

**Policy 308**

**CONTROL TECHNIQUES AND DEVICES**

*OK FOR ADOPTION  
11/4/15*

**308.1 PURPOSE AND SCOPE**

This policy provides guidelines for the use and maintenance of control techniques and 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 Spokane Police Department authorizes officers to use control techniques and devices in accordance with the guidelines in this policy.

**308.3 CONTROL TECHNIQUES**

**308.3.1 APPLICATION OF CONTROL TECHNIQUES**

Officers may only use those control techniques for which they have successfully completed department-approved training. Officers utilizing any control technique should consider:

- (a) The degree to which the application of the technique may be controlled 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.

“Control techniques” refers to all listed techniques described in the Spokane Police Department Defensive Tactics Manual. Those not listed or modified variations of listed techniques shall be deemed as exceptional techniques.

**308.3.2 LATERAL NECK RESTRAINT (LNR)**

The proper application of a Level I or a Level II LNR hold may be effective in restraining an individual. The use of the neck restraint hold is subject to the following:

- (a) The officer shall complete mandatory department-approved initial and refresher training in the use and application of the neck restraint.
- (b) The neck restraint may only be used as outlined in the Defensive Tactics Manual.
- (c) Any individual who has had either a Level I or Level II LNR hold applied and was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until examined by paramedics or other appropriate medical personnel.

- (d) Prior to releasing the subject to either medical staff or correctional staff, the officer shall advise staff if the subject has been rendered unconscious.
- (e) Any officer attempting or applying the neck restraint control hold shall promptly notify a supervisor of the use of such hold.
- (f) The use of the neck restraint control hold shall be thoroughly documented by the officer in any related reports. Such documentation shall be reviewed by a supervisor for policy compliance. The supervisor shall complete a Use of Force Report and forward it through the proper chain of command for review and evaluation. Every incident involving a Level II Lateral Neck Restraint will be debriefed individually at a Use of Force Review Board Meeting. See Policy 300.

### **308.4 USE OF RESTRAINT DEVICES**

The Spokane Police Department authorizes the use of restraint devices in accordance with this policy and department training.

Only members who have successfully completed Spokane Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

- (a) The circumstances or crime leading to the arrest.
- (b) The demeanor and behavior of the arrested person.
- (c) The age and health of the person, pregnancy, and any apparent disability.

Modification of applied restraints may be utilized.

#### **308.4.1 RESTRAINT OF DETAINEES**

Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

#### **308.4.2 RESTRAINT OF PREGNANT PERSON**

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety.

No person who is in labor shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary to prevent escape or injury (RCW 70.48.500).

### **308.4.3      RESTRAINT NOTIFICATIONS**

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the subject (i.e., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during transportation to the jail.

### **308.4.4      APPLICATION OF HANDCUFFS OR PLASTIC CUFFS**

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

### **308.4.5      APPLICATION OF AUXILIARY RESTRAINT DEVICES**

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility. Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

### **308.4.6      APPLICATION OF LEG RESTRAINT DEVICES**

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it reasonably appears necessary to do so during the course of detention, arrest or transportation. Only restraint devices approved by the department shall be used. In determining whether to use the leg restraint, officers should consider:

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.

- (b) Whether it is reasonably necessary to protect the suspect from the suspect's own actions (e.g., hitting head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

#### **308.4.7 GUIDELINES FOR USE OF LEG RESTRAINTS**

When applying leg restraints the following guidelines should be followed:

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should not be placed on their stomach for an extended period.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint.
- (e) When transported by ambulance/paramedic unit, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

#### **308.4.8 TRANSPORTING LEG RESTRAINED SUSPECTS**

When transporting a suspect(s) who has been restrained, officers shall observe the guidelines as specified in the Spokane Police Department Defensive Tactics Manual.

#### **308.5 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.

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

### **308.5.1 SHIFT COMMANDER RESPONSIBILITIES**

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

### **308.5.2 TRAINING DIRECTOR RESPONSIBILITIES**

The Training Director or 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.

### **308.5.3 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 Training Director or designee for disposition.

Commissioned Officers operating in a patrol capacity shall carry a minimum of two of the following three control devices:

- (a) Baton
- (b) Conducted Energy Weapon (TASER™ device)
- (c) Oleoresin Capsicum (OC)

Commissioned Officers operating in a modified uniform capacity where there is a potential for detention, apprehension or control of a subject shall carry a minimum of two of the following three control devices:

- (a) Baton
- (b) Conducted Energy Weapon (TASER™ device)
- (c) Oleoresin Capsicum (OC)

### **308.5.4 BATON GUIDELINES**

The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious physical injury or death to the officer or others.

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.

### **308.5.5 SPECIAL IMPACT MUNITIONS GUIDELINES**

This department is committed to reducing the potential for violent confrontations. Special impact munitions, when used properly, can be used in an attempt to de-escalate a potentially deadly situation.

### **308.5.6 SAFETY PROCEDURES**

Shotguns specifically designated for use with special impact munitions will be specially marked in a manner that makes them readily identifiable as such.

Absent compelling circumstances, officers who must deploy special impact/blunt impact munitions will employ the two-person rule for loading. The two-person rule is a safety measure achieved by having a second officer watch the loading process to ensure that the weapon is completely emptied of conventional ammunition.

### **308.5.7 DEPLOYMENT AND USE**

Only department-approved special impact munitions shall be carried and deployed. Only officers who have successfully completed department-approved training in the use of any special impact munitions are authorized to carry and use this device.

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.

### **308.5.8 DEPLOYMENT CONSIDERATIONS**

Before discharging special impact munitions, 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 head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious physical injury or death to the officer or others.

## **308.6 CONDUCTED ENERGY WEAPONS**

### **308.6.1 PURPOSE AND SCOPE**

This policy provides guidelines for the issuance and use of TASER™ devices.

### **308.6.2 POLICY**

The TASER™ device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury.

### **308.6.3 ISSUANCE AND CARRYING TASER™ DEVICES**

Only members who have successfully completed department-approved training may be issued the TASER™ device.

Officers shall only use the TASER™ device and cartridges that have been issued by the Department.

Officers carrying the TASER™ device should perform a spark test on the unit prior to every shift.

When carried while in uniform officers shall carry the TASER™ device in a department-approved holster on the weak-side opposite their duty firearm.

- (a) Whenever practicable, officers should carry two or more cartridges on their person when carrying the TASER™ device.
- (b) Officers shall be responsible for ensuring that their issued TASER™ device is properly maintained and in good working order.
- (c) Officers should not hold both a firearm and the TASER™ device at the same time.

### **308.6.4 VERBAL AND VISUAL WARNINGS**

A verbal warning of the intended use of the TASER™ 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 fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the TASER™ device in the related report.

### **308.6.5 SPECIAL DEPLOYMENT CONSIDERATIONS**

The use of the TASER™ device on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

### **308.6.6 MULTIPLE APPLICATIONS OF THE TASER™ DEVICE**

Officers should apply the TASER™ device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Total exposure to the TASER™ device should not exceed 15 seconds. If exposure exceeds 15 seconds, the subject shall be transported to a medical facility for examination prior to booking.

### **308.6.7 ACTIONS FOLLOWING DEPLOYMENTS**

Officers shall notify a supervisor of all TASER™ device discharges. AFID tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. Care should be taken to preserve the evidence.

The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.



### **308.6.8 OFF-DUTY CONSIDERATIONS**

Officers are not authorized to carry department TASER™ devices while off-duty.

Officers shall ensure that TASER™ devices are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

### **308.6.9 MEDICAL TREATMENT**

Qualified medical personnel should remove TASER™ device probes from a person's body. Used TASER™ device probes shall be treated as a sharps biohazard. Universal precautions should be taken. Refer to Policy 300 for medical considerations.

### **308.6.10 TRAINING**

Personnel who are authorized to carry the TASER™ device shall be permitted to do so only after successfully completing the initial department-approved training by a certified instructor. Any personnel who have not carried the TASER™ device as a part of their assignment for a period of six months or more shall be recertified in accordance with TASER™ International certification guidelines by a department-approved TASER™ device instructor prior to again carrying or using the device.

The Training Lieutenant is responsible for ensuring that all members who carry TASER™ devices have received initial and annual proficiency training. Training shall be conducted in accordance with TASER™ International guidelines.

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

OC and pepper projectiles may be used for crowd control, crowd dispersal, or against barricaded suspects based on the circumstances. Only the Shift Commander, Incident Commander, or Emergency Response Unit Commander may authorize the delivery and use of chemical munitions, and only after evaluating all conditions known at the time and determining that such force appears objectively reasonable.

Uniformed personnel carrying department-issued OC spray shall carry the device in its holster on the equipment belt. 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.

### **308.7.1 TREATMENT FOR OC SPRAY EXPOSURE**

Decontamination efforts should take place as soon as practicable for persons who have been exposed to the use of OC. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

### **308.7.2 POST-APPLICATION NOTICE**

Whenever chemical munitions 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.

### **308.8 2-Chlorobenzalmalononitrile (CS) GUIDELINES**

Chemical munitions may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Shift Commander, Incident Commander or Emergency Response Unit Commander may authorize the delivery and use of chemical munitions, and only after evaluating all conditions known at the time and determining that such force appears objectively reasonable.