
Control Devices and Techniques

303.1 PURPOSE AND SCOPE

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

303.1.1 DEFINITIONS

Definitions related to this policy include (Washington State Office of the Attorney General Model Use of Force Policy):

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).

303.2 POLICY

In order to control subjects who resist arrest; who are attempting to escape as defined under RCW 9A.76; or who demonstrate the present and apparent ability, opportunity, and intent to imminently cause bodily injury to a peace officer, another person, or the person against whom force is being used, the Lacey Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

303.3 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.

303.4 RESPONSIBILITIES

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303.4.1 SHIFT SUPERVISOR RESPONSIBILITIES

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

303.4.2 LESS-LETHAL PROGRAM SERGEANT RESPONSIBILITIES

The less-lethal program Sergeant 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 less-lethal program Sergeant or the designated instructor for a particular control device. The inspection shall be documented.

303.4.3 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 less-lethal program Sergeant for disposition. Damage to a control device will be documented in a memo and forwarded through the chain of command, explaining the cause of damage.

303.5 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, face, throat, spine, groin, or kidney 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. Officers shall not use a baton to intimidate a person when a baton warning is not justified by the threat presented (see the Use of Force Policy) (Washington State Office of the Attorney General Model Use of Force Policy).

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.

303.6

The Lacey Police Department does not possess or deploy tear gas (chloroacetophenone (CN) or chlorobenzylidene malononitrile (CS) or 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 (OC).

In instances where mutual aid is requested, agencies responding to assist the Lacey Police Department may deploy tear gas as in accordance with Washington State law. (2021 Legislation HB1054)

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303.7 OLEORESIN CAPSICUM GUIDELINES

As with other control devices, oleoresin capsicum 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.

OC spray is not appropriate in an enclosed, highly populated space where there is a likelihood of impacting uninvolved persons, except where OC spray is the only available and appropriate force option. Officers deploying OC will attempt to avoid or minimize incidental exposure to non-involved persons (Washington State Office of the Attorney General Model Use of Force Policy).

303.7.1 OC SPRAY

Uniformed field personnel shall carry OC spray in its holster on their person. 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.

303.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine, or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the use of deadly force is justified (see the Use of Force Policy).

Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

303.7.3 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

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ventilating with fresh air, if possible (Washington State Office of the Attorney General Model Use of Force Policy). Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

303.8 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.

303.9 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.

303.9.1 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.

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.

303.9.2 DEPLOYMENT CONSIDERATIONS

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

- (a) Distance and angle to target.

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- (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 (Washington State Office of the Attorney General Model Use of Force Policy). 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 (see the Use of Force Policy) (Washington State Office of the Attorney General Model Use of Force Policy):

- (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.

303.9.3 LESS LETHAL SHOTGUNS

Shotguns specifically designed 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 the shotgun is in proper working order and only less-lethal department approved projectiles which appear to be free from defects are carried.

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

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303.10 TRAINING FOR CONTROL DEVICES

The Personnel and Training Sergeant 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 at least every other year.

- (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.

303.11 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 Use of Force Policy.