



COLVILLE POLICE DEPARTMENT

CHAPTER 10

USE OF FORCE

10.010 Reasonable Force - General Policy

A use of force occurs anytime an Officer employs physical action against another person. Such force could include applications of physical tactics and techniques, less lethal devices, chemical agents, and weapons. When a subject allows themselves to be restrained, handcuffed, searched, or escorted it is not considered use of physical force. An Officer should use the minimum force reasonably necessary to overcome resistance to secure and detain an offender. What may be reasonable force under one set of circumstances may be unreasonable force under a different, though similar, set of circumstances. Officers should consider the severity of the crime and whether or not alternatives to force exist. When the arrest is for a misdemeanor, the seriousness of the crime does not justify endangering the accused's life in effecting the arrest.

Officers should use reasonable care when considering using force and when possible, alternatives to force should be attempted first. Prior to using force officers should take into consideration whether or not the subject is visibly pregnant or claims to be pregnant, whether they are known to be, appear to be, or claim to be a juvenile or vulnerable adult, whether they are displaying signs they are mentally, physically or behaviorally impaired or disabled, appear to be experiencing perceptual or cognitive impairment typically related to alcohol or drugs, are suicidal, or have limited English proficiency. The presence of children should also be taken into account.

Reasonable force will always be judged against the seriousness of the crime. Officers should make every effort to utilize distance, shielding, repositioning and communication to de-escalate situations to prevent a use of force altogether. Good communication skills can slow the pace of an encounter and allow time for back-up to arrive. If multiple officers are on scene, one should be designated to communicate to avoid competing commands. Officers should consider leaving if it is safe to do so and there is no threat of imminent harm and no crime has been committed. Striving to prevent use of force to begin with, the department will provide officers mental health and de-escalation training in compliance with **RCW 43.101.452 and WAC 139-11-020.**

Force may be used in accordance with **RCW 9A.16.020**, when probable cause exists that a crime has been committed, or to prevent an escape as defined in RCW 9A.76, or to protect against an imminent threat of bodily harm to the Officer, another person, or the person whom force is used against. All physical force must terminate as soon as the necessity ends.

If any amount of force is used in apprehending an offender, the Officer will report the incident to the shift supervisor if available. A written report of the incident will be filed before the end of that shift and forwarded to the Sergeant. The Officers' report should consider the following, 1. Medical / first aid provided, 2. De-escalation tactics used, 3. Articulate why is was the least amount of force used, 4. The actual force used, 5. At what point the use of force was stopped.

The Chief will track these incidents and determine if an individual Officer has a pattern of questionable use of force incidents so that early intervention can be made. If an officer leaves employment with this department while under investigation for a use of force incident that information will be provided to the Criminal Justice Training Commission (CJTC). Any open investigation will be completed regardless of employment status and the final results given to the CJTC.

All Officers have a duty to intervene if they believe a fellow Officer from this department or officer from any other department is using force that is not reasonable and necessary or not in compliance with this policy. That Officer is required to immediately report the incident to the on-duty supervisor. If no supervisor is on duty they shall call the Sergeant or the Chief. Memorandums will be completed by the Officer and shift supervisor and sent to the Chief.

If the officer is from another agency the Chief will forward the reports to the appropriate supervisor with that agency. Any Officer who fails to report an incident will be subject to discipline from this department as well as the CJTC. No Officer who makes a report in good faith will be subject to discipline even if it is later determined there was no policy violation in the reported use of force.

10.020 Use of Restraints and Handcuffs

In general, all persons taken into custody should be handcuffed with their hands behind their backs. The facts and circumstances surrounding the case will, however, dictate the actual procedure. For example, the Officer may elect not to handcuff a suspect arrested for a minor misdemeanor; whereas it would be dereliction of duty not to handcuff a felon.

The following rules will apply to the use of handcuffs:

1. Compliant handcuffing is not a use of force and does not require a report.
2. Except under exceptional circumstances, do not handcuff a prisoner to a fixed object such as a post, vehicle or building.
3. For Officer Safety, prisoners should be handcuffed with hands behind the back.
4. Never handcuff yourself to a prisoner.
5. Do not use handcuffs as a "come along."
6. If a handcuffed individual continues to resist, officers should make every attempt to use the least force necessary to prevent injury to themselves as well as the prisoner. Unless they are actively attempting to assault Officers. OC-10 or a TASER should not be used against a handcuffed prisoner.
7. If a handcuffed individual is attempting to kick Officers or vehicle windows and the use of ankle restraints is necessary, Officers should keep the risk of positional asphyxiation in mind. Use of a soft hobble that can be secured by a closed vehicle door and allows the handcuffed person to remain seated in an upright position is the best option.

OFFICERS SHOULD WATCH FOR SIGNS OF EXCITED DELIRIUM.

Excited delirium is defined as, "A state of extreme mental and physiological excitement, characterized by extreme agitation, hyperthermia, hostility, exceptional strength and endurance without apparent fatigue." (Morrison and Sadler, 2001) If excited delirium is suspected then Officers should request EMS respond to evaluate. The on duty supervisor should be notified to determine if the subject should be transported the emergency room for evaluation.

10.030 Use of Baton

The straight handle baton, including collapsible batons, or the side handle baton provides a means by which an Officer can defend himself or others from bodily harm and a means of restraining violent individuals. The baton should be used in situations which do not warrant use of a firearm. It should be used to affect an arrest or subdue violent persons when other means have failed or are impractical.

No Officer shall carry or use a straight handle baton or a side handle baton without receiving the proper training for each and being properly certified for its use.

The baton should be carried in the belt ring, and should not be unnecessarily brandished.

Except in these circumstances where an Officers life or the life of another person is threatened, do not strike a subject in the head or groin with a baton.

Whenever a baton is used on a subject, a written report regarding the incident, the need for that level of force, and the results of that use should be made prior to going off shift and forward such report to the Sergeant.

10.040 Use of Less-Than-Lethal Shotgun

The Chief may, at his discretion, authorize the issuance of less-than-lethal shotguns. "Less-than-lethal" shotguns, also known as "less lethal" shotguns shall be considered a blunt impact weapon comparable to a baton.

Shotguns used for this purpose shall be department issued and clearly marked in brilliant orange. Only officers who have been authorized and trained shall carry these weapons on duty. No Officer assigned to carry a less-than-lethal shotgun shall possess in their patrol vehicle any other shotgun other than the temporary transport of evidence. No shotgun ammunition other than the department approved and issued blunt impact ammunition shall be carried in the Officers patrol vehicle. If that Officer takes shotgun ammunition as evidence, it shall be securely packaged prior to being placed in their patrol vehicle. No other ammunition shall be loaded into less-than-lethal shotguns for any reason.

Whenever practical, the on-duty supervisor should authorize the use of a less-than-lethal shotgun. Exigent circumstances do not require pre-authorization.

Officers are not required or compelled to use less-than-lethal shotguns in lieu of other reasonable tactics. The safety of hostages, innocent persons and Officers shall take priority over subjects engaged in criminal or suicidal behavior.

Deployment of blunt impact ammunition should be in compliance with all training and should take into consideration the distance to the subject, persons around the subject, type of clothing worn and what lies beyond. Intentionally targeting the head or neck should be considered deadly force and should only be done if the Officer believes the subject poses an immediate threat to life.

A clear verbal warning indicating that deployment of less-than-lethal ammunition is occurring shall always be given prior to deployment of the device, providing that such warning is feasible under the circumstances. This warning is given to prevent sympathetic fire from other Officers on scene. Warning to be used, " Bean Bag " Bean Bag" " Bean Bag "

Anyone struck by blunt impact ammunition shall be taken to the emergency room for medical evaluation and a report shall be written as soon as practical and submitted to the Sergeant.

If a firearms instructor is authorized to carry a less-than-lethal shotgun on-duty, an additional written safety plan will be created to address the possession of standard shotgun ammunition in their vehicle.

Officers may, at their discretion, carry chemical aerosol subject restraint (ASR) or pepper spray, as part of their duty equipment. The purpose ASR is to provide an Officer with a means of affecting an arrest, defending himself or others or restraining violent persons when other means have failed or are impractical.

Whenever ASR is used, the Officer involved will submit a written report regarding the circumstances and need for such use and forward such report to the Sergeant.

10.060

Electro-Muscular Disruption Technique

The M26 / X26 / X2 TASER is a versatile weapon choice and can be utilized in one of two ways. It can be used as a touch stun application or as a fired deployment using the probes.

When used in a touch stun application, the M26 / X26 / X2 TASER may be used under similar circumstances to the use of OC spray, or in conjunction with other pain compliance techniques such as wrist locks and control techniques. These options would appropriately be implemented at the active resister level.

When fired, the probes of the M26 / X26 / X2 TASER create an increased potential for injury. Due to this increased risk of injury, the use of the probes needs to be viewed as a greater use of force than the touch stun. Using the probes should be viewed as a use of force on a parallel with that which would justify the use of blunt impact tools and munitions. This would primarily occur in the case of an assaultive suspect.

QUALIFIED PERSONNEL

The M26 / X26 / X2 TASER will only be issued to and carried by authorized officers of the Colville Police Department. All sworn personnel selected to deploy the M26 & X26 & X2 TASER shall attend and successfully complete a four-hour initial training and certification class and or receive user certification by the Department Taser instructor. In addition to the four-hour initial training course, Each M26 / X26 / X2 TASER shall be individually assigned and shall be listed by serial number to each officer.

DEPLOYMENT

The Officers selected to deploy the M26 / X26 / X2 TASER are authorized to deploy the weapon in compliance with Colville

Police Department policies and procedures governing the use of force. **Officers shall avoid the upper chest area for probe deployments.** The following protocol should be used:

- Move safety to “off” position.
- Advise radio that an M26 & X26, X2 TASER is about to be deployed. This will help avoid sympathetic firearms response.
- Announce “INDEX” in a loud voice. TASER, TASER, TASER
- Pull trigger; deploy probes.
- Move safety to “on” position.
- Remove spent cartridge and reload with a new cartridge.

- Repeat procedure if necessary and justified.

TACTICAL CONSIDERATIONS

- Avoid using the M26 / X26 / X2 TASER against a suspect armed with a firearm
- A backup officer with lethal capability should always accompany an officer deploying a M26 / X26 / X2 TASER.
- **Officers shall avoid the upper chest area for probe deployments.**

MEDICAL TREATMENT

- Law enforcement personnel will remove darts as long as they do not involve the eyes, face, neck, breast and groin. Darts to these areas will be removed by a physician at an appropriate medical facility.
- Expended TASER darts and cartridges shall be handled as a biohazard and contained in a properly marked biohazard container.
- Photograph any injury to the suspect.

The Lateral Vascular Neck Restraint (LVNR), Carotid Restraint, or any other maneuver that restricts the airway or blood flow to the head **shall not be used as State Law prohibits the use under any circumstances.**

Officers should make every effort to avoid resting weight on a subject's neck when taking them into custody.

10.080

Use of Weapons

Firearms, Weapons and Ammunition - General Rules of Conduct

This statement of policy and the accompanying rules are for internal department use only and are not to be applied in any criminal or civil proceeding, nor do they create a higher legal standard of safety or care with respect to third parties. Violations of the rules based on this policy will only be the basis of administrative discipline, while violations of the law will be the basis for civil and criminal penalties in a court of law.

Authorized Use

Officers should use only the minimum amount of force necessary to effect an arrest or control a person. The objective of the use of force is to overcome resistance offered by an offender. Deadly force may only be used by Officers when they reasonably believe that it is necessary to protect against an imminent threat of serious physical injury or death to themselves or another person. An imminent threat exists when based on the totality of circumstances, it is objectively reasonable to believe the person has the present and apparent ability, opportunity, and intent to immediately cause death or serious bodily injury to the Officer or another person. Necessary means that, under the totality of the circumstances, a reasonably effective alternative to the use of deadly force does not exist, and that the amount of force used was a reasonable and proportional response to the threat posed to the Officer or others.

DEADLY FORCE MUST NOT BE USED UNLESS AN OFFICER FIRST GIVES A WARNING TO THE SUSPECT, BUT THE WARNING MUST ONLY BE GIVEN IF SUCH WARNING IS FEASIBLE UNDER THE CIRCUMSTANCES.

Officers will not draw or display their handgun unless there is strong reasonable cause to believe that it may be necessary to

lawfully use the weapon in accordance with this policy. This does not apply to general maintenance, storage or authorized training. If any Officer points their weapon at a citizen a use of force report will be completed so that the Chief can track the use of force.

Officers may fire their weapons to kill a dangerous animal, or to kill an animal so badly injured that humanity requires its removal from further suffering.

Officers will not unreasonably or unnecessarily endanger themselves or the public in applying this policy.

Unauthorized Use

A. The following practices are specifically forbidden:

1. Firing into crowds
2. Firing a warning shot
3. Firing into a building or through doors when the person fired at is not clearly visible unless officers are being fired upon from such building or through such door.
4. When there is any substantial danger to innocent bystanders. (When in doubt, don't shoot.)
5. Firing at a moving vehicle or from a moving vehicle unless absolutely necessary in defense of self or others against the suspect's use of deadly force. A vehicle will only be considered a deadly weapon if the vehicle itself is actively being used as a weapon.

10.090

Authorized Weapons

Sig Sauer P220 handguns and magazines will be issued to each commissioned Officer if they choose to carry this issued firearm. Officers may carry personal handguns of .45 caliber at the approval of the Chief. Range Officers will inspect the firearm as to condition and serviceability.

Rifles and 12 gauge shotguns will be issued by the department for patrol use.

Request by Officers to carry personal shotguns or rifles shall be approved by the Chief and a qualification course shall be completed. The rifle must be an AR15 style in 5.56 mm with a barrel length of 16" to 20. The rifle must be inspected by a firearms instructor to ensure it meets the departmental criteria prior to the Chiefs approval. Shotguns will be 12 gauge in caliber.

Officers must keep in mind that their personal property may be taken as evidence if used in an incident. The department will replace that weapon with a department weapon.

Department handguns shall not be modified in any way whatsoever unless done by a firearms instructor at the direction of the Chief. Any other departmental weapon may not be mechanically modified in any way, but accessories may be added or changed. Any issued departmental weapon shall be returned in the original configuration with the original parts it was issued with.

Officers are encouraged, but not required, to carry a handgun while off duty. An Officer who elects NOT to carry a handgun while off duty shall not be subject to disciplinary action if an occasion should arise in which he/she could have taken police action if armed. EXCEPTION: Off duty Officer while operating a department vehicle shall be armed with an approved weapon.

If a handgun is carried and the Officer is not in uniform, the weapon WILL BE COMPLETELY CONCEALED from public view or carried in a manner that conforms with State law.

10.100

Officer Involved in a Shooting

In the event of a homicide or other shooting involving a private citizen by a Officer of this department while in performance of his/her duties, the following procedure will be followed:

1. Render appropriate aid as soon as it is safe to do so.
2. The Chief, and Sergeant will be notified immediately.
3. A representative from an outside agency selected by the Chief shall immediately initiate an investigation using either the Northeast Washington Independent Investigative Team (NEWIIT) and/or the state Office of Independent Investigations (OII). NEWIIT will use all the protocols outlined in WAC 139-12-010, 139-12-020 and 139-12-030 to include the use of non-law enforcement community member(s).

4. The Officer(s) involved will be placed on Administrative Leave and the weapon(s) involved will be surrendered pending the completion of the investigation. A replacement weapon will be provided to the Officer(s) as soon as possible unless circumstances dictate otherwise. This procedure will in no way reflect wrongdoing on the part of the Officer(s) involved.
5. The investigation will be conducted solely by either NEWIIT and/or OII. An Officer of this department may not enter into the investigation other than to secure the original scene, preserve evanescent evidence and offer peer support to Officers involved.
6. After completion of the investigation, NEWIIT and/or OII shall forward their findings to the Prosecutor and/or the state Attorney General's Office. The findings will be reviewed by the Chief or his designee for any possible policy violations. The Prosecutor and/or State Attorney General or their designee will determine any possible law violations.
7. An Officer may be returned to duty at the discretion of the Sheriff prior to the outcome of the investigation. In the case of serious injury or death, no Officer shall be returned to duty without first speaking with a psychologist retained by the department and qualifying with their weapon.

10.110 Discharged Weapon - Report Required

Any time an Officer of this department discharges a firearm, either deliberately or accidentally in the performance of his/her duties, he/she will immediately or as soon as possible notify his/her immediate supervisor in writing, setting forth the circumstances of the incident. The supervisor will investigate and report to the Chief. This applies only to situations that do not meet the requirement of a NEWIIT/OII callout.

EXCEPTION: Weapons discharged to dispose of an injured deer or other wildlife need not be reported.

10.120 Firearms Qualification

All commissioned personnel will be required to qualify at times determined by the firearms instructor(s) or at a minimum of at least annually with his/her department approved handgun carried on duty. In addition, each Officer will be required to qualify at least once annually with any handgun authorized by the department as a "backup weapon". Officers failing to qualify will be rescheduled and attend additional firearms training. Failure to qualify after additional firearms training may be grounds for disciplinary action, including dismissal.

Department Range Officers have the responsibility and authority to conduct annual qualifications. Additional qualifications and/or training may be conducted as deemed necessary by the Range Officers. It is the responsibility of each Officer to ensure he/she meets the qualification requirements. Department Range Officers will conduct annual refresher training on the lawful use of deadly force at that time.

Range Officers will maintain absolute order at all times while conducting any type of firearms training. They will have the responsibility and authority to dismiss from the range any Officer who is disrupting the training/qualification. In the event of such dismissal, Range Officers will notify the Chief in writing setting forth the circumstances of the incident. Disciplinary action may be taken against the offender.

Shotgun/Rifle

Shotgun and rifle familiarization/training will be conducted at least once annually. All commissioned Officers are required to fire.

Ammunition

Only that ammunition which is approved and issued by the department is authorized for Officer Use.

10.130 Use of Force Simulator

The department will work with the County's insurance provider to offer interactive use of force scenario training annually. This will include various shoot/no shoot options.

10.140 It is the Policy of the Colville Police Department **not to use** excessive force or unreasonable force in lawful non-violent demonstrations by members of the public.

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