



COLVILLE POLICE DEPARTMENT

CHAPTER 10 USE OF FORCE

10.010 Reasonable Force-General policy

Purpose and scope

This policy is intended to provide guidelines for the use of force and to promote safety by ensuring that all available de-escalation techniques are used when possible and that the amount of force used is proportional to the threat or resistance the officer encounters, as well as the seriousness of the law enforcement objective is being served. The department is committed to this mission by using a minimal reliance on force.

It is impossible to specify the exact tactic and/or amount of force to be used in each situation an officer may find themselves in, but every officer is expected to use these guidelines to help make these decisions when they are presented with the need to use force.

ALL FORCE USED WILL BE REASONABLE BASED ON THE TOTALITY OF THE CIRCUMSTANCES THE OFFICER IS FACED WITH.

10.010.1 Definitions

Definitions released to this policy include:

- A. **Active resistance**-use of physical force or mechanical resistance in achieving and/or maintaining noncompliance
- B. **Assaultive**-noncompliance perceived as, or resulting in, an actual assault on a subject or officer. The scope and severity of the attack would not likely result in serious bodily injury or death.
- C. **Chokehold**-the intentional application of direct pressure to a person's trachea or windpipe for the purpose of restricting another person's airway.
- D. **Compliant**-cooperative response to lawful commands.
- E. **Control tactics**-methods officers use to manage, restrain or influence individuals' behaviors during interactions to ensure safety, compliance and order.
- F. **Deadly force**- the intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury.
- G. **Reasonable care**-level of caution and attention that an average person would use in a similar situation.

- H. **De-escalation tactics**- actions, excluding the use of force, used by a peace officer that are intended to minimize the likelihood of the need to use force during an incident
- I. **Imminent threat**- the present and apparent ability, opportunity, and intent to immediately cause harm to the peace officer or another person.
- J. **Reasonable force**- the amount of force an officer is permitted to use, based on what a reasonable officer would do in a similar situation, would consider necessary to achieve a lawful objective, such as protecting themselves, others, or bringing a subject into compliance.
- K. **Pain compliance**-a technique in law enforcement where an officer uses controlled, minimal pain to encourage a subject to comply with commands or to stop resisting. The intent is not to harm, but to leverage discomfort, or transient pain, through pressure points, joint manipulation or specific holds.
- L. **Necessary**-under the totality of the circumstances, a reasonably effective alternative to the use of force or deadly force does not appear to exist and the type and amount of force or deadly force used is a reasonable and proportional response to affect the legal purpose intended or to protect against the threat posed to the officer or others.

10.020 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 is compliant while being 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 alternates to force exist.

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, only one should be designated to communicate in order to avoid giving competing commands. Officers should consider leaving if it is safe to do so and there is no threat of imminent harm to any persons, and no crime has been committed. Officers should consider calling for a Designated Crisis Responder to the scene if safe to do so. 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:

- A. probable cause exists that a crime has been committed
- B. to prevent an escape as defined in RCW 9A.76,
- C. to protect against an imminent threat of bodily harm to the Officer, another person, or the person whom force is used against.
- D. take a person into custody, transport a person for evaluation or treatment or provide other assistance under RCW 10.77; RCW 71.05 and/or 71.34,

- E. execute a search warrant,
- F. execute a court order authorizing or directing an officer to take a person into custody
- G. seize evidence.
- H. take a juvenile into protective custody when authorized or directed by statute or court order.
- I. Prevent a person from fleeing or stop a person who is actively fleeing a lawful temporary investigative detention provided that person has been given notice that the person being detained is not free to leave.

All physical force must terminate as soon as the necessity ends.

Officers should use reasonable care when considering using force and when possible, alternatives to force should be attempted first. Some factors to consider in determining whether or not to use force include but are not limited to (RCW 10.120.020):

- A. The nature of the encounter
- B. The immediacy and severity of the risk or threat to officers or others
- C. Conduct of the subject being confronted as reasonably perceived by the officer at the time
- D. Officer/subject factors such as age, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, and the number of officers available in relation to subjects.
- E. Availability of cover officers.
- F. Prior contacts with the subject or knowledge of any prior propensity for violence.
- G. Proximity of weapons or dangerous improvised devices.
- H. If the individual is visibly pregnant or claims to be pregnant.
- I. If the individual is a minor, appears to be a minor, or claims to be a minor.
- J. If the individual is known to be a vulnerable adult or appears to be a vulnerable adult.
- K. If the individual is displaying signs of being mentally, physically or behaviorally impaired or disabled.
- L. If the individual is experiencing perceptual or cognitive impairment typically related to alcohol or drugs.
- M. Is suicidal.
- N. Has limited English language proficiency.
- O. Subjects' response to de-escalation efforts.

Reasonable care includes the following:

- A. Using de-escalation tactics.
- B. Using the least amount of force necessary.
- C. Making less lethal alternatives issued to them reasonably available for use and exhausting those alternatives before turning to deadly force.
- D. Providing aid to those affected by the use of force whenever reasonably safe to do so.

Nothing in this policy precludes officers from taking quick action with a life-threatening situation, such as an active shooter. When safe and feasible, officers shall not unnecessarily jeopardize their own safety or the safety of others through tactical decisions that unreasonably place themselves or others at risk including but not limited to:

- A. Immediately approaching a person without proper evaluation of the situation.
- B. Leaving insufficient space between an officer and a person.
- C. Not providing time for a person to comply with commands.
- D. Unnecessarily escalating a situation.

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:

- A. De-escalation tactics used,
- B. Articulate why it was the least amount of force used,
- C. The actual force used,
- D. At what point the use of force was stopped,
- E. Medical / first aid provided.

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 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. (When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.) 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/reports will be completed by the Officer and shift supervisor and then sent to the Chief. If the officer in question 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.

10.030 Use of Restraints and Handcuffs

In general, all people 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 for a cite and release, whereas it would be dereliction of duty; a significant safety concern not to handcuff a subject for a felonious crime. An officer may elect to handcuff a subject to the front due to the subject's lack of flexibility, size, being pregnant or high cooperation level. If transporting a subject to the jail while cuffed to the front, the officer must inform the jail staff prior to their first contact with the subject.

The following rules will apply to the use of handcuffs:

- A. Handcuffing a non-compliant subject shall not be attempted. Only begin to handcuff a subject after full control is gained or it is clearly safe to do so.
- B. Except under exceptional circumstances, do not handcuff a subject to a fixed object such as a post, vehicle or building.
- C. For officer safety, subjects should typically be handcuffed with hands behind the back.
- D. Never handcuff yourself to a subject.
- E. Do not use handcuffs as a "come along" i.e. drag a subject by the handcuffs.
- F. If a handcuffed subject continues to resist, officers should make every attempt to use the least amount of force necessary to prevent injury to themselves as well as the prisoner. Unless the subject is actively attempting to assault officers, OC or a TASER should not be used against a handcuffed subject.
- G. If a handcuffed subject 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 subject to remain seated in an upright position is the best option. Officers will NOT combine wrist and ankle restraints together i.e. "hogtie" any subject.
- H. 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. Officers should avoid prolonged prone restraint and avoid restricting the subjects breathing.

10.040 Defensive/Control Tactics

Pain compliance techniques may be effective in controlling a physically or actively resisting subject. Officers may only apply those pain compliance techniques for which they have successfully completed department approved training. Officers utilizing any pain compliance technique should consider:

- A. The degree to which the application of the technique may be controlled given the level of resistance
- B. Whether the individual can comply with the orders of the officer.

C. Whether the individual has been given sufficient opportunity to comply.

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

10.050 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 the use of a firearm. It should be used to affect an arrest or subdue violent people 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.

10.060 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 people, 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, the people 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 is “**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. Any blunt impact ammunition used shall be attempted to be collected from the scene, where safe and reasonably practical to do so.

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.

10.070 Use of Chemical Irritants

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

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.

10.080 Conducted Energy Weapon (CEW)/Taser

A CEW/Taser is a portable device that fires darts/electrodes that transmit an electrical charge or current intended to temporarily immobilize a person. The CEW/Taser's primary use is not as a pain compliance tool. Officers shall carry a CEW/Taser on their support side of the body and in all but extreme cases shall draw, exhibit, and use the device with the non-pistol firing hand. Officers should not hold a CEW/Taser and firearm simultaneously unless exigent circumstances exist to do so.

When used in a touch/drive stun application, the CEW should only be used when necessary to complete the incapacitation circuit where only one probe has attached to the person, where both probes attached in close proximity or when no other less lethal options are available and appropriate.

When fired, the probes of the CEW/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 which would justify the use of blunt impact tools and munitions. This would primarily occur in the case of an assaultive suspect. Officers should be aware that multiple applications of the CEW/Taser increase the risk of serious injury or even death to the receiving subject. After a standard probe deployment of 5 seconds or less, Officers shall reevaluate the situation. Each new application of the weapon is a separate use of force that must each be documented.

QUALIFIED PERSONNEL

The CEW/Taser will only be issued to and carried by authorized officers of the Colville Police Department. All sworn personnel selected to deploy the CEW/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 CEW/Taser shall be individually assigned and shall be listed by serial number to each officer.

DEPLOYMENT

The Officers selected to deploy the CEW/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, head, neck and genitals for probe deployments**. The following protocol should be used:

- A. Move safety to "off" position.
- B. Advise radio that a CEW/Taser is about to be deployed. This will help avoid sympathetic firearms response.
- C. If reasonably safe and time permits, provide warnings to the subject and provide a chance for them to comply.
- D. Announce "INDEX" in a loud voice. Just prior to pulling the trigger, loudly declare "TASER, TASER, TASER" again to help avoid other officers on scene from having a sympathetic firearm response.
- E. Pull trigger; deploy probes.
- F. Move safety to "on" position.
- G. Repeat procedure if necessary and justified
- H. Remove spent cartridges and reload with new cartridges

TACTICAL CONSIDERATIONS

- A. Avoid using the CES/Taser against a suspect armed with a firearm.
- B. A backup officer with lethal capability should always accompany an officer deploying a CEW/Taser.

- C. Officers should take into consideration the subjects' proximity to a ledge, overhang or other potential hazard that may injure them after a successful probe deployment.
- D. Officers should avoid the use of the CEW/Taser where there is potentially flammable, volatile, or explosive materials i.e. gasoline, propane, natural gas etc.

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 collected on scene, handled as a biohazard and contained in a properly marked biohazard container. Photograph and document in a report any injury to the suspect.

Whenever a CEW 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.

10.090 Use of Neck Restraints/Chokeholds

The Lateral Vascular Neck Restraint (LVNR), Carotid Restraint, Chokeholds 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. This also applies to deadly force situations. Legislation related to chokeholds makes no exemption for a chokehold as approved deadly force where in other situations it does mention the approved use of that form of force in a deadly force situation.**

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

10.100 Medical considerations

When it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of significant physical distress, has sustained an injury, expresses a complaint or injury or continued pain, or was rendered unconscious. Said individuals shall be continuously monitored until the individual can be medically assessed. Avoid keeping individuals prone on their stomachs for extended periods of time, as this could impair their ability to breathe.

Officers shall document in their report prior to the end of their shift any injuries reported by any individual, along with treatment and assessment results. If the individual refuses treatment or assessment, this must be documented as well. The refusal of treatment should be attempted to be obtained on body-worn camera or by a witness such as another officer or medical personnel. These all must be reported to the officer's supervisor as soon as reasonably possible.

10.110 Supervisor responsibilities

A supervisor should respond to any reported applications of force resulting in visible injury, if reasonably available. Once there the supervisor should obtain the facts from the officers involved. (Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties. The supervisor shall ensure that any injured parties are examined and treated. They should attempt to separately obtain a recorded interview with the subject force was applied upon and include this interview in the report to the prosecuting attorney. The supervisor should ensure that photographs have been taken of any injuries reported, visible or not.

If a supervisor is unable to respond to the incident they are still expected to complete as many of these tasks as possible that the circumstances permit. In the incident of death, serious bodily harm or great bodily harm, the supervisor shall immediately notify the Chief and contact the Office of Independent Investigations (OII), pursuant to the procedures established by the OII.

10.120 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 affect 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 APPLICATIONS.

When reasonable, officers should, prior to the use of deadly force, make efforts to identify themselves as peace officers and to warn that deadly force may be used, unless an officer

has objectively reasonable grounds to believe the person is aware of those facts. Officers should, if reasonable, attempt to determine whether the person has special needs, a medical condition, physical limitation, developmental disability, language barrier, or other factor that may impact the person's ability to understand and comply with the officers' directions. The officer shall provide clear instructions and warnings, advising that force will be used until compliance is gained. The officer shall, when reasonable and feasible, provide the subject with a reasonable opportunity to comply with the warnings.

Use of deadly force is only justified when an officer reasonably believes it is necessary in the following circumstances:

- A. To protect the officer or others from what the officer reasonably believes is an immediate threat of serious physical injury or death.
- B. That the use of deadly force is necessary, and no other alternatives reasonably exist or have already been exhausted.
- C. To apprehend a person who the officer reasonably believes has committed, has attempted to commit, is committing, or is attempting to commit a felony and the peace officer has probable cause to believe that the suspect, if not apprehended, poses a threat of serious physical harm to the officer, or a threat of serious physical harm to others.
 - a. Threats of physical harm may include the suspect threatening a peace officer or others with a weapon or displaying a weapon in a manner that could reasonably be construed as threatening, or there is probable cause to believe that the suspect has committed any crime involving the infliction of serious physical harm.

Officers must act "in good faith," meaning that, considering all the facts, circumstances, and information known to the officer at the time, a similarly situated reasonable officer would have believed that the use of deadly force was necessary to prevent death or serious physical harm to the officer or others.

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-The following practices are specifically forbidden:

- A. Firing into crowds
- B. Firing a warning shot

- C. 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.
- D. When there is any substantial danger to innocent bystanders. (When in doubt, don't shoot.)
- E. 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. When feasible, officers shall attempt to move out of the path of a moving vehicle rather than discharging their weapon at the operator.
- F. Firing at or pointing a firearm at an individual who only poses a threat to themselves or property.

10.130 Authorized Weapons/Firearms

Glock handguns and magazines will be issued to each commissioned Officer. Officers may carry personal handguns of 9mm caliber at the approval of the Chief and must qualify with it with an approved firearms instructor or range officer. Firearm instructors 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. 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 to use until the officers weapons is released.

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 on their person.

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.

10.140 Officer Involved in a Shooting

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

- A. Render appropriate aid as soon as it is safe to do so.
- B. The Chief and a Sergeant will be notified immediately.
- C. 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).
- D. 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.
- E. 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.
- F. 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.
- G. An Officer may be returned to duty at the discretion of the Chief 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.

10.150 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, describing 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, except for a normally written report.

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

Firearms Instructors and Range Officers will always maintain absolute order 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, Firearms Instructors will notify the Chief in writing describing 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

The only ammunition approved for on duty use is what is issued by the department on a yearly basis. Practice ammunition is not considered approved for on duty use, other than for training and/or qualifications at the range.

10.170 Use of Force Simulator

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

10.180 Demonstrations/Protests

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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