

Control Devices and Techniques

307.1 PURPOSE AND SCOPE

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

307.1.1 DEFINITIONS

Definitions related to this policy include:

Oleoresin capsicum (OC) - 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.

Tear gas - 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. "Tear gas" does not include oleoresin capsicum (RCW 10.116.030).

307.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Marysville Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Response to Resistance and Aggression Policy.

307.3 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 and have demonstrated satisfactory skill and proficiency in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain, or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. 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.

307.4 RESPONSIBILITIES

307.4.1 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.

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307.4.2 FIREARMS SERGEANT OR HIS/HER DESIGNEE RESPONSIBILITIES

The Firearms Sergeant or his/her 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 Firearms Sergeant or his/her designee or the designated instructor for a particular control device. The inspection shall be documented.

307.4.3 USER RESPONSIBILITIES

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 Firearms Sergeant or his/her designee 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.

307.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. Officers shall not intentionally strike vital areas, including the head, neck, throat or spine unless deadly force is justified. Officers shall reassess the effectiveness of baton strikes as soon as safe and feasible, and if not effective, move to another appropriate target or to another tactical or physical force option..

When carrying a baton, uniformed personnel should carry the baton in its authorized holder. 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.

307.6 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however, 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.

After the initial application of OC spray, each subsequent application must also be justified.

307.6.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in an authorized holder. 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.

307.6.2 PEPPERBALL LAUNCHING SYSTEMS

Refer to Policy 309 PepperBall Launching Systems.

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307.6.3 TREATMENT FOR OC SPRAY EXPOSURE

At the earliest safe opportunity at a scene controlled by law enforcement, an officer shall take action to address the effects of the OC by flushing the person's eyes out with clean water and ventilating with fresh air, if possible. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

307.7 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.

307.8 KINETIC ENERGY PROJECTILE GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles are designed to stun, temporarily incapacitate, or cause temporary discomfort without penetrating the person's body (Washington State Office of the Attorney General Model Use of Force Policy). When used properly, kinetic energy projectiles 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.

307.8.1 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.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

307.8.2 DEPLOYMENT CONSIDERATIONS

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

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- (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.

An officer should target the buttocks, thigh, calf, and large muscle groups. Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances. However, officers are not restricted solely to use according to manufacturer 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. Officers should not use kinetic energy projectiles in the following circumstances unless the use of deadly force is justified:

- (a) When intentionally aiming kinetic energy projectiles at the head, neck, chest, or groin.
- (b) At ranges that are inconsistent with the projectile manufacturer's guidelines.
- (c) Directed at a person who is situated on an elevated surface (e.g., a ledge, scaffold, near a precipice) unless reasonable efforts have been made to prevent or minimize a fall-related injury (e.g., deploying a safety net).

An officer deploying kinetic energy projectiles shall assess the effectiveness of the projectiles after each shot. If subsequent projectiles are needed, the officer should consider aiming at a different targeted area.

307.8.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Officers will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

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Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

307.9 TRAINING FOR CONTROL DEVICES

The Office of Professional Standards Commander shall ensure that all personnel who are authorized to carry a control device have been properly trained, have demonstrated satisfactory skill and proficiency, are 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 Response to Resistance and Aggression 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.

307.10 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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 Response to Resistance and Aggression Policy.

307.11 TEAR GAS GUIDELINES

Officers or other members are not authorized to use tear gas unless necessary to alleviate a present risk of serious harm posed by a (RCW 10.116.030):

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

Only the Shift Sergeant, Incident Commander, or Tactical Response Team Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary, and other alternatives to the use of tear gas have been exhausted (RCW 10.116.030).

Prior to any use, an announcement shall be made of the intent to use tear gas. Sufficient time and space shall be allowed for compliance with the announcement (RCW 10.116.030).

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.

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