

6.03.000 LESS LETHAL WEAPONS

6.03.005

POLICY STATEMENT: 12/19

Less lethal weapons are tools designed to assist deputies to gain control of a physically resistant, or aggressive or violent subject(s) who poses a threat of physical harm to themselves, to the deputy(s) or to other persons or property. Less lethal weapons have been adopted for use by the Sheriff's Office but are not intended to be a substitute when lethal force is necessary. Sworn personnel shall successfully complete training on less lethal weapons prior to using them. All applications of less lethal weapons shall conform to the principles outlined in the training and certification program, consistent with the RCW definition of necessary force (RCW 9A.16.010) and the Use of Force Policy (GOM 6.00.000).

6.03.010

TRAINING: 12/19

Prior to being authorized to carry or use any less lethal weapon, members shall successfully complete training and/or certification on that specific less lethal weapon. The training and/or certification shall include training on the policy pertaining to the type of weapon to be carried by the member. The member shall be issued a copy of the policy pertaining to the type of weapon to be carried and will be documented in the member's training record.

6.03.015

EW (Energy Weapon) - TASER: 11/23

1. The TASER X2 and TASER 10 is the EW issued by The Sheriff's Office.
 - a. It is a portable device that deploys darts that transmit an electrical charge or current intended to temporarily immobilize a person.
 - b. The Taser EW is deployed as an additional force option and is not intended to replace firearms, chemical agents, pepper spray or self-defense techniques.
2. The Taser EW and cartridges shall only be carried by fully trained authorized sworn personnel.

6.03.020

REQUIREMENT TO CARRY TASER EW: 11/23

1. Commissioned deputies, sergeants, and court marshals who are issued a Taser EW shall carry their department issued EW while working in a uniform assignment, including uniformed off-duty employment.
2. Members shall only use department issued and authorized Taser EWs.
3. The Taser EW shall be carried in a department issued holster.
4. Plainclothes personnel may carry the Taser EW as authorized, consistent with the needs of their assignment or with the approval of their supervisor.

5. Department members shall carry the Taser EW on their support side, opposite the handgun or strong side, for a support side draw only. A cross draw holster and carry is not permitted.
 - a. This includes attaching the holster to belts, duty belts and being worn on any exterior vests including TAC 30 plate carriers, heavy vests, and detective raid vest.
6. Members are exempt from carrying the Taser EW while in class A Dress uniform at functions such as ceremonies or funerals.

6.03.025

TASER EW CERTIFICATION: 11/23

1. Sworn personnel must successfully complete a specific department authorized Taser EW training and certification course before they may carry and use a Taser EW and they shall recertify annually.
2. Sworn personnel shall only carry a department issued Taser EW.
3. Each Taser EW user shall recertify annually.
4. Failure to maintain annual certification shall require the user to retake the 8 hour Taser EW operator course.

6.03.030

USING THE TASER EW: 02/25

The Taser EW may be used to control a physically resistive, aggressive, or violent subject who poses a threat of physical harm to themselves, the deputy(s), or to other persons or property consistent with GOM 6.00.000. Members shall adhere to the following standards of use:

1. Members shall carry the Taser EW on the support side of the body and shall draw, exhibit, and use the device with the support (non-pistol firing) hand. In clearly articulable exigent circumstances, the use of dominant hand deployment is permitted.
2. Members shall not hold a Taser EW and firearm simultaneously unless clearly articulable exigent circumstances exist and then only as a last resort.
 - a. This does not apply to the momentary transition time necessary while transitioning between the Taser EW and firearm.
3. When safe and feasible, members shall give a loud verbal warning of "Taser, Taser, Taser" before deploying the Taser EW.
4. The Taser EW may be used prior to impact weapons such as hands, feet, baton, or flashlight.
5. The Taser EW may be used prior to deadly force.
6. When safe and feasible, members should aim the Taser EW at the larger muscle groups of the body (front of the lower torso, legs, arms, and the back below the neck). This will reduce the risk of hitting sensitive body areas and increase effectiveness of the Taser EW.
 - a. Members should not intentionally target the head, neck, chest, or genitals.
7. The Taser should not be used as a pain-compliance tool (i.e., drive stuns).
 - a. X2 Drive-stun follow-up should be used only when necessary to complete the circuit where only one probe has attached to the person, where both probes attached in close proximity, or when no other less lethal options are available and appropriate.

8. Members should not use the Taser EW on handcuffed persons, obviously pregnant females, elderly persons, young children, or visibly frail persons, unless these persons pose an imminent threat of bodily injury to themselves, deputies, or others and/or are actively resisting arrest and other more appropriate force options are not available.
 - a. Members shall ensure that they are using the least amount of force necessary and that any use of the Taser EW is a necessary, reasonable, and proportional response to the situation. All Taser EW applications shall be consistent with GOM 6.00.000.
9. A Taser EW should not be used in the following circumstances:
 - a. Solely to prevent a person from ingesting a controlled substance.
 - b. On persons solely because they are fleeing.
 - c. In any environment where a member knows or has reason to believe that a potentially flammable, volatile, or explosive material is present that might be ignited by an open spark, including but not limited to OC spray with a volatile propellant, gasoline, natural gas, or propane.
 - d. On subjects in elevated positions (on a roof, in a tree etc.).
 - e. On subjects in water.
 - f. On an operator in physical control of a vehicle in motion and loss of control of the vehicle would pose a risk of injury to the subject or others. Use in this circumstance may be authorized if deadly force is justified.
10. Members shall only apply the minimum number of Taser EW cycles reasonably necessary to capture, control, or restrain the subject.
 - a. The subject must be evaluated after each application cycle of the Taser EW.
 - b. Every application cycle of the Taser EW must be justified.
 - c. Members must be able to clearly articulate and document the justification for each individual application cycle of the Taser EW.
 - d. Multiple applications of the Taser EW may increase the risk of serious bodily injury or death.
11. Members shall monitor and look for change in behavior when using a Taser EW. If the person continues to aggress, it could be an indication that the Taser EW may not be effective against that person and the member shall consider other options.
 - a. The justification for each Taser EW cycle must be clearly articulated in the member's use of force report.
12. Members should not intentionally deploy multiple Taser EWs at the same person, unless the first deployed weapon clearly fails.
13. Members may use the Taser EW to disable a vicious animal that poses a threat to the deputy or others.

6.03.035

TASER EW POST APPLICATION PROCEDURES: 11/23

1. Whenever a Taser EW is applied to an individual and the darts have penetrated sensitive areas and/or there are other injuries, a Fire Department Aid or Medic Unit shall be called to the scene.
 - a. Treatment at a medical facility will only be necessary on the advice of aid personnel.
2. Taser EW darts which penetrate an individual's skin in non-sensitive areas shall be removed by the Taser EW operator as soon as practicable.
3. Expended Taser EW darts and cartridges shall be handled as a biohazard and shall be disposed of in properly marked biohazard containers unless required to be retained as evidence or to document malfunction.
4. Photographs of penetration points and any injuries shall be taken.
 - a. A set of photographs shall be forwarded with the Use of Force Review file.
 - b. The serial number of the Taser EW and the cartridge number must be recorded.
5. All applications of a Taser EW require a data-download prior to the submission of the review.
6. The data-download shall be for the date of the incident only.
7. Taser EW downloads shall be completed by sergeants and current Taser EW instructors trained on Evidence Sync/Evidence.com as soon as practical and the data shall be attached electronically to the Blue Team use force review file.

6.03.040

MAINTAINING, REPLACEMENT OF CARTRIDGES AND BATTERIES: 11/23

1. Each precinct worksite shall maintain, control, and record the inventory of replacement Tasers, cartridges and batteries.
 - a. Each precinct or worksite shall have two spare X2 and two spare TASER 10 EWs, twenty-five duty cartridges and up to twenty spare batteries. Training sites are excepted from this requirement.
 - b. Damaged, malfunctioning Taser EWs shall be reported to the Department Taser EW Coordinator and left at worksites for pickup.
 - c. Taser EW batteries should ordinarily only be removed from a Taser EW for administrative download or maintenance purposes.
2. Supervisors are responsible for obtaining replacement Taser EWs and duty cartridges.
 - a. Duty cartridges will be issued by a supervisor or Taser EW Instructor.
 - b. Supervisors or Taser EW Instructors will replace damaged, malfunctioning Taser EWs from their worksite spares.
3. Worksite Taser EW Instructors are responsible for obtaining Taser EW equipment and supplies through the Department Taser Coordinator.
4. Members shall spark test their Taser X2 EW for 5 seconds, every 24 hours or at the start of each shift with a sustained press of the ARC button, to check that it is functioning properly.

Members with the TASER 10 shall perform a function test every 24hrs or at the start of each shift to check that it is functioning properly.

- a. Battery life below 40% for the X2 shall be reported to a supervisor and replaced.
- b. TASER 10 rechargeable batteries shall be docked when the weapon indicates less than 40% of power remaining.
- c. Damaged or malfunctioning Taser EW's shall be reported to a supervisor immediately and replaced.

6.03.045

UNINTENTIONAL TASER EW DISCHARGE: 11/23

1. Whenever a member unintentionally discharges a Taser EW cartridge, the member shall:
 - a. Immediately notify a supervisor.
 - b. Submit a detailed Officer's Report of the event and include the spent cartridge serial number.
2. The involved member's supervisor shall:
 - a. Issue a new Taser EW cartridge to the member.
 - b. If the unintentional discharge is a suspected malfunction, or the reason for the discharge cannot be determined, the Taser EW will be returned to the Department Taser Coordinator for inspection.
 - c. Enter the incident in Blue Team as a preliminary.
3. If the unintentional discharge occurs when confronting a suspect(s), follow the steps listed in section 6.03.035.
4. If the unintentional or accidental discharge strikes the member using the device or another person, the member shall:
 - a. Immediately notify a supervisor.
 - b. Render any first aid as appropriate.
 - c. Fill out the workplace injury/accident form as appropriate.

6.03.050

LESS LETHAL IMPACT MUNITION WEAPONS: 03/22

Less lethal impact munition weapons are designed to give deputies an additional force option. These tools provide a less lethal option beyond Taser EW range which gives deputies more distance and shielding options and can help de-escalate situations. Less lethal impact munition weapons include the 40mm less lethal impact munitions launcher, or any other department authorized weapon designed to fire a rubber, bean bag, soft nose, sponge, or other nonpenetrating projectile intended to cause non-lethal blunt trauma resulting in temporary distraction and/or incapacitation of a person.

6.03.055

LESS LETHAL IMPACT MUNITION WEAPONS CERTIFICATION: 03/22

1. Deputies must successfully complete a department authorized less lethal impact munition weapons training and certification course designed for the specific impact munition weapon being used prior to deploying less lethal impact munitions.
2. Each authorized user of less lethal impact munitions shall recertify annually.
3. Failure to maintain annual certification shall require deputies to turn in their assigned less lethal impact munition weapons.

6.03.060

CARRYING LESS LETHAL LAUNCHERS IN ASSIGNED VEHICLES: 03/25

1. While being carried in a vehicle, Less Lethal (LL) launchers shall be stowed in a manner that prevents unauthorized access or theft of the launcher from the vehicle.
2. LL launchers shall be carried and secured unloaded in one of the following:
 - a. Hard locked case in the vehicle trunk.
 - b. Affixed locker in the rear of an SUV.
 - c. Approved locking LL launcher rack.

6.03.065

USING LESS LETHAL IMPACT MUNITIONS: 11/22

3. Less lethal impact munitions may be used in compliance with GOM 6.00.000 to control actively resistive, aggressive, or violent subjects who pose an imminent threat of bodily harm to themselves, deputies, or other persons where de-escalation and/or other force alternatives would be, or have been, ineffective or inappropriate.
4. When feasible, a clear, specific, and understandable verbal warning that force will be used if they do not comply shall be given to a suspect before deployment of less lethal impact munition rounds. Saying the word "less lethal" is not sufficient. An example of a more appropriate warning would be: *"Sheriff's Office, (drop the weapon, get on the ground, stop moving, etc.) or we will deploy a less lethal munition round."*
 - a. When feasible, prior to the deployment of the less lethal impact munitions, department members will announce, "STANDBY, LESS LETHAL" to alert other department members the less lethal impact munition is being deployed.
 - b. Members must consider the seriousness of the offense when evaluating less lethal impact munitions as a force option.
 - c. Members should target the buttocks, thigh, calf, and large muscle groups.
 - d. Members are strongly discouraged from using less lethal impact munitions on handcuffed persons, obviously pregnant females, elderly persons, young children, or visibly frail persons, but the use of this tool may be considered when these persons pose an immediate threat of imminent bodily harm to themselves, deputies, or others and/or are actively resisting arrest in accordance with GOM 6.00.000.
 - e. Members should not use the less lethal impact munitions on animals.

5. Less lethal impact munitions are additional tools and are not intended to replace firearms, Taser EW, pepper spray, baton, or defensive tactics.
 - a. Members should consider having a lethal cover officer when deploying less lethal impact munitions.
6. Less lethal impact munitions may be used prior to deadly force.
7. The number of less lethal rounds delivered must be justified and should be based on whether the impact munitions are effectively achieving the intended outcome. Officers deploying impact munitions shall assess the effectiveness after each shot. If subsequent rounds are needed, officers should consider aiming at a different target area.
 - a. The person's actions and apparent intentions must be evaluated after each less lethal impact munition deployment.
8. Less lethal impact munitions should not be used in the following circumstances unless the use of deadly force is justified:
 - a. Intentionally targeting the head, neck, chest, or groin.
 - b. At ranges closer than the manufacturer's guidelines.
 - c. On subjects in elevated positions (on a roof, in a tree etc.), unless reasonable efforts have been made to prevent or minimize a fall-related injury.
9. Less lethal impact munitions will not be deployed for large fights, public disturbance, or riots, unless they are being deployed as part of a demonstration management team with supervisor approval.
10. Tac-30 personnel are authorized to use less lethal impact munitions against property or to disable equipment when necessary to reduce the risk to KCSO personnel or community members. This includes, but is not limited to, breaking windows, disabling cameras, and disabling lighting. This type of use is not considered a use of force.

6.03.070

LESS LETHAL IMPACT MUNITIONS POST APPLICATION PROCEDURES: 03/22

1. Whenever a less lethal impact round strikes an individual, a Fire Department Aid or Medic Unit shall be called to the scene to examine the suspect.
 - a. Treatment at a medical facility is only necessary if recommended by medical aid personnel.
2. Photographs shall be taken of all impact areas on the subject and forwarded with the use of force review file.

6.03.075

UNINTENTIONAL DISCHARGE - LESS LETHAL IMPACT MUNITIONS: 03/22

1. Whenever a member unintentionally discharges a less lethal impact munition, the member shall:
 - a. Immediately notify a supervisor.
 - b. Submit a detailed officer's report of the event.

2. The member's supervisor shall:
 - a. Respond to the scene.
 - b. If the unintentional discharge is a suspected malfunction, or the reason for the discharge cannot be determined, the less lethal impact munition weapon will be returned to the Range Unit for inspection.
 - c. Enter the Incident in Blue Team as a preliminary.
3. If the unintentional or accidental discharge strikes a person, follow post application procedures.

6.03.080

REPORTING PROCEDURES – LESS LETHAL IMPACT MUNITION WEAPONS: 11/23

1. Whenever less lethal munition weapons are deployed as a show of force or a use of force as defined in GOM 6.01.010, the deployment shall be reported and documented in accordance with GOM 6.01.015 as follows:
 - a. **Level I:** A less lethal munitions weapon is displayed in a "show of force" as defined in GOM 6.01.010.
 - b. **Level II:** When any less lethal impact munitions round is fired at a person and either misses the person or strikes a body part other than the head, neck, throat, or groin.
 - c. **Level III:** When any less lethal impact munition strikes a person's head, neck, throat, or groin area.
2. The investigating supervisor shall complete all required reports and documentation for any reportable less lethal impact munitions deployment and submit them to their chain of command in accordance with GOM 6.01.025.

6.03.085

PEPPER SPRAY: 12/19

Pepper Spray/Oleoresin Capsicum (OC) has been adopted for use by the Sheriff's Office as a less lethal, force option. Frequently, members encounter situations involving physical resistance to arrest, or direct physical attacks upon them while conducting police duties. Appropriate use of Pepper Spray may enable deputies to effectively obtain compliance from resisting/combatative persons.

6.03.090

EFFECTS/LIMITATIONS – PEPPER SPRAY: 12/19

The department issued pepper spray dispenser uses a non-flammable propellant and allows for deployment of the spray at any angle. The dispenser is designed to project a liquid, foam, or gel formula of Oleoresin Capsicum (OC) into the eyes of an attacker and does not require shaking of the dispenser prior to use.

1. Members shall only carry department issued pepper spray.
2. Oleoresin Capsicum (OC) is an inflammatory agent that causes an intense burning sensation of the eyes, nose, mouth, and skin, which may result in closing, tearing, and swelling of the eyes, as well as choking, gagging, and gasping for breath. It is not an irritant such as chemical mace.

3. Upon contact with the skin, pepper spray may cause:
 - a. An extreme burning sensation in the eyes, nose, mouth, and skin.
 - b. Pronounced mucus secretion.
 - c. Interference with vision and involuntary closure of the eyes.
 - d. Interference with deep lung breathing and burning sensation of the lungs.
4. The temporary impairment usually lasts thirty (30) minutes.
5. The effects of Pepper Spray may be limited on:
 - a. Violent mentally ill persons; and
 - b. Persons under the influence of narcotics.
6. Members should be aware of residue on the subject and surrounding surfaces that can cause unintended secondary exposure to members, the person who was sprayed, and others.
 - a. Members, who have been exposed, should be decontaminated, and obtain first aid or medical treatment in accordance with GOM 6.03.100.

6.03.095

WHEN TO USE PEPPER SPRAY: 11/22

Pepper spray is not designed to replace the service handgun, police baton, or other authorized weapons. Pepper spray is intended for use as a level II intermediate force option when attempting to control an unarmed physically resisting person who demonstrates a risk of injuring self and/or others during the arrest process in accordance with GOM 6.00.000.

1. Members shall give warnings when safe and feasible before application.
2. Pepper Spray may be used only when Level II force is legally justified. If justified, it may be used:
 - a. Prior to use of hands to apply come-a-long and control holds.
 - b. Prior to the use of baton, flashlight, or other similar instrument to apply come-a-long and control holds.
 - c. Prior to the use of deadly force.
3. After the initial application of OC spray, each subsequent application must also be justified in accordance with GOM 6.00.000.
4. Pepper spray is not appropriate in an enclosed, highly populated space where there is a likelihood of impacting uninvolved persons, except where pepper spray is the only available and appropriate force option. members deploying pepper spray shall attempt to avoid or minimize incidental exposure to non-involved persons.

6.03.100

PEPPER SPRAY - POST APPLICATION PROCEDURES: 11/22

At the earliest safe opportunity at a scene controlled by law enforcement, members shall, when possible, take action to address the effects of the pepper spray by:

1. Flushing the affected areas with clean water.
2. Expose the affected person to fresh air.

- a. Facing the wind with open eyes.
3. Obtain first aid or medical treatment if deployment was within 3 feet of the subject, subject has extreme reactions, or subject complains of injury.

6.03.105

CARRYING/OPERATING PEPPER SPRAY DISPENSER: 12/19

1. Pepper Spray is required to be carried in a specifically designed holster when in uniform.
 - a. Members wearing the uniform dress jacket shall be exempt.
2. Members in plain clothes assignments should have Pepper Spray readily accessible at all times.
3. To operate the Pepper Spray members shall:
 - a. Aim nozzle at the subject's eyes.
 - b. Spray a one (1) second burst, in a sweeping motion, at the subject's eyes.
 - c. Assess the person's compliance.
 - i. Loud and concise verbal commands should be used.
4. Ideal deployment of Pepper Spray is 6-8 feet with a minimum distance of 3 feet.
 - a. Deputies should be aware of possible blowback of the Pepper Spray when spraying into the wind which may cause the same symptoms experienced by the subject being sprayed.
 - b. The Pepper Spray may cause eye damage, if sprayed within 3 feet, due to the hypodermic effect of the stream. If used within 3 feet of a subjects face, members will document the reasons for such use in their use of force report.
5. The use of MK9 or similarly sized Pepper Spray containers shall only be used by TAC-30, the Demonstration Management Team or when authorized by an incident commander.

6.03.110

REPORTING PROCEDURES – PEPPER SPRAY: 09/12

1. Supervisor notification is required in all incidents where pepper spray is used.
2. A use of force review is required for all applications of pepper spray.

6.03.115

OTHER LESS LETHAL WEAPONS: 07/09

1. Other less lethal weapons include:
 - a. Baton.
 - b. Asp.
 - c. Pepper Spray.
 - d. Chemical agents.
2. Sworn members shall be provided biennial training for these less lethal weapons.

6.03.120

IMPACT WEAPONS: 11/22

1. Impact weapons include the straight baton, side handle baton, collapsible baton (ASP), and other impact weapons approved by the Sheriff.
2. Members shall carry only department authorized impact weapons.
3. Members shall not use an impact weapon unless they have received department approved training in the use of that weapon.
 - a. The use of an item as an improvised impact weapon for the purpose of striking a person is acceptable only when other authorized force options have been exhausted, are unavailable, or are ineffective. Improvised impact weapons may include a radio, flashlight, or any other hard object that when used would interrupt or incapacitate an aggressive subject. The use of any improvised impact weapon against a subject shall be considered a use of force and shall comply with GOM 6.00.000. Members must be able to articulate a compelling need to use an improvised impact weapon.
4. Officers shall reassess the effectiveness of impact weapon strikes as soon as safe and feasible, and if not effective, move to another appropriate target or to another tactical or physical force option.
5. Officers shall not intentionally strike vital areas, including the head, neck, face, throat, spine, groin, or kidney unless deadly force is authorized.
6. Officers shall not use an impact weapon to intimidate a person when an impact weapon warning is not justified by the threat presented.