

8.300 – Use of Force –Tools

Effective Date: 120220 Draft

This policy addresses the use and deployment of all force tools that are available to sworn Department employees. The following force options are governed by this policy:

- * Patrol Canine
- * TASER /Conducted Electrical Weapons
- * Impact weapons
- * Oleoresin Capsicum (OC) spray
- * Vehicle-related force tactics
- * Specialty unit weaponry
- * Hobble restraint
- * Blast balls
- * 40 mm Less Lethal Launcher
- * Pepperball Launcher
- * Stationary Tire Deflation Device
- * Firearms

The Intended Purpose of Less-Lethal Tools

Less-lethal tools are used to interrupt a subject's threatening behavior so that officers may take physical control of the subject with less risk of injury to the subject or officer than posed by greater force applications. Less-lethal tools alone cannot be expected to render a subject harmless.

Support officers will be prepared to take immediate action to exploit the brief opportunity created by the less-lethal tool and take control of the subject if safe to do so.

1. Officers Will Only Carry and Use Tools That Have Been Approved by the Department and That the Officer has Been Properly Trained ~~and Certified~~ to Use; Use of Improvised Weapons May Be Permissible Under Exigent Circumstances

The use of Improvised Weapons, defined in 8.050, will be subject to the same standards as approved tools set forth in 8.200.

2. Uniformed Officers Are Required to Carry at Least One Less Lethal Tool

Uniformed officers who have been issued a TASER will carry it.

3. Sergeants and Lieutenants Will Ensure That Each Officer in Their Command is Trained ~~and Certified~~ on the Tools They Carry, ~~as Required~~

4. Officers Are Prohibited From Using Less-Lethal Tools as a Form of Punishment or for Retaliation

5. Officers Shall Not Use Less-Lethal Tools to Prod or Jab Individuals, to Awaken Unconscious or Intoxicated Individuals, or to Prevent the Destruction of Evidence

Reasonable efforts to awaken or assess unconscious/unresponsive individuals without Less-Lethal Tools, including trained pain stimuli, are considered a medical procedure, defined in 8.050, and not force.

6. Officers Will Consider Risks to the Subject and Third Parties When Determining Whether to Deploy any Less-Lethal Tools

Officers may only use less-lethal force on subjects who are visibly pregnant, elderly, apparently pre-adolescent, or visibly frail when there is an exigency or an immediate threat to any person.

7. Use of Less-Lethal Tools in the Following Circumstances is Only Permitted in Situations Where There is an Imminent Risk of Death or Great Bodily Harm to Any Person

- When the subject is in an elevated position where a fall is likely to cause substantial bodily harm or death
- When the subject is in a location where the subject could drown
- When the subject is operating a motor vehicle or motorcycle and the engine is running or is on a bicycle or scooter in-motion

~~—When an individual is handcuffed or otherwise restrained~~

~~When an individual is fully contained in a police vehicle~~

8. The Application of Less Lethal Tools on a Restrained Person Must Be to Protect an Officer or Member of the Public from Physical Injury

Use of force on restrained persons is highly scrutinized by the Department. For subjects contained within a police vehicle, officers handle their response as if responding to a barricaded person.

9. W^[AI]hen Feasible, Officers Will Issue a Verbal Warning to the Subject and Fellow Officers Prior to the Use of Any Less-Lethal Tool

Prior to using any less lethal tool, officers will issue a verbal warning to the subject, other officers, and other individuals present, that the tool will be used and will defer using the less-lethal tool a reasonable amount of time to allow the subject to comply with the warning.

Verbal warnings will include specifying the tool to be used.

When employing a team tactics approach, verbal warnings may come from any officer involved in the incident.

Exception: A verbal warning is not required if giving the warning would compromise the safety of the officer or others. In such circumstances, only the deploying officer will document his/her reason for believing his/her safety would have been compromised in his/her use of force statement.

8.300 – POL –1 Use of Force – Use of Patrol Canines

1. The Prompt and Proper Utilization of a Trained Canine Team has Proven to be a Valuable Resource in Law Enforcement

- When properly used with strict handler control, a canine team increases the degree of safety to persons within a contained search area, enhances individual officer safety, increases the likelihood of subject apprehension, and may reduce the amount of time necessary to conduct a search.

- At the same time, handlers will make all reasonable efforts to avoid unnecessary and unnecessarily injurious bites.
- All canine uses of force will be objectively reasonable, necessary, and proportional.

2. The Following Terms are Defined According to this Policy:

Apprehension: ~~The arrest, capture, or taking into custody of a person.~~

Canine Apprehension: When the canine is deployed and has a clear and well-documented role in the capture or surrender of a person. A surrender is based on statements or actions made by the individual during or after the arrest. The mere presence of the canine at the scene of an arrest, where the canine had no active role in the arrest, is not a canine apprehension.

Canine Bite: Physical contact, initiated by the canine, between the canine's teeth and a person or animal. This contact does not need to result in broken or punctured skin to be a bite.

Canine Bite Ratio: The number of canine apprehensions accomplished by means of a canine bite divided by the total number of canine apprehensions (both with and without a bite).

Non-Tactical Use of Canine: The ~~non-aggressive work~~use of a canine ~~when used~~ to find evidence or articles or to conduct an evidentiary confirmation track. See [Manual Section 16.300 Patrol Canines](#) for further guidance.

On Lead: Deployment of a canine with a leash attached to the collar or harness and the handler has positive control of the leash.

Off Lead: Deployment of a canine with no leash attached or when a leash is attached, and the handler does not have positive control of the leash.

Canine Deployment: Use of a canine on- or off-lead to search for a subject, to apprehend a subject, or for officer safety.

Canine Handler or Canine Officer: A sworn member of the Department who has been trained ~~certified~~ by the requirements of the Department's canine program.

Canine Team: The combination of a Canine Handler and that Handler's assigned police-working dog working in tandem.

Direct Apprehension: When a handler commands their dog to bite and hold an individual that the handler has in sight.

Canine Search—Use of a canine to search for a subject. There are two types of Canine Searches:

- **Tracking Search:** A handler deploys a dog to locate a subject who has fled a crime scene. Done on and off lead.
- **Contained Search:** Search for a subject in a contained area, i.e. Building or fenced lot, where a subject is reasonably expected to be hiding. Done on and off lead.

Canine Use of Force: Canine bite or injury caused by physical contact between a canine and a subject that occurs:

- During a Canine Search, or
- During a Direct Apprehension.

Accidental Canine Bite or Injury: Canine bite or injury caused by physical contact with a canine that occurs:

- When the handler has given no command to search or apprehend; or
- When the handler gives the command to search or apprehend a subject, but the canine engages the wrong person.

- [See 16.300 Patrol Canines for more information](#)

Containment—The establishment of a visual perimeter intended to curtail a subject's escape from a defined search area or structure. Containment requires at least two officers positioned at diagonally opposite corners of the search area but is far more effective with at least four officers.

[Evidentiary Confirmation Track – A track to establish an evidentiary link between a crime scene or place where a suspect was last seen and where a possible suspect is being detained by officers. A canine use of force is not anticipated as the subject in question is under control of officers and will not be physically contacted by the police dog.](#)

Evidentiary Confirmation tracks may be used only for one of the crimes listed in 8.300-POL-1(3).

3. Canine Deployments Will Be Limited to the Following Situations Where Probable Cause or a Valid Arrest Warrant Exists for Any of the Below Listed Crimes:

Felony Crimes:

- Completed Burglary offenses, not including trespass with non-violent secondary crime
- Robbery, not including thefts that are accompanied by low level assaults
- Homicide
- Serious assault
- Kidnapping
- Arson with threat of harm to people
- Domestic violence felony crimes
- Serious sexual assault
- Drive by shooting, not including unlawful discharge of a firearm

Misdemeanor Crimes:

- Domestic Violence Assault
- Domestic Violence Order Violations that are subject to mandatory arrest—violations will involve the subject's physical presence at the victim's location or a threat of harm

For all other crimes where there is a reasonable belief that the subject is ~~considered to be~~ armed with a firearm or weapon capable of causing substantial bodily harm, or great bodily harm or death; or the subject poses an ~~there is an~~ imminent threat of harm to the public, approval by a ~~non-scene~~ supervisor with the permanent rank of sergeant or above is needed.

4. Canine Deployments are prohibited for the following:

-Administrative warrants, e.g. Department of Corrections warrants, absent a new offense as outlined in 8.300-POL-1(3)

- To apprehend anyone suspected to be under the influence of drugs or alcohol or who appears to be in behavioral crisis absent an offense as outlined in 8.300-POL-1(3).

- Demonstration management and or crowd control situations.

5. Canine Handlers Will Obtain a Briefing of the Incident Prior to Deploying Their Canine

Canine officers may gather information from on-scene officers in-person, **by phone** or via **police** radio or MDT while en route to the call.

A briefing will include, if applicable:

- A description of the facts and circumstances that establish probable cause to apprehend the subject or reasonable suspicion to detain the subject;
- A detailed description of the wanted subject, if available;
- The subject's actual or perceived age (i.e. whether the subject is or may be a juvenile). The subject's perceived age will be determined by gathering as much information as possible from officers and/or witnesses who observed the subject's physical characteristics height, weight, etc.);
- Behavior or information indicating whether the subject poses imminent threat or violence to others;
- The severity of the crime;
- Whether the subject is armed;
- Whether there is reason to believe the subject may not speak or understand English or may have a hearing impairment;
- Known potential danger to the public and/or other officers at the scene if the canine is released;
- The degree of resistance or threatened resistance communicated or shown by the subject;
- The potential for escape or flight if the canine is not utilized;
- The level of pedestrian foot traffic; and
- Whether the area perimeter is secure.

Canine officers will coordinate with on scene officers and develop a plan as to how they will safely track (i.e. cover officer, shutting down vehicle traffic, etc.) as well as an arrest plan if a subject is located unless exigent circumstances exist.

6. Off-Lead Canine Searches May be Suitable Under Certain Circumstances:

- Off lead deployment may be appropriate for searches of commercial buildings where there is the possibility of subjects hiding inside, including attics, basements, and crawl spaces.
- Off-lead deployment may be appropriate for searches of shopping centers, malls or other large structures where staffing commitments and search time will be extensive.
- Off-lead deployment at a school building may be appropriate if the subjects are adults and the incident involves significant theft, such as computers and other valuable equipment.
- Canine searches of residences are discouraged whenever there is risk of a bite to innocent persons. Before conducting a search of a residence, the handler will make every effort to ensure the safety of any residents that might be present.
- Residential searches will be conducted on short lead unless the handler can determine that there are no residents at home. This can be done through contacts with victims, witnesses, neighbors, responsible parties, and officers on the scene.
- The presence of uncontained animals in a residence to be searched will normally preclude the use of canines unless the animals can be removed or contained. In cases where it can be done safely, an on-lead search can be done in the presence of uncontained animals.

7. A Canine Unit is Viewed as a Single Officer Unit and Will Perform Under that Premise When Making Decisions Regarding Contact of Subjects. A Canine Handler May Use a Canine for Officer Safety

Use of a canine is reasonable to provide additional safety for officers when needed ~~_(e.g., where an officer is contacting several individuals and there is a concern for flight or assault, the handler may have the canine at his or her side).~~

The canine will not be used solely for intimidation or coercion.

The de-escalation policy (8.100) still applies and requires that handlers articulate the need to contact a larger group that necessitated the use of the canine for safety purposes.

8. Canine Officers May Use Direct Apprehension to Physically Apprehend a Subject

Direct apprehension will be used only when the canine officer has probable cause ~~or reasonable suspicion to believe~~ that the subject has committed one of the crimes listed in 8.300-POL-1(3), or there is a valid arrest warrant for the subject for one of the crimes listed in 8.300-POL-1(3) and

- The canine ~~handler-officer~~ reasonably believes that the subject poses an imminent threat of harm to the officers or others; or
- The subject is trying to escape, such as by immediate flight.

A direct apprehension will not be used to apprehend a subject fleeing from the scene of a Burglary 2nd Degree offense or wanted solely for a Burglary 2nd Degree offense, unless the canine officer reasonably believes that the subject poses an imminent threat of harm to the officers or others.

9. Canines Will Not Be Used to Apprehend Subjects Perceived to Be Juveniles Except for the Crimes Listed in 8.300-POL-1(3)

In the case of known or possible juvenile subjects, special consideration will be given to the subject's age and propensity for violence, and officers will explore alternatives to the deployment of a canine.

10. Police Canines Will Not Be Used as a Pain Compliance Technique

11. Canine Deployment Announcements for Canine Searches

- Prior to a deploying a canine, a verbal announcement will be made and repeated-attempts to notify persons within the area of the intent to utilize a canine team and to afford subjects the opportunity to surrender to the police. The announcement will say that there are police officers in the area and that a trained police canine will be released and may bite individuals who do not surrender.

Exception: A verbal announcement is not required if giving the warning would compromise the safety of the canine officer or

others. In such circumstances, the canine officer will document his/her reason(s) for believing his/her safety would have been compromised in his/her use of force statement and or canine deployment record.

- When feasible, the announcement will be given by patrol car PA system or amplified by other means.

- The announcement will be clear, loud and audible to all individuals who may be affected by the operation. Where there is a reasonable belief that the subject speaks a language other than English, an officer or other individual fluent in that language will be summoned to the scene if available and the exigency of the situation permits.

- A reasonable amount of time will be allowed between announcement and deployment for the subject to respond and others to seek safety.

- Officers assigned to containment will confirm hearing the canine announcements prior to initiating a search.

- A verbal warning will be repeated as the search proceeds and the canine team reaches a different floor, or parts of the building or other area where the initial announcement may not have been heard.

- If feasible, other officers will be in a location opposite from where the announcements are made to verify that it can be heard.

12. Canine Deployment Announcements for Direct Apprehension

Prior to a deploying a canine for a direct apprehension, a verbal announcement will be made in an effort to generate compliance, when feasible.

The announcement will include the officer's authority (Police K-9), a request for the subject to surrender and the consequence for not surrendering (the police dog may bite the subject).

Exception: A verbal announcement is not required if giving the warning would compromise the safety of the canine officer or others. In such circumstances, the canine officer will document his/her reason(s) for believing his/her safety would have been

compromised in his/her use of force statement and or canine deployment record.

13. When Feasible, Canine Officers Will Attempt Alternative Tactics Prior to a Direct Apprehension

When the location of a subject in hiding has been determined, handlers will not command the canine to do a direct apprehension if alternative tactics are safe and feasible. Such alternatives may include: identifying as a police officer, ordering the subject to come out of hiding and warning that a police dog will be released and they may be bitten if they do not voluntarily comply, and then waiting a reasonable amount of time for them to comply, or using a lower level of force.

14. When Safe and Feasible, Canine Handlers Will Make All Reasonable Efforts to Keep the Police Canine in Sight

Canine handlers will remain within a working distance of their police dog to ensure they can read their canine's body language and that the police canine obeys verbal commands.

15. Releasing the Bite

- Should a bite occur, the handler will as rapidly as possible determine if the subject is armed and call off the dog at the "first possible moment" the canine can be safely released.
- When deciding to order the dog to release, particular attention will be given to the perceived threat or actual resistance presented by the subject. Handlers will continue to factor into their call-off decision that the average person will struggle if being seized or confronted by a canine. This struggling, alone, will not be cause for not calling off the canine.

16. After a Canine Use of Force or Accidental Canine Bite or Injury, Officers Will Render Appropriate Medical Aid Within Their Training as Soon as Reasonably Possible

See 8.200 (7)

17. The Canine Will Be Secured as Soon as it Becomes Safe and Feasible

At a minimum, the canine will be secured once the subject has been apprehended and no longer reasonably presents a threat, or risk of escape.

Exception: Canines may remain unsecured if there are additional outstanding subjects, the canine is needed to conduct an evidentiary confirmation track or find evidence, or the canine presence assists in the protection of officers or others.

18. Whenever a Canine is Deployed, Whether Force is Used or Not, the Canine Handler Will Document the Deployment

Canine Deployment These records are maintained by ~~kept in~~ the Canine Unit.

19. A Canine Use of Force Will Be Reported, Investigated, and Reviewed Consistent With Sections 8.400 and 8.500

See 8.400 and 8.500 for guidance.

- Each canine bite or injury will be separately documented in the use of force report.

- The handler will document, in their use of force report, the duration and reason for the duration of the canine's bite on the subject.

20. An Accidental Canine Bite or Injury is Not a Use of Force, But It Will Be Reported Separately per 16.300 PRO - 1 Accidental Canine Bite or Injury

In the event of an accidental canine bite or injury, canine handlers will follow accidental injury procedures, not use of force reporting procedures. The supervisor will screen the incident with FIT.

8.300- POL 2– Use of Force – TASER / Conducted Electrical Weapons

A TASER in probe deployment is designed to stimulate a portion of the nervous system with sufficient pulsed electrical energy to bring about uncontrolled muscle contractions which override an individual's voluntary motor function. Drive stun mode occurs when the TASER makes direct contact with the subject's body and does not override an individual's motor responses. It is intended to cause significant pain. Use of the TASER in probe

deployment is preferred in some circumstances over use in drive stun mode, which can only be used at close range and may cause marks and scarring.

1. Education & Training Section (ETS) Manages the TASER Program

ETS will maintain the TASER operator's manual.

2. ETS Will Train ~~and Certify~~ Operators Annually

Only officers who have been trained ~~and certified~~ are allowed to use TASERs.

3. Uniformed Officers Who Have Been Trained ~~and Certified~~ to Carry a TASER and Have Been Issued One Must Carry It During Their Shift

Officers must carry their TASER in a holster on their support side.

4. Officers May Use TASERs in the Following Circumstances:

- When a subject causes an immediate threat of harm to any person;

or

- When public safety interests dictate that a subject needs to be taken into custody and the level of resistance presented by the subject is:

(1) likely to cause injury to the officer ~~and/or~~ or subject;

(2) if hands-on control tactics or other force options would be likely to cause greater injury to the subject than the use of TASER.

In either of the above circumstances, the force must be objectively reasonable, necessary and proportional.

When a TASER is used against a subject, either in probe or drive stun mode, it will be for one standard discharge cycle of five seconds or less and the officer using the TASER must reassess the situation. Only the minimum number of five second cycles necessary to place the subject in custody will be used.

Officers will assume that if they have used a TASER three times against a subject but the subject continues to actively resist or aggress, the TASER may not be effective against that person; the officer will reassess and consider other options, if feasible.

Officers will not deploy multiple TASERs at the same subject, unless the first deployed device fails.

When using TASER in the drive stun mode, officers will wait a reasonable amount of time between applications to discern if compliance has been gained.

5. TASERs Will Not Be Used In any Environment Where an Officer Knows That a Potentially Flammable, Volatile, or Explosive Material is Present

Officers aware of environmental hazards will alert fellow officers as soon as possible.

6. Arcing a TASER, Creating an Audible Sound and Visual Spark Display When Conducting a Verbal Warning, is not Reportable Force

7. The Preferred Targets for TASER are Areas That do not Include the Chest, Head, and Genitals ~~Below the Ribcage, Splitting the Beltline~~

~~Absent an immediate threat to any person's safety that cannot be reasonably dealt with in any other fashion, TASER users will not target a subject's head, neck, or genital area. The center mass of the back to the buttocks is a viable target. Targeting the chest and heart area should be avoided if possible. Officers shall target below the ribcage down to the upper thigh, splitting the beltline, if possible. When encountering subjects wearing heavy or loose clothing on the upper body, the legs should be considered as targets.~~

8. As With the Initial TASER Application, Each Subsequent Application of a TASER Must Be Individually Justified

Officers are required to report the use of a TASER, regardless of whether or not the use of the TASER was an effective application.

9. Officers Will Summon Medical Aid as Soon as Feasible, Whenever a Subject Has Sustained a TASER Application

a. Officers Will Not Remove TASER Probes and Barbs That are Embedded in Flesh

TASER probes and barbs that are embedded in flesh will only be removed by fire department personnel or healthcare professionals, absent exigent circumstances. Probes embedded in clothing may be removed by an officer. Officers will collect and submit into evidence all primary components of the TASER cartridge: probes, wires and cartridge.

10. Officers Will Monitor All Subjects Who Have Sustained a TASER Application While They Are in Police Custody

11. When Restraining a Subject That Has Been Struck With a TASER, Officers Will Use a Technique That Does Not Impair Respiration

Once a subject is under control, officers will place him or her in a recovery position until such time as medical aid arrives.

12. TASERs May Be Used to Stop a Dangerous Animal

13. ETS Will Conduct TASER Inspections on an Annual Basis to Ensure That All TASERs are Operable, to Conduct Information Downloads, and Perform Any Necessary Maintenance or Repairs

When feasible and consistent with TASER training, ~~it is recommended~~ officers will perform a spark test at the start of their shift, to determine the functionality and battery capacity of the TASER. ~~When conducting a TASER park test, officers point the TASER in a safe direction (such as a loading barrel). While conducting the spark test, officers are reminded to check the battery capacity.~~ If the battery is low, officers will get a new battery from a precinct stationmaster, a precinct sergeant, or the quartermaster.

Officers will notify their chain of command up to the level of captain about any operational concerns about their TASER.

15. Officers Deciding to No Longer Carry Their TASER Will Notify Their Chain of Command and Return Their TASER to the Quartermaster or Stationmaster

Officers will notify a supervisor, in person, that they have decided to no longer carry a TASER, and will specify which less lethal tool they will deploy with.

Additionally, officers will notify their chain of command and the Department TASER coordinator, via email, prior to deployment without their TASER.

8.300 – POL –3 Use of Force – Impact Weapon

See 8.050 for definition of Impact Weapon.

This policy applies to the use of Department-approved impact weapons and improvised impact weapons, by all sworn Department employees.

Using a bicycle to forcefully strike a subject is a reportable use of force governed by this policy and 8.500-POL-6.

Using a long baton as part of a coordinated crowd control movement during a crowd management event is governed by 8.500-POL-6.

1. Education & Training Section (ETS) Will Train ~~and Certify~~ Officers on Department-Approved Impact Weapons Every Two Years

Officers will be trained ~~and certified~~ to use Department-approved impact weapons before being authorized to carry these weapons.

2. Officers Will Not Use Impact Weapons on Subjects Who Are Restrained and Under Control, or Complying With Police Direction

3. An Intentional Hard Strike to the Head With Any Impact Weapon Is Prohibited Unless Deadly Force is Justified

All hard strikes to the head must be screened with FIT, even if they were mistaken or unintentional.

4. Officers Will Not Target the Head, Throat, Neck, Spine, Genitals, or Kidneys with Any Impact Weapon, Except in Exigent Circumstances

All strikes to these areas must be screened with FIT, even if they were mistaken or unintentional.

5. Officers Will Not Use Flashlights as Impact Weapons, Except in Exigent Circumstances

The use of improvised weapons, such as flashlights, may present a greater risk of injury than batons. Use of another object in place of the baton, including flashlights, is prohibited unless there is an immediate need to strike and an officer is precluded from using or cannot feasibly use the TASER, baton, or OC spray.

The failure to carry a baton, in and of itself, does not justify the regular use of a flashlight as an impact weapon. Routine reliance on flashlights as an impact weapon is prohibited.

6. Officers Must Justify Each Separate Impact Weapon Application in Their Use-of-Force Report

Officers are required to report ~~each the~~ use of an impact weapon, regardless of whether a subject is struck.

8.300 – POL –4 Use of Force – Oleoresin Capsicum (OC) Spray

This policy applies to the use of OC spray by all sworn Department employees.

Oleoresin Capsicum spray (OC spray) is an inflammatory agent that causes an intense burning sensation of the skin, eyes, and mucous membranes. A one second burst applied directly to the face (direct exposure), even with glasses, will usually result in the immediate closing of the eyes. The individual's eyes will likely close, tear, and swell as a result. When inhaled (secondary exposure), the respiratory tract will likely become inflamed and temporarily restrict breathing to short, shallow breaths. The individual may experience choking, gagging, gasping for breath, or, on rare occasion, unconsciousness. The individual may experience nausea, lung pain, or temporarily impaired thought processes. The individual may become disoriented or lose his or her balance.

OC spray may reduce or eliminate the need for substantial physical force to make an arrest or gain custody. It may reduce the potential for injuries to officers and subjects.

1. Education & Training Section (ETS) Will Train ~~and Certify~~ Officers in the Use of OC Spray Every Two Years

The OC spray policy and training will incorporate the evolving guidance contained within the SPD Post-Basic Law Enforcement Academy course on less-lethal force as well as guidance from the medical community.

2. Officers Will Only Use Department-Issued or Approved OC Spray

Officers will periodically check the manufacturer's date on their issued OC Spray container and if beyond five years, exchange for a new container from the stationmaster or quartermaster.

3. Officers Will Use OC Spray, Including in Crowd Control Management Events~~for Crowd Dispersal or Protection~~, Only When Such Force is Objectively Reasonable, Necessary, and Proportional

See 8.050 for definition and explanation of "objectively reasonable," "necessary," and "proportional" force.

~~For use and reporting of OC spray in the context of crowd management, see 14.090 (10).~~

a. OC Spray May Be Used Against a Dangerous Animal to Deter an Attack or to Prevent Injury to Persons Present

45. Officers Must Justify Each Separate Application of OC Spray

After the initial application of OC spray, each subsequent spray must also be reasonable and the employee will reevaluate the situation accordingly.

5. Where Multiple Persons are Present, Officers Will Direct OC Only Towards the Person(s) Posing a Specific Threat of Harm to Officers or Others or Engaging in Acts of Violence or Significant Property Destruction

a. Officers deploying OC will attempt to avoid or minimize incidental exposure to non-involved persons

6. Officers are Required to Report the Use of OC Spray, Regardless of the Effect, as Well as the Decontamination Procedures That Followed

~~7. The Application of OC Spray on Persons in Restraints Such As Handcuffs Must Be to Protect an Officer or Member of the Public from Physical Injury~~ ^(A2)

~~8. Officers Shall Direct OC Spray at the Specific Subject(s) Who are Posing a Threat~~

~~Officers deploying OC will attempt to minimize exposure to non-targeted parties.~~

79. Officers Will Assist Exposed Subjects with Decontamination and Medical Aid, As Soon as Reasonably Possible

If the subject was exposed in a confined space, officers will remove the subject as soon as feasible from the contaminated area and expose the individual to fresh air.

Officers will request medical response or assistance for subjects exposed to OC spray when requested by the subject, when the subject complains of continued effects after having been decontaminated, or the subject indicates that they have a pre-existing condition (such as asthma, emphysema, bronchitis, or heart ailment) that may be aggravated by OC spray.

Officers will monitor exposed subjects for changes in their condition while in police custody and request medical evaluation as needed or as requested.

~~810. The Department Will Maintain Written Documentation of the Number of OC Spray Canisters Annually Distributed to Each Employee~~

8.300 – POL – 5 Use of Force – Vehicle-Related Force Tactics

See hyperlinks below for vehicle tactics definitions in 8.050:

PIT (Pursuit Intervention Technique)

Ramming

Roadblock

Vehicle-to-Vehicle Contact

1. Only Officers Trained ~~and Certified~~ in the Use of PIT and Stationary Tire Deflation Devices Stop Sticks are Permitted to Use Them

Officers who have completed training in the use of PIT and stationary tire deflation devices stop sticks are permitted to use these tactics, regardless of their unit of assignment.

Officers will not use stationary tire deflation devices on moving vehicles.

Ramming is an untrained tactic permitted only in exigent circumstances.

2. Vehicle-Related Force Tactics May Be Considered Deadly Force, Depending on the Situation

See 8.200(5).

3. Officers Will Consider Secondary Risks to the Subject and Other Persons When Determining Whether to Deploy Vehicle-Related Force Tactics

Secondary risks to pedestrians and other vehicles include, but are not limited to, the dangers presented by a spun-out vehicle and loose tires on the road, as well as air bag deployment.

4. Officers Will Report the Use of PIT, Ramming, Stationary Tire Deflation Devices Stop Sticks, and Certain Roadblocks as a Use-of-Force

- Deployment of stationary tire deflation devices stop sticks at a vehicle but no contact is made, is de minimus and not reported. it is reported as a Type I.
- Deployment of stationary tire deflation devices stop sticks at a vehicle where contact is made with the a stationary vehicle, is reported as a Type I.
- Deployment of stationary tire deflation devices causing injury less than Type III, is reported as a Type II.
- Deployment of stationary tire deflation devices stop sticks causing injury greater than a Type II, is reported as a Type III.

- The use of stationary tire deflation devices ~~stop sticks~~ against a motorcycle is considered deadly force.

- Using a police vehicle for containment is not reported as a use of force.

- Not all roadblocks are reported as force. See 8.050 for definition of roadblocks for further guidance.

5. See 8.300-POL-12 for Guidance on Discharging a Firearm at or From a Moving Vehicle

8.300 – POL –6 Use of Force – Specialty Unit Weaponry

1. The Assistant Chief for Special Operations Oversees all Specialty Unit Weaponry

2. Specialty Units That Utilize Unique Weaponry Will Maintain Unit Manuals and Training Records Which Contain an Inventory and Specific Guidance for Each Weapon

Per Manual Section 12.070, unit manuals have the force of Department policy.

3. Officers in Specialty Units Will Use Their Weaponry in a Manner That is Objectively Reasonable, Necessary, and Proportional

See 8.050 for definition and explanation of "objectively reasonable," "necessary," and "proportional" force.

The fact that a weapon is part of the specialty unit weaponry does not exempt it from the policy requirements of this Manual. The same principles stated in 8.000 and 8.200 apply fully.

4. ETS Will Maintain Specialty Unit Training Records

Specialty units will submit their training records to ETS when completed.

8.300 – POL – 7 Use of Force – Hobble Restraint

A hobble restraint is a strap designed to restrain a subject's feet.

- 1. Officers May Use the Hobble Restraint to Control Violently Combative Subjects**
- 2. The Hobble Restraint May Not be Connected to Handcuffs or Other Restraints (i.e., "hog tie")**
- 3. Once the Hobble is Applied, Officers Must Place Subjects in Either in an Upright Seated Position, or on Their Side and Not Face Down, Including During Transport**
- 4. Officers Must Closely Monitor Subjects Who Have Been Placed in the Hobble Restraint**
- 5. Officers Will Report any Use of the Hobble Restraint as a Type I Use of Force**

~~8.300 – POL – 9~~

8.300 – POL – 9 Use of Force – Blast Balls

This policy applies to the use of blast balls [for crowd control](#).

- 1. Only Officers Who Have Completed Department Blast Ball Training are Permitted to Deploy Blast Balls**
- 2. Officers Will Only Use Department-Issued Blast Balls**
- 3. Officers May Use Blast Balls Only When Such Force is Objectively Reasonable, Necessary, and Proportional to Protect Against a Specific Imminent Threat of Harm to Officers or Identifiable Others or to Respond to Specific Acts of Violence or Destruction of Property**

~~When feasible, officers shall avoid deploying blast balls in the proximity of people who are not posing a risk to public safety or property.~~

4. When Feasible, Officers Will Direct Blast Balls Toward an Open Space Near the Person(s) Engaged in the Threats of Harm or Acts of Violence or Property Destruction

Officers will avoid directing blast balls towards persons who are not posing a risk to public safety or property.

Officers Will Not Deploy Blast Balls Until a Warning Dispersal Order Has Been Issued to the Crowd, the Crowd Has Been Given a Reasonable Amount of Time to Comply, and a Supervisor Has Authorized the Deployment

Exception: Officers may make individual decisions to reasonably deploy blast balls if reasonable and necessary to address an imminent risk of harm to a person or significant property damage.

In the case of a dispersal order, the requirement to give a verbal warning is considered satisfied by the issuance of the dispersal order.

The preferred method of blast ball deployment is low deployment ("bowling style"). Officers may use a high deployment ("overhand throw") when the need for a farther deployment or the need to get around an obstruction outweighs the risk created by the separating sub-munition. Officers must document their deployment method and the reasoning for using such in their use-of-force report.

5. Officers Must Justify Each Separate Blast Ball Deployment

After the initial blast ball deployment, each subsequent deployment must be reasonable, and the employee will re-evaluate the situation accordingly.

6. Officers Are Required to Report the Use of Blast Balls, Regardless of Whether a Subject is Struck

The deployment of blast balls in a crowd control situation causing less than Type III injury -away from people (i.e. a "bang out") that does not result in any injury or complaint of pain-is reported and investigated as Type II force (See 8.400).

Exception: The deployment of blast balls away from people (i.e. a "bang out") that does not result in any injury or complaint of pain is reported and investigated as Type I force (See 8.400).

~~The deployment of blast balls within close proximity to people is reported and investigated as Type II force, even if no injury or complaint of pain or injury is reported (See 8.400).~~

~~**Exception:** When the deployment of blast balls results in injury or complaint of injury that meets the criteria for a Type III investigation, the deployment is reported and investigated as Type III force (See 8.400).~~

7. As Soon As Reasonably Possible, Officers Will Request and/or Render Medical Aid for Subjects Who Appear to Have Been Injured by a Blast Ball Deployment or Who Complain of Pain or Injury Resulting From a Blast Ball Deployment

8. The Department Will Maintain Written Documentation of the Number of Blast Balls Annually Distributed to, and Utilized by, Each Employee

8.300 – POL-10 Use of Force– 40 mm Less Lethal Launcher

40 mm Less Lethal (LL) Launchers are designed to temporarily interrupt the behavior of a dangerous subject, so that officers can take enforcement action with less danger of injury or death to themselves and others. The extended standoff distance that the 40 mm LL Launcher may decrease officers' exposure and may provide additional time to bring the situation to a safe resolution.

1. Education and Training Section (ETS) Manages the 40 mm LL Launcher Program

ETS maintains the 40 mm LL Launcher operator's manual.

2. The Firearms Training Squad (FTS) Will Maintain Inventory Records for 40 mm LL Launchers

3. ETS Trains ~~and Certifies~~ 40 mm LL Launcher Operators Annually

~~**Exception:** SWAT officers receive will certify annually through annual specialized unit training. The SWAT commander will forward training rosters to ETS within seven days of completion.~~

Only officers who have been trained ~~and certified~~ with the Seattle Police Department are allowed to use the 40 mm Less Lethal Launcher.

Officers may only use 40 mm LL Impact Munitions (LLIM) in a manner consistent with the Seattle Police Use of Force Policy and training provided by the Department.

4. Officers Who Have Been Trained, ~~Certified~~ and Issued a 40 mm LL Launcher Will Deploy with It During Their Shift

Officers deploying with a 40 mm LL Launcher will deploy with a primary less lethal device in accordance with 8.300 (2).

5. Officers Deciding to Withdraw from the 40 mm LL Launcher Program Will Notify their Chain of Command and Return the 40 mm LL Launcher to the Range Armorer as Soon as Practicable

Officers will notify a supervisor, in person, that they have decided to no longer carry their 40 mm LL Launcher.

Additionally, officers will document the decision to no longer carry a 40 mm LL Launcher by emailing their chain of command and the Department 40 mm LL Launcher coordinator prior to deployment without their assigned launcher.

6. If the 40 mm LL Launcher Requires Inspection and/or Repairs, the Officer Will Notify their Supervisor and take the 40 mm LL Launcher Out of Service

Officers will email their supervisor, the 40 MM LL Launcher coordinator and the 40MM LL Launcher Armorer prior to deployment without their 40 mm LL Launcher.

7. Officers Will Only Use a 40 mm LL Launcher When Objectively Reasonable, Necessary, and Proportional

See 8.050 for definition and explanation of "objectively reasonable," "necessary," and "proportional" force.

Officers may use a 40 mm LL Launcher in the following circumstances:

- When a subject poses an immediate threat of harm to any person; or

- When public safety interests dictate that a subject needs to be taken into custody and the level of resistance presented by the subject is:

- (1) likely to cause injury to the officer; or
- (2) if hands-on control tactics or other force options would be likely to cause greater injury to the subject than the use of the 40 mm Less Lethal Impact Munition (LLIM).

Officers will consider Department training regarding deployment distances and target areas. Each situation must be evaluated on the totality of the circumstances at the time of the deployment.

8. Officers Will Consider the Risk of the 40 mm LLIM Round Causing Serious Harm When Determining Whether to Deploy

9. Officers Will Not Intentionally Target a Subject's Head, Neck or Genitals

Officers will not target the head or neck unless deadly force is justified.

10. Preferred Target Areas for 40 mm LL Launchers Are:

- Buttocks
- Thigh area
- Calf
- Large muscle groups

~~When feasible~~ Officers will collect and submit into evidence all primary components of the expended 40mm round to include the sponge nose cone with the rifling ring, and the casing. If collection is not feasible, officers document their search efforts in their report.

11. Only Munitions Purchased, Authorized and Issued by the Seattle Police Department May Be Used by Officers

Officers deploying 40 mm LL Launchers are responsible for ensuring the proper munitions are loaded. Officers will inspect each 40 mm LLIM round prior to loading it into the launcher to ensure munitions adhere with this policy.

12. Officers will Securely Store 40 mm LL Launchers

While on duty, 40 mm LL Launchers will be secured in patrol vehicles when not in use.

When not on duty, officers will store 40 mm LL Launchers in a secure Department locker.

13. Only SWAT Officers Will Deploy 40 mm LL Launchers During Crowd Management Events

Exception: Upon approval by the Chief of Police, officers who are trained in the use of the 40mm launcher may deploy with this tool in crowd management events.

14. Officers Must Justify Each Separate 40 mm LL Launcher Use in Their Use-of-Force Statement

15. Officers Are Required to Report the Use of 40 mm LL Launcher as Force, Regardless of Whether a Subject is Struck

See 8.400-POL-1(3)

Officers will also be prepared to employ other means to control the individual — including, if necessary, other force options consistent with Department policy—if the individual does not respond sufficiently to the LLIM and cannot otherwise be subdued.

16. Officers Will Summon Medical Aid as Soon as Feasible, Whenever a Subject Has Been Struck by a 40mm LL Launcher Round

17. The Firearms Training Section (FTS) Will Inspect 40 mm LL Launchers on an Annual Basis to Ensure That All Are Operable and Perform any Necessary Maintenance or Repairs

Exception: SWAT officers will inspect the 40 mm LL Launchers assigned to their unit on an annual basis.

8.300 – POL – 11 Use of Force – Pepperball Launcher

This policy applies to the use of pepperball launchers as a less-lethal tool by officers for crowd control. See 14.090.

1. The Firearms Training Squad (FTS) Will Maintain Inventory Records for Pepperball Launchers

2. The ETS Trains Pepperball Launcher Operators Annually

Exception: SWAT officers receive annual specialized unit training. The SWAT commander will forward training rosters to ETS within seven days of completion.

3. Only Officers Who Have Completed Department Pepperball Training are Permitted to Use Pepperball Launchers

4. Officers Will Only Use Department-Issued Pepperballs and Pepperball Launchers

5. Officers May Use Pepperballs Only When Such Force is Objectively Reasonable, Necessary, and Proportional to Protect Against a Specific Imminent Threat of Harm to Officers or Identifiable Others or to Respond to Specific Acts of Violence or Destruction of Property

Where multiple persons are present, officers will direct pepperballs towards the person(s) posing a specific threat of harm to officers or others or are engaging in acts of violence or significant property destruction.

- a. Officers deploying pepperballs will attempt to avoid or minimize incidental exposure to non-involved persons.

When directed towards a subject, the preferred target area for the pepperball is the area below the waist, including the buttock, front of the legs, thighs, or sides of the legs.

Officers will not target the head, neck, or genitals.

When used for area denial purposes, preferred targets are hard surfaces such as streets or walls.

Officers will consider Department training regarding deployment distances and target areas. Each situation will be evaluated on the totality of the circumstances at the time of the deployment.

6. Officers are Required to Report the Use of Pepperballs Regardless of the Effect, as Well as Decontamination Procedures that Followed

7. Officers must Justify Each Separate Volley of a Pepperball Deployment

After the initial volley of pepperball deployment, each subsequent deployment must be reasonable, and the employee will re-evaluate the situation accordingly.

8. Officers are Required to Report the Use of Pepperballs, Regardless of Whether a Subject is Struck

The deployment of pepperballs causing less than Type III injuries is reported and investigated as Type II force, even if no injury or complaint of pain or injury is reported. (See 8.400)

9. As Soon As Reasonably Possible, Officers Will Request and/or Render Medical Aid for Subjects Whp Appear to Have Been Injured by a Pepperball Deployemnt or Who Complain of Pain or Injury Resulting From Pepperball Deployment

8.300 – POL -12 Use of Force - Firearms

1. Officers Will Only Discharge Firearms in Situations Where Deadly Force is Permitted

See 8.000 and 8.050 definition of deadly force for further guidance.

Firearms May Be Used:

- a. Against a dangerous animal to deter an attack or to prevent injury to persons present; or
- b. To euthanize a critically injured animal.

2. Officers Will Only Carry and Use Department-Approved Firearms, Except in Exigent Circumstances

3. Officers Will Pass an Annual Firearms Qualification

All officers are required to qualify with their on-duty, back-up/off-duty firearms as directed by the Education & Training Section Captain. See 9.065.

4. Officers Will Not Use Firearms as Impact Weapons, Except When a Subject is Attempting to Take the Firearm or Lethal Force Is Permitted

5. An Officer May Draw their Firearm in the Line of Duty When the Officer Reasonably Believes It May Be Necessary for His or Her Own Safety or for the Safety of Others

When an officer determines that the threat is over, the officer will holster his or her firearm, when feasible.

Unnecessarily or prematurely drawing their firearm may limit an officer's alternatives in controlling a situation, may create unnecessary anxiety on the part of the public, and may result in an unwarranted or unintentional discharge of the firearm.

Officers will not draw their firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm in conformance with policy on the use of firearms.

6. Officers Will Not Fire Warning Shots

7. When Feasible, Officers Will Issue a Verbal Warning to the Subject and Fellow Officers Prior to Discharging a Firearm

Officers will issue a verbal warning to the subject, other officers, and other individuals present, that a firearm will be discharged and defer discharging the firearm a reasonable amount of time to allow the subject to comply with the warning.

Verbal warnings may come from any officer involved in the incident when employing a team tactics approach.

Exception: A verbal warning is not required if giving the warning would compromise the safety of the officer or others. In such circumstances, only the deploying officer will document his/her reason for believing his/her safety would have been compromised in his/her use of force statement.

8. Officers Will Not Fire at or From a Moving Vehicle

Firearms will not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the life of the officer or another person with deadly force by means other than

the vehicle. The moving vehicle itself will not presumptively constitute a threat that justifies an officer's use of deadly force.

An officer threatened by an oncoming vehicle will, if feasible, move out of its path instead of discharging a firearm at it or any of its occupants.

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

Exception:-The Department acknowledges that this policy does not cover every situation that may arise. Any deviations from the provisions of this policy will be examined rigorously and critically reviewed on a case-by-case basis. The involved officers must be able to articulate clearly the reasons for the use of deadly force, including whether the officer's life or the lives of others were in immediate peril and if there was no reasonable alternative.

9. Pointing a Firearm at a Person is Type I Reportable Force

Officers will document all incidents where they point a firearm at a person. See 8.400.

Unholstering or displaying a firearm – including in a sul or low-ready position – without pointing it at a person is not reportable force.

10. All Firearms Discharges are Investigated and Reviewed

Intentional discharges (including discharges against people and against animals) and unintentional discharges are investigated by FIT and reviewed by the Force Review Board.

Exception: This does not apply to discharges during legal recreational shooting, hunting, military activity, or on the range when the discharge is down range and the range master or lead firearms instructor determines no investigation is required.

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feedback on Policy 8.300**