

Everett Police Department



Policy Manual

Use of Force

Chapter 15 USE OF FORCE

15.1 PURPOSE

This policy recognizes that the use of force by law enforcement officers requires constant evaluation. Even at its lowest level, the use of force by police is a serious responsibility. The purpose of this policy is to provide officers of this department with guidelines on the reasonable use of force.

This policy consists of principles and values guiding the performance of a specific department activity. It is not a statement of what must be done in a particular situation; it is a statement of the guiding principles to be followed in activities directed toward attainment of the department's objectives of serving our community and keeping the peace.

15.2 PRINCIPLES OF THE USE OF FORCE

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 in numerous and varied encounters on a daily basis, and where warranted, may use force in carrying out the duties assigned to them.

Officers must have an understanding of and a true appreciation for the limitations on their authority, particularly with respect to overcoming resistance from those with whom they come in official contact. The Everett Police Department recognizes and respects the value and dignity of all human life 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 interest.

Force may be "...necessarily used by a public officer in the performance of a legal duty..." [RCW 9A.16.020(1)]. "Necessary" force 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)]

The force used must be "objectively reasonable" under the *Graham v. Connor* standard [(1989) 490 U.S. 386, 109 S.Ct. 1865]. The *Graham* court states: "Determining whether the force used ... is 'reasonable' ... requires a careful balancing of the nature and quality of the intrusion ... against the countervailing governmental interests at stake." The test of reasonableness requires "...careful

attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he [or she] is actively resisting arrest or attempting to evade arrest by flight.” The reasonableness of a particular use of force “must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.”

Officer’s need to take into consideration a person’s mental state, medical condition, emotions and potential state of intoxication before using force, whenever feasible. When safe, under the totality of the circumstances, and when time and circumstances permit, officers should attempt de-escalation tactics in order to decrease the likelihood of the need for force. Attempts at de-escalation should be documented in their reports.

It is recognized that no duty to retreat exists when one is feloniously assaulted or attacked in a place where he or she has a right to be. [State v. Allery, 101 Wn.2d 591 (1984); State v. Hiatt, 187 Wn.2d 226 (1936)]

15.3 USE OF FORCE POLICY

It is the policy of the Everett Police Department that officers shall use only that amount and duration of force which is objectively reasonable and necessary to perform a lawful duty, given the facts and circumstances perceived by the officer at the time of the event, including whether a reasonably effective alternative to the use of force appeared to exist. When safe, under the totality of the circumstances, and when time and circumstances permit, officers should attempt de-escalation tactics in order to decrease the likelihood of the need for force. Nothing in this policy shall be construed as to permit, excuse or justify the use of excessive force or force that is beyond that which is objectively reasonable.

Examples of “lawful duties” include:

- Self defense,
- Defense of others,
- Prevention of the commission of a public offense,
- Effecting a lawful arrest,
- Overcoming resistance,
- Prevention of escape, or
- Protecting a person from injuring him/herself

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 sustain physical injury before applying reasonable force.

As previously noted, any application of force by a member of this department must be judged by a standard of “objective reasonableness” at the moment force is used. The reasonableness analysis requires balancing the “nature and quality of the intrusion” on a person’s liberty with the “countervailing governmental interests at stake” to determine whether the use of force was objectively reasonable under the circumstances [Smith v. City of Hemet, 894 F.3d 689 (9th Circuit 2005)].

Courts first consider the “nature and quality of the alleged intrusion.” Courts then consider the governmental interests at stake by looking at (1) How severe the crime at issue is, (2) whether the subject posed an immediate threat to the safety of the officers or others, and (3) whether the subject was actively resisting arrest or attempting to evade arrest by flight. [Mattos v. Agarano, 661 F.3d 433 (9th Circuit 2011)].

While officers are entrusted with the authority to use “necessary force” during the course of their lawful duties, special consideration must be given to subjects suffering a Mental Health Crises. Courts across the United States have ruled that when police encounter subjects suffering from a Mental Health Crisis the police must take that person’s mental state into consideration and attempt to de-escalate situations before “forcing” an encounter

Courts have also ruled that if, “a seizure’s sole justification is preventing harm to the subject of the seizure, the government has little interest in using force to effect that seizure. Further that, “using force likely to harm the subject is manifestly contrary to the government’s interest in initiating that seizure.”[Armstrong v. Vill. Of Pinehurst, 810 F.3d 892 (4th Cir. 2016)].

The above factors are not the only factors that will be considered by the court. The court examines the totality of the circumstances and considers whatever specific factors may be appropriate in a particular case. Those factors should include, but are not limited to:

- The reasonable perception by the officer of the conduct of the individual being confronted.

- Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion, number of officers vs. subjects, etc.).
- Subject apparently under the influence of drugs/alcohol or emotionally disturbed (mental capacity and physical capabilities).
- Proximity of weapons to the subject.
- Availability of other options (what resources are reasonably available to the officer under the circumstances presented).
- Seriousness of the suspected offense(s) leading the officer to use force.
- Officer training, experience, skill level.
- Potential for injury to citizens, officers, and the subject(s).
- Risk of escape.
- Other exigent circumstances.

Officers are expected to make split-second decisions in tense, uncertain, and rapidly evolving situations, and the amount of time to evaluate and respond to unexpected changes may impact an officer's decision in the application and duration of force.

While various levels of force exist, each officer is expected to respond with that level and duration of force that reasonably appears appropriate under the circumstances at the time to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

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 cease the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by policy or law shall promptly report these observations to a supervisor.

15.4 USE OF DEADLY FORCE

Deadly Force – Definitions and Legal Standards - Reasonableness

“Deadly force” means the intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury. [RCW 9A.16.010(2)] Everett Police officers shall utilize deadly force only when necessary and justified to effect lawful objectives. In all but the most extreme circumstances, officers are required to use lower force options to effect an arrest. This would not apply in those rare instances where someone's life is in immediate danger.

Officers' use of force shall be consistent with RCW 9A.16.040, which states:

(1) Homicide, or the use of deadly force is justifiable in the following cases:

- a. When a public officer applies deadly force in obedience to the judgment of a competent court; or
- b. When necessarily used by a peace officer meeting the good faith standard of this section to overcome actual resistance to the execution of the legal process, mandate, or order of a court or officer, or in the discharge of a legal duty; or
- c. When necessarily used by a peace officer meeting the good faith standard of this section or person acting under the officer's command in the officer's aid:
 - i. To arrest or apprehend a person who the officer reasonably believes has committed, has attempted to commit, is committing, or is attempting to commit a felony;
 - ii. To prevent the escape of a person from a federal or state correctional facility or in retaking a person who escapes from such a facility; or
 - iii. To prevent the escape of a person from a county or city jail or holding facility if the person has been arrested for, charged with, or convicted of a felony, or
 - iv. To lawfully suppress a riot if the actor or another participant is armed with a deadly weapon.

(2) In considering whether to use deadly force under subsection (1)(c) of this section, to arrest or apprehend any person for the commission of any crime, the peace officer must have 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. Among the circumstances which may be considered by peace officers as a 'threat of serious physical harm' are the following:

- a. The suspect threatens a peace officer with a weapon or displays a weapon in a manner that could be reasonably construed as threatening; or
- b. There is probable cause to believe the suspect has committed any crime involving the infliction or threatened infliction of serious physical harm.

Under these circumstances deadly force may also be used if necessary, to prevent escape from the officer, where, if feasible, some warning is given provided that the officer meets the good faith standard of this section.

(3) A public officer covered by (1)(a) of this section shall not be held criminally liable for using deadly force without malice and with a good faith belief that such act is justifiable pursuant to this section.

(4) A peace officer shall not be held criminally liable for using deadly force in good faith, where "good faith" is an objective standard which shall consider all the facts, circumstances, and information known to the officer at the time to determine whether 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 another individual.

(5) This section shall not be construed as:

a. Affecting the permissible use of force by a person acting under the authority of RCW 9A.16.020 or 9A.16.050; or

b. Preventing a law enforcement agency from adopting standards pertaining to its use of deadly force that are more restrictive than this section.

Apprehension by deadly force is a seizure subject to the Fourth Amendment's reasonableness requirement. An officer using deadly force is not entitled to qualified immunity if the law was "clearly established" that the use of force violated the Fourth Amendment. As with all uses of force, the reasonableness of use of deadly force will be judged from the perspective of a reasonable officer on the scene. Whether the use of deadly force is reasonable is highly fact-specific, but the inquiry is an objective one. The question is whether officers' actions are objectively reasonable in light of the facts and circumstances confronting them. A reasonable use of deadly force encompasses a range of conduct.

Verbal Warning

A verbal warning shall precede the use of deadly force, when feasible.

Warning Shots

The Everett Police Department prohibits the use of warning shots.

Firing at, from, or into a Moving Vehicle

Firing at, from, or into a moving vehicle is prohibited, except where the officer reasonably believes that there is an imminent threat of death or serious physical injury to the officer or to a third party if the officer does not do so and that it is the only reasonable means of protecting the officer and/or a third party. An officer choosing to fire from a moving vehicle or at a fleeing vehicle must be fully prepared to justify this extreme action. Officers should avoid, when possible, moving into the path of a moving vehicle, and should avoid using that action as a reason for firing at the vehicle. If the totality of the situation allows for it, officers should first consider their safety and move out of the path of a moving vehicle.

Barricades/Roadblocks

Barricading a roadway or creating a roadblock is considered deadly force and is generally prohibited, except in extreme situations. Supervisory approval is required prior to barricading a roadway or creating a roadblock. Roadblocks must only be employed in circumstances where deadly force would otherwise be justified (see [Policy 10.4 Vehicle Pursuits](#)).

15.5 USE OF FORCE – MISCELLANEOUS PROVISIONS

Display/Brandishing of Weapon – LVNR – Weapons of Opportunity – Blow to Head

Officers shall not display or brandish any weapon in a threatening or intimidating fashion unless it is reasonably necessary to do so to effectively bring an incident under control.

The use of any neck holds that restrict breathing or reduce blood flow, to include those such as the Lateral Vascular Neck Restraint (LVNR), is prohibited, except in extreme situations where the officer or another person's life is in danger. . An officer using one of these holds must be prepared to justify this extreme action. Whenever an officer uses a neck hold, a supervisor will be notified and respond to the scene. The officer will immediately cause the person that received the neck hold to be examined by medical personnel.

A police officer may use weapons of opportunity when the officer's ability to deploy Department authorized tools (weapons) is not available. The level of force used must be necessary and reasonable in accordance with Department policy.

The use by an officer of any hard object to intentionally strike a blow to a person's head is generally prohibited, except in certain extreme situations of self defense or defense of others. An officer applying a blow to a person's head must be prepared to justify this extreme action. Whenever an officer applies a blow to a person's

head, a supervisor will be notified and respond to the scene. The officer or supervisor will immediately cause the person receiving the blow to be examined by medical personnel.

Officer Use of Vehicle

The use of a vehicle to make contact with a person or another vehicle in order to stop a fleeing offender is generally prohibited, except in extreme situations. Supervisory approval is generally required prior to performing intentional vehicle intervention. An officer that opts to use vehicle intervention must be fully prepared to justify this extreme action. (See [Policy 10.4 Vehicle Pursuits](#))

Animals

Use of force toward animals may be used only when it is objectively reasonable and necessary to defend an officer or a third party against a threat of significant physical injury, **or** to save a badly injured animal from suffering. Whenever an animal is intentionally injured or dispatched by an officer an Incident Report will be written. If the animal was injured or dispatched in the course of defending an officer or third party, a supervisor will be notified, respond to the scene and a copy of the report will be forwarded and reviewed through the chain of command and filed in the Office of Professional Standards. Humanitarian dispatch requires permission of a supervisor whenever possible, and animals must be dispatched safely and out of the view of the public if possible (see Procedures Manual Section 3.04).

Use of Force by Off-Duty Officers

Off-duty officers are discouraged from taking forcible police action except in circumstances that seriously threaten life or when requested to assist by on-duty personnel. Often the most appropriate police action is to immediately report the incident to on-duty officers or the appropriate jurisdiction. Officers should carefully consider the risks to themselves and to others when taking police action while off-duty.

Use of Force by Off-Duty Officers Working an Off-Duty Detail

Off-duty officers or officers working any off-duty detail or assignment approved by the Chief of Police or designee involved in any reportable use of force incident shall be subject to the same use of force and reporting requirements which apply on-duty.

Injury – Medical Attention

Medical assistance/first aid shall be provided or facilitated at the earliest safe opportunity to injured persons at a scene controlled by Everett Police officers. This includes subjects who have sustained injury, express any complaints of injury, been rendered unconscious, or the officer suspects has been injured. If the subject complains of breathing difficulty or appears to be in respiratory distress, officers will, at the earliest safe opportunity, move them to a position where it is easier to breathe, provide any necessary first aid, and request aid personnel for a medical evaluation (see also [Section 16.1, “Reportable Use of Force”](#)).

15.6 CONDUCTED ELECTRICAL WEAPON (CEW)

Use of the CEW is subject to Section [15.3 “Use of Force Policy.”](#) In addition, the following should be noted:

Deployment – General

CEWs will only be used by authorized, trained personnel, within the guidelines of Department policies and procedures covering Use of Force in general and use of CEWs specifically. CEWs are not intended to replace firearms.

It is the policy of the Everett Police Department that officers, whenever possible under the circumstances, give a verbal warning to the subject before applying the CEW.

Classification as “Intermediate, Significant Force”

The courts classify “dart mode” application of the CEW as “an intermediate, significant use of force.” The courts have not stated a similar standard for “drive stun mode.” The classification of dart mode applications of CEW as “intermediate, significant force” means that those applications are considered a greater intrusion than other non-lethal methods of force, and the reviewing court will look for a governmental interest that compels the use of such force.

Multiple/Extended Applications

Multiple applications of five-second cycles may be required to bring a subject under control. The CEW will only be used for the number of applications and duration of time that is necessary to bring a subject under control. The justification for an extended application or for multiple applications of the CEW must be separately articulated in the report.

When determining justification for an extended application or for multiple applications of the CEW, officers should:

- Determine that the initial use of CEW is justified, using the use of force factors set forth in Department policies.
- If the circumstances that justified the initial CEW use change, re-evaluate the necessity for continued application. For example, if the initial use were justified because the officer was alone with a subject who posed an immediate threat to the safety of others and was ignoring commands to stop, arrival of another officer to provide backup for the arrest will require re-evaluation of the need for CEW to bring the subject under control.
- Be cognizant of whether a subject who has been exposed to a CEW is *unable*, rather than *unwilling* to comply with commands given by officers. Involuntary actions (such as a reflex action) will not be considered active resistance. The focus should be on whether a subject who has been exposed to a CEW is reacting to the shock of the CEW or is continuing to intentionally resist arrest.
- The subject must be given an opportunity to comply with commands or demonstrate compliance before additional applications or before application of a continuous cycle. For example, the time period between multiple CEW applications must be sufficient to give the subject the opportunity to comply with commands.

Prohibited Use

Use of the CEW is prohibited when:

- It is known that there are flammable liquids nearby, in known or suspected meth labs, or in other hazardous environments where flammable liquids or fumes are suspected;
- The incapacitation of the subject would result in the subject falling from an elevation sufficient to cause significant injury to the subject, or into any hazardous environment apparently capable of causing secondary injury to the subject;
- The risk of muscle contraction due to CEW application could result in injury to the subject or others, such as when the subject is aiming a firearm at himself/herself or at another person;
- The application is punitive; or
- The application is intended to induce or coerce a response from the subject where the subject's conduct does not otherwise justify the use of force [see [Policy 15.3](#)].

Use of the CEW is generally prohibited when:

- The subject is an obviously pregnant female;

- The subject is obviously disabled, frail or infirm;
- The subject is a child under the age of 13;
- The subject is handcuffed and secured;
- The subject is in physical control of a motor vehicle that is in motion or running; or
- The officer is in a moving vehicle.

Certain circumstances may dictate the use of the CEW in these “generally prohibited” situations after consideration of alternative measures has been made and the CEW has been determined to be the force application most appropriate for the situation. In every case, the use of the CEW must be in accordance with EPD Use of Force Policies.

Response to Scene by Supervisor, Medical Personnel

A supervisor will be notified and respond to the scene of every CEW application. The Everett Fire Department will be called to every CEW application for a medical evaluation. The EPD supervisor will ensure that all requirements of Procedure Manual Section 32.03 (CEW – Post Application Procedures) are met.

CEW Use by Officers Working Off-Duty

CEWs may be carried by authorized personnel while working off duty in a law enforcement capacity. CEWs are not intended in any way to replace firearms or any lethal force option.

15.7 SUMMARY

The decision to use force rests with each officer. While there is no way to specify the exact duration or type of reasonable and necessary force to be applied in any situation, each officer is expected to make force decisions in a professional, impartial, and safe manner that is consistent with Department policy.

Chapter 16 REPORTABLE USE OF FORCE

Careful and consistent use of force reporting gives the Department an opportunity to review situations involving use of force and to update policies and training as necessary. This process is fundamentally important to maintaining effective and constitutional policing and to preserving the public trust.

16.1 DEFINITION—INCIDENT REPORTS

A reportable use of force is defined as any incident in which an on-duty department employee, or off-duty employee whose occupation is a factor, uses any deadly force, any less-lethal control device, K9 contact, fleeing vehicle, or any physical force. Examples include, but are not limited to, use of force to:

- Compel a person to comply with the employee's direction; or,
- Prevent the escape or overcome resistance by a subject during an arrest or detention; or,
- Defend any person from an aggressive action by a subject.

Level I use of force: Any counter joint, hair hold, pressure point, pain compliance, ground or body control, push or pull for a takedown, or any of these Level I tactics to accomplish a takedown.

Level II use of force: Taser application, OC application, use of chemical irritants, less lethal impact munitions, any strikes using hands, elbows, feet, knees, or impact weapons (ASP, flashlight, weapon of opportunity) for blows to the body, or any one of these Level II tactics to accomplish a takedown.

Level III use of force: Firearms, or strikes with impact weapons which amount to potentially deadly force (head).

Incidents involving reportable force will require that the incident be fully documented in an Everett Police Department Incident Report or Everett Police Department Follow-up Report and that the appropriate checkbox on the report form be marked indicating that force had been used. Every use of force will require documentation that, at minimum, will include the following information:

A description of the legal basis for the contact that led to the use of force.

A description of the officer's reasonable perception of the totality of facts known at the time reportable force was used.

A description of the use of force conditions that led to the reasonable and necessary use of force as described in [Section 15.3](#) of this manual which are:

- In self-defense or defense of another person
- To prevent the commission of a public offense
- To effect a lawful arrest, overcome resistance, and/or to prevent escape
- To protect a person from injuring him/herself

Each officer involved in the incident will complete a case report or additional narrative report containing a detailed description of the circumstances surrounding the use of force.

16.2 SUPERVISORY NOTIFICATION, RESPONSE and MEDICAL ASSISTANCE

Supervisory notification shall be made as soon as is practicable following the application of any physical force which, at the time, appears likely to have caused injury, or the complaint of pain by the subject. Supervisors will respond to the scene and cause photographs to be taken documenting the incident in the following circumstances:

- In all reviewable use of force incidents (refer to Policy [16.3](#)).
- In all officer-involved shootings.
- Whenever a neck hold is applied.
- Whenever a blow to the head is applied.
- Whenever a Conducted Electrical Weapon is applied.
- Whenever an animal is injured or dispatched in the course of defending an officer or third party.

Medical assistance shall be obtained as soon as is practicable for a subject who:

- Has sustained injury or whom the officer suspects has been injured;
- Expresses any complaint of injury;
- Has been rendered unconscious.

(See also [Section 15.5, Use of Force – Miscellaneous Provisions](#))

16.3 SUPERVISOR'S USE OF FORCE OR PURSUIT REVIEW FORM

The first line supervisor of the primary officer involved in a use of force incident will review the reports and other required documents of the primary officer and of any other officer(s) involved in the incident.

The supervisor will complete a Supervisor's Use of Force or Pursuit Review Form when any of the following occur:

- Any Level I application with injury reported by subject or observed by officer.
- All Level II applications.
- All canine contacts (injury or not).
- All Level III applications.
- All Fleeing Vehicles.

The SWAT chain of command will use the Supervisor's Use of Force or Pursuit Review Form to review incidents in which an:

- Everett Police Department member, serving as the Region 1 SWAT Commander or Acting Commander, approved a tactical plan that resulted in a reviewable use of force by any Region 1 SWAT member.
- Everett Police Department SWAT member applies a reviewable use of force as defined above.

Exceptions to the Form requirement include:

- The use of a firm grip control only, which does not result in injury or the appearance of injury.
- An incident investigated by the Snohomish Multi-Agency Response Team (SMART) or other departmentally authorized investigator(s) in which a report is prepared by those investigators (e.g., an officer-involved shooting investigation).
- Incidents involving the aiming of firearms at another.
- The display, aiming, or arc display of a Taser with no application.
- Discharge of firearms during training or other authorized range activity.
- Use of force on an animal, whether in defense of a person or to humanely dispatch a badly injured animal.

Because of the potential for a large number of suspects in a riot or civil disturbance, the use of irritants, chemicals or less lethal impact munitions by members of the Special Operations Group is exempt from preparation of the Supervisor's Use of Force or Pursuit Review Form. The Unit Commander or designee will prepare an after action report detailing the use of these products. Reportable uses of force during civil disturbances, as delineated under the

definition in [Section 16.1](#) above, will be entered into IAPro by the Office of Professional Standards.

16.4 DOCUMENTING USE OF FORCE

The Everett Police Department requires an administrative review of each Supervisor's Use of Force or Pursuit Review Form, utilizing the following protocols:

Any supervisor, including the first line supervisor, who is involved in the administrative review process is expected to thoroughly review the facts and circumstances surrounding the application of force, evaluate the reasonableness of the application of force, and make comments detailing his/her conclusion as to the reasonableness of the application of force.

When the first line supervisor has completed the Supervisor's Use of Force or Pursuit Review Form, he/she will forward the Form, plus copies of the Incident Report, printed copies of the associated photographs and any other attached documentation, to the lieutenant. The lieutenant will review the matter, complete the Form, and forward all documentation to the captain.

The captain will review the matter, complete the Form, and forward all documentation to the Office of Professional Standards. The Inspector will review the matter, complete the Form, and forward all documentation to the appropriate Chief/Deputy Chief. The Chief/Deputy Chief will review the matter, complete the Form, and forward all documentation to OPS to log the final disposition. The OPS is responsible for maintaining the records in accordance with state retention schedules and city protocols. If the situation warrants, the OPS may forward the documentation to the Legal Department. If appropriate under the circumstances, the Legal Department may forward copies to private counsel who is or may be retained to represent the City in litigation and/or personnel matters related to the incident.

In the event that a first line supervisor is a participant in the use of force incident, the supervisor at the next level will complete the Supervisor's Use of Force or Pursuit Review Form and forward the Form and attached documents to the next level of supervision.

In addition to regular monitoring of Use of Force Reports, the Deputy Chief of Operations and The Deputy Chief of Investigations and Services will conduct an

annual review of all Use of Force Reports, with final approval of the review by the Chief of Police.

Chapter 17 OFFICER INVOLVED SHOOTING

17.1 OFFICER INVOLVED SHOOTING – NO INJURY

When a shooting incident occurs and there is no death or injury involved the involved officer will immediately notify his/her supervisor. The officer will submit an incident report before leaving “on duty” status.

The supervisor will respond to the scene. The supervisor shall notify the on-duty Patrol Lieutenant or Operations Duty Officer, as well as calling out other personnel as needed.

The Patrol Lieutenant or Operations Duty Officer shall immediately respond to the scene of the incident to complete an incident assessment and will brief the sector captain prior to leaving the scene. The Patrol Lieutenant or Operations Duty Officer will see that all other reports are submitted prior to leaving duty status.

The Command Duty Officer will be notified immediately, and will decide on all subsequent notifications.

17.2 OFFICER INVOLVED SHOOTING – INJURY

In the event of an officer-involved shooting incident resulting in a death or injury, consult Procedures Manual Section 3.20 (Law Enforcement-Involved Fatal or Serious Injury Incidents: Patrol Supervisor’s Checklist) and Section 22.0 (S.M.A.R.T).

17.3 POST TRAUMATIC INCIDENT

Any Police Department Employee involved in any police action resulting in a serious injury or death, may be assigned to “Administrative Duty” by the Chief of Police pending the review process. The assignment to administrative duty is not to be construed as punishment or that the employee has acted improperly.

All employees directly involved in any police action resulting in a serious injury or death shall make a written report, after consultation with the department’s legal counsel. The report will not be required for completion until a minimum of 24 hours has lapsed.

The Departmental psychologist will be notified as soon as possible of any police actions that result in serious injury or death. An appointment will be made for the

employee by police administration. Attendance at the appointment is required prior to the return to line duty.

In cases where any person has been seriously injured or killed as a result of a police action by an employee, all associated officers (Officers, Fire Department, Dispatch) may be required to attend a Critical Incident Stress Management Debriefing.

In all cases where any person has been seriously injured or killed as a result of police actions by an employee, the involved employee and his/her family will have access to the services of the department chaplain. The department chaplain services are not related to the departmental investigation of the incident and nothing discussed will be divulged to the department.

The involved employee shall not discuss the incident with anyone except the Department's designated attorney, the employee's personal and/or Association attorney, their spouse, a psychologist, the chosen clergy, department peer counselors, and those assigned to investigate and debrief the employee as related to the incident.

Non-investigative personnel of our department will be in attendance at the scene. Officers should realize the Chief of Police, or designee, is present for the needs of the employee and the employee's family.

Chapter 18 AUTHORIZED WEAPONS

18.1 FIREARMS

All sworn personnel will receive training from a departmental firearm instructor prior to receiving a departmental issued firearm. These same individuals will receive and demonstrate an understanding of this department's [Use of Force Policy](#) and related directives before being authorized to carry any weapon.

All weapons including handguns, rifles, direct impact launchers, expandable batons, Tasers and chemical agents shall be used only when necessary in the performance of duty or in training. Discharge or use of any weapon other than in training requires an incident report and a Supervisor's Use of Force or Pursuit Review on the circumstances describing the use and cause for use.

All on-duty officers shall be armed with a department-approved firearm. (Officers involved in undercover operations precluding them from being armed should receive supervisor approval prior to the operation.) While officers are on duty, all firearms will be loaded only with department issued and/or approved ammunition. Department issued firearms carried off duty will only be loaded with department issued and or approved ammunition.

Only weapons and ammunition authorized by the Everett Police Department are to be used by agency personnel in law enforcement responsibilities. This directive includes all lethal, less lethal weapons and weapons utilized by the Tactical Team and other specialized personnel.

Special weapons such as, but not limited to, sniper rifles, automatic weapons, explosives, and tear gas (other than O.C. Spray) may be employed only with the approval of a Command Staff Officer, and under the supervision of an officer designated by the Command Staff Officer. In an emergency situation, other than a riot or civil disturbance, where life is in immediate danger, the Incident Commander may authorize chemical and/or automatic weapons when used by qualified personnel. If this should occur, the Incident Commander must immediately notify the Operations Duty Lieutenant/ODO and/or Command Duty Officer/CDO.

A department-approved handgun intended for official use by any officer must meet the following requirements:

All firearms must be inspected, registered, fired and certified safe by the armorer.

The officer must demonstrate proficient use of the weapon during regular firearms qualification sessions.

The officer must meet training requirements with each approved weapon.

Modifications to department owned/issued firearms and ammunition are generally prohibited. A department armorer shall complete any such work.

Modifications to personally owned firearms used in their official capacity shall be approved in writing by the department armor.

It is the duty of supervisors to see that on-duty officers under their supervision carry only the weapons authorized by this department.

During periods of disability, all officers are reminded that they are not to act as peace officers. Although the powers of arrest are still valid, officers should not act as a peace officer due to the disability. The carrying of a firearm is not prohibited, however, it is not recommended.

Under no circumstances should an officer carry a firearm while under the influence of any prescription drug or alcohol that could affect judgment and/or motor skills.

18.2 BACKUP AND OFF-DUTY FIREARMS

Backup Firearms

Officers are authorized to carry a single backup firearm, but only upon meeting specific department approval. It must be capable of holding a minimum of five (5) rounds in a cylinder or magazine, meet the caliber standards (.380 caliber through .45 caliber), and pass the departmental armorer's inspection. A short practical exam (one per weapon) covering the loading/unloading, field stripping, and cleaning/lubrication of the weapon will be given to the officer before they are granted authorization to carry the backup weapon. The officer will also be required to pass the designated "Backup" firearm qualification course.

Officers who have met the requirements noted above for carrying a backup weapon shall qualify with their respective backup weapon semi-annually (qualification quarters) only on the designated Backup weapons course of fire and on the designated qualification days of each quarter of the calendar year.

Officers who participate, but fail to meet the minimum qualification requirements for a backup firearm by the last qualification date for the quarter will not be authorized to carry the weapon until such time as they meet or exceed the minimum qualification requirements.

Officers who fail to participate in the required bi-yearly qualification for a backup firearm will be denied authorization to carry that particular firearm until they have qualified. It shall be the responsibility of the officer's immediate supervisor to ensure that no unauthorized backup firearm is carried by the officer. Reinstatement of authority to carry the backup firearm will commence upon meeting or exceeding the minimum requirements for the preceding qualification quarter.

Any officer who chooses to carry a personally owned firearm for backup use is required to furnish his/her own ammunition for the qualification course and for use of the firearm while on duty. The department armorer must approve all ammunition.

Department Firearms, Off-duty Carry

The carrying of an off-duty firearm and police identification is encouraged but not mandated. An officer who elects not to carry a firearm while off duty shall not be subjected to disciplinary action if an occasion should arise in which the officer could have taken law enforcement action if armed and did not. Department owned handguns are authorized to carry while off duty.

18.3 AMMUNITION

Uniformed officers will carry enough department authorized duty issue ammunition on their duty belt (including the rounds in the firearm) to facilitate two reloads.

Plain-clothes officers while on duty will carry a fully loaded handgun. The carrying of additional ammunition on their person is encouraged but not mandated.

All authorized duty issue ammunition shall be "Factory" new and of a design, weight and velocity to meet the needs of the department.

All other ammunition calibers are referenced in the Procedures Manual or individual unit Standard Operating Procedures (SOP).

Modification to department issued ammunition is strictly prohibited.

18.4 FIREARM CARE/MAINTENANCE

The department armorer shall perform an annual inspection of all department issue and personally owned firearms approved for use in an officer's official capacity. The department Range Master, or any department-approved armorer has the authority to remove any unsafe firearm from use. The department Range Master will maintain a record of each weapon approved by the Everett Police Department for official use. The Range Master will be responsible for ensuring that all department firearms, not issued, are stored in the department vault.

The department armorer will complete or order all necessary repairs to department owned/issued firearms.

All necessary repairs to personally owned firearms used in their official capacity may be performed by a qualified department armorer. Repair of personally owned firearms for which no qualified department armorer is available and replacement parts for personally owned firearms are the responsibility of the individual officer.

Officers are responsible for the care and cleaning of their weapons and will, at all times, maintain the weapon in a clean and serviceable manner.

Officers shall immediately report the loss or theft of any department or personally owned firearm used in their official capacity, to the Chief of Police through the Chain of Command. The report will be in writing and will detail all the facts concerning the incident. Additionally, the officer will file a police report in the jurisdiction where the theft occurred.

Officers shall keep issued weapons in a gun locker, in a locked changing room locker, locked desk or in a secure place when not on their person. This is encouraged while at home or away from work. At the officers' request, locks are provided for additional security during the safe storage of department issued pistols and rifles. These locks only restrict the operation of the weapon, and do not prevent theft.

18.5 SHOTGUNS

Shotguns are authorized to be carried only by members of the Everett Police Department Tactical Team during team activations or as specified in [Chapter 18.7](#).

Members of the Everett Police Department Honor Guard are authorized to carry shotguns for ceremonial use.

18.6 LONG RIFLES

Officers who want to use a departmentally issued rifle for duty weapons may do so subject successful completion of the rifle training program.

Weapon:

No modifications are to be made to a department issued owned rifles without the permission of the department rangemaster.

Training:

Participating officers shall successfully complete the department's rifle training program.

Officers shall qualify semi-annually with the rifle. Failure to qualify will result in the suspension of the privilege to carry the rifle. Reinstatement to carry a rifle is addressed in [Chapter 18.10](#). Proficiency at breaking down, cleaning and reassembling the weapon along with knowledge and skill to recognize and clear malfunctions shall be evaluated semi-annually during semi-annual qualification.

Ammunition:

Ammunition for rifles must be department issued. Rifles will be carried only in department designed rifle racks. No rifle will be carried in a department vehicle with a round chambered.

Inspection:

All weapons shall be inspected and approved for use by the Department Armorer prior to their initial deployment in the field. The Department Armorer will record the serial number of the rifle and maintain all information pertinent to the weapon in department files.

18.7 LESS LETHAL WEAPONS

For department personnel who are authorized to carry less lethal weapons, the following standards apply:

Department personnel may carry less lethal weapons while on duty only after they have been trained and authorized by the department to use that particular tool. Less lethal weapons are defined as weapons that, when used under normal and accepted procedures, are not likely to cause death or serious physical injury.

Use of less lethal weapons is subject to the Department's use of force policies.

18.8 BATONS/IMPACT DEVICES

Officers will employ approved impact devices (ASP, Baton, etc.) in a manner consistent with departmental training, directives and the [Use of Force Policy](#). Only department issued equipment will be carried or utilized. Certified Defensive Tactics Instructors will conduct impact device training. Only those officers demonstrating proficiency will be allowed to carry approved impact devices. Specifications for Impact Devices are as follows: ASP Expandable baton 26" expanded, 9" unexpanded. Straight sticks are not issued by the department. Commercially manufactured straight stick batons are authorized for use. While the department only supplies versions of the metal expandable baton, officers may choose to purchase and carry their own straight stick batons as long as they meet the following criteria:

- Commercially manufactured for police use

- Made from wood, plastic or metal (aluminum)

- Between 22-28 inches in length and,

- Approved for use by the department Training Division and/or Department Certified Defensive Tactics Instructor.

Side handle batons are not authorized for use.

18.9 AEROSOL AGENT: O.C. SPRAY

The courts regard an OC application as "intermediate force." Use of OC spray should comply with the standards set forth in the [Use of Force Policy](#).

Officers carrying an aerosol agent issued by the department will receive training in the use of the product. Training in the administration of OC will be conducted by a

certified trainer. Only those officers demonstrating proficiency will be allowed to carry an aerosol agent.

Because all sergeants and officers assigned to the Patrol Operations Division are required to carry a Taser, those officers will have the option to carry either OC spray or wear an ASP on their duty belt as well. One or both of those devices must be retained on the duty belt. If an officer elects to carry just one of the items, the other must be available in the officer's vehicle.

Any officer who intends to use OC spray should ensure that adequate assistance is available in the event an officer inadvertently disables him/herself with the agent. A verbal warning should be given to the subject before applying OC spray if possible.

Any use of OC requires that the reason(s) for the use be documented in an incident report and that a supervisor complete a use of force review.

18.10 FIREARMS PROFICIENCY

It is the policy of this department that each officer qualify with his/her issued or approved handgun during two separate designated qualification quarters per year. Officers will also be required to satisfactorily participate in two training quarters per year.

Officers carrying a rifle must qualify semi-annually as designated by the Administrative Services Lieutenant.

The required qualification course/format will be the responsibility of the Administrative Services Lieutenant, as approved by the Chief of Police. Officers must qualify on the respective designated qualification course before they are authorized to carry their primary or backup firearm(s).

Officers will train and/or qualify on authorized range days under the direction of a department firearms instructor.

Officers who participate, but fail to meet the minimum qualification requirements with their issued firearms will be granted a thirty-day grace period. Administrative Services will coordinate basic firearm refresher training for those officers. Officers who fail to achieve qualification after attending firearm refresher training will be

relieved from active duty and subject to disciplinary action for failure to comply with department policy.

Officers who fail to participate in the required quarterly training/qualification for handgun by the last qualification date of the quarter will be relieved from active duty assignment until the appropriate training/qualification is completed. Failure to participate may also result in disciplinary action for failure to comply with department policy. Officers failing to attend and meet the minimum qualification requirements for the rifle or other department-issued firearms will not be authorized to carry those weapons on duty. Those weapons, except for those specifically assigned to the TAC Team, will be immediately turned in to the department armorer.

Officers on limited duty or disability may have the qualification requirements waived by the Administrative Services Lieutenant. Officers returning from disability or limited duty must qualify prior to returning to a regular assignment if they are not current with the qualification/training standard.

Officers requesting reinstatement to carry the rifle will be required to qualify after a demonstrated proficiency test covering breakdown, cleaning, reassembly of the weapon, along with knowledge and skill to recognize and clear malfunctions.

Officers requesting reinstatement to carry the rifle or other department-issued firearms will be required to meet similar standards. **Some specialty units (SWAT) may have firearms unique to those units/assignments (sniper rifles, etc). Training, qualification, policies, and procedures for those specialized weapons are found in the SOP for those specialty units.**

18.11 SPECIALTY UNIT WEAPONS

The Tactical Unit and the Special Operations Group utilize special weapons, authorized by the Chief of Police, as part of their assigned duties. Officers assigned to these units are required to maintain training and qualifications with these weapons. Unit members who are properly trained with these specialty weapons are permitted to use them in their unit capacity.

The care and maintenance of these weapons are the same as all other department owned weapons as detailed in section [18.4](#).

Weapon specifications for all Tactical and/or SOG unit teams will be outlined in their respective Standard Operating Procedures Manuals (SOP).

18.12 CONDUCTED ELECTRICAL WEAPON (CEW)

All Sergeants and Officers assigned to the Patrol Operations Division will be required to carry a Conducted Electrical Weapon (CEW), and are required to successfully complete the manufacturer's recommended CEW-user course. Officers who participate, but fail to successfully pass the user course, will be granted a thirty-day grace period during which they will not carry a CEW. Administrative Services will coordinate the retraining process for those officers. Officers who fail to achieve qualification after attending re-training will not carry a CEW, and may be subject to disciplinary action for failure to comply with department policy. Personnel will also be required to pass a subsequent annual re-certification program. Failure to successfully complete and pass the annual re-certification will result in immediate revocation of this device. Personnel failing to successfully complete the annual re-certification will be required to attend and successfully complete remedial training per [Policy 3.7](#) (Remedial Training).

18.13 TRAINING

All agency personnel authorized to carry weapons will receive training annually on the [Use of Force/Use of Deadly Force](#) policies.

Training for Less-than Lethal weapon policies will be conducted every 2 years.

It is the policy of this department that all sworn personnel will receive marksmanship and scenario based training through the use of the Virtual Training (VirTra®) Simulator (IVR-300 System). The Virtual Training Simulator shall be utilized to maintain and enhance basic firearms handling as well as decision making skills through the use of marksmanship courses of fire and scenario based training.

All sworn personnel shall attend quarterly training provided through the use of the VirTra® Simulator.

Only those officers designated as VirTra® Operators are authorized to operate the VirTra® Simulator to provide training to sworn personnel. A review of the Department's [Use of Force /Use of Deadly Force](#) policies shall be completed by all sworn personnel prior to any scenario based training on the VirTra® simulator.

The VirTra marksmanship and scenario based training for each quarter shall be approved by the Administrative Services Lieutenant.

Only those weapons (handgun, rifle, Taser®, etc.) specifically modified for use with the VirTra® system shall be used or permitted in the designated training area. All other weapons and ammunition shall be secured elsewhere.

Any sworn officer failing to complete the required quarterly Simulator training may be subject to disciplinary action for failure to comply with Department policy.

Officers that miss quarterly simulator training due to disability leave, military leave, etc. will make up the previous simulator scenario at the following quarter's training session.