



AGENDA

**Ad Hoc Committee on Animal Control Policies Meeting
Wednesday, April 6, 2011
6:00 p.m. – 7:30 p.m.
City Hall South Conference Room**

1. Call to Order
2. Discussion of additional animal control training and equipment being provided or planned
3. Discussion of status of Interlocal Agreements/Mutual Aid Agreements for back up animal control services
4. Review and discussion of the following Des Moines Police Department Policies as related to animal control and use of force:
 - a. 820 Animal Control
 - b. 300 Use of Force
 - c. 302 Deadly Force Review
 - d. 304 Shooting Policy
 - e. 309 Taser Guidelines
 - f. 310 Officer Involved Shooting
 - g. 400 Patrol Function
5. Next Steps
6. Future meetings

Beginning July 1st, the city of Des Moines will no longer be contracting with King County Animal Control for any animal sheltering.

Des Moines Police Department has its own Animal Control Officer and has for many years, so those services will remain the same- we will continue to provide service for vicious/dangerous dog problems, dog bite reports, animal cruelty investigations, dog and cat licensing, nuisance animal complaints, lost and found pet reports, enforcement of animal control laws, rescue of sick/injured domestic animals, animal care and control education, and referral to other animal service agencies.

Since the first part of 2010, the city of Des Moines has entered into contracts with local vendors, which include a boarding kennel and four veterinary hospitals, for animal care and shelter services; pets impounded from Des Moines are now being cared for at one of those vendors' facilities instead of the King County Animal Control shelter.

What to do if you have lost a pet, found a pet, need to place your pet in a new home, or have an animal emergency:

- Citizens who find a pet in the city limits of Des Moines should contact the Animal Control Division of the Police Department (206) 870-6549 or (206) 878-3301 regarding care and possible impoundment of the animal.
- Citizens who have lost a pet should check all area shelters and police departments, as pets can roam and cross into other jurisdictions.
- Citizens thinking of placing their own pet in a new home may call the Animal Control Officer for resources and assistance to help keep their pet; however, if there is no other option, they should contact area rescue groups, area shelters, and Petfinder.com for possible placement assistance.
- And as always, if a public safety emergency is occurring such as an in-progress vicious dog attack, citizens should call 911.

Adoptions of friendly, healthy pets will also be offered on occasion through the Animal Control Division of the Police Department; thankfully most nice impounded pets are claimed by their owners, but on occasion there may be a pet available for adoption at one of the local vendors. Des Moines pet adoptions will also be occasionally offered through area rescue groups, local media, Petsmart stores, and Petfinder.com.

For additional questions regarding the changes in animal sheltering, please contact Master Animal Control Officer Jan Magnuson at JMagnuson@desmoineswa.gov or (206) 870-6549.

D.M.M.C. 8.16

- Dogs that have attacked or bitten a person or animal may be declared dangerous and kept within the city limits *only* when certain requirements have been met:

- A proper enclosure for the dog
- A muzzle and leash
- An identifying microchip
- Liability insurance
- Posting of the premises
- A special license

D.M.M.C. 8.16 Penalty:

(in addition to possible impoundment)

- A first violation is a \$137.00 fine
- A second violation is a \$513.00 fine
- A third violation is a gross misdemeanor and may include a fine and jail time.

D.M.M.C. 15.04

- Animals must be kept under leash control & feces must be picked up in the marina.

D.M.M.C. 15.04 Penalty

(in addition to possible impoundment)

- A violation of this chapter is a \$513.00 fine.

D.M.M.C. 19.08

- Animals must be kept under leash control & feces must be picked up in city parks.

D.M.M.C. 19.08 Penalty

(in addition to possible impoundment)

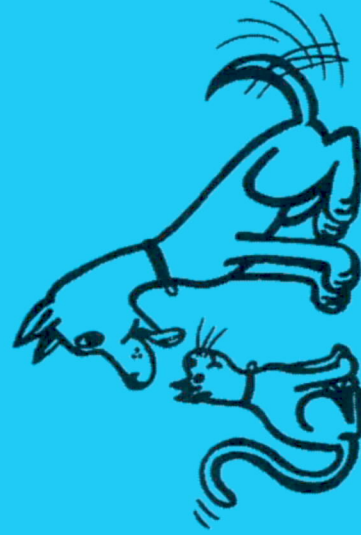
- A violation of this chapter is a \$291.00 fine.

NUMBER OF ANIMALS ALLOWED

A total of 3 dogs, cats, pet rabbits, or 2 miniature pigs is the maximum allowed. Wildlife may not be kept as pets in the city. An excess amount of dogs, cats, pet rabbits or miniature pigs; livestock, exotic animals and fowl may be kept only upon passing of inspection and issuance of a permit by the city.

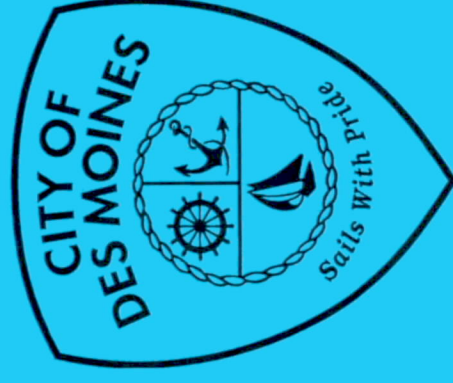
BE A RESPONSIBLE PET OWNER !

- Choose your pet wisely.
- License & microchip your pet.
- Have your pet spayed or neutered.
- Have your pet vaccinated against rabies and other diseases.
- Keep your pet under proper leash control.
- Obedience train your pet.
- Clean up after your pet.
- Give your pet plenty of attention, exercise and love.
- Supply your pet with quality food and fresh water.
- Keep your pet properly groomed and parasite free.
- Provide proper shelter for your pet.
- Have your pet treated by a veterinarian if it becomes sick or injured.
- Know that your pet is a lifetime commitment.



DES MOINES ANIMAL CONTROL

LAWS & SERVICES



CITY OF DES MOINES POLICE DEPARTMENT

**EMERGENCY CALL 911
ANIMAL CONTROL DIVISION**

**(206) 870-6549
BUSINESS LINE**

**(206) 878-3301
21900 11th Avenue South
Des Moines, WA 98198**

THIS BROCHURE is intended to provide basic information regarding animal control laws and services within the city limits of Des Moines. For more information or to request services please contact:

DES MOINES POLICE DEPARTMENT

Emergency call 911

Animal Control Division

(206) 870-6549

Business Line

(206) 878-3301

21900 11th Avenue South

Des Moines, WA 98198

www.desmoineswa.gov

For information about lost or found pets, contact the Des Moines Police Department Animal Control Division.

City Web site: www.desmoineswa.gov

E-mail: animal@desmoineswa.gov

Phone: 206-870-6549

The city contracts with several facilities for animal sheltering, so please contact us directly if you have lost your pet.

SERVICES PROVIDED BY ANIMAL CONTROL

- Animal cruelty investigations
- Pet licensing
- Educational information about pets and pet ownership
- Impoundment of stray domestic animals
- Nuisance animal complaint investigations
- Rescue of sick or injured animals
- Humane trapping of nuisance domestic animals
- Enforcement of animal control laws
- Dog Bite reports & quarantine
- Vicious dog investigations & capture
- Referral to other animal service agencies

DES MOINES MUNICIPAL CODE ANIMAL CONTROL LAWS

D.M.M.C. 8.04

- **"Leash Law"** - Animals must be kept under leash control when off the owner's property
- **"Scoop Law"** - Animal feces must be picked up
- **"Dangerous Dog Law"** - Animals may not be vicious to people or other animals
- **"Barking Law"** - Animals may not make unreasonable noise
- **"License Law"** - All dogs and cats over 6 months of age must be vaccinated for rabies, licensed, and wear the tag on their collar.
 - Annual License -
 - Altered dogs and cats - \$20.00
 - Unaltered dogs and cats - \$60.00
 - Pet Licenses valid Jan-Dec
 - 60 day late fee: add 50%
 - 120 day late fee: add 100%
 - Senior Citizens may obtain a lifetime license for their spayed or neutered pet for no charge.
 - Licenses may be purchased through the mail, at the King County Shelter, or at the Police Department.
- **"Quarantine Law"** - Any animal that bites and breaks the skin of a person must be immediately quarantined; quarantine is defined as an initial veterinary exam, a 15 day confinement period, and then a final veterinary exam to alleviate any chance of rabies infection. This law applies to all pet animals, including those that have had rabies vaccinations and those that are strictly house pets.

D.M.M.C. 8.04 Penalty

(in addition to possible impoundment)

- A first violation (within a 12 month period) is an \$86.00 fine. (per violation)
- A second violation is a \$137.00 fine.
- A third violation is a \$137.00 fine, except for vicious violations, which are a \$513.00 fine.
- Additionally, a third conviction of violations of this chapter (within a 12 month period) or a dog that attacks a person twice (within a 5 year period) is declared a public nuisance and may not be kept within the city.

State Law R.C.W. 16.52

- **"Cruelty Law"** - Animals may not be abused, abandoned, or neglected. All pet animals must be provided with food, water, shelter and care at least every 36 hours.

R.C.W. 16.52 Penalty

(in addition to possible impoundment)

- Violations of this chapter may be a felony or a misdemeanor, (depending on the severity of the violation) and may include a fine and jail time.

D.M.M.C. 9.16

- Animals may not be poisoned or trapped (excluding insect or rodent control) without proper authority.

D.M.M.C. 9.16 Penalty

- A violation of this chapter is a misdemeanor and may include a fine and jail time.

D.M.M.C. 8.08

- Any person or dog may not disturb or injure any waterfowl.

D.M.M.C. 8.08 Penalty

(in addition to possible impoundment)

- A violation of this chapter is a \$137.00 fine (per waterfowl).

Memo

To: Chief O'Leary, Commander Tucker, Commander Collins
From: Officer Jan Magnuson
CC: Sergeant Mohr, Shawwna Mechler
Date: 040111/ First Quarter 2011 Report

- Pets rescued/adopted into new homes: Dogs- 2, Cats- 2, Other (ferret)- 1
- Animals Impounded- those released back to owners, plus those impounded to a shelter facility):

Dogs- 23, Cats- 2, Other (ferret)- 1

- Pet Licenses sold: Dogs- 539, Cats- 145
- Warnings, Notices of Violation, Case Reports and NOI's/Citations: approx. 50
- Citizen contacts via phone, email, and in person: approx. 1,000

I am Vice President of the Washington Animal Control Association (<http://waca.wikidot.com>). I attended the WACA board of directors 3-day meeting/retreat, and I wrote articles for the WACA Times newsletter. As Vice President, I am the liaison with other animal care and control associations in other states and on a national level. I am also the Director/Coordinator and an instructor for the WACA/CJTC Animal Control Officer Academy- the Academy was March 14-25, 2011 at the CJTC and, and we graduated 17 student officers (15 from WA and 2 from Idaho) this year.

I wrote articles on animal care and control for the Des Moines Rec N Roll/City Currents newsletter.

I am a member of Des Moines Rotary and attend weekly lunch meetings and participate in programs/events for charity, including supporting the Des Moines Farmers Market and participating in the Poverty Bay Wine Festival.

I maintained the requirements for my Master Animal Control Officer title.

I have been assisting Ofc. Shepard and Chaplin K. with developing our Peer Support Team.

I did six training sessions with DMPD officers, instructing them on "How to Handle Potentially Vicious Dog Situations For First Responders- Police and Fire".

I inspected and re-issued Potentially Dangerous Dog and Dangerous Dog licenses to the five PDD/DD's in our city.

I did the annual inventory of our animal capture, trapping and restraint equipment.

I did the semi-annual legend drug inventory and Officer report of our tranquilizer/euthanasia drugs per WSBOP and DEA.

The Assistant City Attorney and I have been working on updates to our PDD/DD code and we are scheduling a presentation before the city council.

I was on the SJU luncheon committee and assisted with set-up and organization.

I met with the Matrix group to discuss and provided reports on my job duties.

I have continued to meet with area police agencies and vendors for the cities of Burien, Federal Way and Normandy Park, to assist them with their animal control programs.

Our new Animal Shelter program is going great- we are now fully utilizing veterinary hospitals and a boarding kennel for our animal sheltering facilities. We are screening lost/found pet reports, and are often able to assist with reuniting pets with their owners without having to impound the pet. In addition, we have been doing our own pet adoptions, and our program is very successful!

TASER® X26E Operating Manual

Law Enforcement



CUSTOMER SERVICE:

U.S.: 1.800.978.2737 or 1.480.905.2000

International: +1.800.978.2737 or +1.480.905.2000

www.TASER.com



TASER

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TASER

IMPORTANT SAFETY AND HEALTH INFORMATION

Read, understand and follow the warnings and safety instructions contained in the enclosed Product Warnings document included with this weapon. The most current warnings are posted on our website at www.TASER.com. Do not attempt to use this device until you have completed training with a TASER International certified instructor.



This warning label appears on TASER device models.

TASER® Electronic Control Devices (ECDs) are weapons designed to incapacitate a person from a safe distance while reducing the likelihood of serious injuries or death. Though they have been found to be a safer and more effective alternative when used as directed to other traditional use of force tools and techniques, it is important to remember that the very nature of use of force and physical incapacitation involves a degree of risk that someone will get hurt or may even be killed due to physical exertion, unforeseen circumstances and individual susceptibilities.

OPERATIONAL SAFETY

To minimize the risk of injury before, during, and after use, consider the following:

MINIMIZE RISKS BEFORE USE

- **Read and Heed.** Read, understand and follow all warnings and instructions before using the X26.
- **Complete Training First.** Do not attempt to use a TASER device unless you have been trained and certified by a TASER International, Inc. certified instructor.
- **Obey Applicable Laws.** Carry and use the TASER device in accordance with applicable federal, state, and local laws as well as your law enforcement agency's guidance – policies, procedures, training, etc.
- **Store in a Secure Location.** Store the TASER X26 in a secure location inaccessible to children and other unauthorized persons. TASER devices are not toys, and users should avoid any inappropriate deployments and/or activations, which may result in serious bodily harm to the user or others, including animals.

MINIMIZE RISKS DURING USE

- **Avoid Torturous or Other Misuse.**
- **Assume Device is Loaded.** Always assume that a TASER device is loaded. Do not point a TASER device at anything you do not intend to hit.
- **Avoid Unintentional Activation.** Keep finger away from trigger until ready to use.
- **Keep Body Parts Away From Front.** Keep your hands and body parts away from the front of the TASER Cartridge.
- **Avoid Static Electricity Discharge.** Avoid contact between static electricity and the TASER cartridge because static electricity can cause unexpected discharge.
- **Do not point the laser at the eyes or stare into the beam.**



USE OF FORCE POLICY

Each agency is responsible for creating its own use-of-force policy and determining how TASER devices fit into their use-of-force matrix based on legal and community standards. Make sure your agency has a use-of-force policy that addresses TASER device use and that this policy is clearly addressed during end-user training.

FLAMMABILITY

Beware – TASER Devices Can Ignite Explosive Materials, Liquids or Vapors. These include gasoline, other flammables, explosive materials, liquids, or vapors (e.g., gases found in sewer lines, methamphetamine labs, and butane-type lighters). Some self-defense sprays (for example, pepper sprays), use flammable carriers such as alcohol and could be dangerous to use in immediate conjunction with TASER devices.

Some personal defense sprays labeled "non-flammable" may ignite when used in conjunction with TASER devices. It is recommended that each agency conduct its own tests to determine the compatibility of its personal defense spray with TASER devices.

WHAT IS THE TASER X26?

The TASER X26 is a software upgradable electronic control device manufactured by TASER International, Inc. Electronic Control Devices (ECD) use propelled wires or direct contact to conduct energy to affect the sensory and motor functions of the nervous system.

The TASER X26 uses a replaceable cartridge containing compressed nitrogen to deploy two small probes that are attached to the TASER X26 by insulated conductive wires. The TASER X26 transmits electrical pulses along the wires and into the body affecting the sensory and motor functions of the peripheral nervous system. The energy can penetrate up to two inches of clothing, or one inch per probe. The cartridges are available with various wire lengths from 15' to 35' (4.2 meters to 10.6 meters). See www.TASER.com for current specifications. A citizen model of the X26 is also available where legal and has different operating characteristics than the law enforcement model. Sale of cartridges with wire length longer than 15' is limited to law enforcement only.

The X26 has an internal memory that stores the operating software and a record of every deployment. See the DOWNLLOAD section for more details.



NEUROMUSCULAR INCAPACITATION (NMI)

The human nervous system communicates with simple electrical impulses. The command center (brain and spinal cord) processes information and makes decisions. The peripheral nervous system includes the sensory and motor nerves. The sensory nerves carry information from the body to the brain (temperature, touch, etc.). The motor nerves carry commands from the brain to the muscles to control movement and can be involuntary in response to the sensory information. An example would be the involuntary muscle reaction to pull a hand away from a hot object.

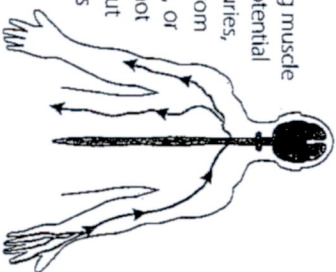
TASER technology uses similar electrical impulses to cause stimulation of the sensory and motor nerves. Neuromuscular Incapacitation (NMI) occurs when a device is able to cause involuntary stimulation of both the sensory nerves and the motor nerves. It is not dependent on pain and is effective on subjects with a high level of pain tolerance.

Previous generations of stun guns could primarily affect the sensory nerves only, resulting in pain compliance. A subject with a very high tolerance to pain (e.g., a drug abuser, or a trained, focused fighter) might be able to fight through the pain of a traditional stun gun.

COMMON EFFECTS OF NMI

The use of TASER technology causes incapacitation and strong muscle contractions making secondary injuries a possibility. These potential injuries include but are not limited to: cuts, bruises, impact injuries, and abrasions caused by falling, and strain-related injuries from strong muscle contractions such as muscle or tendon tears, or stress fractures. These injuries are secondary in nature and not directly attributable to the electric output of the TASER device, but are possible consequences of the strong muscle contractions the TASER device induces to produce incapacitation. Some of the effects may include:

- Subject can fall immediately to the ground and be unable to catch him/herself.
- Subjects located in the water may drown if their ability to move is restricted.
- Subject may yell or scream.
- Involuntary strong muscle contractions.
- Subject may freeze in place with legs locked.



- Subject may feel dazed for several seconds/minutes.
- Potential vertigo.
- Temporary tingling sensation.
- May experience critical stress amnesia (may not remember any pain).

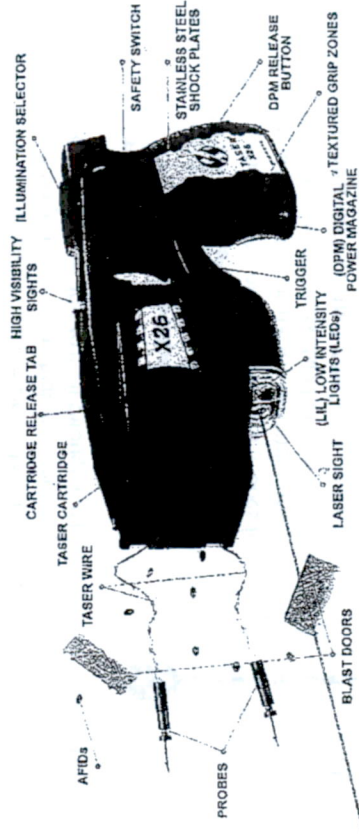
For a full list of warnings, see www.TASER.com.

BASIC X26 ELECTRICAL THEORY

- Electricity must be able to flow between the probes or the electrodes.
- Electricity generally follows the path of least resistance between the probes.
- The greater the spread between the probes on the target, generally the greater the NMI effectiveness.
- Electricity will generally not pass to others in contact with the subject unless contact is made directly between or on the probes.
- Electricity can arc through clothing, and even some bullet-resistant materials.
- Exposure to water will not cause electrocution or increase the power to the subject (the electrical charge is fixed inside the TASER device, and will not increase significantly even with environmental changes).

Modern pacemakers and implanted cardiac defibrillators withstand external electrical defibrillators at least 800 times stronger than the TASER conducted energy pulses.

TASER X26 AND CARTRIDGE FEATURES



The X26 is constructed of impact resistant sonic welded polymer and weighs approximately 7 ounces. Various color options are available. See www.TASER.com for the most current specifications.



SAFETY SWITCH: Ambidextrous safety switch can be operated from either side.

- Safety Switch down (SAFE).
- Safety Switch up (ARMED) and ready to deploy.
- Do not block the safety switch on one side of the X26 while attempting to move it on the other side. This can break the safety switch and disable the device.
- If the X26 safety switch is left in the up (ARMED) position for more than 20 minutes, the system will shut down to preserve DPM battery life.
- To re-arm the weapon, simply cycle the safety switch to the down (SAFE) position, then back to the up (ARMED) position.

DIGITAL POWER MAGAZINE (DPM) OR XDPM

The Digital Power Magazine is much more than just a lithium energy cell power supply system for the X26. In addition to the lithium energy cells that power the X26, the DPM also contains an onboard memory chip that maintains a record of the remaining power level in the DPM. The DPM memory also contains specific information of energy cell performance and life expectancy for the energy cell pack at various temperatures and for various loads.

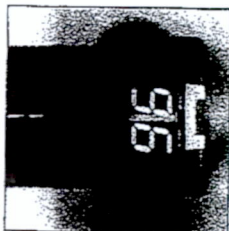


The X26 keeps track of how much the various features of the weapon are affecting the energy cell life and updates the memory in the DPM accordingly. The battery percentage indicated is a calculated value and not a direct reading of the battery voltage. Do not store the DPM anywhere that the gold contacts on the top of the DPM may touch metal objects. If you cause an electrical short between these contacts, it will drain the lithium energy cells, but the DPM will continue to show 99% power. The power level indicator only registers power consumed by the X26. If you short circuit the DPM, the DPM will malfunction and the energy lost during the short circuit will not be registered or tracked in the DPM. The DPM also contains memory that can update the X26 device software, and add extended warranties to the X26. Visit www.TASER.com for detailed warranty information.



The X26 must be stored with DPM/XDPM inserted at all times. If the DPM/XDPM is left out for an extended period of time, software in the X26 may be damaged resulting in possible failure of the device and the date/time may be reset.

The DPM has enough power for approximately 195 five-second firings depending on temperature. The DPM will use more energy in colder weather than warm weather. For the most current specifications, see www.TASER.com. The XDPM has all the same features as the DPM plus a holder for a spare TASER Cartridge.

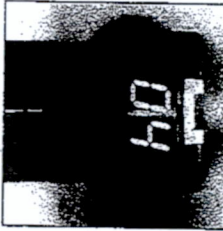


CENTRAL INFORMATION DISPLAY (CID)

The CID is a two-digit display on the back of the X26 that provides the following information:

DPM POWER LEVEL (ENERGY CELL INDICATOR):

When the safety switch is up (ARMED), the CID will display the percentage of DPM power remaining. This indication will last for 5 seconds. After 5 seconds, the CID will display two dots to indicate the weapon remains armed.



SPARK DURATION:

When the X26 is deployed, it delivers a 5-second Shaped Pulse energy burst. The CID displays a countdown from 5 to 0 indicating how many seconds remain in the current burst. The burst can be stopped at any time by positioning the safety switch to the down (SAFE) position.

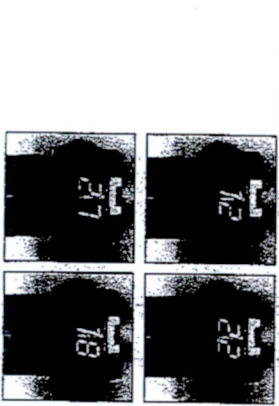


X26 STATUS DATA:

When a DPM is inserted in the X26, the device will enter a "boot-up" sequence and cycle through the following information:

EXAMPLE:

07.09.03--07.08.09.12.22--27--18
 07 Warrantly expiration year (2007)
 09 Warrantly expiration month (September)
 03 Warrantly expiration date (3rd)
 07 Current year (2007)
 08 Current month (August)
 09 Current date (9th)
 12 Current hour (GMT)
 22 Current minutes
 27 Internal temperature of the X26 (27 °C)
 18 X26 software version (18)



ILLUMINATION SELECTOR (LASER AND LED FLASHLIGHTS)

The operator can select four modes of illumination when using the X26. To change the illumination setting:



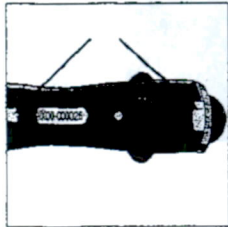
1. Place the safety switch in the down (SAFE) position, remove the TASER Cartridge, and aim the X26 in a safe direction (such as toward the ground). Note: The Illumination selector is disabled if the safety switch is in the up (ARMED) position.
2. Press and hold the Illumination Selector for approximately 1 second until the CID display illuminates.
3. Press and release the Illumination Selector to toggle through the four available settings until the setting you desire is designated on the CID. Stop when the setting you desire is displayed.

NOTE: Using pens or paper clips to press the Illumination Selector may damage it.



LF: Laser and Flashlight both illuminate
 LO: Laser Only will illuminate
 OF: Only Flashlight will illuminate
 OO: Neither the Laser nor the Flashlight will illuminate and the CID display is dimmed

The selected mode displays for 5 seconds, and will be the default mode the next time the safety switch is moved to the up (ARMED) position.



HIGH VISIBILITY SIGHTS

The mechanical sights on the X26 are molded in a contrasting color to provide manual aiming of the X26.



TRIGGER

Unlike a firearm trigger, the TASER X26 trigger is a momentary electrical switch. The switch is operational only when the safety switch is in the up (ARMED) position. Depressing and releasing the trigger will result in a five-second discharge unless the safety switch is moved to the down (SAFE) position. Holding the trigger switch for more than 5 seconds will result in a continuous discharge until the trigger switch is released, or the DPM is depleted.

WARNING: In the event of an accidental discharge, immediately move the safety switch to the down (SAFE) position to stop the discharge cycle.



ELECTRODES

The front of the X26 contains two metal electrodes. These electrodes direct the charge to the electrodes on the cartridge to initiate deployment of the probes. In addition, the electrodes provide the ability to use the X26 in a "drive-stun" mode as a traditional stun-gun type device.



STAINLESS STEEL "SHOCK" PLATES

The sides of the DPM compartment have stainless steel "shock" plates for added strength. Shock plates are available in silver and black colors.

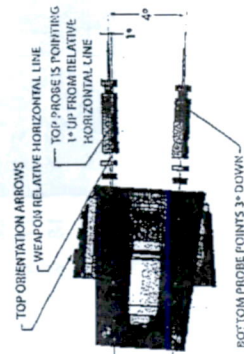
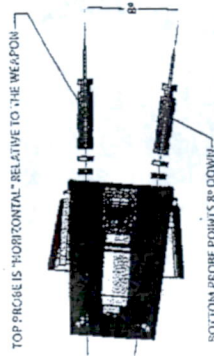
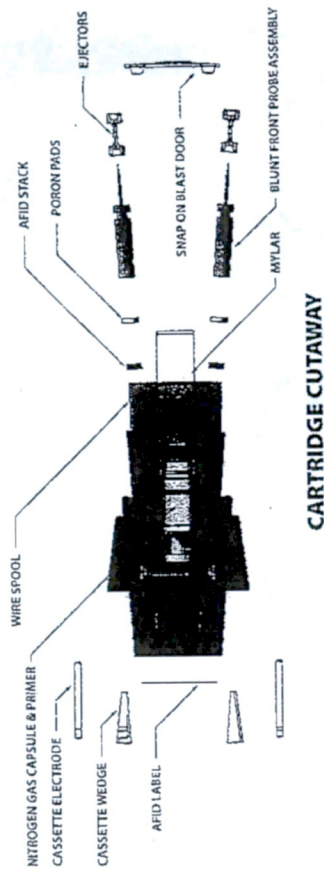


TEXTURED GRIP ZONES

The handle of the X26 is optimized for maximum grip in minimal size. Textured grip zones strategically located in the areas of maximum hand-to-weapon friction offer superior grip and weapon control under stress.

15, 21, L5, XP25, AND XP35 TASER CARTRIDGES

Specifications are available at www.TASER.com and are subject to change without notice.



WARNING: The XP35 TASER Cartridge is not reversible. It has raised orange arrows printed on the side of the cartridge that is inserted towards the top of the device.

Never attempt to open or modify a TASER Cartridge. Tampering with a live TASER Cartridge could cause it to fire or malfunction (which may result in injury).

Handle all TASER cartridges with care. Probes may deploy unexpectedly if exposed to physical shock, or static electricity.

Additionally the firing sequence for all TASER Cartridges is designed to be initiated by an electrostatic discharge delivered by the TASER device. This is an important design and functional element for the TASER device and cartridge. However, an electrostatic discharge can come from many sources. When an electrostatic discharge, regardless of the source, contacts the front of a TASER Cartridge, it is possible for the cartridge to discharge.

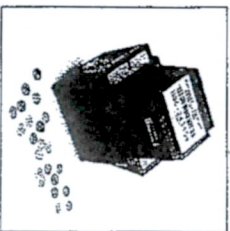
TASER Cartridges should be kept away from conditions known to create an electrostatic discharge, such as rubbing cloth (i.e. jacket lined) across a cartridge in an environment known to create static shocks.

Although highly unlikely, it is possible for TASER Cartridges to deploy outside of the TASER device, or in a device that has not been activated due to contact with an electrostatic discharge. Care should be taken to keep electrostatic discharge away from TASER Cartridges.

Occasionally, blast doors will be knocked off the front of a cartridge. Because those cartridges cannot be relied upon to consistently discharge, TASER International recommends removing those cartridges from service. Those cartridges can then be returned to TASER International for repair or replacement. TASER operators should not attempt to fire a cartridge with no blast doors on it unless they are facing an immediate threat and do not have the time or option to reload. Attempting to deploy a cartridge with no blast doors could result in a charge being created and held in the wires. Any conductive material that comes into contact with the front of the cartridge, even after the cycle has ended, could draw the charge to the ignition pin and deploy the probes.

AFID

Every time a TASER Cartridge is deployed, at least 24 small confetti-like Anti-Felon Identification (AFID) tags are ejected. Each AFID is printed with the serial number of the cartridge deployed, allowing departments to determine which officer deployed the cartridge. AFIDs were originally provided to track citizen use if ever used in a criminal act.



Cartridge specifications are available at www.TASER.com. Specifications are subject to change without notice.

OPERATING THE X26 Installing the DPM

The unit is shipped with the DPM pre-installed. To change the DPM:

1. Place the safety switch in the down (SAFE) position.
2. Remove the TASER Cartridge.
3. To unload the DPM, depress the DPM release button and remove the DPM from the handle of the weapon.
4. Wait approximately 5 seconds, then install the new DPM. Ensure that the DPM is fully inserted into the X26. Apply sufficient force to compress the foam gasket and allow the DPM to seat fully. Verify that the DPM release button pops out from the recessed position with an audible click. Failure to do so could result in a damaged X26 or a loss of power during a deployment. When the DPM is installed, the X26 will cycle through the boot-up sequence.

SPARK TEST

A spark test should be conducted once every 24 hours or prior to the start of your shift for your individually issued X26.

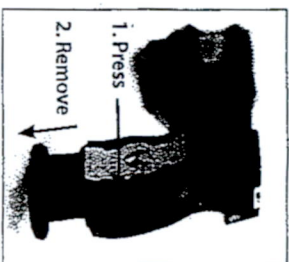
There is no need to use an extended duration. As long you see a visible spark between the electrodes (one second), the weapon is functional.

The reasons for the spark test include:

- To verify the TASER device is working.
- To verify that the DPM is adequately charged.
- There are components in the high voltage section of the X26 that are more reliable when energized ("conditioned") on a regular basis.

Spark Test Instructions

1. Verify that the safety switch is in the down (SAFE) position.
2. Verify that the TASER Cartridge is removed. A spark test should never be conducted with a TASER cartridge in the device.
3. Point the device in a safe direction, (such as the floor) and verify that fingers and no part of your body are in front of the device.
4. Place the safety switch in the up (ARMED) position.
5. Depress the trigger and confirm sparking across the electrodes at a rapid rate.
6. Place the safety switch in the down (SAFE) position.



LOAD THE TASER CARTRIDGES

WARNING: Never place your hands or fingers in front of the cartridge. When loading and unloading, always hold the cartridge on the sides or top.



LOADED



LOADING:

1. Verify that the safety switch is in the down (SAFE) position.
2. Point the device in a safe direction
3. Place the cartridge into the front of the weapon until an audible click is heard.
4. Verify that the cartridge is secure by pulling on the sides of the cartridge.

UNLOADED



UNLOADING:

1. Verify that the safety switch is in the down (SAFE) position.
2. Point the device in a safe direction.
3. Depress the tabs on the sides of the cartridge and remove.

The 15-, 21-, and 25-foot TASER Cartridges are specifically designed so there is no "up" or "down" position – enabling you to quickly reload one in a stressful situation without worrying about putting it in upside down. (The 35-foot cartridges must be loaded a specific way. See the 35-foot TASER Cartridge specifications at www.TASER.com. Specifications are subject to change without notice.)

AIMING AND PROBE PLACEMENT

All deployments should be in accordance with department SOP.

Normally, aim the laser at the large muscles groups (center of mass) such as the back, torso, thigh, etc.

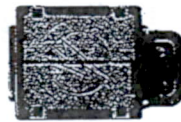
Deploying the X26 at the suspect's back offers several advantages:

- Clothing fits tighter.
- Surprise factor.
- Stronger muscles – even more overwhelming.
- Less likelihood of a head, face, throat, or groin exposure.

The top probe impacts the target near the laser beam and can vary depending on distance, type of cartridge, etc. See www.TASER.com for current specifications.

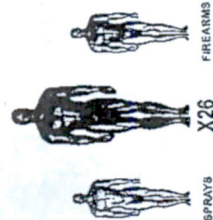


The bottom probe impacts at an 8-degree angle from the top probe (except XP35). This results in a spread of approximately 1' for every 7' of distance from the target. Greater probe spread increases effectiveness. If possible, a minimum 4-inch spread is recommended.



Hold the X26 device so that the cartridge is vertical for an upright target.

EFFECTIVE TARGET ZONES



WARNING: Avoid head, face, throat, or groin exposure unless officer safety dictates otherwise.

Cartridge specifications are available at www.TASER.com. Specifications are subject to change without notice.

"SILENCE IS GOLDEN"

The TASER device's electrical current is relatively quiet in actual human use. Therefore, the device may make very little sound when the probes are successfully deployed on a human target. In contrast, some practice conductive targets are loud because the energy is arcing in the air.

If electrical current is loud during field deployment and the subject is not reacting as expected, the current may be shorting out and may not be effective. Deploy a second cartridge or consider other options.

POTENTIAL CAUSES OF REDUCED OR NO EFFECTIVENESS

- Loose or Thick Clothing. The current from the TASER X26 is capable of penetrating approximately 2 cumulative inches of clothing.
- Miss or Single Dart Hit. The current must pass between the probes. If one probe misses, a second cartridge should be deployed if practical. Also, using the X26 in the drive-stun mode as described below will also complete the circuit between the single probe and the device electrode.
- Low Nerve or Muscle Mass. If the probes impact in an area where there is very little muscle mass (e.g., the side of the rib cage), the effectiveness can be significantly diminished.
- Limited Probe Spread. Probe spreads of less than 4 inches (including drive-stun) result in little or no effect from NMI and become primarily a pain compliance option.
- Wires Break. If a wire breaks (e.g., during a struggle), the current will not flow to the probes. Drive-stun is still available.
- Do not become dependent on the TASER device. No device is 100% effective in every situation. Do not deploy the TASER device without following department SOP for proper backup.

DRIVE-STUN BACKUP

Drive-stun capability is available with or without a TASER Cartridge installed. The drive-stun mode will not cause NMI and generally becomes primarily a pain compliance option. Probe deployment is usually considered more desirable, even at close range. Some of the advantages include:

- Drive-stun is only effective while the device is in contact with the subject or the subject's clothing. As soon as the device is moved away, the energy stops. Deploying the probes allows the officer to separate from the subject while maintaining control. Due to automatic reflex actions, most subjects will struggle to separate from the TASER device. Each time the device comes back in contact with the individual, another set of burn marks may be visible. Using the probes allows for one point of discharge.
- If the probes are deployed, even at very close range, the officer may be able to use drive-stun to another portion of the body that is farther away from the probes, thereby resulting in the complete NMI effect.

If the drive-stun is not effective, evaluate the location of the drive-stun, consider an additional cycle to a different pressure point, or consider alternative force options.

When using the drive-stun, drive the front of the TASER X26 firmly against the body of the subject. Simply "touching" the X26 against the subject is not sufficient. The subject is likely to recoil and try to get away from the stun electrodes. It is necessary to aggressively drive the front of the X26 into the subject for maximum effect.

The drive-stun works more effectively when aggressively applied to pressure points on nerve bundles. This includes the brachial area, common peroneal, mastoid, and pelvic triangle. The TASER X26 must be actively depressed or aggressively driven into the nerve bundles in a "drive-stun" manner to be effective in the drive-stun mode.

RECOMMENDED DRIVE-STUN AREAS FOR MAXIMUM EFFECT

When officer safety is at risk, drive the X26 into the following areas for maximum effectiveness.

- Carotid (sides of neck) (see warning below).
- Brachial plexus tie-in (upper chest).
- Radial (forearm).
- Pelvic triangle (see warning below).
- Common peroneal (Outside of thigh).
- Tibial (calf muscle).

WARNING: Use care when applying a drive-stun to the neck or groin. These areas are sensitive to mechanical injury (such as crushing to the trachea or testicles if applied forcefully). However, these areas have proven highly effective targets. These areas should only be targeted when officers are defending themselves from violent attacks. Refer to your department's policy regarding drive-stuns in these and other sensitive areas.

WHAT TO DO FOLLOWING TASER DEVICE USE

Considerations for Handling Used Probes

Each agency will establish its own procedure for probe removal and collection. Treat probes that have penetrated the body as contaminated needles (biohazard).



If the probes must be removed from the subject, follow all department SOP for handling biohazards.

- Grab the probe firmly and quickly pull it straight out. Do not twist the probe as the barbed tip may cause additional injury.
- Carefully place used probes sharp-tip first into either a sharps container or into the cartridge side wire pocket container, secure in place, and place in a secure location where no one will accidentally touch the probes.
- Once the subject is restrained, evaluate the need for medical attention as you would with any other use-of-force incident.*
- Take photos of any injuries, place the photos into evidence.*
- Collect the expended cartridge, probes, and AFDs and place them into evidence.*
- * as directed by department policy.

EFFECTS ON ANIMALS

- The X26 TASER devices are an effective option for dealing with aggressive animals and have generally been successful in most deployments.
- NOTE: The aggressive animals are usually incapacitated/stunned momentarily, but recover quickly. The vast majority of the animals quickly left the scene and broke the wires.
- If deployed on a domestic animal, consider having animal control available to restrain the animal.

POLICE/MILITARY K-9 CAUTION

TASER operators and K-9 officers must work closely together to develop SOPs for deploying the TASER device when a K-9 is present. If a K-9 bites a probe or bites the suspect between the probes, the K-9 can receive a shock. This could have a negative impact on the future duty use of the K-9.

UPLOADING SOFTWARE REVISIONS

The X26 internal software provides functionality for all aspects of the device. The software can be upgraded to the most recent version through a DPM, XDPM, or TASER CAM™. Each DPM contains a copy of the weapon software. When the DPM is first inserted in the X26, the logic will compare the software version in the weapon with the software version in the DPM. If the DPM contains a newer version, the software will automatically be uploaded into the X26. During the uploading, the CID will display a "P". When uploading is complete, the CID will display the boot-up sequence. The last number in the sequence is the new software version. The programming process takes approximately 45 seconds.

CAUTION: DO NOT remove the DPM or move the safety switch to the up (ARMED) position during the programming cycle. This will result in corruption of the data and the X26 will have to be returned to the factory for reprogramming.

You can always install a previous version DPM in the weapon. The software will not program the X26 to an older version and the weapon will remain at the higher of the software version in the weapon or in the DPM.

X26 MAINTENANCE AND CARE

Each agency should establish a maintenance and handling program.

- The X26 is a sensitive electronic device, and should be handled with care. Avoid dropping an X26. Do not use an X26 that has a cracked handle.
- Check the DPM regularly. Replace the DPM when the battery percentage reaches 20%.
- NOTE: The X26 must be stored with DPM/XDPM inserted at all times. Failure to do so may result in loss of time and date settings, software corruption, and/or X26 failure. If the DPM/XDPM is left out for an extended period of time, the software in X26 may be damaged and the date/time may be reset. Refer to the online troubleshooting guide at www.TASER.com.
- Check expiration of TASER cartridges (5-year exp. on the serial number label). Do not use an expired TASER cartridge.
- Occasionally wipe out the TASER cartridge firing bay with a dry cloth. Multiple cartridge firings create carbon build-up (particularly after training courses).
- Secure in protective holster when not in use.
- When an X26 is returned to TASER International for repair, the download data will be lost. Download the data before returning the unit.
- Avoid exposing the X26 to excessive moisture, or water.
- See the troubleshooting guide at www.TASER.com for detailed instructions.

DROPPED OR WET X26

- Place the safety switch in the down (SAFE) position.
- Point in safe direction and safely remove the cartridge.
- Remove the DPM.
- Dry the X26 thoroughly (at least 24 hours).
- Reinstall the DPM.
- Place the safety switch in the up (ARMED) position.
- If the X26 discharges without pulling the trigger, remove the DPM and return the X26 to TASER International immediately.
- Spark test full five seconds.
- If the X26 does not function properly, return it to TASER International.
- If the spark test is normal, return the X26 to service.

TASER ONLINE TROUBLESHOOTING GUIDE

A troubleshooting guide is available by visiting the TASER Web site at www.TASER.com. If you need product support on accessories or have any other questions, please contact customer service at:

U.S.: 1.800.978.2737 or 1.480.905.2000

International: +1.800.978.2737 or +1.480.905.2000

RMA PROCESS

To return a TASER product for service, first obtain a Return Material Authorization ("RMA") number from our website at www.TASER.com. If you don't have internet access, contact TASER International at the numbers listed above. See the warranty specifications on the website. Mail the defective product with postage prepaid together with a written description of the defect and proof of purchase within one year or proof of purchase of an extended warranty (PO, invoice, or purchase affidavit) or a check/credit authorization for the replacement fee for a TASER X26 as specified on the prorated replacement schedule found on TASER's website to:

TASER International, Inc., 17800 North 85th Street, Scottsdale, Arizona 85255

Attn: RMA Department.

Note the RMA number on the outside of the package. Be sure to include your name, physical address, and phone number of where to return the repaired items. Failure to provide the required information may delay the return of the repaired items. Any TASER device that has not been paid for or required information has not been provided for during a period of 90 days after receipt of the TASER device by TASER shall be deemed abandoned and TASER may dispose of such TASER device without any compensation to Purchaser.

WARNING: If the TASER device has been exposed to bodily fluids or other bio-hazards, please contact the customer service department at +1.800.978.2737 or +1.480.905.2000 for specific instructions BEFORE returning the weapon for specific instructions.

OPTIONS EXTENDED WARRANTIES

See the *Warranty Policy* section for more information about extended warranties.



DATA DOWNLOAD KIT

Optional download kits are available to permit departments to access the encrypted deployment information in the X26 memory. The X26 has a highly advanced download function that can help protect an officer from claims of excessive use of force by providing complete and accurate documentation of the time and date for each firing. The dataport also provides law enforcement with a powerful management tool to track usage patterns and prevent misuse.

The data download record includes the following information for the last 1,500+ discharges:

- Date, time, and duration of each discharge in both GMT and local time.
- Temperature and DPM percentage remaining at each discharge.
- Record of any time changes made to the weapon memory.
- Weapon serial number and current software version.

The X26 download interface uses a USB adapter to connect to any Windows™ 98, 2000, XP or ME computer. The simplicity of USB makes using the dataport an easy, fast process. The cable connects to the X26 device through the DPM compartment.

The X26 device is programmed to Greenwich Mean Time (GMT) at the factory. The conversion to local time, including adjustments to daylight savings time, are all computed in the PC-based software. There is no need to program the weapon to local time or to reprogram the weapon to daylight savings time.

Secure "x26" data files: The data downloads are saved in encrypted .x26 data files that are more secure than a Word document. This preserves the integrity of X26 dataport download reports for court admissibility.

TASER CAM™

The TASER CAM is an audio-video recording device integrated into a rechargeable TASER X26 power supply that replaces the standard DPM and is compatible with all X26 devices. The TASER CAM is activated any time the safety switch is in the up (ARMED) position. This allows officers to capture vital information prior to, during, and after the potential deployment of the X26.

The TASER CAM battery is fully rechargeable and is capable of approximately 100 5-second discharges at 86 °F (36 °C). Charging is accomplished through a 110-volt wall adapter or through the USB cable.

The TASER CAM uses an infrared light source for low light and no light capability. The TASER CAM records approximately 1.5 hours of video before recording over previous files (continuous loop system).

Video and audio is downloaded via a USB cable and download software. Standard X26 firing data may also be downloaded using the same system.

See www.TASER.com for full specifications.

EXOSKELETON AND BLADE TECH HOLSTERS

The X26 ships with either an exoskeleton holster or a BladeTech holster. Both holsters fit conveniently on a duty belt. A variety of accessories are available for both holsters including cartridge carriers and quick-release BladeTech Tek-Lok™ belt clips.

The exoskeleton and Blade-Tech holsters are available in both right and left-hand configurations.

DUAL CARTRIDGE HOLDER

The Dual Cartridge Holder attaches to the top of an exoskeleton or BladeTech holster (screws and hex key included), allowing you to carry two spare cartridges conveniently on your belt. The Dual Cartridge Holder can also be attached to a Tek-Lok belt mount by itself (or even two Dual Cartridge Holders can be attached to a Tek-Lok, holding four cartridges on your belt).

ADVANCED X-RAIL MOUNTING SYSTEM

The X-Rail mounting system allows the attachment of the TASER® X26E device to military and law enforcement rifles through a Picatinny Rail, an accessory that allows the attachment of items such as lights, sighting systems, and now the TASER X26E. The X-Rail was originally developed by TASER International to support the U.S. military efforts in Iraq and Afghanistan. The integration of the TASER X-Rail and X26 into a weapon platform allows officers to make split second transitioning from the firearm to the TASER option.

ADDITIONAL INFORMATION

New TASER brand products are under development. Visit our Web site at www.TASER.com for the latest information.

Material Safety Data Sheets (MSDS) for lithium batteries and TASER Cartridges are available at www.TASER.com or by contacting TASER International.

SUPPORT

TASER TRAINING ACADEMY

The TASER Training Academy is designed to provide training on the use of TASER-brand electronic control devices. Training is geared toward the special needs of law enforcement officers, correctional officers, medical personnel, the military, and private citizens. Force options and decision-making, tactics, medical issues, weapon maintenance, and personal safety are just a few of the topics covered in the offered courses.

Located at TASER International's headquarters in Scottsdale, Arizona, the TASER Training Academy features a state-of-the-art classroom facility complete with 48 work stations equipped with power and internet access, safety mats, heavy bags and the IES MILO interactive training simulator.

It is a well established truth that we "fight like we train." It is for this reason that we emphasize hands-on, interactive and scenario-based training. Most of our courses involve some degree of physical activity and participation. We make every effort to simulate real-life stress and circumstances, to provide realistic training to better prepare the student for success in the field. Through the use of our IES interactive force simulator and TASER Simulation Training Suits, we promote sound use of force judgment, tactics and follow up procedures.

Our cadre of instructors consists of active and former law enforcement officers and military trainers. Many are internationally recognized experts in use of force at all levels with extensive training backgrounds.

All of our instructors are committed to providing the best training possible and to forming lasting relationships to support our students long after they leave the Academy.



For more information visit our website www.TASER.com or give us a call at +1.800.978.2737 ext. 2016 or +1.480.905.2000 ext. 2016

- TASER M26 & X26 User Course
- TASER M26 & X26 Instructor Course
- TASER Master Instructor Course
- TASER Armorer's Course
- Relevant Medical Issues for Doctors
- TASER Use of Force, Risk Management and Legal Strategies Seminar
- TASER Use in the Correctional Environment
- Personal Defense Course

MEDICAL RESEARCH

TASER Devices are among the most extensively studied weapons of their type. Dozens of Medical and Field have been published. For more information go to www.TASER.com.



WARRANTY POLICY

A. General. The following TASER International, Inc. ("TASER International") warranty provisions are applicable on all sales or transfers of TASER International Products. The term "Purchaser" shall mean any purchaser, transferee, possessor, or user of TASER International Products.

B. Limited Warranty. TASER International warrants that its TASER[®] devices are free from defects in workmanship and materials for a period of one year from the date of purchase. TASER International agrees to repair or replace such defective product which, under normal use as defined in the written and video instructions that accompanied the product at time of purchase, fails to function within the warranty period provided that the disclosed defect is determined by TASER International to be TASER International's fault. TASER International's sole responsibility under this warranty shall be to either repair or replace, at TASER International's sole option, any such product determined to be defective by TASER International and return it via prepaid postage. After the warranty period, TASER International will repair or replace any defective TASER M18, M18L, or M26 device for a charge as specified on TASER International's website and a TASER X26 or X26C device on a prorated replacement fee schedule as specified on TASER International's website. TASER cartridges that are fired are deemed to have operated properly. TASER-manufactured accessories are covered under a limited 90-day warranty. Non-TASER manufactured accessories are covered under the manufacturer's warranty. This warranty is TASER International's only warranty and may not be changed or enlarged by any agent, distributor, dealer, or other person. This warranty shall be void and TASER International shall not be responsible for any loss, damage, or other liabilities arising from alterations, additions, or repairs which are made to the TASER Product by other than TASER International authorized personnel or from the use of TASER Cartridges, batteries (and cells) or other parts, components or accessories that are not manufactured or recommended by TASER International.

¹ TASER[®] and ADVANCED TASER[®] are registered trademarks of TASER International, Inc. AIR TASER, M18, M18L, M26, X26, and X26C are trademarks of TASER International, Inc.

C. "No Questions Asked" TASER Extended Warranty. THE EXTENDED WARRANTY FOR A TASER M18, M18L, or M26 CAN ONLY BE PURCHASED AT THE TIME THE M18, M18L, or M26 IS PURCHASED. THE EXTENDED WARRANTY FOR A TASER X26 or X26C CAN ONLY BE PURCHASED DURING THE ONE (1) YEAR LIMITED WARRANTY PERIOD. For customers who have purchased a "No Questions Asked" Extended Warranty, TASER International warrants it will repair or replace any TASER M18, M18L, M26, X26, or X26C which fails to function for any reason from the date of purchase of the extended warranty through the balance of the one year limited warranty plus the term of the extended warranty measured after the expiration of the one-year limited warranty. Extended Warranties for the TASER X26 and X26C are sold packaged in a special DPM module. When loaded into an X26 or X26C, the Warranty DPM will reprogram the X26 or X26C to extend its warranty period for the purchased number of years. Purchaser has the responsibility to return the defective product to TASER International via prepaid postage and provide written information as to the nature of the problem. If the weapon is out of warranty, TASER International will respond with a quotation for repair costs.

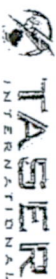
D. Warranty Repair Procedure. To make a warranty claim, you must first verify that your TASER device is within its active warranty period. To validate your TASER X26 or X26C warranty status, remove the DPM for a period of 5 seconds or more, then reinstall while observing the CID display on the back of the device. The CID will flash the date on which the warranty will expire (or has expired).

To register a warranty claim, first obtain a Return Material Authorization ("RMA") number within the warranty period from TASER International through TASER International's website. If internet access is not available, then contact TASER International by mail or toll-free telephone number at 800-418-9283. TASER International will advise what parts need to be returned for repairs. The Purchaser has the responsibility to return the defective product to: TASER International, Inc., 17800 North 85th Street, Scottsdale, Arizona 85255. Attention: Warranty Department; via prepaid postage and provide written information as to the nature of the defect together with proof of purchase or proof of purchase of an extended warranty (PO, invoice or purchase affidavit) or a check/credit authorization for the fee specified on the TASER International website for the TASER M18, M18L, or M26 or for the replacement fee for a TASER X26 or X26C as specified on the prorated replacement schedule found on TASER International's website. Please note the RMA number on the outside of the package. Please provide your name, address, and phone number of where to return the repaired items. Failure to provide the required information may delay the return of the repaired items. Any TASER device that has not been paid for or required information has not been provided for during a period of 90 days after receipt of the TASER device by TASER International shall be deemed abandoned and TASER International may dispose of such TASER device without any compensation to Purchaser.

E. Warranty Exclusions. THE WARRANTY STATED ABOVE IS THE EXCLUSIVE WARRANTY WITH RESPECT TO THE TASER PRODUCT. TASER INTERNATIONAL DISCLAIMS ANY AND ALL OTHER WARRANTIES, WHETHER EXPRESS, IMPLIED OR STATUTORY, INCLUDING, WITHOUT LIMITATION, ANY IMPLIED WARRANTIES OF MERCHANTABILITY, DESIGN OR FITNESS FOR A PARTICULAR PURPOSE OR ARISING FROM A COURSE OF DEALING, USAGE OR TRADE PRACTICE, OR ANY WARRANTY AGAINST PATENT INFRINGEMENT. IF THE EXCLUSION OF IMPLIED WARRANTIES IS PROHIBITED BY STATE LAW, THEN ANY APPLICABLE IMPLIED WARRANTIES SHALL BE LIMITED TO THE DURATION OF THE EXPRESS WARRANTY DESCRIBED ABOVE AND OTHER PROVISIONS CONTAINED HEREIN.

F. Release. PURCHASER AGREES TO RELEASE AND SAVE TASER INTERNATIONAL HARMLESS FROM ANY AND ALL LIABILITY ARISING OUT OF DEPLOYMENT, USE OR MISUSE OF THE TASER PRODUCT, INCLUDING ANY CLAIMS FOR DAMAGES AND PERSONAL INJURIES. PURCHASER AGREES TO ASSUME ALL RISKS OF LOSS AND ALL LIABILITY FOR ANY DAMAGES AND PERSONAL INJURY WHICH MAY RESULT FROM THE DEPLOYMENT, USE, OR MISUSE OF THE TASER PRODUCT. TASER IS NOT LIABLE FOR THE FAILURE OF THE TASER PRODUCT TO PERFORM AND TASER IS NOT LIABLE FOR ANY CLAIMS MADE BY A THIRD PARTY OR BY PURCHASER FOR OR ON BEHALF OF A THIRD PARTY.

G. Limitation of Remedies. THE REMEDIES PROVIDED FOR IN THE ABOVE WARRANTY ARE EXPRESSLY IN LIEU OF ANY OTHER LIABILITY TASER INTERNATIONAL MAY HAVE, INCLUDING INCIDENTAL AND CONSEQUENTIAL DAMAGES. TASER INTERNATIONAL'S CUMULATIVE LIABILITY TO ANY PARTY FOR ANY LOSS OR DAMAGES RESULTING FROM ANY CLAIMS, DEMANDS, OR ACTIONS ARISING OUT OF OR RELATING TO THE TASER PRODUCT SHALL NOT EXCEED THE PURCHASE PRICE PAID TO TASER INTERNATIONAL BY PURCHASER FOR THE PRODUCT. IN NO EVENT WILL TASER INTERNATIONAL BE LIABLE FOR ANY SPECIAL, INDIRECT, INCIDENTAL, EXEMPLARY, PUNITIVE OR CONSEQUENTIAL DAMAGES, HOWEVER CAUSED, WHETHER FOR BREACH OF WARRANTY, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, EVEN IF TASER INTERNATIONAL HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES OR IF SUCH DAMAGE COULD HAVE BEEN REASONABLY FORESEEN, AND NOTWITHSTANDING ANY FAILURE OF ESSENTIAL PURPOSE OF ANY EXCLUSIVE REMEDY PROVIDED HEREIN. SOME STATES DO NOT ALLOW FOR THE LIMITATION OR EXCLUSION OF LIABILITY FOR INCIDENTAL OR CONSEQUENTIAL DAMAGES, SO THE ABOVE LIMITATION OR EXCLUSION MAY NOT APPLY TO YOU.



Product Warnings – Law Enforcement

Deployment Safety Procedures

Avoid Weapons Confusion. Handguns have been confused with TASER devices. Learn about the differences in physical feel and holstering characteristics between the TASER device and your handgun. This will allow you to confirm device identity under stressful situations. Follow agency's equipment carrying guidelines and training.

Select Preferred Target Areas. The preferred target areas are the subject's torso (center mass) or legs. Avoid intentionally aiming a TASER device at the head or face without justification.

Avoid Sensitive Areas. Significant injury can occur from TASER device deployment into sensitive areas of the body such as the eyes, throat, or genitals—avoid intentionally targeting these areas without justification.

Avoid Known Pre-Existing Injury Areas. When practical, avoid deploying a TASER device at a known location of pre-existing injury (e.g., avoid targeting the back for persons with known pre-existing back injuries, avoid targeting the chest area on persons with a known history of previous heart attacks, etc.). These injuries may be provoked by such deployment.

Beware—TASER Device Can Ignite Explosive Materials, Liquids, or Vapors. These include gasoline, other flammables, explosive materials, liquids, or vapors (e.g., gases found in sewer lines, methamphetamine labs, and butane-type lighters). Some self-defense sprays use flammable carriers such as alcohol and could be dangerous to use in immediate conjunction with TASER devices.

Reload and Deploy. If a TASER device application is ineffective in achieving the desired effect, consider reloading and redeploying or using other force option(s), according to approved training and policy.

Plan Deployment Backup. No weapons system, tool, or technique is effective 100% of the time. Consider acceptable options, alternatives, and

backup plans in case of ineffective deployment when deploying, activating, or otherwise using a non-lethal weapon, including TASER devices.

Control and Restrain Immediately. Begin control and restraint procedures as soon as it is reasonably safe to do so in order to minimize the total duration of exertion and stress experienced by the subject. User should avoid touching the probes and wires and the areas between the probes during TASER electrical discharge.

Deployment Health Risks

Sudden In-Custody Death Syndrome Awareness. If a subject is exhibiting signs or behaviors² that are associated with Sudden In-Custody Death Syndrome,³ consider combining use of a TASER device with immediate physical restraint techniques and medical assistance.

Continuous Exposure Risks. When practical, avoid prolonged or continuous exposure(s) to the TASER device's electrical discharge. In some circumstances, in susceptible people, it is conceivable that the stress and exertion of extensive repeated, prolonged, or continuous application(s) of the TASER device may contribute to cumulative exhaustion, stress, and associated medical risk(s).

Other Conditions. Unrelated to TASER exposure, conditions such as excited delirium, severe exhaustion, drug intoxication or chronic

² Signs of Sudden In-Custody Death Syndrome include: extreme agitation, bizarre behavior, inappropriate nudity, imperviousness to pain, paranoia, exhaustive exertion, "superhuman" strength, hallucinations, sweating profusely, etc.

³ Sudden in-custody death results from a complex set of physiological and psychological conditions characterized by irrational behavior, extreme exertion, and potentially fatal changes in blood chemistry. Promptly capturing, controlling, and restraining a subject exhibiting signs of these conditions may end the struggle and allow early medical care intervention.



Product Warnings – Law Enforcement

drug abuse, and/or over-exertion from physical struggle may result in serious injury or death.

Breathing Impairment. Extended or repeated TASER device exposures should be avoided where practical. Although existing studies on conscious human volunteers indicate subjects continue to breathe during extended TASER device applications, it is conceivable that the muscle contractions may impair a subject's ability to breathe. In tests conducted on anesthetized pigs repeated TASER device applications did cause cessation of breathing during TASER device discharges, although it is unclear what impact the anesthesia or other factors may have had on the test results. Accordingly, it is advisable to use expedient physical restraint in conjunction with the TASER device to minimize the overall duration of stress, exertion, and potential breathing impairment particularly on individuals exhibiting symptoms of excited delirium and/or exhaustion. However, it should be noted that certain subjects in a state of excited delirium may exhibit superhuman strength and despite efforts for expedient restraint, these subjects sometimes cannot be restrained without a significant and profound struggle.

Vagal Response. Some individuals may experience an exaggerated response to a TASER device exposure, or threatened TASER device exposure, which may result in a person fainting.

Permanent Vision Loss. If a TASER probe becomes embedded in an eye, it could result in permanent loss of vision.

Seizure Risks. Repetitive stimuli such as flashing lights or electrical stimuli can induce seizures in some individuals. This risk is heightened if electrical stimuli or current passes through the head region.

Post-Deployment Procedures—Wound and Injury Care

Probe Removal. In most areas of the body, injuries or wounds caused by TASER probes will

be minor. TASER probes have small barbs. There is a possible risk of probes causing injury to blood vessels. Follow your training and agency's guidance for probe removal.

Skin Wound Treatment. TASER devices can cause skin irritation, small puncture wounds, friction abrasions, minor burns, etc. As with any injury of this type, in some circumstances infection(s) may occur. Thus, appropriately cleanse any such wounds and if necessary seek medical attention.

HEALTH RISKS

Response to Exposure. The TASER device can cause temporary discomfort, pain, stress, and panic, which may be injurious to some people.

Muscle Contraction-Related Risks. The TASER device can cause strong muscle contractions that may result in physical exertion or athletic-type injuries. In certain instances this may be serious for some people, such as those with pre-existing conditions and/or special susceptibilities. This may also occur in instances where a person has an unusual and/or unanticipated response to the TASER device deployment and/or discharge.

Secondary Injury Risks. TASER-induced strong muscle contractions usually render a subject temporarily unable to control his or her psychomotor movements. This may result in secondary injuries such as those due to falls. This loss of control, or inability to catch oneself, can in special circumstances increase the risk(s) of serious injury or death. Persons who are physically infirm or pregnant are among those who may be at higher risk. Also, persons who could fall on a sharp object (such as persons holding a knife or other edged weapon) or suffer impact injuries to their head or other sensitive area in a fall could also be at a higher risk. Other persons at higher risk include: those located on elevated or unstable platforms (e.g., trees, roofs, ladders, ledges, cranes, loading docks), operating a vehicle or machinery, or those who



Product Warnings – Law Enforcement

are running. Persons located in water may drown if their ability to move is restricted.

Strain Injury Risks. It is possible that the injury types may include, but are not limited to, strain-type injuries such as hernias, ruptures, dislocations, tears, or other injuries to soft tissue, organs, muscles, tendons, ligaments, nerves, and joints. Fractures to bones, including vertebrae, may occur. These injuries may be more likely to occur in people with pre-existing injuries or conditions such as pregnancy, osteoporosis, osteopenia, spinal injuries, diverticulitis, or in persons having previous muscle, disc, ligament, joint, or tendon damage. It is believed that the risk of these injuries is comparable to or less than the risk(s) from vigorous physical exertion, such as weight training, wrestling, or other intense athletic endeavors.

Scarring. Use of a TASER device, especially in drive (or touch) stun mode, can cause marks, friction abrasions, and/or scarring that may be permanent depending on individual susceptibilities or circumstances surrounding TASER device use and exposure.

Laser Beam Eye Damage. The TASER device incorporates a laser aiming aid. Laser beams can cause eye damage. Avoid intentionally aiming at the eye(s) of a person or animal.

MAINTENANCE

Avoid Dropping Device. Dropping a TASER device may damage it. If a device has been dropped or damaged do not attempt to place the safety switch in the up (ARMED) position until completing the procedure recommended in the current version of the TASER International, Inc. Instructor Training materials.⁴

⁴ The TASER International, Inc. Instructor Training syllabus and other warnings and instructions are available online at www.TASER.com.

Avoid Exposure to Significant Moisture. If a device has been exposed to significant moisture,⁵ do not attempt to place the safety switch in the up (ARMED) position until completing the procedure recommended in the current version of the TASER International, Inc. Instructor Training materials.⁴

Use Only Approved Components, Batteries, Accessories, and Cartridges. The TASER device is a sophisticated electronic system. Only TASER International, Inc. approved components, batteries, proper accessories, and TASER Cartridges are to be used with the TASER device. In order to ensure proper function and effects. Use of anything other than recommended batteries, TASER Cartridges, or other TASER-recommended accessories (excluding holsters), or repairs/modifications by unauthorized persons may cause malfunctions, will void the warranty, and may put the user, suspects, and others at risk of serious injury or even death.

⁵ Incidental moisture, such as brief exposure to light or moderate rain, should not affect the operation of the TASER device. If the TASER device has been drenched or immersed in water or other liquid, however, do not use it until it has been inspected and tested in accordance with the TASER International, Inc. Instructor Training syllabus.



Product Warnings – Law Enforcement

IMPORTANT SAFETY AND HEALTH INFORMATION

Read, understand, and follow the training, safety instructions, and warnings before using the TASER device. *(These warnings are effective March 1, 2007, and supersede all prior revisions for TASER devices.)*¹ The most current warnings and instructions are available online at www.TASER.com.



This warning label appears on newer TASER device models.

TASER® electronic control devices are weapons designed to incapacitate a person from a safe distance while reducing the likelihood of serious injuries or death. Though they have been found to be a safer and more effective alternative when used as directed to other traditional use of force tools and techniques, it is important to remember that the very nature of use of force and physical incapacitation involves a degree of risk that someone will get hurt or may even be killed due to physical exertion, unforeseen circumstances and individual susceptibilities.

OPERATIONAL SAFETY

To minimize the risk of injury before, during, and after use, consider the following:

¹ These warnings cannot address all possible force application circumstances. They are intended to inform you about potential risks of harm, but the decision to use the TASER device in a particular circumstance must be made in light of applicable legal standards and available alternatives. These warnings do not create a more restrictive standard of care than applicable legal standards.

Minimize Risks Before Use

Read and Understand. Read, understand, and follow all instructions and warnings before using the TASER device.

Complete Training First. Do not attempt to use a TASER device unless you have been trained and certified by a TASER International, Inc. certified instructor in its application.

Obey Applicable Laws. Carry and use the TASER device in accordance with applicable federal, state, and local laws as well as your law enforcement agency's guidance—policies, procedures, training, etc. Each TASER device discharge must be legally justified.

Store in a Secure Location. Store TASER device(s) in a secure location inaccessible to children and other unauthorized persons. TASER devices are not toys, and users should avoid any inappropriate deployments and/or activations, which may result in serious bodily harm to the user or others, including animals.

Minimize Risks During Use

Avoid Torturous or Other Misuse.

Assume Device is Loaded. Always assume that a TASER device is loaded.

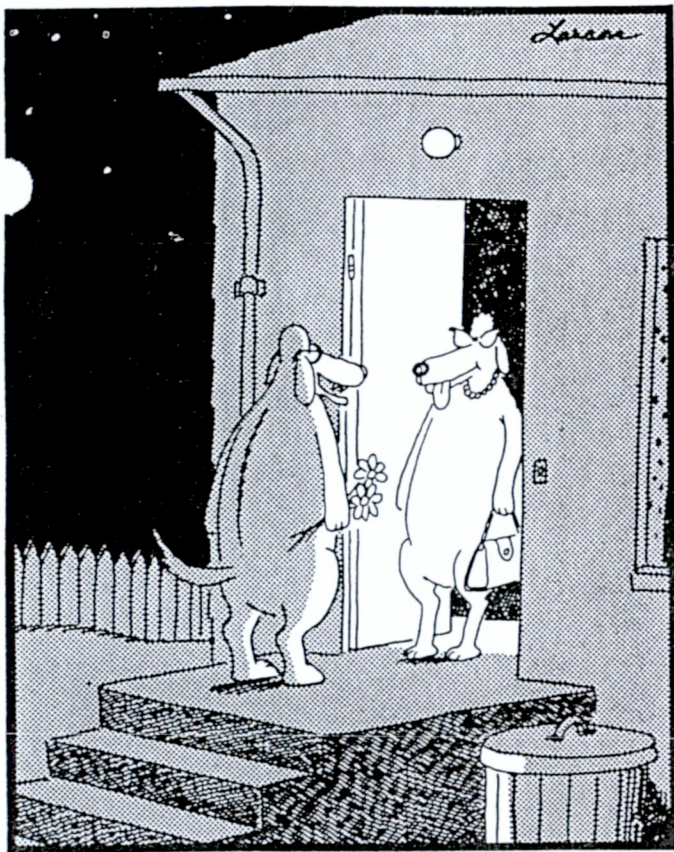
Avoid Unintentional Activation. Keep finger away from trigger until ready to use.

Keep Body Parts Away From Front. Keep your hands and body parts away from the front of the TASER cartridge.

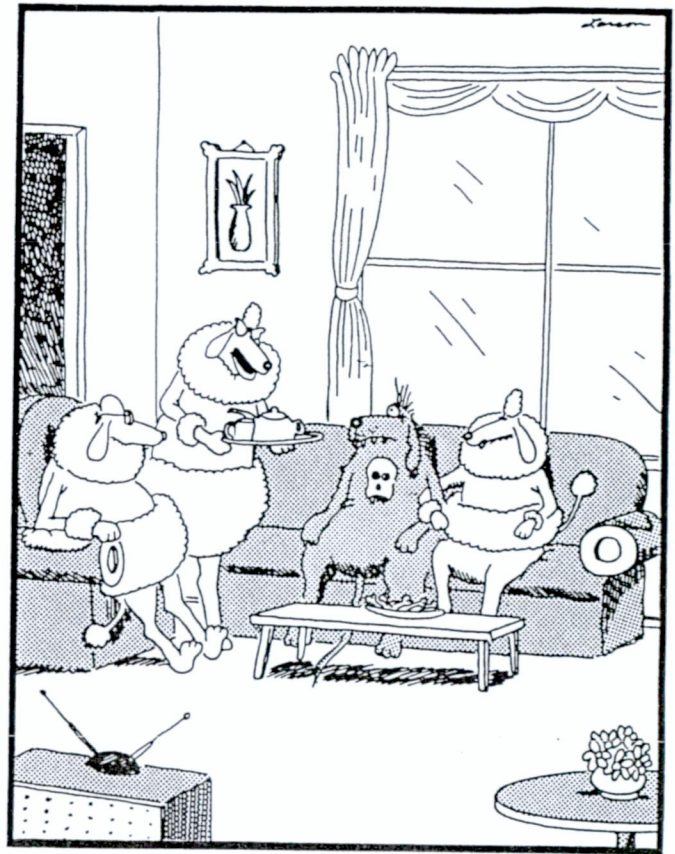
Avoid Static Electricity Discharge. Avoid contact between static electricity and the TASER cartridge since static electricity can cause unexpected discharge.

DEPLOYMENT WARNINGS

To minimize the risk of injury during or from deployment, follow these guidelines:



"Oh, Ginger — you look absolutely stunning ... and whatever you rolled in sure does stink."



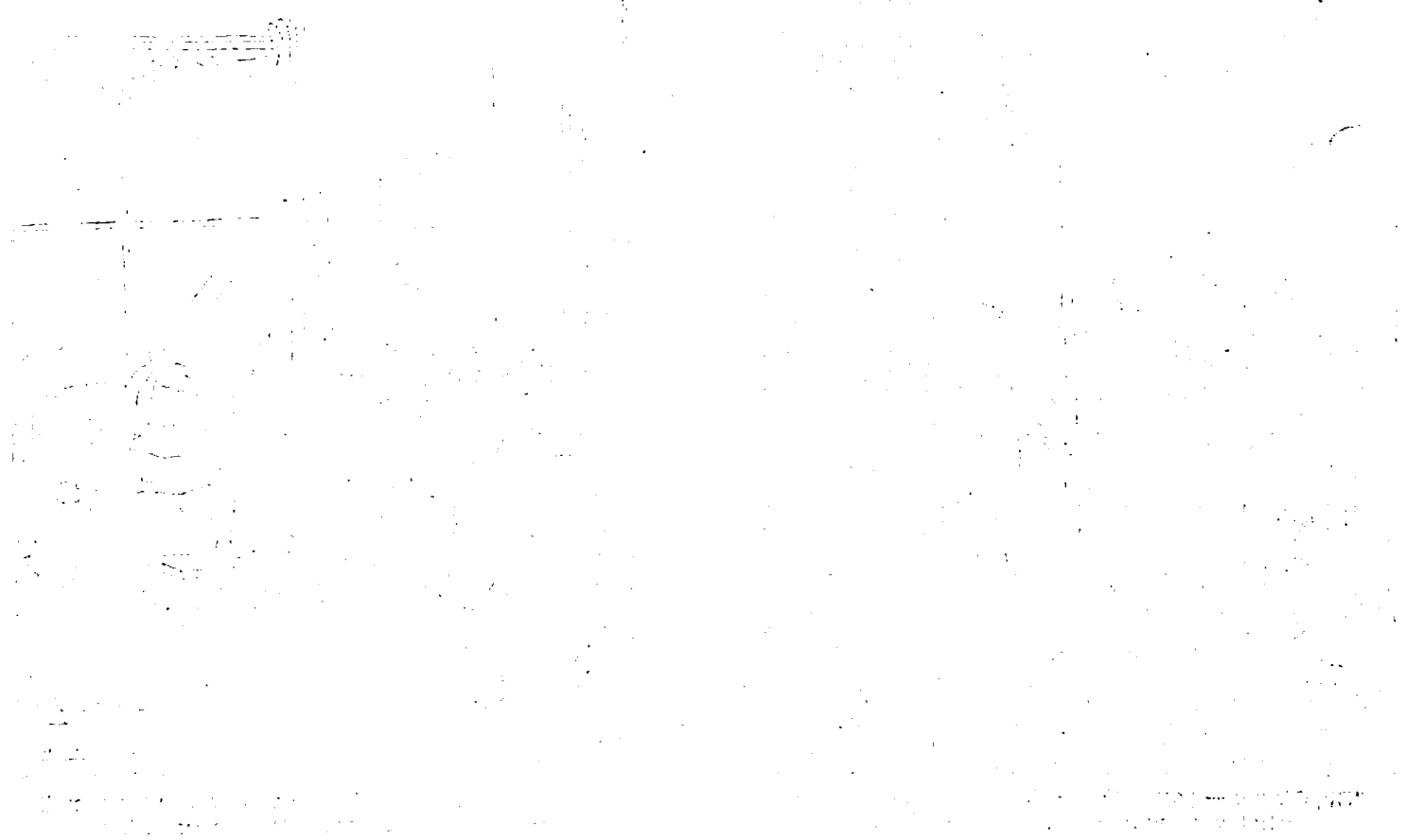
"So, Raymond ... Linda tells us you work in the security division of an automobile wreckage site."



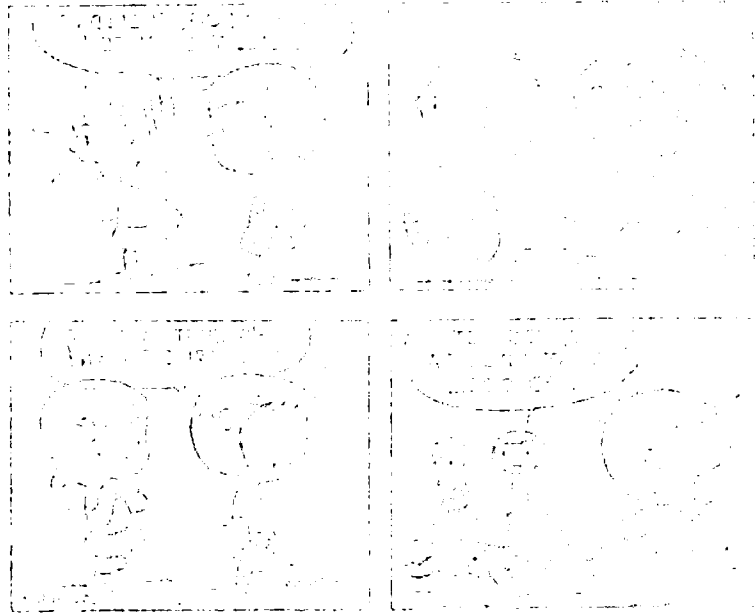
"Give me a hand here, Etta ... I got into a nest of wiener dogs over on Fifth and Maple."

PEANUTS 1950





LEARNING 1980



HOW TO HANDLE POTENTIALLY VICIOUS DOG SITUATIONS FOR FIRST RESPONDERS- POLICE AND FIRE

When the call is dispatched, you may be able to determine if there are loose dogs on scene; if so, have them secured before or upon arrival if possible (DON'T believe people when they say "*Oh, he won't bite*", as I have been bitten by a dog right after somebody has said that!)

Upon arrival, survey the scene for clues that a dog may be there- a leash or chain, dog food, dog dishes or toys, paw prints on a door, torn screen door, nose prints on windows, dog feces, or a "Beware of Dog" sign. If there is a gate to a fenced yard, rattle the gate first before opening it, to see if a dog responds. Listen for tags jingling, growling, barking, panting, whining, or any sound of a dog coming toward you.

Being able to read a dog's body posture is helpful (see diagrams), but because dogs can rapidly switch from one behavior to the next, it is safest to assume that ANY dog may try to bite you, whether out of stress, fear, defense, prey drive, or dominance. And remember- a wagging tail does NOT mean a dog won't bite!

If dogs are loose on scene and acting threatening, contact PD Animal Control for assistance if time allows- scenes where there are threatening dogs at large, or inside a fenced yard, inside a residence, or inside a vehicle, can cause injury to first responders.

If you cannot wait for PD Animal Control and the dog is at large, tell it loudly and firmly "Bad Dog, Go Home!"- often loose dogs will then run back to the area of their own yard, or at least move from the scene. If there are multiple dogs in a pack, don't let them circle you so that you have no safe zone, and always keep an eye on all the dogs; get back into your vehicle if needed until more units arrive. Because dogs are pack animals, they feel more confident and will generally act bolder within a pack. To our advantage, because they respect a pack more, having more units on scene is beneficial and is more effective in controlling the dogs.

If you are attempting to back an aggressive dog away from a scene, you can confidently give it firm commands like "Bad Dog", "Back", "No" or "Sit" to express your dominance. Use whatever is available to put in front of you, to get the dog to back off- duty gear (clipboard, flashlight, baton), rescue equipment, or any object on scene that can be used as a shield (trash can, folding chair, small table) to back the dog up and away. Ideally, putting the dog in a securely enclosed area with a closed gate or door is best (remember that dogs may jump, dig, or tear out of an area.)

Staying confident and calm, and going about your business is usually the best route in dealing with an aggressive dog when there are other priorities at the time, such as assisting a victim or dealing with a potentially volatile human situation. As pack animals, dogs will frequently mirror your energy level, so staying as calm as possible is helpful. If you need to back away from an agitated dog, slowly back up, bladed but still facing, and keeping an eye on the dog (NEVER turn and run- that will likely elicit the dog's prey drive and it can quickly catch you!)

Remember that ALL dogs can potentially get upset and agitated, and can then bite and cause injury. When dealing with a situation where the dog's owner/keeper is in distress, either as a suspect, a witness, a victim, or even just a bystander, it is natural for the dog to become distressed also. And, if the dog has been injured, such as in a vehicle collision, it can be even more likely to bite out of fear and pain, so be very careful.

-If you want to attempt to capture the dog and you have access to an animal control capture pole, give the dog time to calm down, so it will then likely want to stay in one general area. Then you can calmly and slowly move toward the dog, bladed and speaking calmly to it. When you are close enough, let it sniff the cable hoop, and then slowly put the cable hoop over its head and tighten it (pull the end of the cable) enough to be secure, but not so tight that the dog panics. Continue to speak calmly to the dog and start walking toward your destination, allowing the dog to move how it wants to, to lessen the stress on the dog. Once at your destination (such as inside a bedroom, a kennel run, a patrol car, the animal control truck), use the pole to push the dog into that area. Make certain the dog cannot dash past you by closing the door enough to fit the pole but not enough the dog can escape, and then release the cable hoop (pull the ball on the end of the pole) so the dog is released, and securely close the door or gate.

Note- If a dog is especially fractious/agitated or very large, it is best to put a second capture pole on it before you move it; have a handler on each side of the dog, and then walk the dog between the two handlers to its destination.

-A Taser (CED) may also be used in certain circumstances to attempt to capture a loose, vicious dog, usually after other capture methods have been unsuccessful or are impractical, and it is clear that the dog is a continuing threat to public safety (contact a certified Taser instructor for training in this area.)

-A firearm may be used in deadly force situations against a dog in circumstances where the dog reasonably appears to pose an imminent threat to human safety and alternative methods to neutralize the threat have failed, are not reasonably available or would likely be ineffective (contact a certified firearms instructor for training in this area.)

***An additional note is that "Pit Bull type" dogs can be highly unpredictable, due to their low tolerance for stimulation, their aggressive nature, their high prey drive, their rapid switch in behaviors, and their potential lack of aggressive display prior to an attack- they can seem calm and friendly, and then without warning, suddenly go into vicious attack mode. If you need to handle a "Pit Bull type" dog on a scene, I recommend you use a capture pole, NOT a leash, no matter how friendly it seems at the time.

"Pit Bull type" dogs cause the most severe injuries and cause the highest number of dog bite fatalities in humans every year, so be EXTRA careful in dealing with them.***

Contact me anytime for assistance, I am happy to help!

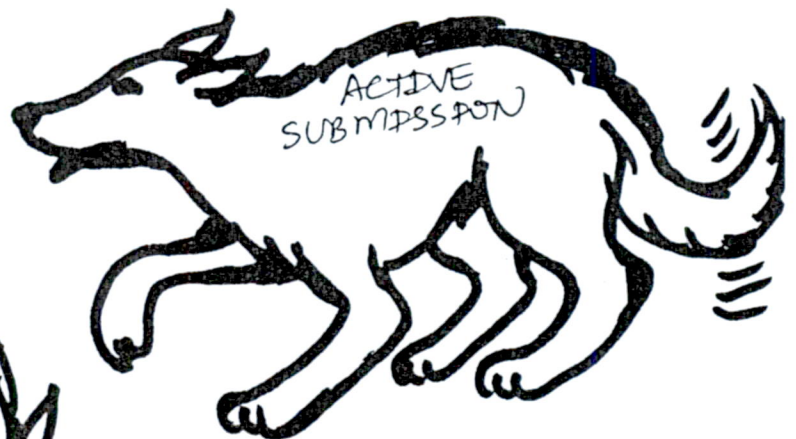
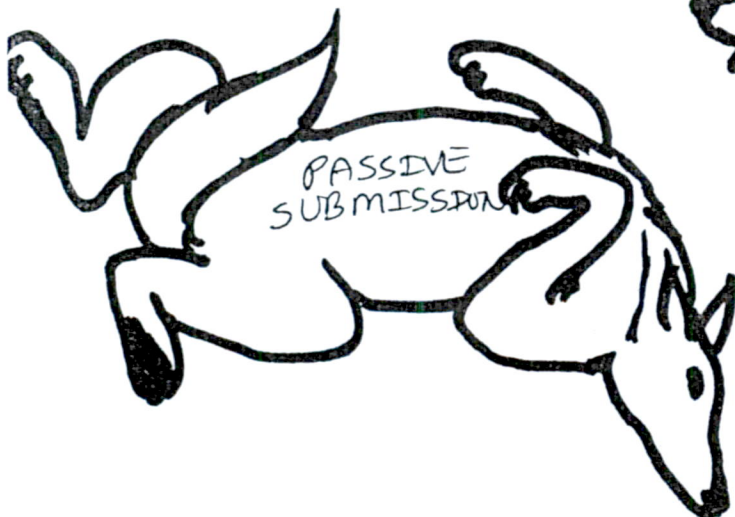
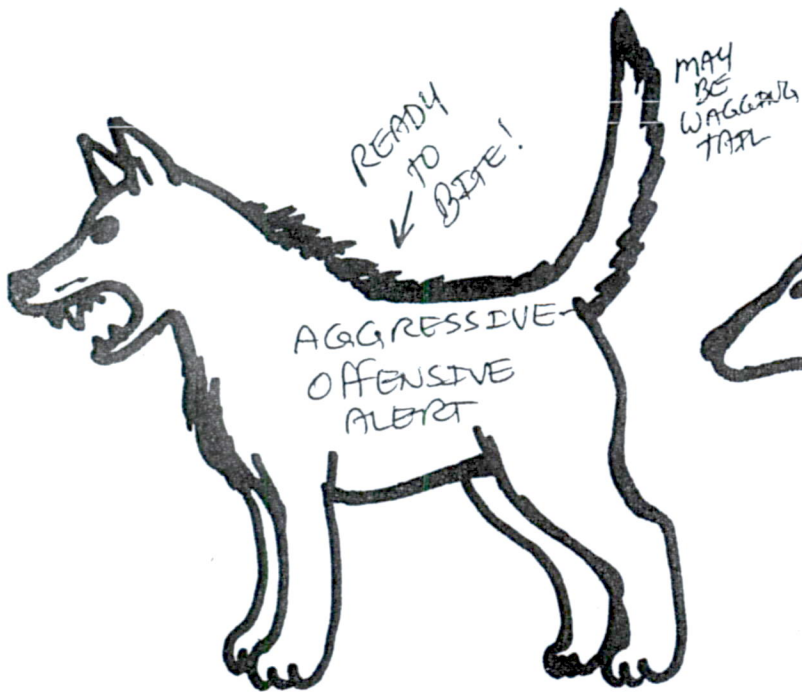
DMPD Officer Jan Magnuson- 8D9

Desk (206) 870-6549

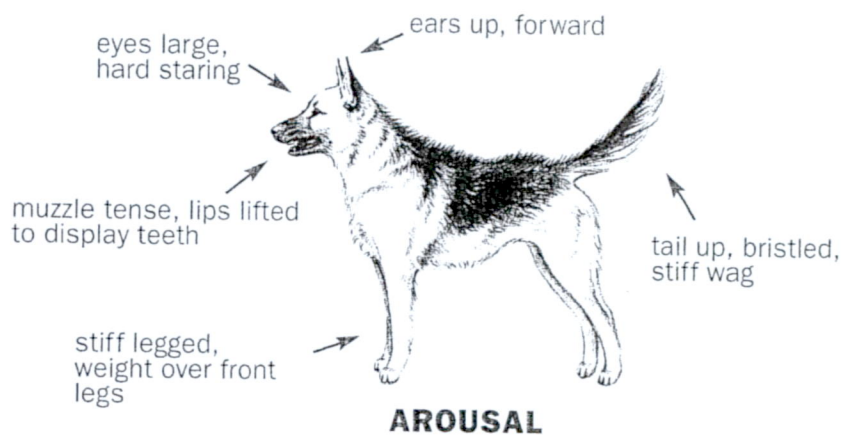
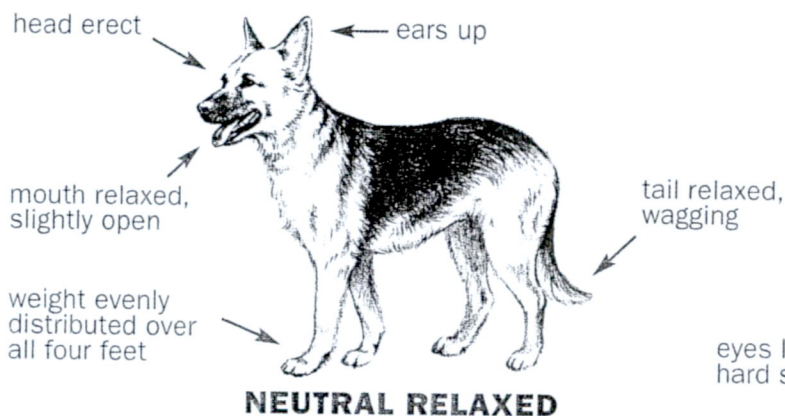
Main (206) 878-3301

Dept. Cell (206) 396-3778

JMagnuson@desmoineswa.gov

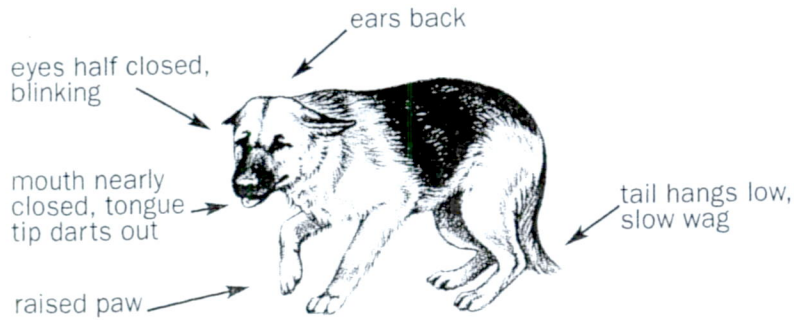


While dogs cannot speak, they do display their state of mind via their body language. By taking careful note of ear position, pupil dilation, facial tension (particularly around the muzzle and forehead), tail carriage and body weight distribution, an observer can detect whether a dog is relaxed or fearful, or acting in a submissive or dominant manner toward the observer.



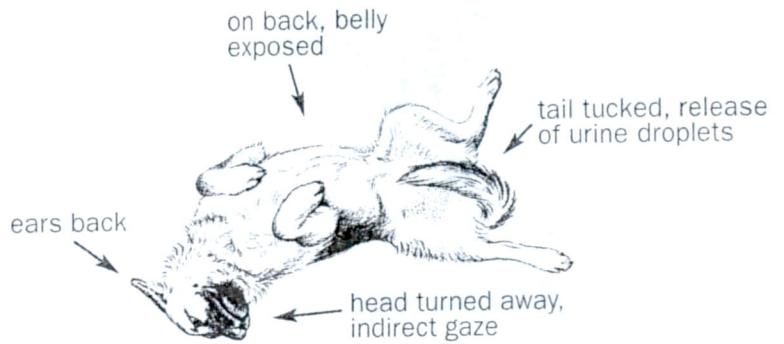
The dog has been stimulated by something in his environment. When the dog is excited by something pleasurable, the hackles will be down and the tail will be carried a little lower and will loosely wag. The muzzle will be relaxed and the tongue may be seen. This posture may be displayed to subordinates in order to express higher ranking pack position.

This threatening posture is used to chase another away or, if need be, to attack in order to protect possessions, pack or self.



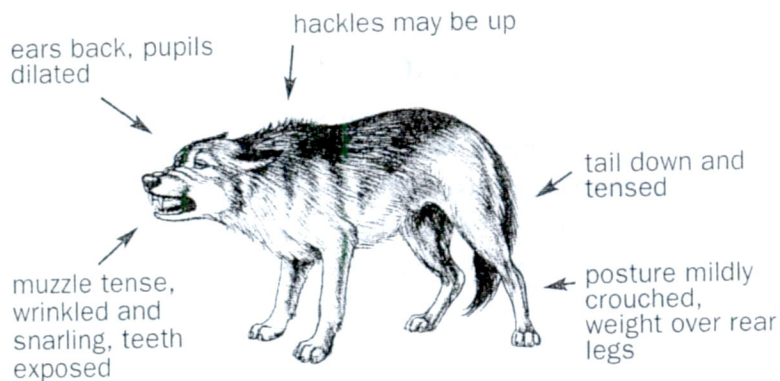
ACTIVE SUBMISSION

This pacifying posture is used when a dog acknowledges another dog or human's higher social ranking, or to inhibit another's aggression.



PASSIVE SUBMISSION

Bellying up indicates surrender, a pacifying gesture offered to a more dominant or aggressive individual.

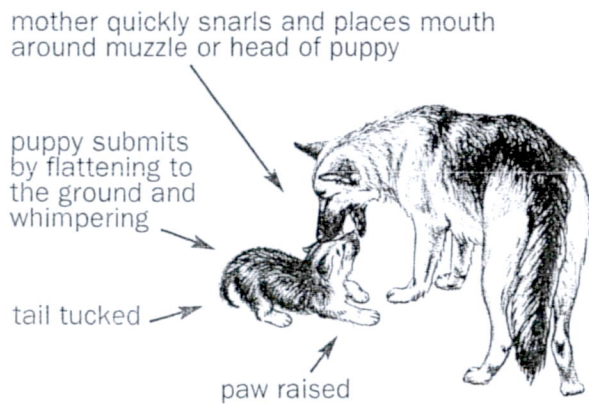


DEFENSIVE AGGRESSION

When fearful, a dog will give warning signals to indicate he does not wish to be approached. If, unheeded, he will bite to protect himself.

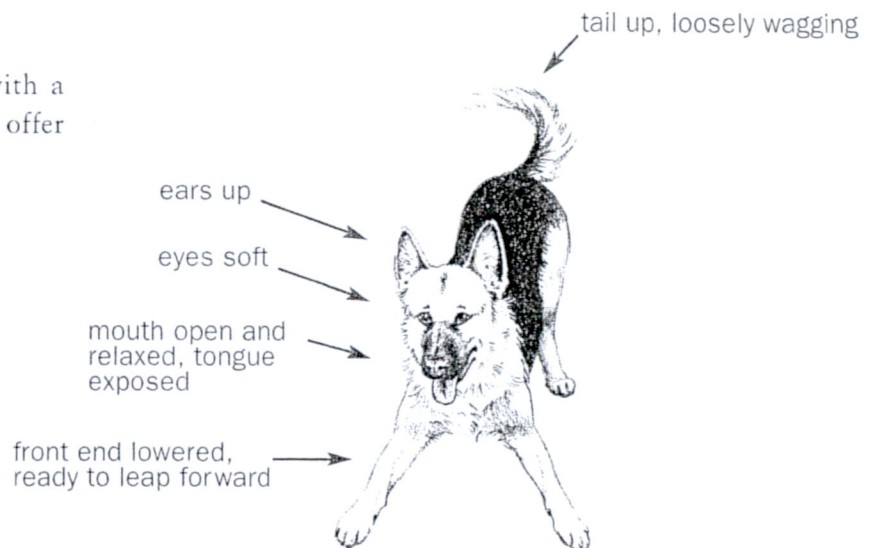
Dog-to-Dog Communication

When dog meets dog, they signal their status in relation to each other. Actions like raising a forepaw, looking away, licking or nudging at the other's muzzle or bowing with the forelegs are submissive gestures. Mounting, raising up stiffly on one's toes, or placing one's head over another's withers (the place where the neck meets the back) indicate the more dominate individual of that interaction.



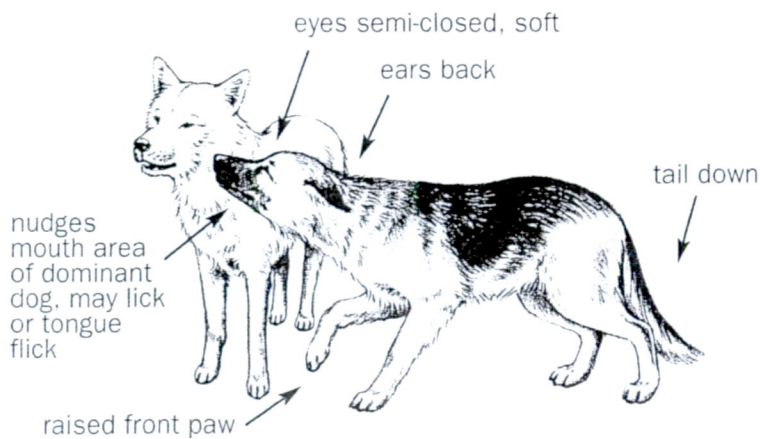
MATERNAL CORRECTION

A mother dog will discipline a pup with a quick muzzle grasp. The pup learns to offer submissive body postures.



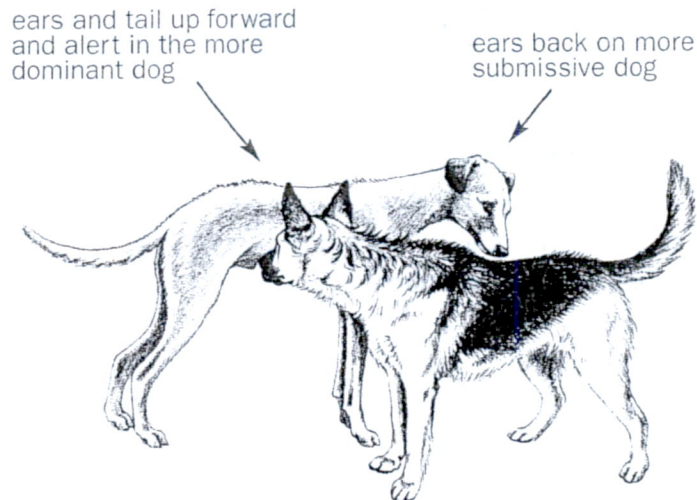
PLAY SOLICITATION

The play bow is a combination of dominant and submissive gestures. It is offered to invite another to play or as part of courtship behavior.



GREETING BEHAVIOR

A submissive dog may greet a more dominant dog with a muzzle nudge as an appeasement (pacifying) gesture.



GREETING POSTURE

Dogs sniff each other's genital region when greeting to gather information on sexual status.

Use of Force

300.1 PURPOSE AND SCOPE

This policy recognizes that the use of force by law enforcement requires constant evaluation. Even at its lowest level, the use of force is a serious responsibility. The purpose of this policy is to provide officers of this department with guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, each officer is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

300.1.1 PHILOSOPHY

The use of force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied human encounters and when warranted, may use force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, the limitations of their authority. This is especially true with respect to officers overcoming resistance while engaged in the performance of their duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting officers with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interests.

300.1.2 ON-DUTY RESPONSIBILITY TO INTERCEDE

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of such excessive force. Such officers shall also promptly report these observations to the on-duty supervisor.

300.2 POLICY

It is the policy of this department that officers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident under control. Reasonableness of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving about the amount of force that is necessary in a particular situation.

Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force.

Des Moines Police Department

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Use of Force

300.2.1 USE OF FORCE TO EFFECT AN ARREST

Any peace officer may use all necessary means to effect an arrest if, after notice of the intention to arrest the defendant, he/she either flees or forcibly resists. (RCW 10.31.050).

The use, attempt or offer to use force upon or toward another person is not unlawful whenever necessarily used by a public officer in the performance of a legal duty, or a person assisting the officer and acting under the Des Moines Police Department's direction. (RCW 9A.16.020(1)). Necessary means that no reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended (RCW 9A.16.010(1)).

300.2.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether or not to apply any level of force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:

- (a) The conduct of the individual being confronted (as reasonably perceived by the officer at the time).
- (b) Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion and number of officers vs. subjects).
- (c) Influence of drugs/alcohol (mental capacity).
- (d) Proximity of weapons.
- (e) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (f) Time and circumstances permitting, the availability of other options (what resources are reasonably available to the officer under the circumstances).
- (g) Seriousness of the suspected offense or reason for contact with the individual.
- (h) Training and experience of the officer.
- (i) Potential for injury to citizens, officers and suspects.
- (j) Risk of escape.
- (k) Other exigent circumstances.

It is recognized that officers are expected to make split-second decisions and that the amount of an officer's time available to evaluate and respond to changing circumstances may impact his/her decision.

While various degrees of force exist, each officer is expected to use only that degree of force reasonable under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

It is recognized however, that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the standard tools, weapons or methods provided by the Department. Officers may find it more effective or practical to improvise their response to rapidly unfolding conditions they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree reasonably necessary to accomplish a legitimate law enforcement purpose.

Des Moines Police Department

Policy Manual

Use of Force

300.2.3 NON-DEADLY FORCE APPLICATIONS

Any application of force that is not reasonably anticipated and not intended to create a substantial likelihood of death or very serious injury shall be considered non-deadly force. Each officer is provided with equipment, training and skills to assist in the apprehension and control of suspects as well as protection of officers and the public. Non-deadly force applications may include but are not limited to leg restraints and control devices described in Policy Manual §§ 306, 308, and 309 respectively.

300.2.4 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be very effective in controlling a passive or actively resisting individual. Officers may only apply those pain compliance techniques for which the officer has received departmentally approved training and only when the officer reasonably believes that the use of such a technique appears necessary to further a legitimate law enforcement purpose. Officers utilizing any pain compliance technique should consider the totality of the circumstance including, but not limited to:

- (a) The potential for injury to the officer(s) or others if the technique is not used.
- (b) The potential risk of serious injury to the individual being controlled.
- (c) The degree to which the pain compliance technique may be controlled in application according to the level of resistance.
- (d) The nature of the offense involved.
- (e) The level of resistance of the individual(s) involved.
- (f) The need for prompt resolution of the situation.
- (g) If time permits (e.g., passive demonstrators), other reasonable alternatives.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.2.5 LATERAL VASCULAR NECK RESTRAINT

The proper application of the Lateral Vascular Neck Restraint hold by a trained officer may be effective in quickly restraining a violent individual. However, due to the potential for injury, the Lateral Vascular Neck Restraint hold may only be applied under the following conditions:

- (a) The officer shall have received departmentally approved training in the use and application of the Lateral Vascular Neck Restraint .
- (b) The Lateral Vascular Neck Restraint may only be used when the officer reasonably believes that such a hold appears necessary to prevent serious bodily injury or death to an officer or other person(s).
- (c) Any individual who has been rendered unconscious by the use of the Lateral Vascular Neck Restraint shall be promptly examined by trained medical personnel once the scene is rendered safe.
- (d) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the Lateral Vascular Neck Restraint hold and whether the subject lost consciousness as a result.
- (e) Any officer applying the Lateral Vascular Neck Restraint shall promptly notify a supervisor of the use or attempted use of such hold.
- (f) The use or attempted use of the Lateral Vascular Neck Restraint shall be thoroughly documented by the officer in any related reports.

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Use of Force

300.3 DEADLY FORCE APPLICATIONS

While the use of a firearm is expressly considered deadly force, other force might also be considered deadly force if the officer reasonably anticipates and intends that the force applied will create a substantial likelihood of causing death or serious bodily injury. Use of deadly force is justified in the following circumstances:

- (a) An officer may use deadly force to protect himself/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing suspect when the officer has probable cause to believe that the suspect has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death and the officer reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to others if the suspect is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

300.4 REPORTING THE USE OF FORCE

Any use of physical force by a member of this department shall be documented, completely and accurately in an appropriate report depending on the nature of the incident. The use of particular weapons may require the completion of additional report forms as specified in departmental policy and/or law.

Under circumstances where the use of force results in what reasonably appears to be a life threatening injury or death, the Shift Supervisor shall invoke the procedures under Policy Manual Section 310-Officer Involved Shooting.

300.4.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practical following the application of physical force, under any of the following circumstances:

- (a) The application of force appears to have caused physical injury.
- (b) The individual has expressed a complaint of pain, injury or medical issue/condition.
- (c) Any application of a control device (excluding handcuffs or other temporary wrist restraints).
- (d) The individual has been rendered unconscious.

300.4.2 MEDICAL ATTENTION FOR INJURIES SUSTAINED USING FORCE

Prior to booking or release, medical assistance shall be obtained for any person(s) who has sustained visible injury, expressed a complaint of an injury or continuing pain or who has been rendered unconscious. Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practical, should be witnessed by another officer and/or medical personnel. If an audio or video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, unusually high tolerance to pain, or who require a protracted physical encounter with multiple officers to bring under control may be at an increased risk of sudden death and should be examined by qualified

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medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be evaluated by trained medical personnel prior to booking.

300.5 SUPERVISOR RESPONSIBILITY

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor shall be responsible for the following:

- (a) Obtain the basic facts from the involved officer(s).
- (b) Ensure that any injured parties are examined and treated.
- (c) Ensure that photographs have been taken of any areas involving visible injury or complaint of pain as well as overall photographs of uninjured areas.
- (d) Coordinate efforts to identify any involved parties.
- (e) Review and approve all related reports.

In the event that the supervisor believes that the incident may give rise to potential civil litigation, Command staff will be notified.

Should the supervisor determine that any application of force was not within policy, Command staff will be notified.

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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Deadly Force Review

302.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process to review the use of deadly force by employees of this department.

302.2 REVIEW BOARD

The Des Moines Police Department is tasked with the important responsibility of objectively evaluating the use of deadly force. It is the policy of this department to convene a Use of Deadly Force Review Board when the use of deadly force by an employee results in injury or death to a person.

The Chief of Police may convene the Use of Deadly Force Review Board to review accidental or intentional discharge of a firearm, whether the employee is on or off-duty, excluding range training or recreational use.

The Chief of Police may convene the Use of Deadly Force Review Board to review the circumstances surrounding any use of force incident which results in serious injury or death. This review board will be conducted at a time after a filing decision has been made by the prosecutor's office.

302.2.1 COMPOSITION OF THE BOARD

The Use of Deadly Force Review Board shall be comprised of the following three persons:

- Command representative.
- Sergeant.
- Certified instructor in the area of force used.

The command representative will serve as chairperson.

The chairperson will convene the Use of Deadly Force Review Board as necessary. The chairperson will ensure all relevant reports, documents, and materials are available for consideration and review by the Board.

302.2.2 RESPONSIBILITIES OF THE BOARD

The Use of Deadly Force Review Board is empowered to conduct a departmental policy review into the circumstances of an incident. The board members may request further investigation, call persons to present information, and may request that the involved employees appear before the Board. The involved employees will be notified within a reasonable amount of time of the meeting of the Board and may be represented by legal counsel and/or other representation through all phases of the review process.

The review shall be based upon those facts which were reasonably believed by the officer at the time of the incident, applying departmental policy and procedures, to those facts. Facts later discovered but unknown to the officer at the time, can neither justify nor call into question an officer's decision regarding use of force.

If it appears that the actions of the employee(s) may result in criminal charges or disciplinary action by the Department, the Board will conduct the interviews in accordance

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Deadly Force Review

with department disciplinary procedures. The Board does not have the authority to recommend discipline. The Board shall make a finding and such finding will be limited to one of the following:

- (a) The employee's actions were within department policy and procedures.
- (b) The employee's actions were in violation of department policies and procedures.

A finding will be the consensus of the Board. After the Board has concluded, the Board Chairperson will submit written findings of the Board to the Chief of Police. After review by the Chief of Police, a memo will be forwarded to the employee outlining the findings of the Chief.

At the conclusion of the review process, a copy of all relevant reports and information will be retained by the department in accordance with the stated retention standards.

Shooting Policy

304.1 PURPOSE AND SCOPE

The purpose of the shooting policy is to establish procedures for the use and reporting of incidents involving the discharge of firearms. This policy is for internal use only and does not increase the Department's and/or an officer's civil or criminal liability in any way. Violations of this policy can only form the basis for departmental administrative actions.

304.1.1 POLICY

It is the policy of this department to resort to the use of a firearm, when it reasonably appears to be necessary, and generally:

- (a) An officer may use deadly force to protect himself/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to effect the arrest or prevent the escape of a suspected felon where the officer has probable cause to believe that the suspect has committed or intends to commit a felony involving the inflicting or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to others if the suspect is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force when feasible.
- (c) To stop a dangerous animal.
 - 1. Officers are authorized to use deadly force against an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods to neutralize the threat have failed, are not reasonably available or would likely be ineffective.
 - 2. In circumstances in which officers have sufficient advanced notice that a potentially dangerous domestic animal (i.e., dog) may be encountered, such as in the serving of a search warrant, officers should develop reasonable contingency plans for dealing with the animal without the use of deadly force (i.e., fire extinguisher, Taser, OC Spray, animal control officer). Nothing in this policy shall prohibit any officer from resorting to deadly force to control a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.
- (d) An officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.
- (e) For target practice at an approved range.

Where feasible, a warning should be given before an officer resorts to deadly force as outlined in (a) and (b) above. A specific warning that deadly force will be used is not required by this policy; only that a warning be given if feasible.

304.1.2 WARNING SHOTS

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the officer reasonably believes that they appear necessary, effective and reasonably safe.

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Shooting Policy

304.1.3 MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and are generally discouraged.

- (a) Unless it reasonably appears that it would endanger officers or the public, officers are expected to move out of the path of any approaching vehicle.
- (b) This is not intended to restrict an officer's right to use deadly force directed at the operator of a vehicle when it is reasonably perceived that the vehicle is being used as a weapon against the officer or others.
- (c) Officers may not use deadly force to stop a fleeing suspect unless the officer has probable cause to believe that the suspect has committed or intends to commit a felony involving the infliction or threatened infliction of serious bodily injury or death. Under such circumstances, a verbal warning should precede the use of deadly force when feasible.

304.1.4 REPORT OF WEAPON DISCHARGE

Except during training or recreational use, any member who discharges an issued weapon or department approved back-up weapon, accidentally or intentionally, on or off-duty, shall make a verbal report to the on-duty supervisor as soon as circumstances permit. If on or off-duty at the time of the incident the member shall file a written report with his/her Division Commander.



TASER™ Guidelines

309.1 PURPOSE AND SCOPE

When properly applied in accordance with this policy, the TASER™ device is considered a non-deadly control device that is intended to temporarily control a violent or potentially violent individual, while minimizing the risk of serious injury. It is anticipated that the appropriate use of such a device will result in fewer serious injuries to officers and suspects.

309.2 POLICY

Personnel who have completed department approved training will be issued a TASER™.

Officers shall only use TASER™ and cartridges that have been issued by the Department. The device shall be carried as a part of a uniformed officer's equipment in a department approved carrying device, so that it is readily accessible at all times.

- (a) When the TASER™ is carried as a part of a uniformed officer's equipment, the TASER™ shall be carried on the side opposite from the duty weapon.
- (b) All TASER™s shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (c) Whenever practical, officers should carry a total of two or more TASER™ cartridges on their person at all times while carrying a TASER™.
- (d) Officers shall be responsible for insuring that their issued TASER™ is properly maintained and in good working order at all times.
- (e) Officers should never hold both a firearm and the TASER™ at the same time unless lethal force is justified.

309.3 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the TASER™ should precede its application, unless it would otherwise endanger the safety of officers or when it is not practical due to the circumstances. The purpose of the warning is for the following:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with warning that a TASER™ may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and practical under the circumstances, the officer may, but is not required to, display the electrical arc (provided there is not a cartridge loaded into the TASER™) or the laser in a further attempt to gain compliance prior to the application of the TASER™. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The fact that a verbal and/or other warning was given or reasons it was not given shall be documented by the officer deploying the TASER™.

309.4 USE OF THE TASER™

As with any law enforcement equipment, the TASER™ has limitations and restrictions requiring consideration before its use. The TASER™ should only be used when its operator can safely approach the subject within the operational range of the device. Although the

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TASER™ is generally effective in controlling most individuals, officers should be alert to the potential for failure and be prepared with other options.

309.4.1 FACTORS TO DETERMINE REASONABLENESS OF FORCE

The application of the TASER™ is likely to cause intense, but momentary, pain. As such, officers should carefully consider and balance the totality of circumstances available prior to using the TASER™ including, but not limited to, the following factors:

- (a) The conduct of the individual being confronted (as reasonably perceived by the officer at the time).
- (b) Officer/subject factors (i.e., age, size, relative strength, skill level, injury/exhaustion, number of officers vs. subject(s)).
- (c) Influence of drugs/alcohol (mental capacity).
- (d) Proximity of weapons.
- (e) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (f) Time and circumstances permitting, the availability of other options (what resources are reasonably available to the officer under the circumstances).
- (g) Seriousness of the suspected offense or the reason for contact with the individual.
- (h) Training and experience of the officer.
- (i) Potential for injury to citizens, officers and suspects.
- (j) Risk of escape.
- (k) Other exigent circumstances.

309.4.2 APPLICATION OF THE TASER™

Authorized personnel may use the TASER™ when circumstances known to the individual officer at the time indicate that such application is reasonable to control a person in any of the following circumstances:

- (a) A violent or physically resisting subject.
- (b) A subject who, by words or action, has demonstrated an intention to be violent or to physically resist and who reasonably appears to present the potential to harm officers, him/herself or others.
 - 1. When practicable, the officer should give a verbal warning of the intended use of the TASER™ followed by a reasonable opportunity to voluntarily comply.
 - 2. The officer must be able to articulate a reasonable belief that other available options appeared ineffective, impractical or would have presented a greater danger to the officer, the subject or others.
- (c) Absent meeting the conditions set forth in (a) or (b) above, or a reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from a pursuing officer shall not serve as good cause for the use of the TASER™ to apprehend an individual.

309.4.3 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER™ should generally be avoided in the following situations unless the totality of the circumstances indicate that other available options reasonably appear ineffective, impractical, or would present a greater danger to the officer, the subject or

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others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the TASER™:

- (a) Pregnant females.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals who are handcuffed or otherwise restrained.
- (d) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any flammable material.
- (e) Individuals whose position or activity may result in collateral injury (e.g. falls from height, operating vehicles).

Because the application of the TASER™ in the drive-stun mode (i.e., direct contact without darts) relies primarily on pain compliance and requires close proximity to the subject, additional caution should be exercised. The application in drive-stun mode should be limited to brief applications in which pain compliance would reasonably appear necessary to achieve control.

The TASER™ shall not be used to torture, psychologically torment, elicit statements or to punish any individual.

309.4.4 TARGETING CONSIDERATIONS

While manufacturers generally recommend that reasonable efforts should be made to target lower center mass and to avoid intentionally targeting the head, neck, chest and groin, it is recognized that the dynamics of each situation and officer safety may not permit the officer to limit the application of the TASER™ darts to a precise target area. As such, officers should take prompt and ongoing care to monitor the condition of the subject if one or more darts strikes the head, neck, chest or groin until he/she is released to the care of trained medical personnel.

309.4.5 MULTIPLE APPLICATIONS OF THE TASER™

If the first application of the TASER™ appears to be ineffective in gaining control of an individual and if circumstances allow, the officer should consider the following before additional applications of the TASER™:

- (a) Whether the probes or darts are making proper contact.
- (b) Whether the application of the TASER™ is interfering with the ability of the individual to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

This, however, shall not preclude any officer from deploying multiple, reasonable applications of the TASER™ on an individual.

309.4.6 REPORT OF USE

All TASER™ discharges shall be documented in a case report and on the Use of Force report forms to include the Supplemental Use of Force report form. Any accidental discharges of a TASER™ cartridge will be documented on an Officer's Report. Any report documenting the discharge of a TASER™ cartridge will include an explanation of the circumstances surrounding the discharge.

The onboard TASER™ memory will be downloaded through the dataport after an application. The download information will be saved and attached to the related Use of

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Force report forms. Regardless of deployment each supervisor will download and review the TASER™ memory monthly for each officer under their supervision.

309.5 MEDICAL TREATMENT

Individuals who have been subjected to the electric discharge of a TASER™ and/or struck by TASER™ darts shall be examined by trained medical personnel as soon as practical. This is typically done by requesting an aid car for evaluation. Any person who has been subjected to the electric discharge of a TASER™ and/or struck by TASER™ darts shall be medically screened by jail staff prior to booking. In all cases, officers will notify jail staff, appropriate staff at other admitting facilities, or other persons taking custody, that the individual has received a TASER™ application. Additionally any such individuals who fall under the following categories should, as soon as practical, be examined by paramedics and/or hospital staff:

- (a) The person may be pregnant.
- (b) The person reasonably appears to be in need of medical attention.
- (c) The TASER™ darts are lodged in a sensitive area (e.g., groin, female breasts, near the eyes).
- (d) The person requests medical treatment.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, imperviousness to pain or who require a protracted physical encounter with multiple officers to bring under control may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

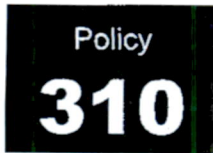
If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practical, should be witnessed by another officer and/or medical personnel. If an audio or video recording is made of contact or an interview with the individual, any refusal should be included, if possible.

309.6 TRAINING

Personnel shall successfully complete department approved training in the use of the TASER™ prior to being certified to carry or use the device and thereafter shall successfully complete annual in-service training. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Administrative Sergeant, a supervisor, or Command staff.

The certified TASER™ instructor should ensure that all training includes the following:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy (Policy 300).
- (c) Target area consideration, to include techniques or options to reduce the intentional application of probes near the head, neck, chest, and groin.
- (d) De-escalation techniques.



Officer-Involved Shooting

310.1 PURPOSE AND SCOPE

To establish policy, procedures and protocols for the investigation of an incident in which a person is injured or a death occurs as the result of a police shooting. The intent of this policy is to ensure that such incidents be investigated in a fair and impartial manner.

Nothing in this policy is intended to increase, modify, or in any way affect the current legal standards nor shall any deviation from these guidelines be considered a breach of any legal standard.

310.2 TYPES OF INVESTIGATIONS

Officer-involved shootings involve several separate investigations. The investigations may include:

- (a) A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This department may relinquish its criminal investigation to an outside agency with the approval of the Chief of Police or a Division Commander.
- (b) A criminal investigation of the involved officer(s) conducted by an outside agency.
- (c) A civil investigation to determine potential liability conducted by the involved officer's agency.
- (d) An administrative investigation conducted by the involved officer's agency, to determine if there were any violations of department policy.

310.3 JURISDICTION

Jurisdiction is determined by the location of the shooting and the agency employing the involved officer(s). The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings:

310.3.1 DES MOINES POLICE DEPARTMENT OFFICER WITHIN THIS JURISDICTION

The Des Moines Police Department is responsible for the criminal investigation of the suspect's actions, the civil investigation, and the administrative investigation. The Prosecutor's Office will be requested to review all officer-involved shootings.

310.3.2 ALLIED AGENCY'S OFFICER WITHIN THIS JURISDICTION

The Des Moines Police Department is responsible for the criminal investigation of the suspect's actions. The officer's employing agency will be responsible for any civil and/or administrative investigation(s).

310.3.3 DES MOINES POLICE DEPARTMENT OFFICER IN ANOTHER JURISDICTION

The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspect(s) to another agency. The Des Moines Police Department will conduct timely civil and/or administrative investigation(s).

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310.4 THE INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting.

310.4.1 DUTIES OF INITIAL ON SCENE SUPERVISOR

Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor should:

- (a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.
- (b) Attempt to obtain a brief overview of the situation from any non-shooter officer(s).
 1. In the event that there are no non-shooter officers, the supervisor should attempt to obtain a brief voluntary overview from one shooter officer.
- (c) If necessary, the supervisor may administratively order any officer from this department to immediately provide public safety information necessary to secure the scene and pursue suspects.
 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.
- (d) Absent a voluntary statement from any officer(s), the initial on scene supervisor should not attempt to order any officer to provide other than public safety information.
- (e) Provide all available information to the Shift Supervisor and Dispatch. If feasible, sensitive information should be communicated over secure networks.
- (f) Take command of and secure the incident scene with additional personnel until relieved by a detective supervisor or other assigned personnel.
- (g) As soon as practical, shooter officers should respond or be transported (separately, if feasible) to the station for further direction.
 1. Each involved officer should be given an administrative order not to discuss the incident with other involved officers pending further direction from a supervisor.
 2. When an officer's weapon is taken or left at the scene (e.g., evidence), the officer will be provided with a comparable replacement weapon or transported to the station by other officers.

310.4.2 SHIFT SUPERVISOR DUTIES

Upon learning of an officer-involved shooting, the Shift Supervisor shall be responsible for coordinating all aspects of the incident until relieved by the Chief of Police or a Division Commander.

310.4.3 NOTIFICATIONS

The following person(s) shall be notified as soon as practical:

- Chief of Police
- Division Commanders
- Investigations Unit Supervisor
- PIO
- Professional Standards Unit Supervisor

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- Peer support team leader
- Officer representative
- WCIA

310.4.4 MEDIA RELATIONS

Press releases shall be prepared with input and concurrence from the involved and investigating agency representatives.

It will be the policy of this department to not release the identities of involved officers absent their consent or as required by law. Moreover, no involved officer shall be subjected to contact from the media and no involved officer shall make any comments to the press unless authorized by the Chief of Police or a Division Commander.

Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

310.4.5 INVOLVED OFFICERS

As soon as practical a supervisor should advise each involved officer that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved officer:

- (a) Any request for legal representation will be accommodated.
- (b) Discussions with licensed attorneys will be considered privileged as attorney client communications.
- (c) Discussions with departmental (e.g., guild) representatives will be privileged only as to the discussion of non-criminal information.
- (d) A psychotherapist shall be provided by the Department to each involved officer, or any officer upon request.
 1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the officer is or is not fit for return to duty.
- (e) The Department will honor the sensitivity of communications with peer counselors. The counselor must be designated as such by the Chief of Police prior to the incident that results in counseling. The privilege only applies when the communications was made to the counselor while acting in his/her capacity as a peer support group counselor. The privilege does not apply if the counselor was an initial responding officer, a witness, or a party to the incident which prompted the delivery of peer support group counseling services to the law enforcement officer (RCW 5.60.060).
- (f) Per RCW 5.60.060 reasonable accommodations will be made for the officer to have contact with any persons under this RCW (spouse, clergy, peer support, etc.)

Care should be taken to preserve the integrity of any physical evidence present on the officer, equipment or clothing (e.g., blood, fingerprints, photos of the officer(s) in uniform etc.) until investigators or lab personnel can properly retrieve it.

Detectives shall make reasonable accommodations to the officer's physical and emotional needs as referenced under current protocol.

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Each involved officer shall be given reasonable paid administrative leave following an officer-involved shooting.

310.5 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION

310.5.1 DETECTIVE PERSONNEL

Once notified of an officer-involved shooting, the Division Commander shall be responsible for managing the investigation. It shall also be the responsibility of the Investigation Unit Supervisor to assign appropriate detective personnel to assist in the investigation as needed.

All related departmental reports except administrative and/or privileged reports will be forwarded to the Investigation Unit Supervisor for approval. Privileged reports, such as attorney/client, medical, psychological, etc., shall be maintained exclusively by those personnel authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

310.5.2 CRIMINAL INVESTIGATION

It shall be the policy of this department whenever possible to utilize an outside law enforcement agency to conduct a criminal investigation into the circumstances of any Des Moines officer-involved shooting involving injury or death.

If available, detective personnel from this department shall be assigned to liaison with investigators from the outside agency.

Once public safety issues and officer safety concerns have been addressed, criminal investigators (detectives) will contact involved officers in order to provide them with an opportunity to give a voluntary statement. The following shall be considered for the involved officer:

- (a) Supervisors and Professional Standards Unit personnel should not participate directly in any voluntary interview of officers. This will not prohibit such personnel from monitoring such interviews or indirectly providing areas for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult with a guild representative of his/her choosing or an attorney, prior to speaking with criminal investigators.
- (c) Any voluntary statement provided by the officer(s) will be made available for inclusion in the administrative or other related investigations.
- (d) Administratively compelled statement(s) regarding the criminal investigation will be provided to the criminal investigators.

310.5.3 REPORTS BY INVOLVED OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the shooter officer may write the report, it is generally recommended that such reports be completed by assigned detectives who should interview other involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the

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elements of criminal activities by involved suspects. Care should be taken not to duplicate information provided by involved officers in other reports. When information to locate suspects or file charges is available through other means, officer(s) who discharged their weapon will not be immediately required to submit a written report and/ or statement. Compelled statements of the shooter officer(s) shall not be required for a minimum period of 72 hours.

Nothing in this section shall be construed to deprive a shooter officer of the right to consult with legal counsel and/ or guild representation prior to providing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures, but should also be included for reference in the investigation of the officer-involved shooting.

310.6 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting, this department will conduct an administrative review to determine conformance with department policy. This review will be conducted under the supervision of the Professional Standards Unit or as designated by the Chief of Police.

Any officer involved in a shooting may be administratively compelled to provide a blood sample for alcohol/drug screening; the results of which shall be considered a privileged report. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

- (a) If any officer has voluntarily elected to provide a statement to detectives, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his or her prior statement before proceeding with any subsequent interview(s).
- (b) In the event an involved officer has elected to not provide detectives with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
 - 2. If requested, the officer shall have the opportunity to select an uninvolved and/or legal representative to be present during the interview.
 - 3. Administrative interview(s) should be recorded by the investigator (the officer may also record the interview).
 - 4. The officer shall be given an administrative order to provide full and truthful answers to all questions. The officer shall be informed the interview will be for administrative purposes only and that the statement cannot be used criminally (The Garrity admonishment).
 - 5. The administrative interview shall be considered part of the administrative review file.

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6. The assigned administrative investigator shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies and in accordance with the Collective Bargaining Agreement.
7. The completed administrative review shall be submitted to the Use of Deadly Force Review Board (Policy 302), which will restrict its findings as to whether there was compliance with the Department Use of Force policy (Policy 300).
8. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

310.7 INTERLOCAL INVESTIGATIVE ASSISTANCE PROTOCOL

Purpose

The purpose of this document is to provide a general guideline of investigative responsibilities when the **Interlocal Investigative Assistance Agreement** is activated by a member agency. The Chief of Police of the agency requesting assistance will have the discretion to identify the level of involvement of the assisting agency as determined on a case by case basis.

Requesting Agency Investigative Responsibilities:

- The request for assistance should be made at the time of occurrence and notification made as quickly as possible to investigators pursuant to the Interlocal Investigative Assistance Agreement guidelines.
- The requesting agency should initially follow normal procedures with the officer(s) involved in the critical incident pursuant to department policy and labor contract (Securing of weapons, transport to station, initial interview, etc.).
- The initial incident scene security and preservation of evidence.
- The identification and sequestration of witnesses.
- The formal transfer of investigative command to the investigating agency.
- The requesting agency may assign an investigator to the investigating agency to assist with the investigation.
- The requesting agency may assign a liaison to the investigating agency as a point of contact to assist with collection of information.

Investigating Agency Responsibilities:

- Will have the primary responsibility to conduct the criminal investigation.
- Process the incident scene (Total Station, collect evidence, take photographs).
- Maintain all evidence at their facility.
- Conduct interviews.
- Handle media relations.
- Conduct periodic briefings to update the requesting agency of the status of the investigation.

310.8 OFFICER INVOLVED SHOOTING CHECKLIST

The following checklist maybe used as an aid to assist department personnel, staff and the Chief of Police in the event of an officer-involved shooting. The checklist is not all inclusive but is to be used as a guide to assist during an officer-involved shooting.

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Officer-Involved Shooting

Officers on Scene

- Notify dispatch of shooting and location.
- Request an aid car/medics.
- Administer first aid.
- Detain any suspects and witnesses until released by a supervisor.
- Keep suspects and witnesses separated.
- Instruct witnesses not to talk to anyone about the incident.
- Broadcast all available information about outstanding suspects.
- Request a supervisor to respond.
- Establish a perimeter around the scene, keep unauthorized persons out.
- Maintain the perimeter until released by a supervisor.
- Preserve the scene and any evidence in its original position and condition.
- Anything that is touched must be documented.
- Protect any evidence that is in danger of being destroyed.
- Establish and maintain an activity log.
- Complete officer reports.
- Gather and canvass for witnesses.

Involved Officer

- Should not be isolated.
- Should only discuss the public safety information with a supervisor.
- Should be provided with a replacement weapon.
- Should be transported to the station.
- Should be given access to food/beverages, telephone, Union Representative.
- Shall never be treated like or made to feel like a criminal suspect.

Hospital Guard

- Secure and preserve evidence found on the suspect, including clothing.
- Medical Examiner will collect clothing/property of deceased suspect.
- Remain with suspect at all times.
- Keep supervisor posted on suspect's condition.
- Keep record of all persons who have communication with the suspect.
- Instruct hospital staff to release no information on the suspects presence or condition.
- Make sure hospital staff is aware that all property is to only be released to police or Medical Examiner.

Patrol Supervisor

- Manage and control the scene.
- Obtain public safety information from the officers involved.
- Make sure involved officers do not make any statements outside the chain of command.

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Officer-Involved Shooting

- Request a response from detectives.
- Notify Command Staff.
- Remain at scene and coordinate security.
- Ensure witness officers complete detailed statements.

Incident Commander

- Ensure Chain of Command and Chief are notified.
- Once investigating agency is identified, make a formal request to investigate.
- Coordinate with the media.
- Notify Risk Management.
- Place involved officer on administrative leave.
- Give officer an "affirmation" that they are OK.
- Make no judgments of the officer's actions.
- Ensure involved officers are promptly removed from the scene.
- Ensure duty weapons are recovered and replacement weapons issued.
- Ensure Union Representatives are notified.
- Ensure Peer Support is requested.
- Assign non-involved officer to assist with family coordination and assistance.
- Provide support as needed to investigators and patrol operations.



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Firearms

312.1 PURPOSE AND SCOPE

This policy establishes procedures for the acquisition, use, and documentation of training in the use of firearms. The Chief of Police or his or her designee shall approve all Department firearms before they are acquired and utilized by any member of this department.

312.2 AUTHORIZED WEAPONS

No firearms will be carried that have not been thoroughly inspected by the Rangemaster except in an emergency, or as directed by a supervisor. No firearm shall be carried by a member who has not qualified with that weapon at an authorized department range.

The following weapons are approved for use by officers of this department:

312.2.1 DUTY WEAPONS

The authorized issued handgun for uniformed patrol is the Glock Model 22, .40 caliber. Additionally some staff will be issued the Glock 27, .40 caliber for non-uniformed assignments.

312.2.2 AUTHORIZED SECONDARY WEAPONS

Officers desiring to carry a secondary weapon are subject to the following restrictions:

- (a) The Chief of Police or his or her designee shall approve all secondary weapons.
- (b) The weapon shall be of good quality and workmanship (e.g., Colt, Smith & Wesson, Browning, Sig-Sauer, etc.).
- (c) Any officer wishing to carry more than one secondary weapon must be given approval by the Chief of Police or his/her designee. The purchase of the secondary weapon and holsters shall be the responsibility of the individual officer.
- (d) The weapon shall be carried in a holster out of sight at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.
- (e) The weapon shall be subject to inspection whenever deemed necessary.
- (f) The department shall purchase and issue the ammunition for the secondary weapons.
- (g) Under range supervision officers must demonstrate their proficiency, safe handling and serviceability of the weapon.
- (h) Personnel shall provide written notice of the make, model, color, serial number, and caliber of all secondary weapons to the Rangemaster.

312.2.3 AUTHORIZED OFF-DUTY WEAPONS

The carrying of firearms by sworn officers while off-duty absent a concealed pistol license is permitted by the Chief of Police, but may be rescinded should circumstances dictate (e.g., administrative leave). Sworn officers who choose to carry a firearm while off-duty, based on their authority as a peace officer, will be required to meet the following guidelines:

- (a) The weapon shall be of good quality and workmanship (e.g., Colt, Smith & Wesson, Browning, Sig-Sauer, etc.).
- (b) The purchase of the weapon and ammunition shall be the responsibility of the officer.

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- (c) The weapon shall be carried in such a manner as to prevent accidental cocking, discharge, or loss of physical control.
- (d) When armed, whether on or off-duty, officers shall carry their department identification.

312.2.4 AMMUNITION

Officers shall carry only department-authorized ammunition. Officers shall be issued fresh duty ammunition in the specified quantity for all department issued firearms yearly. Officers carrying personally owned authorized firearms of a caliber differing from department issued firearms shall be responsible for obtaining fresh duty ammunition from the Rangemaster. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed in accordance with established policy.

312.2.5 ALCOHOL AND DRUGS

Weapons shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer's senses or judgment.

312.3 SAFE HANDLING OF FIREARMS

The intent of this policy is to promote proper firearm safety on and off-duty. Employees shall maintain the highest level of safety when handling firearms and shall consider the following:

312.3.1 SAFETY CONSIDERATIONS

- (a) Officers shall not unnecessarily display or handle any firearm.
- (b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster.
- (c) Any member who discharges his/her duty weapon or authorized secondary weapon accidentally or intentionally, on or off-duty, except during training or recreational use, shall make a verbal report to the on-duty supervisor as soon as circumstances permit and shall file a written report with their Division Commander prior to the completion of their current or next duty shift. Officers shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present. Officers will ensure weapons are loaded and unloaded using proper procedures and/ or clearing barrels.
- (d) Shotguns or rifles removed from vehicles or equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle. Officers will ensure weapons are loaded and unloaded using proper procedures and/or clearing barrels.
- (e) Kinetic Energy Devices or rifles removed from vehicles or equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle. Officers will ensure weapons are loaded and unloaded using proper procedures and/or clearing barrels.
- (f) Officers shall not place, store, or leave unattended any firearm or other weapon on Department premises except where the place of storage is locked.
- (g) Officers shall not use any gas or other types of chemical weapon munitions except with approval of a supervisor.
- (h) Any weapon issued by the department to be carried on or off-duty that is found by the officer to be malfunctioning or needing service shall not be carried and shall be promptly presented to the department Rangemaster or department armors.

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for inspection. Any weapon determined to be in need of service or repair during an inspection by the department Rangemaster or department armorers, will be immediately removed from service. If the weapon is the officer's primary duty weapon, a replacement weapon will be issued to the officer until the duty weapon is again rendered serviceable.

312.3.2 STORAGE OF FIREARMS

Officers shall ensure department issued firearms and ammunition are inaccessible to children and irresponsible adults. Department firearms left in vehicles will be locked in the vehicles trunk or security device.

Vehicles not on shift rotations or placed out of service shall have department issued weapons removed.

312.4 FIREARMS QUALIFICATIONS

All sworn personnel are required to qualify/ train annually with their duty weapon on an approved range course. The Rangemaster shall keep accurate records of qualifications, repairs, maintenance, training or as directed by the Administrative Sergeant. Annually, all personnel carrying a firearm will receive training on the department Use of Force and Firearms policy and demonstrate their knowledge and understanding.

312.4.1 NON QUALIFICATION

If any officer is unable to qualify or fails to meet training standards for any reason, including injury, illness, duty status, or scheduling conflict, that officer shall submit a report to his/her immediate supervisor prior to the end of the required shooting period.

Sworn members who fail to qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be required until consistent weapon proficiency is demonstrated.

Members who fail to qualify or meet training standards after remedial training will be relieved from field assignment and appropriate disciplinary action may follow.

312.5 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster or designee. All members attending will follow the directions of the Rangemaster or designee. The Rangemaster or designee will maintain a roster of all members attending the range and will submit the roster to the Administrative Sergeant after each range date.

The Rangemaster or designee has the responsibility of making periodic inspections, at least once a year, of all duty weapons carried by officers of this department to verify proper operation. The Rangemaster or designee has the authority to deem any weapon unfit for service. The individual officer will be responsible for all repairs to his or her secondary weapon and it will not be returned to service until inspected by the Rangemaster or department armorer.

312.6 MAINTENANCE AND REPAIR

Firearms carried on-duty shall be maintained in a clean, serviceable condition. Since the use of secondary weapons is at the option of the individual officer, that officer will be responsible for the furnishing, maintenance and repair of such weapon.

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312.6.1 REPAIR OR MODIFICATIONS OF DUTY WEAPONS

All repairs and/or modifications of department issued weapons must be approved in advance by the Rangemaster or command staff. The repairs or modifications must be performed by a department approved armorer.

Any repairs or modifications to the officer's secondary weapon shall be done at his/her expense and must be approved by the Rangemaster.

312.7 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to personnel who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.217):

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes.
- (b) Officers must carry their department identification card and state-issued driver license. Additionally, officer(s) when requested, must present their identification to airline officials when requested.
- (c) All required notifications must be transmitted in accordance with TSA regulations. This includes the International Justice and Public Safety Network (NLETS) message prior to travel.
- (d) An official letter signed by the Chief of Police authorizing armed travel must accompany the officer(s). The letter must outline the officer's necessity to fly armed, must detail his/her itinerary, and should include that the officer(s) has completed the mandatory TSA training for law enforcement officer(s) flying while armed.
- (e) Officers must have completed the mandated TSA security training, covering officers flying while armed. The training shall be given by the department appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification can be accomplished by early check-in at the carrier's check-in counter.
- (g) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. Officers must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (h) Officers should not surrender their firearm to anyone, but try to resolve any problems through the flight captain, ground security manager, or other management representative of the air carrier.
- (i) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

312.8 CARRYING FIREARMS OUT OF STATE

Qualified active full-time officers and qualified retired officers (see Policy Manual § 220) of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 United States Code 926B and C):

- (a) The officer shall carry his/her Department identification whenever carrying such weapon.
- (b) Qualified retired officers shall also carry certification of having met firearms qualification within the past 12 months.

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- (c) The officer is not the subject of any current disciplinary action.
- (d) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (e) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Visiting active and retired peace officers from other states are subject to all requirements set forth in 18 United States Code 926B and C.

Conduct Policy

340.1 PURPOSE AND SCOPE

This policy is intended to provide employees with guidelines for their conduct in order that they may participate in meeting the goals of this department in serving the community. This policy shall apply to all sworn and civilian members of this department (including part-time and reserve employees). This policy is intended for internal use only and shall not be construed to increase or establish an employee's civil or criminal liability. Nor shall it be construed to create or establish a higher standard of safety or care. A violation of any portion of this policy may only serve as the basis for internal disciplinary and/or administrative action.

340.2 DISCIPLINE POLICY

The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

340.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service:

340.3.1 TRUTHFULNESS/HONESTY

- (a) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.
- (b) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.
- (c) Work-related dishonesty, including attempted or actual theft of department property, services or the property of others.
- (d) Concealing or attempting to conceal defective work, removing, destroying or otherwise concealing it without permission.
- (e) False or misleading statements to a supervisor or other person in a position of authority in connection with any investigation or employment-related matter.

340.3.2 ATTENDANCE

- (a) Leaving job to which assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.

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- (c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.
- (d) Failure to notify the Department within 24 hours of any change in residence address and contact phone number.
- (e) Failure to comply with attendance-related policies.
- (f) Department employees shall take sick leave only for instances of illness or injury or as specified in the City Personnel Manual. The department may at any time require a physician's statement to justify the use of sick leave and/or to determine if a department employee's return to duty is approved by a physician.

340.3.3 CONDUCT

- (a) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily injury on another.
- (b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action.
- (c) Using Departmental resources in association with any portion of their independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.
- (d) Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.
- (e) Unauthorized possession of, loss of, or damage to department property or the property of others or endangering it through unreasonable carelessness or maliciousness.
- (f) Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution under this policy.
- (g) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.
- (h) Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt gain influence or authority for non-departmental business or activity (RCW 9A.80.010).
- (i) The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the Department for personal or financial gain or without the expressed authorization of the Chief of Police or his/her designee may result in discipline under this policy.
- (j) Seeking restraining orders against individuals encountered in the line of duty without the expressed permission of the Chief of Police.
- (k) Discourteous or disrespectful treatment of any member of the public or any member of this department or another law enforcement agency.
- (l) Unwelcome solicitation of a personal or sexual relationship while on or off-duty or through the use of official capacity.
- (m) Engaging in on-duty sexual relations including, but not limited to sexual intercourse, excessive displays of public affection or other sexual contact except as authorized in the performance of an official assignment.
- (n) Failure to report driving status is suspended, revoked or invalid

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340.3.4 DISCRIMINATION

- (a) Discriminate against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.
- (b) Violation of Departmental or City policies prohibiting discrimination and harassment.

340.3.5 INTOXICANTS

- (a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.
- (b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. This does not preclude unopened intoxicants brought to the work site as gifts or temporarily stored in a vehicle. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Failure to promptly disclose to an immediate supervisor the use of any other the counter or prescription medication containing a controlled substance which have warning labels or notices which have reported side effects that could reasonably be expected to affect the ability of the employee to safely perform the essential functions of the job.
- (d) Reporting for work or being at work following the use of a controlled substance or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties.
- (e) Unauthorized possession, use of, or attempting to bring a controlled substance or illegal drug to any work site.
- (f) Committing any violation of departmental policies related to the possession, use or consumption of drugs or alcohol.

340.3.6 PERFORMANCE

- (a) Unauthorized sleeping during on-duty time or assignments.
- (b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.
- (c) Unsatisfactory work performance including, but not limited to failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.
- (d) Disobedience or insubordination to constituted authorities including refusal or deliberate failure to carry out or follow any proper order from any supervisor or person in a position of authority.
- (e) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (f) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any member thereof.

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- (g) Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person(s).
- (h) The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.
- (i) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).
- (j) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. Employees shall familiarize themselves with and be responsible for compliance with each of the above and the Department shall make each available to the employees.
- (k) Unauthorized removal or possession of Departmental property or the property of another employee.
- (l) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship (on or off duty).
- (m) Failure to disclose material facts or the making of any false or misleading statement on any application, examination form or other official document, report, form, or during the course of any work-related investigation.
- (n) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.
- (o) Substantiated, active, continuing association with or membership in organized crime and/or criminal syndicates with knowledge thereof, except as specifically directed and authorized by the Department.
- (p) Offer or acceptance of a bribe or gratuity.
- (q) Misappropriation or misuse of public funds.
- (r) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (s) Unlawful gambling or unlawful betting on department premises or at any work site.
- (t) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in, or are continuing to engage in, serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.
- (u) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on department property or while in any way representing him/herself as a member of this agency, except as expressly authorized by the Chief of Police.
- (v) Engaging in political activities during assigned working hours except as expressly authorized by the Chief of Police.
- (w) Violating any misdemeanor or felony statute.
- (x) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.
- (y) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.

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- (z) Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g. first aid).

340.3.7 SAFETY

- (a) Failure to observe posted rules, signs, and written or oral safety instructions while on duty and/or within department facilities or to use required protective clothing or equipment.
- (b) Knowingly failing to report any on-the-job or work related accident or injury within 24 hours.
- (c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.
- (d) Failure to maintain physical/psychological condition sufficient to safely perform all essential functions of the law enforcement position held.
- (e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.
- (f) Engaging in any serious or repeated violation of departmental safety standards or safe working practices.

340.3.8 SECURITY

Unauthorized, intentional release of designated confidential information, materials, data, forms or reports.

340.3.9 SUPERVISOR RESPONSIBILITY

- (a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this department and the actions of all personnel comply with all laws.
- (b) Failure of a supervisor to timely report known misconduct of an employee to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.

340.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Personnel Complaint Procedure Policy Manual § 1020, RCW 41.12.090 and the Collective Bargaining Agreement.

- (a) No person in the classified civil service who shall have been permanently appointed or inducted into civil service pursuant to RCW 41.12.090, shall be removed, suspended, demoted or discharged except for cause, and only upon:
 - 1. Written accusation of the appointing power, or any citizen or taxpayer; a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the civil service commission.
- (b) In the event the conduct in question is potentially criminal in nature, and the employee is compelled to provide a statement, written Garrity notice shall be provided.

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340.4.1 PROGRESSIVE DISCIPLINE

Violation of the conduct policy can result in progressive discipline. The administration of discipline is generally expected to be progressive in nature, with relatively minor violations of rules resulting in minor disciplinary action for first offenders. Repetitive similar violations, or more serious violations, would generally result in progressively more serious forms of discipline being administered. The types of discipline that may be imposed include, but are not limited to, the following:

- (a) Verbal reprimand.
- (b) Written reprimand.
- (c) Loss of accrued leave time.
- (d) Suspension without pay.
- (e) Reduction in rank.
- (f) Disciplinary reassignment resulting in reduction in pay rate.
- (g) Termination

Nothing in this policy is intended to preclude the administration of more serious forms of discipline, including termination, for a first offense if the seriousness of the offense warrants it.

340.4.2 WRITTEN REPRIMANDS

Unless otherwise specified in a collective bargaining agreement, an employee wishing to formally appeal a written reprimand must submit a written request to the Chief of Police within ten days of receipt of the written reprimand.

340.4.3 REMOVALS, SUSPENSIONS, AND DEMOTIONS

Unless otherwise specified in a Collective Bargaining Agreement, after such investigation the civil service commission may affirm the removal, or if it shall find that the removal, suspension, or demotion was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement of, or reemployment of, such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge.

The civil service commission upon such investigation, in lieu of affirming the removal, suspension, demotion or discharge may modify the order of removal, suspension, demotion or discharge by directing a suspension, without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay; the findings of the commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such officer (RCW 41.12.090).

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-department cooperation and information sharing.

400.1.1 FUNCTION

Officers will generally patrol in marked vehicles, patrol assigned jurisdictional areas of Des Moines, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources. This list is not all inclusive:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions.
- (b) Patrol may assist with crime prevention activities such as residential inspections, business inspections, community presentations, etc.
- (c) Calls for service, both routine and emergency in nature.
- (d) Investigation of both criminal and non-criminal acts.
- (e) The apprehension of criminal offenders.
- (f) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature.
- (g) The sharing of information between the Patrol and other divisions within the Department, as well as other outside governmental agencies.
- (h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies.
- (i) Traffic direction and control.

400.1.2 TERRORISM

It is the goal of the Des Moines Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview Report (FIR). The supervisor should ensure that all terrorism related reports and FIRs are forwarded to the Investigation Unit Supervisor in a timely fashion.

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain cooperation and information flow between the various divisions of the Des Moines Police Department and/ or other agencies.

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Patrol Function

400.2.1 CRIME ANALYSIS UNIT

The CSO Unit will primarily be responsible for crime analysis and will be the central unit for information exchange. Criminal information and intelligence reports will be distributed by the CSO Unit based on the nature of the information.

400.2.2 CASE REPORTS

A case report will be completed per Policy 344. The report, after approval, will be forwarded to the Records Unit for processing and distribution.

400.2.3 BULLETIN/ INFORMATIONAL BOARDS

Information bulletins will be disseminated to department members through available department technology.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

Patrol Rifles

432.1 PURPOSE AND SCOPE

In order to more effectively and accurately address the increasing level of fire power and body armor utilized by criminal suspects, the Des Moines Police Department will make patrol rifles available to qualified patrol officers as an additional and more immediate tactical resource.

432.2 PATROL RIFLE

432.2.1 DEFINITION

A patrol rifle is an authorized weapon which is owned by the Department and which is made available to properly trained and qualified officers as a primary weapon in addition to their duty handgun. No personally owned rifles may be carried for patrol duty unless pre-approved in writing by the Chief of Police and the department armorer.

432.3 SPECIFICATIONS

Only weapons and ammunition that meet agency authorized specifications, approved by the Chief of Police, and issued by the Department may be used by officers in their law enforcement responsibilities. The authorized patrol rifle issued by the Department is the Colt Ar15, Colt M4 Commando.

432.4 RIFLE MAINTENANCE

- (a) Primary responsibility for maintenance of patrol rifles shall fall on the Rangemaster or armorer who shall inspect and service each patrol rifle on a yearly basis.
- (b) Each patrol officer carrying a patrol rifle may be required to field strip and clean an assigned patrol rifle as needed.
- (c) Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle.
- (d) Each patrol rifle shall be subject to inspection by a supervisor, the Rangemaster or armorer at any time.
- (e) No modification shall be made to any patrol rifle without prior written authorization from the Rangemaster or armorer.

432.5 TRAINING

Officers shall not carry or utilize the patrol rifle unless they have successfully completed departmental training. This training shall consist of an initial rifle user's course, basic maintenance and demonstration of shooting proficiency with a certified patrol rifle instructor. Officers shall thereafter be required to successfully complete yearly training and demonstrate proficiency. The training will be conducted by a certified patrol rifle instructor.

Any officer who fails to demonstrate an articulated level of proficiency within a calendar year and who has failed to complete remedial training will no longer be authorized to carry the patrol rifle without successfully retaking the initial patrol officers user's course and demonstration of proficiency.

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432.6 DEPLOYMENT OF THE PATROL RIFLE

Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the officer reasonably anticipates an armed encounter.
- (b) The deployment of the Department issued suppressor is at the sole discretion of the individual officer.

432.7 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by the Department's Deadly Force Policy, Policy Manual § 300.

432.8 PATROL READY

Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when it has been inspected by the assigned officer, the fire selector switch is in the safe position, the chamber is empty and a magazine loaded with the number of rounds specified by Department training and the type of magazine.

The patrol rifle should be carried in accordance with "patrol ready" training procedures.

432.9 RIFLE STORAGE

- (a) When not in use (days off, scheduled leave or extended absences), patrol rifles and suppressor will be stored in the officer's assigned safe. Exceptions to this section must be approved by a command level officer.
- (b) Between shifts the patrol rifle should be secured in a patrol car's interior locking rack, department safe, or in the officer's residence.
- (c) Vehicles not on shift rotations or placed out of service shall have department issued weapons removed.

Also refer to Policy 706 and Policy 312.

432.10 PATROL RIFLE SUPPRESSOR

The control of the patrol rifles removable suppressors is the sole responsibility of the assigned officer. All reasonable efforts to insure the security of the suppressor will be made at all times. The suppressor will be stored under the same criteria of the patrol rifle.

Animal Control

820.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for Animal Control Officers and Des Moines Police Department personnel in dealing with animal control related calls for service and to set forth procedures regarding animal control services for domestic animals and exotic animals kept as pets. These services may include, the handling of these injured animals, and the abatement of animal nuisances. Generally, incidents involving non-domestic animals should be referred to the appropriate governing authority.

820.2 ANIMAL CONTROL OFFICER RESPONSIBILITY

The Animal Control Officer (ACO) shall be responsible for enforcing local, state and federal laws relating to animals, and for appropriately resolving or referring animal problems as outlined in this policy. The ACO shall be under the operational control of the Operations Division. The Animal Control Officer's assigned working hours will be scheduled by the Operations Division Commander.

During hours when the ACO is on duty, animal control services shall be provided through self-initiated activity, assigned by Dispatch or the Shift Supervisor.

Requests for assistance by the ACO shall be acknowledged and responded to.

All animal related cases shall be forwarded to the ACO for necessary follow-up.

820.2.1 ANIMAL CRUELTY COMPLAINTS

The ACO when on duty shall conduct the preliminary investigations on all reports of animal cruelty.

820.2.2 STRAY ANIMALS

If the animal has a license or can otherwise be identified, the owner or keeper should be contacted, if possible. The animal may be released to the owner or keeper and a citation may be issued if appropriate. Animals taken into custody shall be transported to and impounded to a shelter facility.

820.2.3 ANIMAL BITE REPORTS

The ACO will document all animal bite incidents in a case report and collect all relevant evidence to the incident. ACO should impound or arrange for immediate quarantine of the animal.

A bite is when an animal bites a human being and the skin is broken or there is bleeding.

820.2.4 PUBLIC NUISANCE CALLS RELATED TO ANIMALS

ACO is responsible for handling nuisance calls relating to animals and taking reasonable actions or steps to mitigate or resolve the nuisance.

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820.3 OFFICER RESPONSIBILITY

During hours when the Animal Control Officer is off duty, or if the ACO is otherwise unavailable, the following animal related calls for service will be handled by the appropriate on-duty officer.

Officers dispatched to emergent animal related calls should attempt to take appropriate actions to control and resolve the situation. Due to the hazards of handling animals without proper equipment, responding officers generally should not attempt to capture and pick up any animal. The following are examples of when an officer may consider acting before the arrival of the ACO:

- (a) When there is a threat to the public safety.
- (b) When an animal has bitten a person, officers should take measures to confine the animal and prevent further injury. A Case Report will be taken and the animal impounded and/or quarantined.
- (c) When the owner/keeper has been arrested and there is a need for placement of the animal.
- (d) When the animal is gravely injured.

820.3.1 ANIMAL CRUELTY COMPLAINTS

Officers shall conduct a preliminary investigation on all reports of animal cruelty and forward the information to the ACO for follow-up. Officers shall not hesitate to take any immediate actions deemed necessary. The assistance of an ACO may be requested to assist with the investigation when appropriate for the purpose of handling the disposition of any animal(s) associated with the case. When the ACO is off duty, the ACO may be requested with supervisor approval.

820.3.2 STRAY ANIMALS

If the animal has a license or can otherwise be identified, the owner or keeper should be contacted, if possible. The animal may be released to the owner or keeper and a citation may be issued if appropriate. Animals taken into custody, shall be transported to an approved Animal Shelter impounded into a kennel and posted with the impound form. The information on the impounded animal should then be left for the ACO for follow-up.

820.3.3 ANIMAL BITE REPORTS

Officers shall obtain as much information as possible for forwarding to the ACO for followup, including a case report, photos of the bite wounds, the offending animal, the victim information and the animal owner / keeper. Officers should impound the animal immediately for quarantine.

820.3.4 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Public nuisance calls relating to animals should be referred to ACO. If the ACO is not on duty and the call cannot be referred for ACO because of its emergent nature, officers will respond and attempt to reasonably resolve the situation. Responding officers shall obtain and forward to the ACO as much information as possible regarding the nature of the complaint, complaining person, owner information (if possible), location of problem, etc. Officers should also document any actions taken, citation(s) issued, related report numbers, etc.

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In the event responding officers cannot fulfill urgent requests for service because the animal is difficult or dangerous to handle, the ACO may be called to duty to handle. If the ACO is unavailable, the Shift Supervisor may request the assistance of an ACO from an allied agency.

All requests to call in the ACO must be approved by the Shift Supervisor.

820.4 DECEASED ANIMALS

Deceased stray domestic animals on public property will be removed and properly disposed of by City Public Works. Deceased animals weighing over 20 pounds will be taken to an animal shelter for disposal. Deceased animals weighing less than 20 pounds may be disposed of in an appropriate waste disposal container. For health and sanitary reasons, when possible deceased animals weighing less than 20 pounds should be placed in a sealed plastic bag prior to placing in the waste disposal container.

Neither the ACO nor any patrol officer will be required to climb onto or under any privately owned structure for the purpose of removing a deceased animal.

820.5 INJURED ANIMALS

When any injured domesticated animal is brought to the attention of a member of this agency, all reasonable attempts shall be made to contact the owner or keeper. When the owner or keeper cannot be located and the animal is not an immediate danger to the community, it may be taken to a doctor of veterinary medicine as described below (RCW 16.54.020):

- (a) During normal business hours, the animal should be taken to an authorized veterinary care clinic or to an animal shelter if a shelter vet is on duty.
- (b) If after normal business hours, the animal should be taken to the department authorized veterinary emergency clinic.
- (c) The only exception to the above is when the animal is an immediate danger to the community or the owner/ keeper of the animal is identified and takes responsibility for the injured animal.
 1. When the need to kill a seriously injured or dangerous animal is necessary, the department Use of Force Policy § 304 shall be followed. Destruction of an animal shall be undertaken with reasonable prudence and, whenever possible, in consultation with a licensed veterinarian and the owner/ keeper of the animal (RCW 16.52.210). The decision to dispose of a seriously injured animal will rest with the on-duty Shift Supervisor.
- (d) Injured wildlife should be referred to the Marine Mammal and Fisheries Department or the Washington State Department of Fish and Wildlife as applicable.
- (e) When handling dead or injured animals department employees shall attempt to identify and notify the owner/ keeper of the final disposition of the animal.
- (f) Each incident shall be documented and include, at minimum, the name of the reporting party and veterinary hospital and/or person to whom the animal is released. If the ACO is off-duty, the information will be forwarded for follow-up.

820.6 ENFORCEMENT

The ACO, officers, or Supervisors have discretion regarding the issuance of a notice of infraction or citation for a violation.