

Sample Document

Excerpt from City of Edmonds Police Policy Manual, Section 1.3.1- 1.3.8, pp. 1-15 to 1-24.

1.3.1 Use of Force

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| CALEA 1.3.1 | State 1.2 | Effective 01/01/00 |
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Officers will only employ that amount of force necessary to accomplish lawful objectives which is reasonable and necessary to effect an arrest or assume control of a situation. All department personnel will follow and obey all laws of the State of Washington regarding the use of lethal and less than lethal weapons, both on and off duty. All officers, whether on or off duty, will adhere to department rules and regulations concerning the use of force.

1.3.2 Limitations of Use of Deadly Force

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| CALEA 1.3.2 | State 1.2 | Effective 01/01/00 |
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A. Use of Deadly Force Regulations

1. Before resorting to the use of deadly force, every reasonable means of apprehending suspects must be exhausted. No officer will be censured if a suspect is not apprehended when all methods short of the use of deadly force have been exhausted and the use of deadly force is not deemed by the officer to be advisable. Deadly force may be used:
 - a. For the protection of life, an officer may use deadly force when necessary in the defense of himself from death or serious injury and when in the defense of another person, unlawfully attacked, from death or serious injury.
2. An officer shall not discharge firearms in the performance of his police duties, other than for practice or training in a target range or similar authorized location, except under the following circumstances:
 - a. For the protection of life, an officer may discharge firearms when necessary in the defense of himself from death or serious injury and when in the defense of another person, unlawfully attacked, from death or serious injury.

- b. An officer may discharge firearms when necessary to effect the arrest of a person involved in the commission of any inherently dangerous felony.
3. The person must have committed an inherently dangerous felony or the officer must be virtually certain from evidence available to him at the time that such a felony has been committed and that the suspect committed it.
4. Firearms may be discharged when necessary in retaking an escaped inherently dangerous felon who has been committed, arrested, or convicted of an inherently dangerous felony as previously described.
5. Firearms may be used to kill a dangerous animal or to kill an animal so badly injured that humanity requires its removal from further suffering, provided that it is not practical to secure the services of an animal control officer for that purpose.
6. Where possible, an officer should give a warning prior to using deadly force, for example, "Halt or I'll shoot."
7. When the use of firearms is unavoidable, the actions of the officer must create no substantial risk of injury to innocent persons.
8. Definitions:
 - a. **FORCE:** Physical action taken by an officer to assist that officer in controlling a situation or the behavior of others.
 - b. **SERIOUS BODILY INJURY:** Injury which creates a probability of death or which causes significant, permanent loss or impairment of the function of any body part or organ.
 - c. **DEADLY FORCE:** The intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious bodily injury.
 - d. **REASONABLE BELIEF:** Facts, circumstances, or knowledge present to the officer sufficient to justify a thought or feeling.
 - e. **NECESSARY:** No reasonably safe and effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended.
 - a. **INHERENTLY DANGEROUS FELONY:**
 - Murder - First Degree
 - Murder - Second Degree
 - Manslaughter - First Degree
 - Assault - First Degree
 - Assault - Second Degree

Robbery - First Degree
Robbery - Second Degree
Burglary - First Degree
Kidnapping - First Degree
Kidnapping - Second Degree
Arson - First Degree
Rape - First Degree
Rape - Second Degree

1.3.3 Warning Shots

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| CALEA 1.3.3 | State 1.2 | Effective 01/01/00 |
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Under no circumstances shall warning shots be fired.

1.3.4 Less Than Lethal Weapons

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| CALEA 1.3.4 | State 1.3 | Effective 01/01/00 |
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To successfully deal with situations requiring justifiable use of reasonable force, and minimize risk to the public and the officer(s) involved, less than lethal weapons are authorized for use by department members. These weapons are not listed in any intended order of use. Authorized less than lethal weapons are:

Oleoresin Capsicum spray (OC spray)
PR-24, straight and collapsible batons
Taser electronic restraint device
Police canine
Flashlight
37mm Sage/Penn launcher
12 gauge beanbag rounds

- A. Officers will employ OC spray in a manner consistent with department training or directives. While on duty, members shall carry only those OC sprays that have been approved and issued by the department. Information and facts regarding the use of OC sprays shall be included in regular offense and arrest reports submitted by the officer. A OC spray may be used by an officer in the performance of normal duties as follows:
1. Whenever the officer is in danger of bodily injury and physical contact with the other person is inadvisable.
 2. When necessary to overcome actual physical resistance to an arrest. The degree of resistance must be such that an officer reasonably believes that further attempts at physical restraint will be likely to produce bodily injury to the suspect, to the officer, or to another person.

3. When necessary to prevent the commission of any crime likely to produce bodily harm.
4. When lawfully suppressing a disturbance where physical contact is not advisable.
5. Training—Before employing the use of OC spray officers should be trained by the Washington State Criminal Justice Training Commission or an instructor certified by the commission to instruct in the use of this weapon.
6. Off Duty—Use of OC spray is discouraged and limited to the defense of self or others and will require a report to the Chief of Police.

B. PR-24, straight and collapsible baton

1. The PR-24, straight or collapsible batons are primarily defensive weapons and should be used as such. In the event it must be used as an offensive weapon, officers will abide by department training and directives. Hitting suspects in the head or groin area should be avoided unless required for the protection of the officer and others from serious injury.
 - a. Training—Before employing the use of a PR-24, straight or collapsible baton, officers should be trained by the Washington State Criminal Justice Training Commission or an instructor certified by the commission to instruct in the use of these weapons.
 - b. Off Duty—Use of the PR-24, straight or collapsible baton is discouraged and limited to the defense of self or others and will require a report to the Chief of Police.

C. Taser electronic restraint device (ERD)

1. The ERD is viewed as “high” on the continuum of less than lethal force and is authorized as an alternative to employing deadly force in situations where time and circumstances exist for ERD use. It is not intended to be used as a general substitute for other less than lethal force options.
2. The ERD may be used when other less than lethal force options have been ineffective or when it reasonably appears that such options will be ineffective in subduing the subject. Examples of situations in which the ERD may be used include, but are not limited to, the following:
 - a. Dealing with the mentally ill subject who is perceived to be violent.
 - b. Armed subjects.
 - c. Warrant service where the subject is perceived to be violent.
 - d. Violent persons under the influence of drugs and/or alcohol.

- e. Persons expressing the intent and having the means to commit suicide.
 - f. When deemed a reasonable alternative to lesser force options that will likely be ineffective or greater force options that may be inappropriate given objective circumstances.
3. Where possible, the ERD operator should consult with a supervisor prior to the use.
 4. The ERD should not be pointed at any individual unless the officer involved reasonably believes it will be necessary to use the device.
 5. The ERD shall not be used:
 - a. When the operator cannot, for safety or other reasons, approach the subject within effective range of the device;
 - b. In proximity to flammable liquids, gases, blasting materials or any other highly combustible materials that may be ignited by use of the device, including but not limited to any subject who may have been contaminated with combustible liquids;
 - c. When it is reasonable to believe that incapacitation of the subject may result in serious injury or death; or
 - d. In conjunction with another ERD or any other electrical restraint device that may collectively exceed electrical power levels on the subject.
 6. In less than lethal force situations, when possible, officers should avoid using the ERD on
 - a. Persons in wheelchairs or in control of a vehicle;
 - b. Pregnant women;
 - c. People with known heart problems;
 - d. People with apparent debilitating illness or the elderly;
 - e. Children or those under 80 pounds;
 - f. Individuals with known neuromuscular disorders such as muscular sclerosis, muscular dystrophy; or
 - g. Persons known to be wearing pacemakers or other biomedical devices sensitive to electrical current.
 7. Only officers who have successfully completed the agency's approved course of instruction on the ERD are authorized to use it in tactical situations.

8. Officers of this agency shall receive refresher training in use of the ERD on an annual basis or in accordance with manufacturer's recommendations.
 9. The arrestee who has been immobilized by use of the ERD will be transported by patrol car or aid car to Stevens Health Center to receive a medical clearance.
- D. Police canine will only be handled by an officer having successfully completed training required by state law and the minimum standards set by the Washington State Police Canine Association. The police canine will only be used per department policy.
- E. If the police flashlight is utilized as an impact weapon, it will be utilized in the same manner as the PR-24, straight or collapsible baton.
- F. 37mm Sage/Penn launcher/12 gauge bean-bag or flexible baton rounds.
1. Bean-bag or flexible baton rounds are considered to be extended range impact weapons that allow officer to deliver a similar amount of force, comparable to batons or ERD.
 2. The 12 gauge bean-bag or flexible baton rounds may be used when other less than lethal force options have been ineffective or when it reasonably appears that such options will be ineffective in subduing the subject.
 3. The use and non-use of the bean-bag or flexible baton rounds is the same as for the ERD.
 4. Only officers who have successfully completed the agency's approved course of instruction on the bean-bag or flexible baton rounds are authorized to use it in tactical situations.
 5. Officers of this agency shall receive refresher training in use of the bean-bag or flexible baton rounds on an annual basis during firearms instruction.

1.3.5 Rendering Aid After Use of Weapons

CALEA 1.3.5

Effective 01/01/00

When officers use force, which results in injury or complaint of injury, the officer is required to provide the appropriate medical aid to the injured person. Officers should request an aid car to examine the injured party. Aid crewmembers will then determine if further medical treatment is required.

In situations where the injury is known or believed to be severe, the officer should also request a medic unit in addition to the request for an aid car.

Pain and/or discomfort caused by the application of OC Spray is not considered an injury. Officers should help the exposed person relieve pain and/or discomfort by flushing the area with water and exposing the area to fresh air.

1.3.6 Use of Force Reporting

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| CALEA 1.3.6 | State 1.6 | Revised 08/16/00 |
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- A. Whenever an officer employs an amount of force that compels compliance from a person in the course of effecting an arrest, overcoming resistance, or controlling a dangerous situation, the officer will submit a use of force report. The use of force report will be submitted whenever an employee:
 - 1. Discharges a firearm, for other than training or recreational purposes.
 - 2. Takes an action that results in, or is alleged to have resulted in, injury or death of another person.
 - 3. Applies force through the use of lethal or less than lethal weapons (e.g. nightstick, OC Spray, submission holds, ramming or blocking vehicles, canine, or other weapons).
 - 4. Applies physical force, which is defined as the use of a come-along, pain compliance measure, or other hand-to-hand technique used to gain physical control over, or subdue a non-compliant or passive resistant person being taken into custody.

- B. The following are not considered use of force:
 - 1. Handcuffs when used as a restraint in arrest and transport activities.
 - 2. Display of a weapon (unholstering or brandishing of a firearm).
 - 3. Handhold used to escort a person (guidance or prevent escape).
 - 4. Mere presence of a police officer or canine.
 - 5. Issuance of tactical commands (verbal judo).
 - 6. Physical removal of peacefully resisting demonstrators.
 - 7. Assisting medical professionals with patients in health care facilities.

- C. Whenever an officer discharges a firearm, other than for training or recreational purposes, or is involved in an incident that results in the injury or death of another person, the officer shall notify their immediate on-duty supervisor. The officer will submit a written report of the circumstances as soon as possible before going off duty.
- D. The shift supervisor will personally investigate incidents involving the discharge of firearms or serious injury or death of another person and will complete a report before going off duty. The shift supervisor's report will be forwarded to the Division Commander and chief. A copy of the officers and supervisor's report will be sent to the Review Board.
- E. Upon the shooting injury or death of or by an Edmonds Police Officer, the on-duty supervisor shall notify the following persons:
 - 1. The Chief of Police
 - 2. The Division Commander.
- F. Three separate teams will conduct the shooting investigation. The Chief of Police shall have the option of requesting an independent police agency to investigate the incident.
 - 1. The first team, which is the lead team, will be the criminal investigation unit. Its mission will be to determine if there was criminal behavior on the part of the department, officers, or persons injured or slain.
 - 2. The second team will be an internal administrative review team. This team will be comprised of an assistant chief, sergeant, and detective or officer. Their primary goal will be to determine if department policies and procedures were followed. They will conduct a parallel investigation with the criminal investigation team. As a rule, they will conduct separate interviews.
 - 3. The third team will be an evidence-gathering unit. Their mission will be to gather and preserve evidence from the shooting scene or wounded/deceased persons.
 - 4. All teams will work under the direction of the criminal investigation team. The Chief of Police or Snohomish County Prosecutor should clear any decisions on Garrity warnings.
- G. Any officers involved in the shooting incident will respond only to the proper authorities and will restrict comments to the facts. All inquiries from the news media shall be directed to the Chief of Police or his designee.

- H. Officers will surrender their firearms to the on-duty supervisor in the following circumstances:
1. Upon the shooting death or injury of or by an officer.
 - a. The on-duty supervisor shall enter the surrendered firearm into evidence and file a report of the incident for use by the department shooting investigation teams.
 2. The Assistant Police Chief/Field Services Division may authorize the issuance of another firearm of the same make and caliber to the involved officer as soon as possible. The assistant chief may withhold such issuance if, based on all the available information concerning the incident and the officer's response thereto, the assistant chief believes the issuance of a new firearm to the involved officer may not be in the interest of safety.
- I. Officers may be required to surrender their firearms to the on-duty supervisor in the following circumstances:
1. The accidental or official discharge of a firearm by an officer, not resulting in injury or death, other than at an approved range during approved training.
 - a. The on-duty supervisor shall investigate the incident and determine if the officer's firearm needs to be surrendered for safety inspection or as part of an internal investigation.
 2. If it is determined that the officer's firearm is to be surrendered, the on-duty supervisor shall issue another firearm of the same make and caliber.
- J. Officers shall not refuse to surrender any firearm, department or personally owned, upon the request of an authority as indicated above.
- K. If the findings indicate that a firearm discharge was not justified, the following steps will be taken upon approval of the Chief of Police:
1. If a violation of law or department policy or procedure is indicated, the matter will be processed in accordance with the department's disciplinary procedures.
 2. If an incident is clearly due to improper training, the matter will be referred to the Administrative Sergeant so that proper retraining can be afforded the officer.

1.3.7 Review of Use of Force Reports

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| CALEA 1.3.7 | State 1.6 | Effective 01/01/00 |
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All use of force reports will be sent to the Chief of Police via the chain of command. The reports will be reviewed to insure that policy, training, and disciplinary issues are addressed. A copy of the use of force report will be sent to the Administrative Sergeant. The Administrative Sergeant will review the reports to insure that training needs are met and information entered into the use of force database.

1.3.8 Removal from Assignment Pending Admin. Review

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| CALEA 1.3.8 | State 1.7 | Effective 01/01/00 |
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If an officer is involved in an event that seriously injures someone or leads to a person's death, the officer shall be placed on administrative leave for up to 72 hours.

A peer officer of choice will be assigned to help the officer with any transportation needs, companionship, or moral support.

The officer must have a debriefing session within 48 hours with the department psychologist.

The officer will not be returned to regular duty until the Chief of Police has consulted with the psychologist, the officer, and investigators in reference to the incident.