

Use of Force and Restraints

300.1 PURPOSE AND SCOPE

It is the fundamental duty of law enforcement to preserve and protect all human life, and the Vancouver Police Department strives to protect the sanctity of life during the performance of our duties. Officers shall respect and uphold the dignity of all persons and use their authority in a bias-free manner.

This policy provides guidelines on the use of force. While there is no way to specify the exact amount or type of force to be applied in any situation, every officer is expected to use these guidelines to make such decisions in a professional and objectively reasonable manner. The proper use of force is essential to ensure impartial policing and build trust in the community. While there are circumstances where individuals will not comply with the law unless compelled or controlled by officers through the use of force, officers must remain mindful that they derive their authority from the community and that unreasonable force degrades the legitimacy of that authority.

Law enforcement encounters rapidly evolve. Thus, officers must continuously assess the necessity and effectiveness of their actions, including their tactical positioning, to decrease the likelihood of needing to use physical force.

An officer may not use any force tactics prohibited by this policy, or otherwise by law, except to protect his or her life or the life of another person from an imminent threat (RCW 10.120.020).

The Vancouver Police Department adheres to all applicable federal and state laws regarding use of force.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary Restraint Devices: includes transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during longer-term restraint or transportation.

Choke Hold: The intentional application of direct pressure to a person's trachea or windpipe for the purpose of restricting another person's airway (RCW 10.116.020).

Communication Disability -is defined as a person with a disability (as defined by the ADA, 42 U.S.C. § 12102(2); 28 C.F.R. § 35.104) that impacts their ability to communicate.

Deadly force: The intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury (RCW 9A.16.020).

De-escalation tactics: refers to actions used by a peace officer that are intended to minimize the likelihood of the need to use force during an incident. Depending on the circumstances, "de-escalation tactics" may include, but are not limited to (RCW 10.120.020):

- Using clear instructions and verbal persuasion

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- Attempting to slow down or stabilize the situation so that more time, options, and resources are available to resolve the incident
- Creating physical distance by employing tactical repositioning to maintain the benefit of time, distance, and cover, which may include placing barriers or using existing structures to provide a shield or other protection between officers and a person
- When there are multiple officers, designating one officer to communicate in order to avoid competing commands
- Requesting and using available support and resources, such as a crisis intervention team, a designated crisis responder or other behavioral health professional, or back-up officers.
- Command presence
- Availability and presence of less lethal tools
- Disengagement if there is no threat of imminent harm and no crime has been committed, is being committed or is about to be committed

Exigent circumstances: Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.

Excessive Force: Force that exceeds the force permitted by law or policy of the witnessing officer's agency. (RCW 10.93.190).

Feasible: Reasonably capable of being done or carried out to achieve the arrest or lawful objective without increasing risk of harm to the officer or another person.

Firearm: A weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. (RCW 9.41.010)

Immediate threat of serious physical injury or death: Based on the totality of circumstances, it is objectively reasonable to believe that a person has the present and apparent ability, opportunity and intent to immediately cause death or serious bodily injury to the peace officer or another person (RCW 10.120.020).

Less lethal alternatives: include, but are not limited to, verbal warnings, de-escalation tactics, conducted energy weapons, devices that deploy oleoresin capsicum (OC), capsaicinoids (which are in PepperBall munitions), batons, and beanbag rounds.

Medical Assistance / Aid: to provide or facilitate first aid such that it is rendered at the earliest safe opportunity to injured persons at a scene controlled by law enforcement. May also consist of examination by fire personnel, EMT, paramedics, hospital staff or medical staff at the jail.

Necessary: means that, under the totality of the circumstances, a reasonably effective alternative to the use of physical force or deadly force does not appear to exist, and the type and amount of

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physical force or deadly force used is a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the officer or others (RCW 10.120.010).

Neck restraint: Any vascular neck restraint or similar restraint, hold, or other tactic in which pressure is applied to the neck for the purpose of constricting blood flow (RCW 10.116.020).

Objectively reasonable: The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and upon what a reasonable officer would use under the same or similar situations.

Peace Officer: includes any general authority Washington peace officer, limited authority Washington peace officer, and specially commissioned Washington peace officer (RCW 10.120.010).

Physical Force: means any act reasonably likely to cause physical pain or injury or any other act exerted upon a person's body to compel, control, constrain, or restrain the person's movement. "Physical force" does not include pat-downs, incidental touching, verbal commands, or compliant handcuffing where there is no physical pain or injury. (RCW 10.120.010)

Probable Cause: Probable cause to arrest exists when the facts and circumstances would convince a reasonable officer that he or she has reasonable grounds to believe that a suspect has committed or is committing a crime based on articulable and specific circumstances that support the conclusion; it is an objective, "reasonable officer" standard based on the totality of the circumstances considering the time, place, and other circumstances, including the officer's experience and training. It is a higher standard than "reasonable suspicion" and a lower standard than either the (1) "proof beyond a reasonable doubt" standard for criminal prosecutions, or (2) the "preponderance" standard that is used to resolve fact questions in civil lawsuits.

Proportional: To be proportional, the level of force applied must reflect the totality of circumstances surrounding the situation at hand, including but not limited to, the seriousness of the law enforcement objective that is being served, including the nature and immediacy of any threats posed to officers and others. Officers must rely on training, experience, and assessment of the situation to decide an appropriate level of force to be applied. Reasonable and sound judgment will dictate the force option to be employed. Proportional force does not require officers to use the same type or amount of force as the subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be proportional, objectively reasonable, and necessary to counter it. The threat or resistance may change over the course of the incident.

Recovery Position: A position of reasonable comfort for conscious persons. Unconscious persons should be laid on their left or right side depending on any obvious signs of injury or deformities. The recovery position affords the subject the best protection from airway occlusion or aspiration of fluids into the lungs.

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Restraint devices: Mechanical device including but not limited to: Handcuffs, plastic ties, ankle / leg restraints, transport belts, leg irons and other similar devices.

Spit restraint device: a temporary protective device designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Totality of the circumstances: means all facts known to the peace officer, leading up to, and at the time of, the use of force, and includes the actions of the person against whom the peace officer uses such force, and the actions of the peace officer (RCW 10.120.010).

Wrongdoing: conduct that is contrary to law or contrary to the policies of the witnessing officer's agency, provided that the conduct is not de minimus or technical in nature. (RCW 10.93.190).

Vehicle Tactics include the following:

PIT (Pursuit Immobilization Technique): A controlled and trained forced rotational contact of a suspect vehicle. Consideration must be given if conducting a PIT over 40 MPH due to increased probability of vehicle damage or occupant injury. The use of a PIT is not a collision and is a reportable use of force by the Department for data collection and training purposes.

Ramming (Vehicle-to-Vehicle Striking): The intentional use of a vehicle to strike another vehicle for the purpose of interrupting or incapacitating that vehicle. Ramming is considered a reportable use of force pursuant to RCW 10.118.030.

PIN (Vehicle-to-Vehicle Contact, Non-Striking): The intentional contact between vehicles designed to guide or prevent movement of a vehicle, but without significant impact and not reasonably likely to cause injury. A vehicle pin itself is not a use of force, is not a collision and is documented in the officers report.

Tire Deflation Device: A device designed to be placed or deployed under the tire or tires of a stationary or moving vehicle and are designed to slowly deflate the tires of a moving vehicle. Use of a tire deflation device itself is not a use of force and is documented in the officers report.

300.2 PERMISSIBLE USE OF FORCE

Pursuant RCW 10.120.020 and this policy, an officer may use physical force against a person to the extent necessary to:

- A. Protect against an imminent threat of bodily injury to the peace officer, another person, or the person against whom force is being used;
- B. Protect against a criminal offense when there is probable cause that the person has committed, is committing, or is about to commit the offense;
- C. Effect an arrest;
- D. Take a person into custody when authorized or directed by statute;
- E. Prevent an escape, as defined under chapter 9A.76 RCW;

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- F. Prevent a person from fleeing or stop a person who is actively fleeing a lawful temporary investigative detention, provided that the person has been given notice that they are being detained and is not free to leave;
- G. Take a person into custody, transport a person for evaluation or treatment, or provide other assistance under chapter 10.77, 71.05, or 71.34 RCW;
- H. Take a minor into protective custody when authorized or directed by statute;
- I. Execute or enforce a court order authorizing or directing a peace officer to take a person into custody;
- J. Execute a search warrant;
- K. Execute or enforce an oral directive issued by a judicial officer in the courtroom or a written order where the court expressly authorizes a peace officer to use physical force to execute or enforce the directive or order; or
- L. Execute any other community caretaking function, including but not limited to performing welfare checks, assisting other first responders and medical professionals, behavioral health professionals, social service providers, designated crisis responders, shelter or housing providers, or any member of the public;
- M. An officer may use deadly force against another person only when necessary to protect against an immediate threat of serious physical injury or death to the officer or another person.
- N. Officers shall not use deadly force against persons who present a danger only to themselves and do not pose an immediate threat of death or serious bodily injury to another person or officer.

300.3 REASONABLE CARE CONSIDERATIONS

Pursuant RCW 10.120.020 and this policy, officers shall:

1. Use reasonable care when determining whether to use physical force or deadly force and when using any physical force or deadly force against another person.
2. When feasible, identify themselves as police officers if not in a reasonably identifiable police uniform.
3. Give a verbal warning if time, safety, and circumstances permit.
4. When possible, use all de-escalation tactics that are available and appropriate under the circumstances before using physical force.
5. Consider the characteristics and conditions of a person for the purposes of determining whether to use force against that person and, if force is necessary, determining the appropriate and least amount of force possible to effect a lawful purpose. Such characteristics and conditions may include:
 - whether the person is visibly pregnant or claims to be pregnant,
 - is known to be a minor, objectively appears to be a minor or states that they are a minor,

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- is known to be a vulnerable adult, or objectively appears to be a vulnerable adult as defined in RCW 74.34.020,
 - displays signs of mental, behavioral, or physical impairments or disabilities,
 - is experiencing perceptual or cognitive impairments typically related to the use of alcohol, narcotics, hallucinogens, or other drugs.
 - is suicidal,
 - has limited English proficiency,
 - is in the presence of children
6. Terminate the use of physical force as soon as the necessity for such force ends.
 7. When possible, use less lethal alternatives that are available and appropriate under the circumstances before using deadly force.
 8. Make less lethal alternatives issued to the officer reasonably available for use.

300.4 CHOKEHOLDS / NECK RESTRAINTS / HOG-TYING

1. Chokeholds and Neck Restraints are prohibited pursuant RCW 10.116.020. Known inadvertent contact with a subject's neck during the application of a head control tactic, or other control technique which results in momentary contact with the neck of a subject without the risk or intention of restricting the flow of blood or oxygen is not a choke hold or neck restraint.
2. "Hog-tie" or "hog-tying" means fastening together bound or restrained ankles to bound or restrained wrists and is prohibited.

300.5 DUTY TO INTERVENE

Pursuant RCW 10.93.190, any identifiable on-duty officer who witnesses another peace officer engaging or attempting to engage in the use of excessive force against another person shall intervene when in a position to do so to end the use of excessive force or attempted use of excessive force, or to prevent the further use of excessive force. The intervening officer will report the incident to a Department supervisor as soon as feasible. The supervisor shall take into consideration the totality of the circumstances when determining if the use of force was excessive or within policy.

300.6 SHOOTING UPON A MOVING VEHICLE

Pursuant RCW 10.116.060, an officer may not fire a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious physical harm resulting from the operator's or a passenger's use of a deadly weapon. For the purposes of this subsection, a vehicle is not considered a deadly weapon unless the operator is using the vehicle as a deadly weapon and no other reasonable means to avoid potential serious harm are immediately available to the officer.

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300.7 MEDICAL CONSIDERATIONS FOLLOWING USE OF FORCE

1. Recognizing the urgency of providing medical assistance / aid and the importance of preserving human life following a use of force, officers will, when safe and feasible, evaluate the subject for injuries, request medical aid if needed or if requested by anyone, and render or facilitate appropriate medical aid within their training as soon as reasonably possible, unless aid is declined.
2. Persons who have been sprayed with or otherwise affected by the use of OC or Pepper Ball munitions should be provided or facilitated medical assistance / aid at the scene or transported to the hospital for evaluation, if necessary.
3. All persons who have been struck by a Less Lethal Device projectile or Pepper Ball munitions should be provided or facilitated medical assistance / aid at the scene or transported to the hospital for evaluation, if necessary.
4. Only personnel qualified to provide medical assistance / aid may remove a CEW probe that has penetrated a person's skin. Probes in areas of a person's body that cannot be safely removed should be removed at a medical care facility.
5. Officers will render medical assistance / aid within the scope of their training unless aid is declined.
6. Consent will be assumed for unconscious subjects or subjects incapable of providing consent.
7. Consistent with training, officers shall take the following actions to reduce the risk of injury;
 - (a) Prone subjects will be placed in a recovery position as soon as safe and feasible.
 - (b) Officers will not put unreasonably prolonged pressure on the chest, neck or back, including by sitting, kneeling, or standing.
8. Injured persons and restrained persons shall be reasonably monitored while in law enforcement custody.

300.8 FIREARMS

Officers must use firearms in accordance with Department training and policy. Officers are only permitted to point or discharge a firearm at a person in situations when it is objectively reasonable under the totality of the circumstances.

300.9 LESS LETHAL DEVICES

This section addresses the use and deployment of less lethal devices and tools that are generally available to sworn Department employees.

Incidents in which a person is shot at with a firearm, is injured or dies as the result of an officer-involved shooting or dies as a result of other action of an officer is covered in Department policy regarding Officer Involved Shootings and Deaths.

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Chemical munitions (Tear gas as defined in RCW 10.116.030(4)(d)) for a riot, barricaded subject or hostage situation used by MFF or SWAT are covered by the SWAT Manual and Special Occurrences Manual. Canine deployments are covered in Department policy regarding Canines.

The following Less Lethal force devices are governed by this policy section:

- TASER / Conducted Energy Weapon (CEW)
- Impact weapons, less lethal launchers
- Oleoresin Capsicum (OC) spray

The Department recognizes that less-lethal devices are used to interrupt a subject's threatening behavior so that officers may take physical control of the subject with less risk of injury to the subject or officer than posed by greater force applications and that less lethal devices alone cannot be expected to render a subject harmless.

Support officers should be prepared to take immediate action to exploit the brief opportunity created by the less lethal device and take control of the subject if safe to do so.

1. Circumstances appropriate for less lethal device deployment include, but are not limited to, situations in which the subject has demonstrated, by words or action, an intention to be violent or to physically resist arrest or reasonably appears to present the potential to injure officers, themselves or others or engaged in riotous behavior as defined in RCW 9A.84.010.
2. Only officers who have successfully completed department-approved training in the use of less lethal devices are authorized to carry and use them when it is reasonable to do so based on the totality of the circumstances.
3. The use of less lethal devices should be consistent with current Departmental training.
4. Officers will only carry less lethal devices that have been approved by the department and that the officer has been properly trained to use; use of improvised weapons may be permissible under exigent circumstances. The use of improvised weapons will be subject to the same standards as approved weapons/devices set forth in this policy.
5. Uniformed officers are required to carry at least one less lethal device.

300.9.1 TASER / CONDUCTED ENERGY WEAPON (CEW)

1. Officers, Corporals and Sergeants in patrol, NRT, SRO, Traffic, SWAT and Canine will be issued and will carry a CEW, in a holster set up for a support hand draw, while on duty except that a Lieutenant, or above, may exempt officers in their command from carrying the CEW.
2. Deployed probes should be disposed in a sharps container, except when retained as evidence.
3. Standards of use:
 - (a) Officers should avoid intentionally targeting areas such as the head, neck, chest or genitals.

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- (b) Officers should not intentionally deploy multiple CEW's at the same person, unless the first deployed CEW clearly fails.
 - (c) Drive stun mode should only be used when necessary to complete the incapacitation circuit where only one probe is attached to the person, where both probes attached in close proximity, or when no other less lethal options are available and appropriate.
 - (d) Each cycle, deployment, or trigger pull should be reasonable and necessary based on the totality of the circumstances known to the officer at the time.
 - (e) Officers should assume if they have to use a CEW three times against a person and the person continues to aggress, the CEW may not be effective against that person and the officer should consider other options.
4. Restricted Uses. Unless the use or application of the taser would be necessary to protect against a threat posed to the officer or others, a CEW should not be used in the following circumstances:
- (a) On a person who is fleeing the scene, absent other factors.
 - (b) On a person who is handcuffed or otherwise restrained.
 - (c) On a person who is situated on an elevated surface, which if the person were to fall would reasonably cause serious physical injury or death.
 - (d) On an operator in physical control of a vehicle in motion, including automobiles, trucks, motorcycles, ATVs, bicycles, and scooters.
 - (e) In any environment where an officer 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.
 - (f) On any person who appears to be pregnant.

300.9.2 LESS LETHAL LAUNCHER, IMPACT MUNITIONS (40MM AND PEPPERBALL)

- 1. Qualified officers may sign out or be issued a less lethal launcher, and may carry the less lethal launcher while on duty.
- 2. Only Department approved munitions shall be carried and deployed.
- 3. When feasible, an officer about to discharge a less lethal launcher should advise other officers at the scene prior to the discharge.
- 4. **40mm** - Officers shall avoid intentionally targeting areas such as the head, neck, chest or genitals unless the force is reasonable.
- 5. **40mm** - Officers shall assess the effectiveness of each round deployed at another person.
- 6. **PepperBall** - Officers shall avoid intentionally targeting the head, neck, or genitals unless the force is reasonable.

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7. **PepperBall** - Officers shall assess the effectiveness each volley of projectiles deployed at or near another person. (One volley being 1 to 5 projectiles)
8. Unless the use or application of the less lethal launcher would be necessary to protect against a threat posed to the officer or others, a less lethal launcher should not be used on a person who is situated on an elevated surface, which if the person were to fall would reasonably cause serious physical injury or death.

300.9.3 NON-PROJECTILE IMPACT DEVICES

Expandable batons and straight batons may be carried and used by members of this department only if they have been issued by the Department or approved for use by the Training Unit.

300.9.4 OLEORESIN CAPSICUM (OC)

1. Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt or exterior vest carrier. Plainclothes and non-field personnel may carry OC spray in accordance with the needs of their assignment or at the direction of their supervisor.
2. Whenever OC (canister or PepperBall munitions) have been introduced into a residence, building interior, vehicle or other enclosed area, officers shall 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 cleanup will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

300.10 VEHICLE TACTICS

The use of a vehicle to intentionally strike a person or vehicle, or any other vehicle intervention which results in the intentional contact with another vehicle must be objectively reasonable under the totality of the circumstances.

300.10.1 PIT (PURSUIT IMMOBILIZATION TECHNIQUE)

1. Officers who have completed training in the use of PIT are permitted to use this technique, regardless of their unit of assignment.
2. The Pursuit Immobilization Technique (PIT) may be utilized to stop a vehicle in instances where the technique use would be reasonable under the totality of the circumstances and a supervisor has approved the technique, if feasible.

300.10.2 RAMMING (VEHICLE-TO-VEHICLE STRIKING)

Ramming is a tactic permitted only in exigent circumstances. Ramming is authorized when:

1. There is probable cause the fleeing suspect is wanted for a violent felony (other than eluding) and;
2. The suspect constitutes an imminent and ongoing threat of serious bodily injury or death to others and;
3. There is a necessity to stop the suspect by striking the vehicle to functionally disable, damage or force the suspect vehicle off the roadway.

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300.10.3 PIN (VEHICLE-TO-VEHICLE CONTACT, NON STRIKING)

1. Officers who have completed training in the use of their vehicles to pin another vehicle are permitted to use the technique, regardless of their unit of assignment.
2. The PIN may be utilized to prevent a vehicle from moving in instances where the technique use would be reasonable under the totality of the circumstances and a supervisor has approved the technique, if feasible.

300.10.4 TIRE DEFLATION DEVICE

1. Officers who have completed training in the use of tire deflation devices are permitted to use these devices, regardless of their unit of assignment.
2. Tire deflation devices may be utilized in instances where the use would be reasonable under the totality of the circumstances and a supervisor has approved their use, if feasible.

300.11 USE OF FORCE REPORTING

Other than an incident in which an officer's interview shall be used as a substitute, the use of force by an officer shall be documented in the related police reports, depending on the nature of the incident.

Pursuant RCW 10.118.030 and this policy, the following actions are Reportable Force and require a separate Use of Force report in the RMS.

1. Any use of Physical Force;
2. A fatality occurred in connection with the use of force;
3. Great bodily harm occurred in connection with the use of force;
4. Substantial bodily harm occurred in connection with the use of force;
5. Discharge of a firearm at or in the direction of a person;
6. Point a firearm at a person;
7. Use a chokehold or vascular neck restraint;
8. Use a Taser / CEW against a person;
9. Use OC spray against a person;
10. Discharge a less lethal impact munition at or in the direction of a person;
11. Strike a person using an impact weapon or instrument including, but not limited to, a club, baton, or flashlight;
12. Use any part of the officer's body to physically strike a person including, but not limited to, punching, kicking, slapping, or using closed fists or feet;
13. Use a vehicle to intentionally strike a person or vehicle; or
14. Deploy a canine that bites a person.
15. Use of the PIT technique against a motor vehicle.

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The officer should articulate the reason, considerations, any de-escalation attempts made or why they were not feasible and why the officer believed the use of force was reasonable and necessary under the totality of the circumstances in the related police reports.

Photographs should be taken of any contact areas, injury or lack of injury as a result of a use of force as soon as reasonable, if feasible. These photographs are either uploaded, or if of a sensitive nature saved on a media storage device/medium, and entered into the evidence system.

300.11.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practicable in any of the following circumstances:

1. The application of Reportable Force.
2. The use of Vehicle Tactics.
3. An individual subjected to physical force alleges misconduct or indicates intent to pursue litigation.

300.12 SUPERVISOR RESPONSIBILITY

A supervisor should be aware of and as available, respond to, incidents in which there is a reasonable potential for a significant use of force, incidents involving the use of weapons, incidents where a person experiencing a mental health crisis is reported and a law enforcement response is appropriate or improvised weapons and in incidents where there has been an application of physical force.

Supervisor expectations:

1. Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
2. Ensure that any injured parties at the scene have been or are provided medical assistance / aid.
3. Ensure that photographs have been or are taken of any areas involving visible injury or complaint of pain, as well as overall photographs.
4. Ensure that identified witnesses are interviewed and take reasonable steps to ensure the preservation of evidence.
5. Ensure a download of any CEW device deployed is/was completed.
6. Review and approve related reports as feasible.
7. Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a reasonable question of wrongdoing or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

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When reviewing a report involving a use of physical force, supervisors should do so for the purpose of ensuring compliance with policy and to address any training issues. When it is determined by the supervisor or the Training Unit that an employee could benefit from additional training related to a use of force incident, the additional training will be organized between the employee's supervisor and the Training Unit and should be completed in a timely manner.

300.13 RESTRAINTS

- (a) The use of a restraint device itself is not a use of force. If force is necessarily used to place a person into a restraint device, that force is reported as applicable.
- (b) Restraint devices may be carried and used by officers only if they have been issued by the Department or approved for use by the Training Unit.
- (c) Officers who have successfully completed Department approved training, or equivalent, on the use of restraint devices are authorized to use them.
- (d) The use of restraints should be consistent with current Departmental training.
- (e) 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 restraint devices on detainees should continue only for as long as is reasonably necessary to assure the safety of officers and others.
- (f) Persons who are known to be pregnant or have obvious physical medical conditions should be restrained in the least restrictive manner that is effective for officer safety.
- (g) If a person being handcuffed has a Communication Disability, officers will, safety permitting, handcuff the person in front to enable the person to communicate using sign language, writing or other auxiliary aid or service.
- (h) A juvenile 13 years of age and younger should not be restrained unless the juvenile is under arrest or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/ herself, injure the officer or damage property.
- (i) Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider using appropriate restraint devices in situations they reasonably believe warrants that degree of restraint.
- (j) Subjects in custody who are deemed an assault or escape risk while receiving care at a medical facility may be restrained with auxiliary restraint devices as appropriate under the circumstances.
 - (a) The officer(s) maintaining custody are expected to remain reasonably present with the person in custody as long as they are being held in restraints at the facility.
 - (b) If a physician or nurse requests the removal of law enforcement restraints for treatment procedures on a restrained subject, the Officer should consider requesting backup assistance to help protect other patients and hospital personnel in the facility in the event the detained subject becomes combative or attempts escape.

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- (k) Restraint devices should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.
- (l) Spit restraint devices may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place.
 - (a) Those who have been placed in a spit restraint device should be continually monitored and should not be left unattended until the spit restraint device is removed.
 - (b) Restricted Uses:
 - Persons who have been sprayed with OC spray, or impacted by Pepper Ball munitions should be decontaminated so their breathing is not distressed prior to application of a spit restraint device.
 - For individuals in mental health crisis, officers should provide verbal reassurance and assess the situation to remove the spit restraint device as soon as appropriate.
 - (c) Prohibited Uses. Officers should not apply a spit restraint device in the following situations because of higher risks:
 - Where the restrained person is bleeding profusely from the area around the mouth or nose.
 - On an individual who is actively vomiting. If a person vomits while wearing a spit restraint device, the spit restraint device should be promptly removed and discarded.
 - On an individual who states that they have a medical condition that affects their breathing, or who demonstrates symptoms of labored or distressed breathing.
 - (d) In the event of a medical emergency, spit restraint device should be removed immediately.
 - (e) Prior to application of a spit restraint device, an officer should warn the individual and provide a reasonable time for the person to comply with the officer's commands. If applied, the officer should remove the spit restraint device as soon as the threat of spitting or biting has ended, or the officer observes that the spit restraint device is no longer necessary.
 - (f) After application of a spit restraint device and when safe to do so, officers shall move the individual into a seated or recovery position and shall be reasonably monitored.
 - (g) Officers shall assist when escorting the individual due to the potential for impaired or distorted vision.

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300.13.1 RESTRAINT USE DOCUMENTATION

1. If an individual is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints into CAD or other appropriate report.
2. If an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report. The officer should include, as appropriate:
 - The approximate time the suspect was restrained and the approximate time the restraints were removed. This may also be accomplished through CAD or dispatch radio records.
 - How the suspect was transported and the position of the suspect.
 - Observations of the suspect's behavior as applicable under the circumstances.
 - Application of a spit restraint device must be documented in the related report to include if a warning was given or why it was not given.

300.14 TRAINING

The Training Unit reviews all incidents of Reportable Force so that opportunities for training can be identified.

Officers will receive annual training in accordance with Department policy on Use of Force and Restraints, to include de-escalation, critical decision making and tactical communications, and demonstrate their knowledge and understanding.