A. Policy

Recognizing the need in certain situations for less lethal alternatives to the use of deadly force, specified personnel shall be trained in the use of less lethal force options. The application of a less lethal alternative is intended to provide a force option, which has a reduced likelihood of causing death or serious bodily injury.

B. Procedure

1. When encountering situations in which the use of less lethal physical force is reasonable and appropriate, agents must assess the incident in order to determine which level of force is appropriate and which less lethal technique or weapon is appropriate to use.

2. For the purposes of this policy, less lethal force includes less lethal munitions and PepperBall gun.

3. Less Lethal force may be used when it is objectively reasonable to:
   a. Control a person who is armed with a deadly weapon and is threatening suicide; or
   b. Control a person who is about to commit suicide or inflict serious bodily injury upon himself; or
   c. Disarm or disable a subject who is armed with a deadly weapon and is engaging in illegal or dangerous behavior; or
   d. Prevent injuries to police or citizens or to prevent large-scale property destruction in crowd control or riot conditions; or
   e. Control a violent subject or a subject threatening imminent violence.

4. Agents should use verbal commands directed at the subject to obey police orders and cease illegal behavior or dangerous behavior prior to the use of any less lethal device when practical if circumstances allow it without risk to the safety of other agents or citizens.

5. Less lethal force shall be applied according to the manufacturer's instructions and in conformity with training provided by the department's less lethal weapons instructors.

6. Only sworn personnel, who have been trained in the use of less lethal force options are authorized to deploy them. Designated personnel will be trained and certified to deploy all less lethal munitions.

7. Designated personnel must receive training in less lethal devices annually.
8. Whenever possible, agents deploying less lethal devices shall have a cover agent in close proximity prepared to counter a suspect with lethal force should the threat level to the agent unexpectedly escalate.

9. A supervisor shall immediately respond to the scene of any deployment of a less lethal device.

10. Reports shall be written documenting the use of force.Copies of all reports shall be forwarded for review via the involved employee’s chain of command under the use of force review process.

C. Rule

1. Except when used in a crowd control situation, whenever any person is struck by a less lethal device:
   a. Paramedics shall be summoned for medical assistance.
   b. The person shall be transported to a medical facility for examination.
   c. When less lethal systems utilizing O/C are used arrangements shall be made for the decontamination of the person.
   d. Injuries shall be documented and photographed.

2. Sworn personnel are only authorized to deploy those less lethal munitions devices that they have been certified to use.

4515 LESS LETHAL MUNITIONS

B. Procedure

1. Less lethal munitions are extended range impact projectiles designed to safely incapacitate potentially dangerous person(s) from a distance that minimizes the danger to agents and citizens. Projectiles are fired or launched for the purpose of causing blunt trauma, which is used to encourage compliance and overcome resistance with a reduced likelihood of causing death. The department authorizes the use of approved 12-gauge, 40 mm, and 37 mm less lethal devices.

2. Less lethal shotguns are 12-gauge shotguns designated for use with less lethal munitions. These shotguns are specifically marked to designate they are for less lethal use only.

3. Prior to firing less lethal rounds from either a 12-gauge shotgun or 37mm launcher, police personnel shall:
   a. Unload all ammunition from the weapon; and
b. Visually and manually inspect the breech and magazine or cylinder of the weapon to ensure that all ammunition has been removed from the weapon; and

c. Load the less lethal munitions into the weapon, visually inspecting each round prior to insertion, ensuring that the ammunition which is being loaded is the correct less lethal munitions; and

d. Whenever possible, a second agent shall observe and verify all stages of the unloading of the weapon and the loading of all less lethal munitions.

4. When deploying less lethal munitions, the preferred target areas are the arms, shoulders, thighs, knees, or shins of the subject. The operator should not intentionally target the head/neck, thorax, heart, groin, or spine of the subject.

4516 PEPPERBALL GUN

B. Procedure

1. The PepperBall system is a less lethal chemical agent delivery system that may be used on individual suspects, as well as crowd control situations.

2. PepperBall projectiles are plastic spheres filled with powder or liquid oleoresin capsicum (OC), a marking paint, or water. Each sphere is designed for a specific purpose and is color coated to distinguish its specific use. Agents shall ensure that the correct projectile is used for the situation encountered. A high-pressure device is used to launch these projectiles.

3. The use of the PepperBall system in crowd control or riot control shall ordinarily be authorized by an agent of the rank of Sergeant or higher, except, in the event of a dire emergency where the agent in charge of a field situation cannot reasonably contact higher authority, the agent in charge of such situation may authorize the use of a chemical agent in the circumstance hereinabove indicated.

4. When deploying the PepperBall system, the preferred target areas are from the upper torso and below. The operator should not intentionally target the head/neck or spine.

5. A white/glass shattering projectile shall not be used on a person unless the use of deadly physical force is justified.

C. Rule

1. Prior to the deployment of a chemical agent, due regard shall be exercised for the safety of the subject, police agents, and innocent citizens. Proper scene cordon and evacuation techniques shall be utilized.

4517 TASER XREP

B. Procedure
1. The XREP is a TASER Brand device. This Electronic Control Device uses electrical energy to incapacitate a subject.

2. The EXREP ECD is non-flexible impact munitions delivered from a standard 12 gauge shotgun.

3. Prior to deploying the XREP, personnel should:
   a. Unload all ammunition from the weapon; and
   b. Visually and manually inspect the breech and magazine or cylinder of the weapon to ensure that all ammunition has been removed from the weapon; and
   c. Load the XREP munitions into the weapon, visually inspecting each round prior to insertion, ensuring that the ammunition which is being loaded is XREP munitions; and
   d. Whenever possible, a second agent shall observe and verify all stages of the unloading of the weapon and the loading of the XREP munitions.

4. The XREP may be deployed when it is objectively reasonable to:
   a. Control a person who is armed with a deadly weapon and is threatening suicide; or
   b. Control a person who is about to commit suicide or inflict serious bodily injury upon himself; or
   c. Disarm or disable a subject who is armed with a deadly weapon and is engaging in illegal or dangerous behavior; or
   d. Prevent injuries to police or citizens or to prevent large-scale property destruction in crowd control or riot conditions, The use of the XREP in crowd control or riot control shall ordinarily be authorized by an agent of the rank of Sergeant or higher, except, in the event of a dire emergency where the agent in charge of a field situation cannot reasonably contact higher authority, the agent in charge of such situation may authorize the use of the XREP in the circumstance hereinabove indicated; or
   e. Control a violent subject or a subject threatening imminent violence.

5. Agents should use verbal commands directed at the subject to obey police orders and cease illegal behavior or dangerous behavior prior to the deployment of the XREP when practical, if circumstances allow it without risk to the safety of other agents or citizens.

6. Only sworn personnel, who have been trained in the use of XREP are authorized to deploy them. Such training must be received annually.
7. When deploying the XREP, the preferred target areas are the waist, abdomen, legs and buttocks. The chest/breast area (above sternum), head/neck, groin and spine should not be intentionally targeted.

8. When encountering situations in which the use of less lethal physical force is objectively reasonable, agents must assess the incident in order to determine which level of force is appropriate. Absent exigent circumstances, agents should generally not use the XREP when:
   a. The subject is known or appears to be pregnant;
   b. The subject is believed to be twelve years of age or less, while taking into consideration the juvenile’s size, aggressiveness, and intent;
   c. The subject is physically disabled or elderly while taking into consideration the size, aggressiveness, and intent of the subject;
   d. When the intended target is on a high structure or in any area where a significant fall could result and cause further injury (i.e., ladder or stairwell);
   e. When the subject is in or around water where drowning could result;
   f. When flammable liquids and/or fumes are present which have the potential to ignite. The XREP can ignite gasoline or other flammable substances; or
   g. The subject is in physical control of a vehicle in motion to include such things as automobiles, trucks, motorcycles, ATVs, and bicycles.

9. If practical, agents deploying the XREP should have a cover agent in close proximity prepared to counter a suspect with lethal force should the threat level to the agent or others unexpectedly escalate.

10. Agents should attempt to use the XREP induced impairment as a window of opportunity during which the subject can be restrained.

11. After the deployment of the XREP, a supervisor shall respond to the scene and shall ensure the expended XREP projectile is collected when practical. The expended XREP projectile should be booked as evidence and if necessary should be sent to TASER International for retrieval/analysis of discharge log.

12. Reports shall be written documenting the use of force. Copies of all reports shall be forwarded for review via the involved employee’s chain of command under the use of force review process.

13. The Professional Standards Section/Training Unit Sergeant is designated to manage and coordinate the administrative aspects of the XREP program.

C. Rule
1. Whenever any person is struck by an XREP:
   a. Paramedics shall be summoned for medical assistance.
   b. The person shall be transported to a medical facility for examination.
   c. Injuries, such as puncture marks and any abrasions, shall be documented and photographed.

2. Only qualified medical personnel should remove the XREP ECD projectile from a subject.

3. Agents shall not deploy the XREP upon a subject, knowing the subject has been exposed to chemical agent(s) deployed by non-Lakewood personnel.

4518 TASER DEVICES

A. Policy

The department recognizes the use of Electronic Control Devices (ECD)/Tasers as a legitimate tool that allows the police to effectively stop assaultive or threatening behavior thus permitting agents to establish physical control over a subject who is actively resisting an agent’s efforts to control him. The Taser should be used to assist an agent in establishing a greater degree of physical control over a subject and thereby minimizing the subject’s ability to present a physical threat to the police or others. The Taser is intended to provide a force option, which has a reduced likelihood of causing permanent bodily injury.

B. Procedure

1. TASER Brand devices are Electronic Control Devices, which use electrical energy to incapacitate a subject.

2. Prior to deploying the TASER, personnel should:
   a. Check to ensure the Taser’s battery status is above 20% on the C.I.D. display. If the readout is under 20%, the Taser shall be dead lined until serviced.
   b. A spark test shall be conducted at the beginning of each shift to ensure the proper functioning of the electrical components.
   c. Check to ensure the probe cartridge is properly inserted.
   d. Carry the Taser in a holster specifically designed for the unit. The Taser shall be carried on the weak side or opposite side of any duty weapon.
   e. Check to ensure that flammable liquids or fumes are not present at the scene of deployment.
3. The Taser may be deployed when objectively reasonable to:
   
   a. Control a person who is armed with a deadly weapon and is threatening suicide; or
   
   b. Control a person who is about to commit suicide or inflict serious bodily injury upon himself; or
   
   c. Disarm or disable a subject who is armed with a deadly weapon and is engaging in illegal or dangerous behavior; or
   
   d. Prevent injuries to police or citizens or to prevent large-scale property destruction in crowd control or riot conditions; or
   
   e. Control a violent subject or a subject threatening imminent violence; or
   
   f. Control a subject who is actively resisting arrest; or
   
   g. Control a subject who is attempting to evade arrest or detention by flight. The police agent must have reasonable suspicion to believe that the subject has committed, is committing, or is about to commit a crime. The mere act of an individual fleeing does not constitute reasonable suspicion of criminal activity and does not justify the use of the Taser. The police agent should consider the severity of the crime involved before using a Taser on a fleeing subject.

4. Agents should use verbal commands directed at the subject to obey police orders and cease illegal behavior or dangerous behavior prior to the deployment of the Taser when practical, if circumstances allow it without risk to the safety of other agents or citizens.

5. Only sworn personnel, who have been trained in the use of Tasers are authorized to deploy them. Such training must be received annually.

6. Reasonable efforts should be made to avoid simultaneous deployments of a Taser on a subject.

7. When deploying the Taser in the cartridge-firing mode, the preferred target areas are the lower center mass (below sternum) for the front and below the neck area for the back. The head/neck, the chest/breast area (above sternum), or groin should not be intentionally targeted in the cartridge-firing mode.

8. When deploying the Taser in the drive stun mode, the operator should not intentionally target the head, back of neck, throat, chest/breast area (above sternum) or groin.

9. When encountering situations in which the use of less lethal physical force is objectively reasonable, agents must assess the incident in order to determine which level of force is appropriate. Absent exigent circumstances, agents should generally not use the Taser when:
a. The subject is known or appears to be pregnant;

b. The subject is believed to be twelve years of age or less, while taking into consideration the juvenile's size, aggressiveness, and intent;

c. The subject is physically disabled or elderly while taking into consideration the size, aggressiveness, and intent of the subject;

d. When the intended target is on a high structure or in any area where a significant fall could result and cause further injury (i.e., ladder or stairwell);

e. When the subject is in or around water where drowning could result;

f. When flammable liquids and/or fumes are present which have the potential to ignite. The Taser can ignite gasoline or other flammable substances; or

g. The subject is in physical control of a vehicle in motion to include such things as automobiles, trucks, motorcycles, ATVs, and bicycles.

10. If practical, agents deploying the Taser should have a cover agent in close proximity prepared to counter a suspect with lethal force should the threat level to the agent or others unexpectedly escalate.

11. Agents should attempt to use the Taser induced impairment as a window of opportunity during which the subject can be restrained.

12. Agents should avoid multiple activations or continuous cycling whenever practicable in order to minimize the potential for over-exertion of the subject or potential impairment of full ability to breathe over a protracted time period. This is particularly true when dealing with subjects under the influence of drugs or when subjects are showing symptoms of excited delirium. Persons suffering from excited delirium often exhibit bizarre, irrational, or agitated behavior including a violent struggle against the agents who are trying to subdue them, often with what seems like superhuman strength. It may also be caused by drug induced excited delirium. Excited delirium is a potentially fatal condition; these subjects are at significant risk of death from prolonged exertion and/or impaired breathing.

13. Prior to repeated, prolonged, and/or continuous exposure to multiple Taser discharges, agents should when practicable:

   a. Take note of the subject’s behavior and breathing; and

   b. Consider whether the additional applications are making sufficient progress toward restraining the subject or whether a different force option is warranted.

14. If circumstances prevent restraint procedures during the Taser application, such as a single agent acting alone, the agent should when practicable consider whether
the additional applications are making sufficient progress toward restraining the subject or whether a different force option is warranted.

15. Each additional application of the Taser on a subject must be in compliance with this policy.

16. After the deployment of the TASER, a supervisor shall respond to the scene and shall ensure that a reasonable number of the AFID identification tags are collected. These tags contain the serial number of the cartridge that was fired. The cartridge and AFID identification tags shall be booked into Property with the probes reversed and inserted back into the cartridge probe channel, POINT FIRST, then taped to prevent dislodging.

17. The on-scene supervisor is responsible for ensuring any Taser that was deployed will be brought to the station and information regarding the deployment of this device is downloaded to the TASER computer program. The supervisor shall record the time, date the device was fired, and the number and duration of stun cycles used. Supervisors should be aware that Taser download data might be unreliable.

18. Reports shall be written documenting the use of force. Copies of reports shall be forwarded for review via the involved employee’s chain-of-command under the use of force review process.

19. Tasers shall be kept as standard equipment in each of the sergeant’s vehicles in the patrol division. Other available Taser units shall be stored and checked out for use only by certified personnel, from the patrol armory, the Mills Substation, or other location designated for their storage. Individual Taser units shall be conspicuously numbered for ease of sign-out and inventory.

20. Taser units found to be malfunctioning shall be conspicuously tagged and delivered to the Equipment Services Technician along with a completed form documenting the problem. The same form as used for vehicle maintenance requests may be used for this purpose.

21. The Patrol Support Coordinator will be responsible for arranging the repair of malfunctioning Tasers, for maintaining a sufficient supply of batteries and cartridges for patrol Tasers, and for inventory control.

22. Supervisors will ensure that proper sign out protocols are followed and that due care is taken of the Tasers and related equipment in use.

23. Tasers or Taser cartridges that are inoperable, lost, accidentally discharged, or broken shall be reported immediately to a supervisor. Replacement cartridges will be issued by the Equipment Services Technician, a supervisor, or a certified Taser instructor. Supervisors will report the circumstances through their chain of command.

24. The Professional Standards Section/Training Unit Sergeant is designated to manage and coordinate the administrative aspects of the Taser program.

C. Rule
1. The Taser shall not be used against a subject who is passively resisting and who does not counter, in any meaningful way, an agent's attempts to physically control him. Passive resistance includes the failure of a subject to comply with verbal orders of a police agent.

2. The Taser shall not be used as punishment.

3. The Taser shall not be used on a subject who is restrained unless the restrained subject poses a physical threat to another person. When a taser is used upon a restrained person, additional restraints must be used on the subject as a follow-up.

4. Whenever any person is struck by the Taser in either the cartridge firing mode or the drive stun mode:
   a. The person shall be transported to a medical facility for examination.
   b. Injuries, such as puncture marks, signature burns, and any abrasions, shall be documented and photographed.

5. Only qualified medical personnel should remove Taser probes that have penetrated into a subject.

6. Only trained and certified personnel may checkout and deploy police department Tasers and shall deploy the Taser only in the manner in which trained. Individuals carrying personally owned Tasers shall follow all departmental policies and procedures regarding the use of the Taser.

7. Unless it is objectionably reasonable to protect the K-9 from the imminent danger of being killed, the Taser shall not be used on the suspect simultaneously with the deployment of the police K-9 in the bite mode.

8. Agents shall not deploy the Taser upon a subject, knowing the subject has been exposed to chemical agent(s) administered by non-Lakewood personnel.

4519 CHEMICAL AGENTS

A. Policy

The police department recognizes that chemical agents may be useful in safely effecting arrests or in resolving certain situations, including crowd control and barricaded subjects. In order to minimize injury to suspects, police personnel, and others or in some instances to avoid damage to property, the use of chemical agents, such as OC (Oleoresin Capsicum) or CS (Ortho Chlorobenzalmalonitrile) may be necessary by authorized police personnel when objectively reasonable to bring a subject under control.

B. Procedure

1. Carrying chemical agents within aerosol-type containers by authorized police personnel is optional.

2. Police personnel shall only carry a department-approved type of chemical agent.
3. Prior to carrying a chemical agent as an individual protective device or to deploying other chemical munitions, police personnel shall receive training in its use by the department's training staff. A copy of the training report shall be forwarded to the Training Unit.

4. The department's training staff shall provide annual retraining in the use of chemical agents to those personnel who choose to carry an OC based individual protective device.

5. Chemical agents may be used when objectively reasonable pursuant to the use of physical force policy or to prevent an attack by an animal.

6. Chemical agents shall be applied according to the product manufacturer's instructions and directions of the department's training staff.

7. Police personnel applying chemical agents are responsible for assuring that the sprayed subject is decontaminated and provided with medical assistance, if requested.

8. The use of chemical agents on a subject requires that all pertinent reports be copied and forwarded for review via the involved employee's chain of command under the "Use of Force" review process.

9. Authorization for use of a chemical agent, other than oleoresin capsicum (OC) in aerosol-type containers shall not ordinarily be given by a police agent below the rank of sergeant; and the use of chemical agents for crowd or riot control shall ordinarily be authorized by an agent of the rank of Sergeant or higher, except, in the event of a dire emergency where the agent in charge of a field situation cannot reasonably contact higher authority, the agent in charge of such situation may authorize the use of a chemical agent in the circumstance hereinabove indicated.

C. Rule

1. Police personnel, who elect to carry chemical agents, shall carry and deploy only those types, which have been approved by the department.

2. Chemical agents approved by the department for individual carry are OC based chemical sprays. Police employees are only authorized to carry those brands in which the product label clearly indicates that they are non-flammable and either EMD safe, ECD safe, EDW safe, or Electronic Immobilization Device Compatible.

3. Prior to the deployment of a chemical agent, due regard shall be exercised for the safety of the subject, police personnel, and innocent citizens. Proper scene cordon and evacuation techniques shall be utilized. Only the minimal amount of chemical agent necessary shall be deployed and consideration of a fire hazard shall be undertaken, with fire department personnel on scene prior to the deployment of tear gas whenever possible.

4520 BATON

B. Procedure
1. The baton may be carried by agents and shall be kept in a readily available location in the patrol vehicle, or on their duty belt in a baton ring.

2. The authorized baton shall consist of one straight piece of wood or polycarbonate material. It shall be no less than 26 inches and no more than 42 inches in length. Neither end shall be weighted heavier than the other. The diameter of the baton shall not exceed 1-¼ inches. There shall be no straps attached.

3. Agents may, as an option, carry an approved collapsible metal baton at least 26 inches and no longer than 31 inches in length. The baton must be carried in an approved carrier, matching the agent’s leather or nylon gear. The ASP, the Winchester Heavy Duty Expandable Baton, and the Peacekeeper Rapid Containment Baton, are approved for carry by Lakewood police agents.

4. The baton may be used when objectively reasonable pursuant to the use of physical force policy or to prevent an attack by an animal.

4521 REPORTING USE OF FORCE

A. Policy

It is the intent of the department to track critical incidents involving its personnel for training, record-keeping, and analysis purposes.

B. Procedure

1. Use of force incidents are to be reported to Internal Affairs using the AIM system. It is to be used to report on the following incidents:
   - Vehicle pursuits
   - K-9 applications – injury
   - Firearms discharges
   - Less lethal force applications (Taser, bean bag, pepperball, baton, OC spray)
   - Force applications resulting in injury to the subject(s)

2. Use of force incidents will be reviewed by the Supervisor and Internal Affairs Unit. Use of Force reports will be kept on file for four years plus the current year. At the discretion of the Chief of Police or his designee, the report may be retained for a longer period.