

# 308

## Control Devices and Techniques

### Edmonds Police Department Policy

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#### **308.1 PURPOSE AND SCOPE**

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

#### **308.2 POLICY**

In order to control subjects who are violent or who demonstrate the intent to be violent, the Edmonds Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

#### **308.3 ISSUING, CARRYING AND USING CONTROL DEVICES**

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

Only officers who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used in accordance with Policy 300. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

#### **308.4 RESPONSIBILITIES**

##### **308.4.1 SHIFT SERGEANT RESPONSIBILITIES**

The Shift Sergeant may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

##### **308.4.2 RANGEMASTER RESPONSIBILITIES**

The Rangemaster or department approved designee shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Rangemaster or the designated instructor for a particular control device. The inspection shall be documented.

##### **308.4.3 USER RESPONSIBILITIES**

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All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for disposition. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

### **308.5 BATON GUIDELINES**

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys, and groin should not be intentionally targeted except when the use of deadly force pursuant to Policy 300 is warranted.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

### **308.6 TEAR GAS GUIDELINES**

"Tear gas" means chloroacetophenone (CN), O-chlorobenzylidene malononitrile (CS), and any similar chemical irritant dispersed in the air for the purpose of producing temporary physical discomfort or permanent injury, except "tear gas" does not include oleoresin capsicum (OC).

Tear gas may only be used when necessary to alleviate a present risk of serious harm posed by a:

- (a) Riot;
- (b) Barricaded subject; or
- (c) Hostage situation.

Prior to using tear gas, an officer shall:

- Exhaust alternatives to the use of tear gas that are available and appropriate under the circumstances;
- Obtain authorization to use tear gas from a supervising officer, who must determine whether the present circumstances warrant the use of tear gas and whether available and appropriate alternatives have been exhausted as provided under this Policy. In the case of a riot, the officer must receive authorization from the highest elected official of the jurisdiction in which the tear gas is being used;

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- Announce to the subject or subjects the intent to use tear gas and
- Allow sufficient time and space for the subject or subjects to comply with the officer's directives.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

### **308.7 OLEORESIN CAPSICUM (OC) GUIDELINES**

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use per Policy 300. However, pepper projectiles and OC spray should not be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

Officers should evacuate the buildings (e.g., motels, apartments, and businesses) of unintended persons who could be affected by OC spray when possible.

#### **308.7.1 OC SPRAY**

Uniformed personnel carrying OC spray shall carry the device in it, a holster on the equipment belt, or an external vest carrier. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

#### **308.7.2 TREATMENT FOR OC SPRAY EXPOSURE**

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

### **308.8 POST-APPLICATION NOTICE**

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean-up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

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### **308.9 KINETIC ENERGY PROJECTILE GUIDELINES**

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

#### **308.9.1 DEPLOYMENT AND USE**

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Kinetic energy munitions may be used in accordance with Policy 300.

#### **308.9.2 DEPLOYMENT CONSIDERATIONS**

Before discharging projectiles, the officer should consider such factors as:

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer

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recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the use of deadly force pursuant to Policy 300 is warranted.

#### **308.9.3 OC KINETIC ENERGY PROJECTILES (PEPPERBALL LAUNCHER/MUNITIONS)**

The PepperBall Launcher is a less lethal kinetic energy weapon that uses compressed gas to propel impact munitions. These munitions consist of a synthetically produced OC powder (PAVA) delivered via a frangible plastic shell that breaks upon impact.

The deployment of the PepperBall Launcher is governed under policy 308 (Control Devices and Techniques), and specifically under 308.9 (Kinetic Energy Projectile Guidelines) and 308.7 (Oleoresin Capsicum (OC) Guidelines) and used in conjunctions with other Edmonds Police Department Use of Force policies.

Though the PepperBall Launcher is considered a less lethal use of force, the groin, head, neck, and spine should not be intentionally targeted unless deadly force is reasonable due to the elevated risk of serious bodily injury.

#### **308.10 TRAINING FOR CONTROL DEVICES**

The Training Corporal shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the officer's training file.
- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

#### **308.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES**

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Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.