

POL-1-3 USE OF FORCE

1-3-1 PURPOSE AND SCOPE

It is the fundamental duty of law enforcement to preserve and protect all human life. This policy is intended to provide clarity to officers and promote the highest levels of safety for all parties involved by ensuring that available and appropriate de-escalation techniques are used when possible; force is used appropriately and only when necessary, and the amount of force is used is proportional to the threat or resistance the officer encounters.

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

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the control devices and techniques and CEW policies.

1-3-2 DEFINITIONS

Definitions related to this policy include:

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows an officer to search, escort, handcuff, or restrain the person.

Deadly force – The intentional application of force through the use of firearms or other means reasonably likely to cause death or serious physical injury.

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.

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

Totality of the circumstances - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force (RCW 10.120.010).

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

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 bodily injury to the peace officer or another person (RCW 10.120.020).

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

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

Chokehold- The intentional application of direct pressure to a person's trachea or windpipe for the purpose of restricting another person's airway (RCW (9A.16.010).

1-3-3 POLICY

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

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

The police department recognizes and respects the value of all human life without prejudice or bias of any kind to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests. The proper use of force is essential to ensure impartial policing and build trust in the community. While there are circumstances where individuals will not comply with the law unless compelled or controlled by officers through the use of force, officers must remain mindful that they derive their authority from the community and that unreasonable force degrades the legitimacy of that authority.

1-3-4 DUTY TO INTERVENE AND REPORT

Any officer present and observing another law enforcement officer or an officer 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 officer who observes another law enforcement officer or an officer use 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).

1-3-5 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer 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.

1-3-6 ADDITIONAL STATE REQUIREMENTS ON THE DUTY TO INTEREVE NE AND REPORT

An officer 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).

1-3-6-1 CRITICAL DECISION MAKING.

Use of critical decision making can help officers achieve the expectations outlined in this manual. When safe and feasible, when making contact with the public, officers shall;

- 1) Begin assessment and planning with available facts before arriving on scene.
- 2) Request available resources, as needed, such as a crisis intervention team.

1-3-7 USE OF FORCE

Officers shall use the least amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers 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 an officer might encounter, officers 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 officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by this department. Officers 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 an officer to retreat or be exposed to possible physical injury before applying reasonable force.

When safe and feasible, prior to the use of physical force, officers shall: identify themselves as law enforcement officers, attempt to determine whether the person has a condition that may impact their ability to understand and comply with officers' commands, provide clear instructions and warnings, including that physical force will be used unless their resistance ceases and give the person a reasonable opportunity to comply with the warning.

1-3-8 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use (RCW 10.120.020).
- (e) The individual's mental state or capacity (RCW 10.120.020).
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and the individual's ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) The individual is visibly pregnant or claims to be pregnant (RCW 10.120.020).
- (s) The individual is a minor, appears to be a minor, or claims to be a minor (RCW 10.120.020).
- (t) The individual is known to be a vulnerable adult or appears to be a vulnerable adult as defined by RCW 74.34.020 (RCW 10.120.020).
- (u) The individual has limited English proficiency (RCW 10.120.020).
- (v) The individual is in the presence of a child (RCW 10.120.020).
- (w) Any other exigent circumstances.

1-3-10 PAIN COMPLIANCE TECHNIQUES

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

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

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

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

1-3-11 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Colfax Police Department for this specific purpose.

1-3-12 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers have a duty to use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion) (RCW 10.120.010; RCW 10.120.020). These include, but are not limited to, utilizing time, distance, cover, or communication techniques.

1-3-13 RESTRICTIONS ON RESPIRATORY RESTRAINTS

Officers employed by the Colfax Police Department are not authorized to use respiratory restraints, also known as chokeholds or neck restraints (RCW 10.116.020).

1-3-14 WASHINGTON STATE LAW- PHYSICAL FORCE

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

An officer may use physical force upon another person to the extent necessary 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 an officer 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 an officer 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 officer, another person, or the person against whom force is being used.

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

DUTY TO PROVIDE OR FACILITATE FIRST AID

All law enforcement personnel must provide or facilitate first aid at the earliest safe opportunity to injured persons at a scene controlled by law enforcement. All law enforcement personnel may monitor injured and restrained persons while in law enforcement custody (RCW 36.28A.445)

REDUCE THE RISK OF POSITIONAL AND COMPRESSION ASPHYXIATION

To reduce the risk of in-custody positional and compression asphyxiation injuries or deaths, officers shall:

- Roll the person to the side and move them to an upright position that does not impede normal breathing, except if they are unconscious
- Do not put prolonged pressure on the chest, neck or back, including by sitting, kneeling, or standing
- Continuously monitor the person while being restrained, as death can occur suddenly. Monitoring includes assessing breathing, color, and any impairment verbalized by the individual (i.e. if a person states they're having trouble breathing or they're turning purple/blue)
- When possible, designate a safety officer to monitor the health and welfare of the person
- Do not transport a restrained person in the prone position

1-3-15 DEADLY FORCE APPLICATIONS

When reasonable, officers 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 an officer has objectively reasonable grounds to believe the person is aware of those facts.

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

- (a) An officer may use deadly force to protect the officer or others from what the officer reasonably believes is an immediate threat of serious physical injury or death.
- (b) An officer may use deadly force to stop a fleeing subject when the officer 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 officer 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.

Whenever possible, use available and appropriate less lethal alternatives before using deadly force.

For purposes of deadly force, an "immediate threat of serious physical injury or death" exists when, based on the totality of the circumstances, it is objectively reasonable to believe that a person has the present and apparent ability, opportunity, and intent to immediately cause death or serious bodily injury to the peace officer or another person (RCW 10.120.020).

Officers shall not use deadly force against a person who is a danger only to themselves.

Examples of deadly force may include:

- Impact weapon strikes to the head, neck, throat or spine
- Striking a person's head onto a hard, fixed object
- Discharge of a firearm loaded with lethal ammunition at someone
- Intentionally striking with a vehicle a person who is not inside of a vehicle

1-3-16 MOVING VEHICLES

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

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

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle or of deadly force other than the vehicle that is directed at the officer or others (RCW 10.116.060).

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

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

1-3-17 REPORTING THE USE OF FORCE

Any use of force by an officer of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer 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 police department may require the completion of additional report forms, as specified in office policy, procedure, or law. See the report preparation policy for additional circumstances that may require documentation.

1-3-18 NOTIFICATIONS TO SUPERVISORS

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

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

1-3-19 NOTIFICATION TO INDIAN AFFAIRS

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

1-3-20 USE OF FORCE REPORT FORM

The Colfax Police Department utilizes a use of force form that contains the details needed for documentation and reporting.

1-3-21 NOTIFICATION TO CRIMINAL JUSTICE TRAINING COMMISSION (CJTC)

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

1-3-22 REPORTING TO WASHINGTON STATEWIDE USE OF FORCE DATA PROGRAM (WADEPS)

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).

1-3-23 MEDICAL CONSIDERATIONS

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

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

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

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the medical aid and response policy for additional guidelines.

1-3-24 SUPERVISOR RESPONSIBILITIES

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

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) In cases where force is used which results in obvious or reported injury the supervising officer should consider obtaining a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived the individual's Miranda rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 - 1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate. In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

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

1-3-25 SERGEANT/CHIEF RESPONSIBILITY

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

1-3-26 TRAINING

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding. Officers shall receive training and subsequent periodic training on (RCW 43.101.450; RCW 43.101.495; RCW 10.120.010; RCW 10.120.020):

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

1-3-27 ANNUAL REVIEW

Use of force incidents will be reviewed annually by the sergeant with the findings submitted to the chief for approval.

1-3-28 WASHINGTON STATE LAW- REASONABLE CARE

Officers shall use reasonable care when determining whether to use and when using any physical force or deadly force against another person. The least amount of physical force necessary shall be used to overcome resistance under the circumstances (RCW 10). Officers should consider the following personal characteristics when determining whether and how much force to be used (least amount possible) if they are or seem to be: children or in the presence of children, pregnant, vulnerable adult, impaired or disabled, under the influence of alcohol or drugs, limited English proficiency.

1-3-29 DEFENSIVE TACTICS TRAINING

- Agency will have at least one WSCJTC current Certified 6240/6241 use of force/CDT Instructor. The instructor(s) shall receive training consistent with this policy at least annually. In the event the police department does not have a current instructor, one will be utilized from a partnering agency to train and certify officers in the current use of force and defensive tactics practices.
- Courses must be taught by a WSCJTC certified instructor at least annually to all active officers.
- This policy should be incorporated into defensive tactics curricula. Curricula shall be consistent with CJTC training and use of force standards. Training will incorporate time/distance/shielding, current legal standards for use of force, use of less lethal options, and other defensive tactics approved by WSCJTC.

POL-1-4 LESS LETHAL WEAPONS

The use and possession of less lethal weapons by officers of the police department, both on and off duty, will be used as an alternative to deadly force. The use of these weapons is governed by POL-1-3 and this policy.

USE OF LESS LETHAL WEAPONS

FLASHLIGHTS - Officers will not use flashlights in subduing suspects or prisoners except in emergencies.

BATON - The baton, asp or straight stick is to be used in the manner taught by the certified instructor. If the officer is not certified, he/she will not carry or use the baton. Officers will employ batons only as a defensive weapon or to subdue a violent prisoner. In no case, except in a life-threatening emergency, will an officer use a baton as a club.

CHEMICAL AGENTS - Officers will employ chemical agents in a manner consistent with police department training and procedures.

OC/CAPSTUN

All officers of this police department that desire to carry a chemical agent will use (oleoresin capsicum/OC) and will be trained in the use of the product by a certified trainer and exposed to the agent.

Training will be under the direction and supervision of the range and/or training officer(s). The program will be approved by the chief.

The officer delivering the agent will have decided prior to using the product that the intended recipient is to be taken into custody for a criminal offense. The intended recipient of the agent will be taken into custody and incarcerated in a jail facility.

Any officer that intends to use OC spray will ask for a back-up unit to be sent to their location. This request will be, when practical, made prior to the officer dispersing the product. This is to ensure adequate assistance is enroute in the event an officer inadvertently disables him/herself with the agent.

The incident will be reviewed by the officer's immediate supervisor. In the case of use by a supervisor, the chief will review the incident. All reports indicating use of a less lethal weapon will be directed to the appropriate supervisor for final review.

The sergeant is responsible for any necessary recommendations to the chief should any use of a less lethal weapon appear to be improper.

HANDCUFFS - Officers will handcuff all prisoners an officer has reason to believe is possibly violent.

CEW (Taser) - Only officers who have completed the police department's CEW training program will be issued and/or allowed to use the CEW (Axon). The officer will utilize the X26/X26P/X2 CEW in the manner taught by the certified instructor and in a manner consistent with police department training and procedures.

CONDUCTED ENERGY WEAPONS (AKA TASERS)

All officers of this police department that desire to carry/utilize a CEW shall use only a CEW which has been authorized and has had the serial number recorded. The officer will also be required to attend training in the use of the CEW. The training program will be approved by the chief and administered by a certified CEW instructor

A CEW may be used to control a subject who poses a threat of violence when attempts to subdue the subject by other conventional tactics have been, or will likely be, ineffective in the situation at hand; or there is reasonable expectation that it will be unsafe for officers to approach within contact range of the subject.

PROCEDURE

Only properly functioning and charged CEW's shall be used. Each discharge, including accidental discharges, of a CEW shall be reported and documented utilizing an ADVANCED CEW USE REPORT (ATUR).

1. The X26/X26P/X2 is programmed to give a 5-second "electrical current." The operator can shorten or extend this time as the situation warrants. The probes should not be touched during this time period, as the operator would also receive the same "electrical current." In addition, officers should avoid stepping on or tripping over the wires.
2. The preferred target area when deploying a CEW should be the center mass of the subject's body. The face, neck and groin area is to be avoided if at possible. NEVER aim the CEW at the eyes of the subject. The CEW is laser sighted and could cause eye injury.
3. Keep hands away from the front of the unit at all times unless the safety is activated and the CEW is safe.
4. Always replace air cartridges by their expiration date (these may be used for training).
5. Consideration and care should be taken when deploying the CEW on suspect(s) who are in an elevated position or in other circumstances where a fall may cause substantial injury or death. Officers must be prepared to justify such a deployment.
6. The CEW will never be used punitively or for the purposes of coercion. It is to be used as a way of averting a potentially injurious or dangerous situation.
7. The CEW should never be deployed following the use of alcohol-based OC on a suspect.

MEMBERS DISCHARGING A CEW SHALL:

1. Determine if an EMS unit response is necessary. If the response is necessary, EMS personnel will be advised a subject has been subjected to a CEW stun.
2. Persons who have been subjected to the CEW stun or probe penetration, shall be treated as follows: The officer or EMS personnel will remove the probes that

have penetrated major muscle groups by utilizing the technique learned during certified training. If probes penetrated sensitive areas (genitals, buttocks, breasts, head/neck), EMS shall remove them. The officer will secure subject and inspect for any secondary injuries or excessive bleeding. The officer will advise EMS personnel of the approximate time of the CEW discharge, location of probe penetration and secondary injuries if observed.

3. An immediate supervisor will be notified of any CEW discharge and assist in determining if an EMS unit response is necessary.
4. The officer will obtain medical clearance from EMS personnel or escort EMS to the appropriate hospital if necessary.
5. The air cartridge and probes used, as well as a sample of discharged chads, shall be collected and entered into evidence. Since the probes will probably have blood on them (biohazard) the officer should wear protective latex gloves when handling. Collect CEW and wires and probes as found (don't stretch or spool.) Place CEW wires and cartridge in a box and process as evidence. The probes shall be inverted into the portals they originally were deployed from (this will prevent the sharp ends from penetrating the evidence envelope). Evidence tape should then be placed over the portals to secure the probes in the cartridge. Then place into an evidence envelope with a few serialized chads that were discharged by the air cartridge at the scene.

TACTICAL DEPLOYMENT

1. Use common sense.
2. Use clear verbal commands and point laser sight at subject prior to firing.
3. Have a second air cartridge present or a second X26/X26P/X2 ready to fire in case probes miss the target, a malfunction, or an air cartridge is a dud.
4. Have appropriate backup equipment and personnel available if possible.
5. Aim at center of mass and from the subject's rear if possible.
6. Use cover and distance to ensure officer safety.
7. Use to avert violent confrontation.

SUPERVISOR RESPONSIBILITIES

1. Respond to scenes where the CEW has been deployed, if available.
2. Ensure that officers who use the CEW complete an ATUR.
3. Ensure ATUR, spent cartridge and chads are completed/collected.

USE OF FORCE ISSUES

1. The use of the CEW constitutes a use of force.
2. Every effort will be made to control the situation prior to CEW use. Including the use of effective communication skills and/or providing secondary options to subject.
3. The CEW should only be used when adequate backup is available. A minimum of two officers is recommended but this does not negate use by one officer when circumstances dictate such use.

4. Officers will make every effort possible to ensure all innocent citizens are clear of the situation or out of immediate proximity prior to CEW discharge.
5. The CEW is placed on the use of force continuum at level one, and may be deployed prior to hands-on contact by officers in an incident where the subject has threatened or shown signs of violence.
6. The CEW may be used from up to 21 feet away when: The officer reasonably believes the subject poses a credible threat and lesser force options are ineffective, or likely to be ineffective given the situation at hand.
7. Member/suspect factors that may be considered: age, sex, pregnancy, skill level, multiple suspects/officers, relative strength. Special circumstances: proximity of a weapon, injury or exhaustion of member, member on ground, distance between member and suspect, special knowledge, and/or availability of other options.

REPORTING USE OF LESS LETHAL FORCE - Whenever an officer uses force capable of causing injury or does cause injury, the officer will promptly submit an incident report that will be reviewed by the immediate supervisor and/or the chief and will comply with POL-26-1.

POL-1-5 FIREARMS AND AMMUNITION

All weapons meant to be carried or used by an officer while on duty will be of the following calibers:

- A. Handguns - .40 cal. semi-auto / .45 cal. semi-auto / 9mm semi-auto
- B. Shotguns - 12 gauge (less lethal bean bag projectile only, **NO SLUGS OR SHOT**)
- C. Rifles - .223
- D. Other firearms can be approved by the chief on a case-by-case basis.

HANDGUN BARREL LENGTH - 3 to 6 inches for officers in uniform and 1 to 6 inches in plainclothes.

AMMUNITION - Only ammunition issued and/or approved by the police department will be carried on duty. Ammunition for duty and training will be provided by the police department in the following caliber's: 12-gauge bean bag, .223 caliber, 9mm. Additional ammunition or firearms can be approved by the chief on a case-by-case basis.

THE POLICE DEPARTMENT WILL PROVIDE DUTY AMMUNITION.

All duty weapons will be approved by the chief prior to being carried on duty.

At all times when a field division officer is on duty, he/she will carry a firearm that they have been qualified to carry.

EXCEPTIONS: Weapons may be locked in a gun locker while at the office. An officer will not carry their firearm while in a correctional facility, where it is prohibited.

Each firearm discharge must be justified and constitutes the use of deadly force. The pointing of a firearm at a person with no subsequent discharge is considered a use of force and must be reported as such.

POL-1-6 FIREARMS PROFICIENCY

The police department will approve all firearms that an officer carries on duty, and the officer will qualify with that weapon annually on a course approved by the chief. An officer will qualify with each weapon prior to carrying that weapon. Each officer will qualify at a minimum of 70% on any approved course. Officers will have on file with the police department the serial number, make, and model of all weapons they carry on duty.

The firearms instructor will be a state or federally certified firearms instructor.

BACK-UP WEAPONS

Any officer who carries a back-up weapon will qualify with that weapon. Back-up weapons must comply with provisions of policies POL-1-5 and POL-1-6.

At no time will any officer of the police department carry or employ any type of weapon or potential weapon as a "throw away".

OFF-DUTY WEAPONS

Sworn officers of the police department that carry off-duty weapons (under color of their badge) must qualify with that weapon annually. Initial qualification will be prior to carrying that weapon. The police department range master will allow practice with these weapons on the range. However, the police department will not purchase or provide ammunition for these weapons, other than for qualification.

Recreational weapons are excluded.

PRO-1-6-1 FAILURE TO QUALIFY

ACTION BY POLICE DEPARTMENT MEMBER

1. Fails to qualify on the police department approved course and with the police department approved firearms instructor.

2. The officer will have 30 days to re-qualify.
 - a.) The officer may request additional training.
3. On the second failure, officers will have an additional 30 days to re-qualify. The officer will submit to mandatory additional training and the chief will be notified in writing.

ACTION BY RANGE OFFICER

4. Will provide as much training as is necessary for the officer to qualify. If needed, another range officer may be selected for the training.

ACTION BY POLICE DEPARTMENT MEMBER

5. On the third failure, the officer will be referred to the chief for appropriate action.

POL-1-7 FIREARMS DISCHARGE WITHOUT INJURY

Any time that an officer discharges a firearm, while on duty, he/she shall submit a detailed written report as soon as possible.

EXCEPTION: police department recognized practice shooting.

Officers may kill a dangerous animal or one that is so badly injured that humanity requires its removal to prevent further suffering. Officers killing such animals will report the incident on the appropriate form. This policy in no way conflicts with lawful recreational discharges of firearms. While on duty no recreational discharges will be made.

Any incident where a firearm is discharged, except those listed above, will be investigated by a supervisor. A written report and recommendation will be submitted. Any action will follow the disciplinary policy.

POL-1-8 FIREARMS DISCHARGE WITH INJURY OR DEATH

Whenever an officer discharges a firearm and injures or kills a person, he/she when feasible or safe to do so, will immediately:

1. Render first aid.
2. Notify dispatch of the shooting and its location.
3. Notify a supervisor.

PRO-1-8-1 POST SHOOTING

In the event that any officer of the police department uses deadly force which results in death or serious injury the on-duty supervisor will be notified immediately.

The on-duty supervisor will ascertain the available information concerning the incident and notify the command staff personnel as soon as possible.

In all cases where an officer uses force that causes death or serious injury, the scene will be preserved for an outside agency investigation. This investigation may be handled by several agencies depending on where it occurs, but an officer of the police department will be on that investigative team to give the team office support. This officer will be of sergeant rank or above and he/she will compile reports and information on the incident, review those reports and provide to the chief his/her findings and recommendations of what, if any, action should be taken with the officer or officers involved.

An officer involved in a death or serious injury incident will be placed on mandatory administrative leave with pay for the duration of the shift and the following shift for a minimum of 48 consecutive hours. Administrative leave will be for a minimum of 48 hours and may continue pending administrative review. In some cases, this review will be completed within the 48 hours. In other cases, it may be much longer. This is in the best interest of the officer and the police department and will not be waived.

If the facts of the investigation are such to establish a basis for finding a violation of policy or if criminal charges are filed the matter will be acted upon according to the discipline policy.

PRO-1-8-2 POST TRAUMA

The involved officer will meet for debriefing and counseling with a police department designated psychologist, psychiatrist or post trauma team. This debriefing is mandatory and cannot be waived.

This debriefing will take place as soon as practical considering all circumstances including, the officer's medical condition.

All conversations between the officer and the debriefing psychologist or psychiatrist are considered confidential and subject to the doctor-patient privilege.

PRO-1-8-3 POST TRAUMA - RETURN TO DUTY

In determining the appropriate administrative action to take in terminating the officer's administrative leave and returning the officer to regular duty, the chief may seek and

consider the professional opinion of any psychological counselor and/or treating physician as to:

- A. Whether the officer should be expected to report to full duty, or whether more time is needed and if so, how much; and
- B. Whether any modification of the officer's duties should be considered to facilitate the officers speedy return and if so, the nature and duration of the modifications; and
- C. Whether the officer should, during modified duty, continue to be armed.

PRO-1-8-4 POST TRAUMA - RESOURCES AVAILABLE

- A. **REPLACEMENT SERVICE WEAPON.** If the death or serious injury incident involved the discharge of the officer's service weapon and it must be taken for examination, the on-duty supervisor will, with the chief's approval, issue the officer a like weapon as soon as possible. The chief may withhold approval if after reviewing facts he/she believes that this may not be in the best interest of safety.
- B. **CONSULTATION WITH PROSECUTOR.** The officer may talk with an officer of the prosecutor's staff for information regarding the various legal actions, which may arise from the incident.
- C. **INTERFACE WITH OTHER CITY DEPARTMENTS.** The officer's supervisor will see that all damaged equipment is replaced as soon as possible and will assist the officer in responding to inquiries relating to administrative leave and other personnel adjustments necessitated by the death or serious injury.

PRO-1-8-5 POST TRAUMA - DEATH OR SERIOUS INJURY TO MEMBER

- A. In the event of death or serious injury to an officer, notification of the family shall be made in person by the administration or other person as deemed most appropriate by administration.
- B. The supervisor shall advise the officer's family, when appropriate to do so, of professional assistance available and any benefits accruing to the family from the city and other governmental entities.
- C. The chief may grant administrative leave to an officer of the police department for the purposes of assisting the involved officer's family for such a length of time as deemed appropriate.

POL-1-9 RANGE RULES

Alcohol will not be allowed or consumed on the range. All police department policies and procedures are in effect for officers while on or at the police department range.

All weapons are considered to be loaded at all times. Weapons will be holstered unless on the firing line or at the loading station where they will be pointed down-range at all times.

Only range designated targets will be fired upon. At no time will glass or rocks be used as targets.

Each officer using the range is responsible for cleaning the range of used targets and other trash. Brass shall be picked up after each shoot.

POL-1-10 UNDERSTANDING THE FIREARMS POLICY

Every sworn officer must have a working knowledge of the firearm policy and must qualify on the range before they are allowed to carry a weapon. The range officer will determine if the officer has demonstrated understanding of the policy and has qualified.

POL-1-11 USE OF CHOKE HOLDS OR NECK RESTRAINTS

No officer of the police department will be authorized to use a choke-hold or neck restraint of any kind which blocks, obstructs or limits the airway of another.

POL-1-12 FIREARMS USE PROHIBITED

Firearms shall only be used in situations where the use of deadly force is legally justified. Additionally, firearms shall not be used under the following circumstances (this list is provided as an example, it is not exhaustive):

- Shooting at or from moving vehicles (exception: as a last resort to protect life)
- Warning shots
- Shooting a fleeing suspect who poses no danger
- To stop a minor offense
- To coerce or intimidate anyone
- If not authorized by policy
- If the officer is under the influence of alcohol and/or drugs

In situations which warrant the use of deadly force, officers should always consider the safety and well-being of bystanders and witnesses in the area. Every discharge must be justified. Therefore, officers utilizing firearms where deadly force is warranted shall avoid shooting into crowds, large gatherings of people, densely populated areas without