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Use of Force

Edmonds Police Department Policy

300.1 PURPOSE AND SCOPE

It is the fundamental duty of law enforcement to preserve and protect all human life. Peace officers may only use force to the extent necessary and reasonable under the totality of the circumstances. This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, legal and reasonable manner.

300.1.1 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 him/herself to be searched, escorted, handcuffed or restrained.

(1) "Deadly force" means the intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury.

(2) "De-escalation tactics" refer to actions used by a peace officer that are intended to minimize the likelihood of the need to use force during an incident. Depending on the circumstances, "de-escalation tactics" may include, but are not limited to: Using clear instructions and verbal persuasion; attempting to slow down or stabilize the situation so that more time, options, and resources are available to resolve the incident; creating physical distance by employing tactical repositioning to maintain the benefit of time, distance, and cover; when there are multiple officers, designating one officer to communicate in order to avoid competing commands; requesting and using available support and resources, such as a crisis intervention team, a designated crisis responder or other behavioral health professional, or back-up officers.

(3) "Less lethal alternatives" include, but are not limited to, verbal warnings, de-escalation tactics, conducted energy weapons, devices that deploy oleoresin capsicum, batons, and beanbag rounds.

(4) "Necessary" means that, under the totality of the circumstances, a reasonably effective alternative to the use of physical force or deadly force does not appear to exist, and the type and amount of physical force or deadly force used is a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the officer or others.

(5) "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.

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"Physical force" does not include pat-downs, incidental touching, verbal commands, or compliant handcuffing where there is no physical pain or injury.

(6) "Totality of the circumstances" means all facts known to the peace officer leading up to, and at the time of, the use of force, and includes the actions of the person against whom the peace officer uses such force, and the actions of the peace officer.

300.2 POLICY

It is the policy of the Edmonds Police Department that officers will only respond with, use or deploy force in accordance with Federal, State and local laws i.e.

- a) Rulings of the United States Supreme Court or 9th Circuit Court of appeals
- b) Rulings of the State of WA Supreme Court
- c) RCW 9A.16.020 Use of force—When lawful
- d) RCW 10.120.020

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 Department recognizes and respects the value of all human life and dignity without prejudice 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.

GOVERNING PRINCIPLES

The 5 Principles of Patrol Tactics

The principles are the fundamental knowledge and skills officers should use in the course of their duties as a law enforcement professional. They are interdependent; each necessary for the other to exist. The knowledge and skills needed in each area cumulatively form the "umbrella" under which all patrol activities are executed.

The principles act as a standard or reference point which officers can use to form decisions and choose tactics relative to the conditions they are facing **at the moment**. Using a principle-based response process allows officers a versatile, flexible and situationally relevant decision making pathway, which is amenable and adaptable to changes in conditions, while helping interpret and establish situational

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comprehension. Collectively, the use of the five principles of patrol tactics as a constantly referenced evaluation tool, can assist officers in making tactically sound, strategic decisions, that are in alignment with objectively proper patrol tactics.

1 LEGAL AUTHORITY

Vested constitutional and statutory authority derived from the United States and Washington State Constitution and Washington State law.

2 COMMUNICATION

Officers must be able to effectively convey information verbally to a broad audience, including patrol partners, suspects, victims, witnesses, and dispatcher under a wide range of circumstances. These include everything from friendly social interactions to highly volatile and dangerous incidents. They must employ techniques that calm agitated participants, encourage cooperation, and build trust. They must also be able to verbally assert control and take charge of an incident through various effective communication means.

3 THREAT MANAGEMENT

Perceiving, interpreting, and responding to the entire spectrum of potential threats within the framework of a police mission or incident. Including human, natural, mechanical, and environmental. Threat management is broken down into three sub-categories:

- **Threat Identification**
- **Threat Prioritization**
- **Threat Response**

4 POSITION AND MOVEMENT

Position

Managing the current location an officer is situated relative to other officers, persons, cover, avenues of escape and other environmental considerations. Moving to an improved position and addressing the range from people based on the context of the situation.

Movement

Safely moving through a given environment coupled with mutually supported movement when two or more officers are working together. Moving at a speed consistent with the stimulus and environmental information and if necessary, using relevant tools. Movement in a balanced and stable manner which allows for the effective use of force options.

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5 EQUIPMENT MANAGEMENT

Having an awareness of the condition and availability of, and skill in the use of, all personal equipment (flashlight, radio, ECW, baton, vehicle, firearms, medical, etc.) as well as large scale equipment (K9, air support, armor protection, other city departments, mutual aid officers, fire, and rescue etc.) and assets.

300.2.1 DUTY TO INTERVENE

Any identifiable on-duty peace officer who witnesses another peace officer engaging or attempting to engage in the use of excessive force against another person shall intervene when in a position to do so to end the use of excessive force or attempted use of excessive force, or to prevent the further use of excessive force. A peace officer shall also render aid at the earliest safe opportunity in accordance with RCW [36.28A.445](#), to any person injured as a result of the use of force.

Any identifiable on-duty peace officer who witnesses any wrongdoing committed by another peace officer, or has a good faith reasonable belief that another peace officer committed wrongdoing, shall report such wrongdoing to the witnessing officer's supervisor or other supervisory peace officer in accordance with the witnessing peace officer's employing agency's policies and procedures for reporting such acts committed by a peace officer.

A member of a law enforcement agency shall not discipline or retaliate in any way against a peace officer for intervening in good faith or for reporting wrongdoing in good faith as required by this section.

"Excessive force" means force that exceeds the force permitted by law or policy of the witnessing officer's agency.

"Peace officer" refers to any general authority Washington peace officer.

"Wrongdoing" means conduct that is contrary to law or contrary to the policies of the witnessing officer's agency, provided that the conduct is not de minimis or technical in nature.

300.3 USE OF FORCE

Officers shall use only that 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, based on the totality of the circumstances. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of

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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 the 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.

(1) REASONABLE CARE. Edmonds officers shall use reasonable care when determining whether to use physical force or deadly force and when using any physical force or deadly force against another person. To that end, Edmonds officers shall:

(a) When possible, use all de-escalation tactics that are available and appropriate under the circumstances before using physical force;

(b) When using physical force, use the least amount of physical force necessary to overcome resistance under the circumstances. This includes a consideration of the characteristics and conditions of a person for the purposes of determining whether to use force against that person and, if force is necessary, determining the appropriate and least amount of force possible to effect a lawful purpose. Such characteristics and conditions may include, for example, whether the person:

- Is visibly pregnant, or states that they are pregnant;
- Is known to be a minor, objectively appears to be a minor, or states that they are a minor;
- Is known to be a vulnerable adult, or objectively appears to be a vulnerable adult as defined in RCW [74.34.020](#);
- Displays signs of mental, behavioral, or physical impairments or disabilities;
- Is experiencing perceptual or cognitive impairments typically related to the use of alcohol, narcotics, hallucinogens, or other drugs;
- Is suicidal;
- Has limited English proficiency; or
- Is in the presence of children.

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(c) Terminate the use of physical force as soon as the necessity for such force ends;

(d) When possible, use less lethal alternatives that are available and appropriate under the circumstances before using deadly force; and

(e) Make less lethal alternatives issued to the officer reasonably available for his or her use.

(2) Edmonds officers may not use any force tactics prohibited by applicable departmental policy, this chapter, or otherwise by law, except to protect his or her life or the life of another person from an imminent threat.

(3) Nothing in this section:

(a) Limits or restricts an officer's authority or responsibility to perform lifesaving measures or perform community caretaking functions to ensure health and safety including, but not limited to, rendering medical assistance, performing welfare checks, or assisting other first responders and medical professionals;

(b) Prevents an officer from responding to requests for assistance or service from first responders, medical professionals, behavioral health professionals, social service providers, designated crisis responders, shelter or housing providers, or any member of the public; or

(c) Permits an officer to use physical force or deadly force in a manner or under such circumstances that would violate the United States Constitution or state Constitution.

De-escalation as a governing doctrine is defined as the use of proper patrol tactics, when feasible, in an attempt to slow down the pace of an event to increase the likelihood of a favorable outcome for all parties involved. De-escalation tactics refer to actions used by a peace officer that are intended to minimize the likelihood of the need to use force during an incident. Depending on the circumstances, de-escalation tactics may include, but are not limited to:

- Using clear instructions and verbal persuasion;
- Attempting to slow down or stabilize the situation so that more time, options, and resources are available to resolve the incident;
- Creating physical distance by employing tactical repositioning to maintain the benefit of time, distance, and cover;
- When there are multiple officers, designating one officer to communicate in order to avoid competing commands;
- Requesting and using available support and resources, such as a crisis intervention team, a designated crisis responder or other behavioral health professional, or back-up officers.

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300.3.1 PERMISSIBLE USES OF 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. When practicable, Edmonds Police will use the least amount of physical force necessary to overcome actual resistance under the circumstances.

(1) PHYSICAL FORCE. Except as otherwise provided under this section, a peace officer may use physical force against a person to the extent necessary to:

(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 chapter [10.77](#), 71.05, or [71.34](#) RCW;

(e) Take a minor into protective custody when authorized or directed by statute;

(f) Execute or enforce a court order authorizing or directing a peace 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 a peace officer to use physical force to execute or enforce the directive or order; or

(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 he or she is being detained and is not free to leave;

(j) Take a person into custody when authorized or directed by statute; or

(k) Protect against an imminent threat of bodily injury to the peace officer, another person, or the person against whom force is being used.

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300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force, officers will evaluate the totality of the circumstances, meaning all facts known to the peace officer leading up to, and at the time of, the use of force, and the actions of the person against whom the peace officer uses such force, and the actions of the peace officer.

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

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- (p) Prior contacts with the subject or awareness of any propensity for violence.
- (q) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective at providing an officer with incremental tactical advantages while attempting to control 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, managed, or sustained given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer.
- (c) Whether the person 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.

300.3.4 USE OF FORCE TO PROTECT AGAINST A CRIMINAL OFFENSE WHEN THERE IS PROBABLE CAUSE THAT THE PERSON HAS COMMITTED, IS COMMITTING, OR IS ABOUT TO COMMIT THE OFFENSE

Officers may use reasonable force to protect against a criminal offense when there is probable cause that the person has committed, is committing, or is about to commit the offense. This may include crimes such as malicious mischief, criminal trespass, disorderly conduct, criminal mischief, or tampering with evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. Officers should have dispatch initiate a Fire/EMS response and are encouraged to use techniques and methods taught by the Edmonds Police Department for this specific purpose.

300.4 DEADLY FORCE APPLICATIONS

Officers shall only utilize deadly force when necessary and justified to effect lawful objectives. Use of deadly force is justified in the following circumstances:

Edmonds officers may use deadly force against another person only when necessary to protect against an immediate threat of serious physical injury or death to the officer or another person. For purposes of this subsection: "Immediate threat of serious physical injury or death" means that, based on the totality of the circumstances, it is objectively reasonable to believe that a person has the present and apparent

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ability, opportunity, and intent to immediately cause death or serious bodily injury to the peace officer or another person.

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective.

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

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

A peace officer may not fire a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious physical harm resulting from the operator's or a passenger's use of a deadly weapon. For the purposes of this subsection, a vehicle is not considered a deadly weapon unless the operator is using the vehicle as a deadly weapon and no other reasonable means to avoid potential serious harm are immediately available to the officer.

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

300.4.2 Chokehold and Neck Restraints - Prohibited

In compliance with RCW 10.116.020, chokeholds and neck restraints are prohibited.

- 1) A peace officer may not use a chokehold or neck restraint on another person in the course of his or her duties as a peace officer (RCW 10.116.020) *unless it is necessary to protect the officer's life or the life of another person from an imminent threat (RCW 10.120.020 (4))*.
- 2) For the purposes of this section:
 - a) "Chokehold" means the intentional application of direct pressure to a person's trachea or windpipe for the purpose of restricting another person's airway.
 - b) "Neck restraint" refers to any vascular neck restraint or similar restraint, hold, or other tactic in which pressure is applied to the neck for the purpose of constricting blood flow.

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300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. Whenever an officer employs an amount of force that compels compliance from a person in the course of affecting 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 used to collect data for purposes of training, resource allocation, analysis, and related purposes.

The Use of Force Report will be submitted whenever an employee:

- (a) Discharges a firearm in an official capacity, for other than training or recreational use or instances of an unintended discharge where no individual was injured.
- (b) Displays or points a firearm at another person as a means of compelling compliance.
- (c) Applies force through the use of lethal or less lethal weapons (e.g., impact weapons, OC Spray, submission holds, ramming or blocking vehicles, canine, or other weapons).
- (d) 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 person being taken into custody.
- (e) Has physical contact with a person, who later alleges they have been injured as a direct result of that physical contact.

The following are not considered a use of force for reporting purposes on a Use of Force Report:

- (a) Handcuffs when applied/used in accordance with department approved training, as a restraint in arrest and transport activities.
- (b) Unholstering a firearm as a precautionary measure, such as while conducting a building search.
- (c) Handhold used to escort a non-resisting person.
- (d) Mere presence of a police canine.
- (e) Issuance of tactical commands
- (f) Physical removal of peacefully resisting demonstrators, not resulting in injury.
- (g) Assisting medical professionals with nonresistant patients.

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300.5.1 NOTIFICATION 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 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 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 any of the above has occurred.

300.6 MEDICAL CONSIDERATION

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the 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).

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Persons 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 if appropriate.

FIRST AID

All law enforcement personnel must provide or facilitate first aid such that it is rendered at the earliest safe opportunity to injured persons at a scene controlled by law enforcement.

Injured persons and restrained persons should be monitored while in law enforcement custody.

Officers should take the following actions to reduce the risk of positional asphyxiation and compression asphyxiation during the controlling and restraining procedure of a person:

- a) Do not put prolonged pressure on the chest, neck or back, including by sitting, kneeling, or standing.
- b) Attempt to monitor the person’s condition while being restrained. Monitoring includes but is not limited to, assessing the adequacy of the individual’s breathing, skin complexion / color, and any impairment as verbalized by the individual.
- c) When multiple officers are needed to physically control a subject, if it is safe and feasible to do so, utilize a versatile approach to the division of labor through active leadership. This may, if safe and feasible, include assigning an officer to a role to provide oversight and management of the encounter. The officer in this oversight position of the incident, may monitor and direct activities including but not limited to:
 1. Pace management.
 2. Communication
 3. Tactics and technique guidance
 4. Health, safety and medical condition of the subject and officers
 5. Equipment management

As soon as safe and feasible after handcuffing or otherwise restraining a person who is not standing or seated, move the person to a side lying recovery position. From this position officers should as a standard of care:

- a) Evaluate the persons consciousness

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- b) Evaluate the persons alertness
- c) Evaluate the persons breathing pattern for normality.

300.7 USE OF FORCE REPORT REVIEW/ANALYSIS

All use of force reports will be sent to the Chief of Police via the chain of command. The reports will be reviewed to ensure that policy, training, and disciplinary issues are addressed. The Professional Standards Commander will maintain the use of force reports.

At least annually, the department's primary use of force instructor shall conduct an annual review of the use of force reports. A report on the review shall be provided to the Chief of Police and should include:

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

300.8 SUPERVISOR RESPONSIBILITIES

When a supervisor is able to respond to an incident in which there has been a reported application of force, 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) Separately interview the subject(s) upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her Miranda rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
- (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. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.

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- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the subject may pursue 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 non-compliance or if for any reason further investigation may be appropriate.
- (i) Complete a supplemental narrative for the related case report regarding your supervisory and/or investigative actions.

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.

300.8.1 SHIFT SERGEANT RESPONSIBILITY

The Shift Sergeant 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.

300.9 TRAINING

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.