after investigation, a use of force is found to violate policy, the department shall ensure that investigative findings regarding member misconduct are adequately addressed and appropriate corrective action is taken fairly and expeditiously to resolve the issue.

8. Where the use of force indicates policy, training, tactical or equipment concerns, the immediate supervisor shall notify, through channels to the Chief, who shall ensure that the department timely conducts necessary training and/or resolves the policy, tactical or equipment concern.

#### **05.01.110 AEROSOL SUBJECT RESTRAINTS**

Officers may utilize the authorized/department issued aerosol subject restraint spray (ASR) following the orientation, training, and certification regarding its use, effects, ingredients, means of delivery and first aid to be administered. Following use of the ASR, the subject shall be treated by rinsing the contaminated areas with cool, clean water as soon as possible. Any vehicles or interiors of buildings contaminated with ASR should be ventilated.

#### **05.01.120 HANDCUFFS / RESTRAINTS**

Handcuffs are commonly used on individuals placed under arrest for the safety of officers and citizens, and to prevent escape. Arrestees who are going to be transported should be handcuffed with their hands behind the back, and the handcuffs double locked and checked for proper fit. Officers should document the application and fit of handcuffs in their police reports. Routine handcuffing is a control technique and not a use of force in and of itself.

Persons taken into protective custody (runaways, mental health, severe intoxication, etc.) may be handcuffed at the discretion of the officer based on legitimate safety concerns.

The Ridgefield Police Department does not operate under a mandatory handcuffing policy. If handcuffing is impossible or impractical due to physical limitation, age or disability, officers should balance the need for handcuffs versus the possible injury they might cause to certain individuals. Exceptions can be made if the circumstances are such that officer safety will not be jeopardized, or it may be necessary to use other restraint equipment such as flex ties, leg irons, or waist hobbles. Handcuffs or leg irons are not to be used to secure a person to a vehicle or other fixed object, nor are persons to be secured to an officer.

Other restraint equipment, including a hobble, is also authorized in cases of severe resistance. The purpose is to minimize injury to the person, the officer, and damage to property. Only authorized restraint equipment should be used.

Officers should follow the guidelines listed below when using a hobble:

1. Never leave a person unattended.
2. Transport the person as soon as possible.
3. Maintain verbal contact with the person throughout the transport.
4. The person should never be allowed to roll off onto the floorboard area, across the drive line hump.

Jail staff will be advised any time an arrestee has been exposed to a hobble, or is not handcuffed behind the back and/or when other types of restraints are used prior to that person being brought into the booking facility.

#### **05.01.150 GENERAL GUIDELINES GOVERNING USE OF DEADLY FORCE**

Officers shall be directed by the following general guidelines:

- A. Safety of Bystanders. Any discharge of a firearm must be done with proper regard for the safety of bystanders or other people in the immediate area.
- B. Moving Vehicles. Firearms, as a means of deadly force, will not be discharged from or at a moving vehicle, unless absolutely necessary in self-defense or defense of others from the suspect's use of deadly force.
- C. Officer Discretion. Even when an officer may be permitted to use deadly force, the officer may refrain from doing so if the officer believes the use of such force is inadvisable under the particular circumstances.
- D. Warning Shots. **WARNING SHOTS ARE PROHIBITED**. However, when feasible, an officer will give warning in some form (i.e., verbal warning) before applying deadly force.

#### **05.01.180 USE OF DEADLY FORCE / ADDITIONAL REQUIREMENTS**

It is recognized that the use of deadly force is a traumatic experience but also requires impartial and timely review. The investigation of deadly force is bifurcated into two sections. The first is adherence to state law surrounding the use of force. This investigation is conducted by an Independent Investigation Team, which the City of Ridgefield has no part. The conclusion of this investigation will be cleared through the Clark County Prosecutor's Office.

The second phase of the investigation is the adherence to City of Ridgefield Policy and will be conducted internally by the Lieutenant or the Chief's designee.

Involved officers shall be provided a reasonable period of time to discuss the incident with a Ridgefield Police Officer's Association Attorney or representative, and a private attorney, before providing a preliminary statement. The officer shall provide sufficient information so as not to hinder or delay the investigation, crime scene processing, and apprehension and charging of suspects. No formal written report will be required for a minimum of 48-72 hours from the time of the incident. The officer will be given sufficient time to be physically well rested. In addition to any written police report required, the officer shall complete a Use of Force Report.

Firearms utilized in the shooting incident will be surrendered to the officer's supervisor at the earliest moment and treated as evidence. A replacement weapon will be provided as soon as possible. The officer's weapon may be returned following the criminal investigation and its findings.

An officer involved in a shooting incident will respond only to proper inquiries from other authorities. The presence of an officer who has been previously involved in a shooting may be requested to meet with the involved officer or family as soon as possible after a shooting incident where death or injury has occurred. The Chief shall designate a staff person to provide direct assistance to the officer in managing the proceedings which are associated with a shooting. The Chief shall request the City Attorney provide ongoing legal assistance.

#### **05.01.190 REQUIRED NOTIFICATIONS**

As soon as practicable the supervisor shall notify the following individuals of an officer-involved shooting incident and request their assistance as needed:

- A. Chief of Police.
- B. Lieutenant.
- C. Investigative Supervisor or Major Crimes Unit.
- D. Association President, Association Officer, (or designee).
- E. W.C.I.A and the City Attorney.

#### **05.01.200 ADMINISTRATIVE LEAVE**

Whenever an officer uses force that results in the death of, or the great bodily harm of any person, that officer shall not be returned to their regular assignment but shall be placed on paid administrative leave. This assignment shall continue for a period of time necessary to determine the facts of the incident. The officer shall remain available to the Department during this time to assist in the criminal and internal review of the incident.

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

For any officer who has used a firearm or other deadly force during a critical incident, the department will schedule a meeting with a department-approved qualified mental

health professional (MHP). At least one meeting is required and the City will pay for at least three visits with the MHP. If the MHP indicates that ongoing sessions are necessary, the department will review each case to determine whether to pay for additional sessions. The meetings with the MHP are not considered a fitness for duty evaluation and all of the meetings are strictly confidential. The City will be notified when the officer attends the sessions. This requirement does not preclude the department from requesting a fitness for duty evaluation (with a different MHP) if it appears necessary.

Any officer who used a firearm or other deadly force during a critical incident may return to full duty after all the following conditions have been met:

1. The officer has completed at least one scheduled appointment with a department approved qualified mental health professional;
2. The prosecuting attorney renders a decision on the justification of the use of force;
3. The Chief of Police determines that the officer may return to work in a full duty position;
4. The officer successfully completed firearm qualification and additional training as necessary.

Because stress disorders may not arise immediately, or officers may attempt to hide the problem, the following return to work procedures will be implemented:

1. Upon return to work, the officer will ride with another officer for at least one shift;
2. Two weeks following return to work, the officer's supervisor shall meet with the officer to determine if there is any training, difficulties or other issues that should be addressed;
3. The Chief's office will assure that peer support personnel stay in contact with the involved officer and check in three months following the incident to discuss any delayed difficulties;
4. Supervisors will monitor behavior for stress symptoms.

#### **05.01.210 FIREARMS QUALIFICATIONS**

Officers directly involved in the shooting incident shall be required to qualify with their firearm prior to return to full duty.

#### **05.01.220 ANNUAL TRAINING**

The Police Department is committed to providing ongoing in-service training to officers regarding use of force and related issues. This includes, but is not limited to:

1. Semi-annual training with firearms.
2. Annual review and training on this policy (Chapter 1.11)

This training will be in addition to training received at the Washington State Criminal Justice Training Academy. Sworn personnel will be supplied individually with any additions, restrictions, or amendments to these policies as they may occur.

All sworn personnel must be given a copy of this policy, along with the Firearms policy, and must demonstrate understanding of the policies, prior to being allowed to carry a firearm.

Cathy Doriot, Interim Chief of Police

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