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# **MARYSVILLE POLICE DEPARTMENT POLICIES AND PROCEDURES**

## **1.00 LAW ENFORCEMENT ROLE AND AUTHORITY**

### **1.01 DEPARTMENT AUTHORITY AND JURISDICTION**

#### **1.01.01**

The Marysville Police Department is established by the act of the Marysville City Council through the authority of Article XI Section 11 of the Constitution of the State of Washington, RCW 35A.11, 35.23.440(23) and Marysville Municipal Code Chapter 2.48.010. The authority of officers is derived from the Marysville Municipal Code and is conferred by the commission issued by the Chief of Police, and is enhanced by the Mutual Aid Peace Officers Powers Act of 1985, RCW Chapter 10.93 as now written and hereafter amended.

#### **1.01.02**

The purpose of the police department is to protect the right of all persons within Marysville to be free from crime, to be secure in their possessions, and to live in peace.

#### **1.01.03**

All personnel, prior to assuming a commissioned status, shall take an oath of office to enforce the law, uphold the constitution of the United States, the constitution of the State of Washington, and the laws of the City of Marysville, and to abide by the following Law Enforcement Code Of Ethics:

- A. "As a law enforcement officer, my fundamental duty is to serve mankind, to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder, and to respect the Constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously, fairly, and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police

officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession; "Law Enforcement."

#### **1.01.04**

Consistent with applicable laws, rules, and regulations, on-duty officers have a positive duty to use their authority and take appropriate action to keep the public peace, restore order, and bring offenders to justice.

#### **1.01.05**

Off-duty full time officers may exercise their authority anywhere within the State of Washington consistent with the Mutual Aid Peace Officers Powers Act of 1985.

#### **1.01.06**

Off-duty officers shall not use their authority for any off-duty employment without the written permission of the Chief of Police.

#### **1.01.07**

An officer shall submit a written report to the Chief of Police whenever he/she uses his/her authority under the Mutual Aid Peace Officers Powers Act of 1985 outside the City of Marysville that results in substantial action.

### **1.02 MARYSVILLE POLICE COMMISSIONS**

#### **1.02.01**

All persons hired as law enforcement officers for the Marysville Police Department shall be commissioned as police officers prior to being assigned law enforcement duties. Police Commissions are issued by the Chief of Police and may be issued to any employee of the City of Marysville who, because of training and experience, has proven competence in the field of law enforcement and whose duties are police related.

#### **1.02.02**

Before receiving a commission, employees must:

- A. Have successfully completed the Basic Law Enforcement Training Academy given by the Washington State Criminal Justice Training Commission, be eligible for an equivalency certificate from the Training Commission because of qualifying law enforcement training, or completed an approved Reserve Officer Academy;
- B. Take an oath of office to enforce the law, uphold the constitution of the United States and the State of Washington before the Mayor or City Administrator; and
- C. Agree to abide by the Law Enforcement Officers Code of Ethics.

### **1.02.03**

Limited police commissions may be issued by the Chief of Police to persons within the Police Department who have a need to have limited enforcement capabilities such as parking enforcement, animal law enforcement, custody officer, and arson investigation. These limited commissions will specifically state the authority of the holder to enforce identified ordinances.

### **1.02.04**

Police commissions from other law enforcement agencies may be issued to Marysville Police Officers on occasion when necessary or desirable. No officers may accept a commission from another agency without notice and permission from the Chief of Police.

### **1.02.05**

Any abuse or unjustified use of any police commission or Mutual Aid Police Officers Powers Act will result in the permission to carry the commission being withdrawn and/ or subject the offending officer to departmental discipline procedures.

## **1.03 OFFICER DISCRETION AND ARREST ALTERNATIVES**

### **1.03.01**

Police officers have the authority and the duty to take the appropriate law enforcement action that is consistent with the law, best serves the community and complies with their oath of office, code of ethics and the mission of the Marysville Police Department. In addition, officers will use these factors in determining the best course of action:

- A. What is right, reasonable, necessary, and lawful;
- B. What is in the best interests of all involved parties; and
- C. What is fair, firm, and impartial

### **1.03.02**

When officers have probable cause to make an arrest, and are not mandated, either by law or policy to make a custodial arrest they should have at least one of the following criteria present:

- A. The safety of the community is at risk.
- B. The offender has a history of flight or failure to appear at court proceedings.
- C. Threats have been made against victims or witnesses.
- D. The egregious nature of the crime.
- E. There is a risk the offender will destroy vital physical evidence.
- F. The offender resisted arrest; assaulted, or threatened the safety of an officer.

### **1.03.03**

Notwithstanding any of the above, officers should cite misdemeanor offenders either by mail or personal service.

## **1.03.04 CHARGING DECISIONS BY A PROSECUTOR**

### **1.03.04.01 CITY PROSECUTOR**

When circumstances exist where an officer wishes to consult an attorney on a point of law or other legal matter surrounding the circumstances of his investigation on a traffic,

misdemeanor, or gross misdemeanor case, he may consult with the City Prosecutor either through written correspondence or via telephone prior to taking formal enforcement action.

#### **1.03.04.02 COUNTY PROSECUTOR**

When circumstances exist where an officer wishes to consult an attorney on a point of law or other legal matter surrounding the circumstances of his felony investigation, he may consult with the Snohomish County Prosecutor's Office either through written correspondence or via telephone prior to taking formal enforcement action.

When the suspect of the investigation is not in custody, officers will complete all casework before referring the case to the Snohomish County Prosecutor's Office for charging. When the offender is in custody, officers must provide a complete case report to the Snohomish County Prosecutor's Office as soon as possible, but not later than 3:00 p.m. the following day in order to obtain an initial filing decision.

#### **1.04 FORCE**

Police officers are frequently confronted with situations where control must be exercised and they have a positive duty to restore peace and order, effect an arrest, and protect public safety. Sometimes the situations have deteriorated beyond the level at which verbal communication is effective. In these cases, officers need to employ the necessary force to overcome resistance and protect their own safety or the safety of others. Officers are not expected to sustain injury before resorting to the appropriate use of force. In deciding to apply force and determining the level of force to be used, good judgment, training, and accountability are essential.

The decision to employ any force must be based upon the information known to the officer or upon reasonable assumptions made by the officer at the moment that force is applied. Facts unknown to the officer, no matter how compelling cannot be considered later in determining the justification for the use of force. The use of force by Marysville Police officers will be according to the following department policies and procedures as well as according to the provisions of RCW Chapters 9A.16 and 10.31 as now written or hereafter amended.

##### **1.04.01 USE OF FORCE**

Officers will use only that amount of force that is reasonable and necessary to effect the lawful purpose intended (i.e. affect an arrest, carry out a lawful duty, defend themselves from physical harm or death, or to assume or maintain lawful control over a person or situation). All department personnel will follow and obey all laws of the State of Washington regarding the use of lethal and less lethal force, both on and off duty. All officers, whether on or off duty, will adhere to department rules and regulations concerning the use of force. This means the unnecessary use of force or the use of force in an excessive or unreasonable manner or the use of force as punishment is an unjustified use of force and violates this policy.

## **1.04.02 DEADLY FORCE**

### **1.04.02.01**

An officer may use deadly force to effect the seizure, custody, or apprehension of a person when he/ she has probable cause to believe that the person has the present intent, ability, and opportunity to unlawfully cause death or serious injury to another person, and the person is a threat to cause serious injury or death unless prevented by the use of deadly force. In such cases, use of deadly force may be permitted, provided it is justified.

### **1.04.02.02**

For the purposes of this policy, “necessary” and “deadly force” shall be understood as they are defined in the Revised Code of Washington as follows: Per RCW 9A.16.010(1), “necessary” means that no reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended. Per RCW 9A.16.010(2), “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. These definitions are hereby adopted by reference into this policy.

### **1.04.02.03**

The following are examples of situations where an officer may justify the use of deadly force. These are intended only to illustrate the intent of the policy and are not intended to be an all-inclusive list:

- A. In self-defense of himself/herself from death or serious injury;
- B. In the defense of another person, unlawfully attacked or threatened, from death or serious injury;
- C. To prevent the escape of a fleeing felony suspect when the officer has probable cause to believe the suspect poses a threat of death or serious physical injury to the officer or other persons;
- D. In obedience to the judgment of a competent court or in the discharge of a legal duty;
- E. When necessary to overcome actual resistance to the execution of the legal process, mandate, or order of a court or officer when the resistance offered causes serious danger of injury or death to the officer, another person, or the community;
- F. When necessary in retaking into custody an escaped prisoner who has been arrested for, or convicted of, a dangerous felony or equivalent juvenile offense under the laws of this state or federal jurisdiction that are specified below in this section or which involve:
  - 1. The use or attempted use of force causing death or serious physical injury to another; or
  - 2. The use or attempted use of force creating threat of death or serious physical injury to another; or
  - 3. A threat, express or implied, which places a person in fear of death or serious physical injury to himself/herself or another.
- G. When necessary to arrest a person who has committed a dangerous felony.  
“Dangerous felony” means: any murder, manslaughter in the first or second degree, kidnapping or attempted kidnapping, any rape or attempted rape in the first or second degree, any robbery, aggravated assault, attempted or actual bombing, or arson in the first or second degree which creates or causes a potential threat to life, and any burglary in which the actor or other participant in the burglary is armed with a deadly weapon or assaults any person therein; or when necessary in arresting a person whom

the officer has probable cause to believe has committed such a dangerous felony and is fleeing from justice; or when attempting, by lawful ways and means, to apprehend a person for a dangerous felony actually committed.

- H. To lawfully suppress a riot if the actor or other participant is armed with a deadly weapon;
- I. To prevent the escape of a person from any federal or state correctional facility or in retaking an escapee from any federal or state correctional facility where persons convicted of dangerous felonies are customarily housed; or
- J. To kill a dangerous animal, or kill an animal seriously injured when it is not practical to secure the services of animal control or state wildlife agents.
  - 1. The designated .22LR firearm may be used for dispatching sick or injured animals at the discretion of the Officer with the approval of the Shift Supervisor (see 1.05.18).  
*(Revised 03/25/13)*

### **1.04.03 PROHIBITED PRACTICES**

#### **1.04.03.01**

Acts that are considered prohibited use of weapons are:

- A. A weapon shall not be drawn in a public place except for inspection, instruction, repair, safekeeping before entering a jail or similar facility, or in the line of duty.
- B. Whenever a weapon is drawn, it will never be held or carried in the cocked position. Trigger finger shall be indexed.
- C. Warning shots are prohibited.
- D. Shooting from a moving vehicle is prohibited unless justified by exigent circumstances.
- E. An officer may not use deadly force to affect the arrest of or to prevent the escape of a person who has committed a misdemeanor. This restriction shall not infringe upon an officers right of self-defense should he/she be attacked.

#### **1.04.03.02**

All sworn personnel must receive and demonstrate understanding of these directives before being authorized to carry any firearm. Officers are expected to justify their use of any force in any criminal, civil, or administrative proceedings. Officers who cannot or will not comply with this policy will subject themselves to disciplinary action up to and including termination as well as the possibility of criminal and/ or civil liability.

### **1.04.04 FORCE CONTINUUM**

#### **1.04.04.01 PURPOSE**

The purpose shall establish the professional philosophy and procedures of the Marysville Police Department relative to the proper use of force in the department.

#### **1.04.04.02 POLICY**

Officers of the Marysville Police Department may use force when necessary, and shall use only that force which is reasonable. All force applications shall be in conformity with the statutes and Constitutions of the United States and the State of Washington.

Force usage shall be consistent with the Marysville Police Department's Integrated Force Management program founded upon the Department's use of force model.

Members of the Department must generally employ the tools, tactics, and timing of force application consistent with the model's directions and departmental training modules. This policy, while requiring the officers to maintain controlled superiority over a subject, supports the practice of progressive application of force as part of a continuous risk assessment process. Risk is assessed objectively based on the on-scene reasonable officer's perspective taking into account the facts and circumstances of the particular situation that are known to the officer. When situations are reasonably stabilized, application of force must proportionally de-escalate or cease, in accordance with the subject actions, when control is gained, or the threat is removed.

Due to the fact that officer/citizen confrontations occur in environments that are potentially unpredictable and are tense, uncertain, and rapidly evolving, officers may use tools and tactics outside the parameters of department training. All such applications of force shall meet the same standard of reasonableness as those that have been previously identified and approved.

#### **1.04.04.03 FORCE MODEL - SEE ATTACHED FORCE MODEL APPENDIX 1A**

### **1.05 FIREARMS AND AMMUNITION** *(Revised 08/01/04 Memo 04-006)*

#### **1.05.01**

All weapons including handguns, rifles, and shotguns shall be used only when necessary in the performance of duty or in department approved training. Discharge or use of any weapon other than in training requires a written report of the circumstances describing the cause for use.

#### **1.05.02**

All officers who are on-duty and performing patrol or investigative duties shall be armed with a department approved and issued handgun.

#### **1.05.03**

All on-duty patrol officers operating a marked patrol car will have an issued rifle in their vehicles.

#### **1.05.04**

All department issued firearms will be loaded only with department issued and/ or approved ammunition. Ammunition shall not be altered in any way.

#### **1.05.05**

Uniformed officers will carry a minimum of three full magazines of issued ammunition on their duty belt and in their handgun.

#### **1.05.06**

Detectives and other plainclothes officers (i.e. administration) shall carry a minimum of one full magazine of issued ammunition in their handgun. Officers assigned to undercover or specialized details may be exempt from this requirement with approval from their supervisor.

**1.05.07** *(Revised 06/30/10)*

The only ammunition authorized for department handguns is that which is authorized by the Chief of Police or his/ her designee. The only handguns authorized and issued by this department are:

- A. Sig Sauer P226 9 mm semiautomatic pistol
- B. Sig Sauer P229 9 mm semiautomatic pistol

**1.05.08**

Rifles authorized and issued by this department are the Colt AR-15, Colt M-16, and the M-14.

**1.05.09**

The only shotgun issued and authorized by this department is the Remington 870.

**1.05.10**

A secondary or back-up firearm is authorized, but only upon meeting specific department approval. Officers who carry a back-up weapon in addition to their department issued handgun are required to qualify initially, and annually thereafter, with that firearm prior to receiving permission to carry it and annually thereafter.

**1.05.11**

A department approved handgun for off-duty or back-up use and intended for official use by any employee must meet the following requirements:

- A. The firearm must be inspected, fired, and certified as safe by the range officer.
- B. The employee must demonstrate safe and proficient use of the weapon to the range officer.
- C. The employee must meet training requirements with each approved weapon.

**1.05.12**

The carrying of an off-duty weapon and police identification is encouraged but not mandated. An employee who elects to carry police identification must also carry or have access to his/her department issued handgun or off-duty weapon. An employee who elects to not carry a weapon and police identification while off-duty shall not be subjected to disciplinary action if an occasion should arise in which the employee could have taken law enforcement action if armed.

**1.05.13**

Any employee that chooses to carry a weapon for off-duty or back up use is expected to furnish his/ her own department approved ammunition for the qualification course and use of the weapon. The department will furnish ammunition only for department authorized on-duty weapons.

**1.05.14**

The Firearms Sergeant will register all weapons used by employees in their official capacity. The make, model, caliber, serial number, and method of carry shall be provided to

the Firearms Sergeant upon application of registration. A letter granting approval for each off duty or back up weapon must be signed by the Chief of Police.

#### **1.05.15**

The back-up on-duty firearm shall only be used when the officer is unable to use his/her primary on-duty firearm.

#### **1.05.16**

Modifications of a department owned firearm shall be limited to stock replacement parts or the changing of grips and/ or night sights, but shall in no case be done without the express written permission of the Chief of Police.

#### **1.05.17**

Modification of personally owned firearms used on or-off-duty shall not defeat any of the manufacturer's safety features. Modifications shall not affect the safety or reliability of the firearm's operation.

#### **1.05.18** *(Revised 03/25/13)*

A .22LR firearm will be designated by the Firearms Instructors for the purpose of dispatching sick or injured animals. This firearm will be stored in a locked device in the armory room when not in use. Use of this firearm must be approved by the Shift Supervisor. Officers must satisfactorily complete the training on the use of this firearm, as designated by the Firearms Instructors, prior to using the firearm.

### **1.06 FIREARMS PROFICIENCY**

#### **1.06.01**

Each officer will qualify with his/ her service handgun prior to being authorized to carry it on-duty and a minimum of once per year. Officers will successfully qualify with the department issued rifle a minimum of once per year.

#### **1.06.02**

The required qualification course or format will be left to the discretion of the Firearms Sergeant, with the approval of the Chief of Police. Officers must qualify on each department issued weapon with a score of 80% or better before they are authorized to carry that weapon.

#### **1.06.03**

A Firearms Qualification Schedule will be posted announcing the days and hours that the range will be open for qualification. Officers may shoot on-duty if the workload permits, and with the permission of their supervisor. All off-duty officers will attend range training and be compensated according to the current collective bargaining agreement. Firearms training will be considered mandatory, and may only be excused with the approval of the appropriate Division Commander, Chief of Police, or his/ her designee.

#### **1.06.04**

Officers who fail to meet the qualification requirements or are excused from training will be granted a thirty-day grace period. Within that thirty-day period, the employee must arrange with the Firearms Sergeant or his/her designee for remedial training.

**1.06.05**

The Firearms Sergeant or his/her designee shall perform an annual inspection of all department issued and utilized personally owned firearms.

**1.06.06**

All necessary repairs to department owned firearms will be completed by a department authorized armorer.

**1.06.07**

All necessary repairs to personally owned firearms may be performed by the department authorized armorer at the request of the firearm's owner, or may be done by a professional gunsmith at the employee's expense. Replacement parts for personally owned firearms will be the responsibility of the individual officer.

**1.06.08**

Each employee is responsible for the care and cleaning of his/her weapons and will, at all times, maintain the weapon in a clean and serviceable manner, whether department or personally owned.

**1.06.09**

Employees shall immediately report the loss or theft of any department or personally owned firearm to the Chief of Police via the chain of command. The report will be in writing and detail the facts concerning the incident.

**1.06.10**

Employees shall keep issued weapons on their persons, in a gun locker, in a locked changing room locker, locked desk, utilize an approved gun lock device, or keep in a secure place when off duty at home.

**1.06.11** (Revised 06/30/2010)

Rifles are to be stowed in patrol vehicles in a department installed locked gun rack or within reach of the driver. At the start of each shift the officer will perform the following inspection on his/ her rifle:

Chamber empty, bolt forward, hammer cocked, safety lever on "safe," loaded magazine in magazine well.

**1.06.12**

Rifles will be kept locked in the vehicle racks during normal patrol. When a rifle is removed from the vehicle and not needed, precautions will be taken to secure the rifle such as using the gunlock or locking the rifle in the car.

**1.06.13**

Rifles will be carried with the safety on. The safety will be released only when the weapon is about to be fired.

## **1.07 LESS LETHAL FORCE** *(Revised 01/03/03 Memo 03-002)*

### **1.07.01 INTRODUCTION AND INTENT**

The Marysville Police Department recognizes and respects the value of human life. However, officers in the performance of their duties face situations where the use of force is reasonable and necessary to affect an arrest, overcome resistance, and control a suspect or to protect themselves or others. Reasonable force may be used in these situations and level of force must be based on the behavior of the suspect. The Police Department is looking for force options that have lower probability of producing fatal results that meet current professional practices.

### **1.07.02 EXTENDED RANGE IMPACT WEAPONS**

Extended Range Impact Weapons are defined in this policy as, ammunitions designed and developed to be launched at human targets, with a lower probability of producing fatal results. These munitions can cause similar injuries as traditional impact weapons i.e. ASP Baton's, PR 24, (This policy does not include "Ferret" rounds, which are used to deploy gas. See SWAT policy for deployment of Ferret rounds). The following weapons are considered Extended Range Impact Weapons:

- \* **40 MM Launcher** deploying Extended Range Impact Weapons (to include Exact Impact Rounds and Direct Impact Rounds)
- \* **12 Gauge Shot Gun** Extended Range Impact Weapons (to include Drag Stabilized Round)

#### **1.07.02.01 40mm LAUNCHER**

The 40mm launcher is deployed as an additional tool and is not intended to replace firearms or self defense techniques. It may be used to control a physically resistive, aggressive or violent subject(s) that pose a threat to Officers or to other persons or property.

##### **1.07.02.01.01 EXACT IMPACT SPONGE ROUND** *(Revised 10/19/11)*

The 40mm exact impact sponge round may be utilized at a distance of 10-120 feet or more. The Exact Impact Sponge Round is intended for direct fire deployment.

#### **1.07. 02.02 12 GAUGE SHOT GUN**

The 12 gauge Shot Gun is deployed as an additional tool and is not intended to replace firearms or self defense techniques. It may be used to control a physically resistive, aggressive or violent subject(s) that pose a threat to Officers or to other persons or property.

##### **1.07.02.02.01 12 GAUGE DRAG STABILIZED ROUND**

The 12 gauge drag stabilized round may be utilized at a distance of 10-50 feet or more. The 12 Gauge Drag Stabilized Round is intended for direct fire deployment.

### **1.07.02.03 TRAINING ON EXTENDED RANGE IMPACT WEAPONS** *(Revised 10/19/11)*

Only employees who have successfully completed a departmentally approved training course in the proper use and deployment of Extended Range Impact Weapons shall be authorized to deploy them during actual operations. In order to remain authorized to use these extended range impact weapons, personnel shall complete a refresher course every year after the initial training.

### **1.07.02.04 EXTENDED RANGE IMPACT ROUNDS STORAGE**

Rounds that are used for Extended Range Impact Rounds will be distinctively marked and stored separately from other "Lethal Rounds". The policies that pertain to the maintenance of other firearms also apply to these weapons.

### **1.07.02.05 WHEN THE EXTENDED RANGE IMPACT WEAPONS MAY BE USED**

The 40mm launcher is considered a device that can be utilized on subjects that an officer believes to be at a level of active resistant or higher according to the Department's use of force continuum. The 40mm launcher may be deployed to control violent or potentially violent suspect(s) when an officer reasonably believes that the following conditions exist:

- A. Deadly force does not appear to be justifiable and/or necessary.
- B. Attempts to subdue the suspect by conventional tactics have been or will likely be ineffective for the situation at hand.
- C. There is a reasonable expectation that it will be unsafe for officers to approach to within contact range of the suspect.

### **01.07.02.06 MEDICAL TREATMENT CONSIDERATIONS**

Whenever the Extended Range Impact Weapons is applied to an individual, the Fire Department Aid or Medic Unit shall be called to the scene. Treatment at a medical facility will only be necessary on the advice of aid personnel.

### **1.07.02.07 ADMINISTRATIVE NOTIFICATION** *(Revised 10/19/11)*

Anytime Extended Range Impact Weapons are discharged during an operation, appropriate documentation will be made. The report will include at a minimum:

- A. Incident report
- B. Use of force form
- C. The following evidence shall be collected (if possible) at the scene and booked into evidence:
  1. Spent round
  2. Photographs of the area on the suspect(s) body to document the existence or the lack of a visible injury.

### **1.07.03 M26 ADVANCED TASER/ X26 TASER** *(Revised 07/29/13 G.O. 13-003)*

#### **1.07.03.01 INTRODUCTION AND INTENT**

Consistent with the Marysville Police Department's philosophy where the use of force is reasonable and necessary to effect an arrest, overcome resistance, control a suspect or to protect themselves or others, the Department has researched and approved the use of the M26 ADVANCED TASER/ X26 TASER (Electronic control device). By deploying the

TASER, the officer has used the lowest level of force necessary to overcome the suspect(s) resistance.

#### **1.07.03.02 TASER**

The M26 and X26 TASER are electronic control, less lethal tools used to temporarily incapacitate subjects allowing Officers to control a subject and lessen the likelihood of injury to both suspect and Officers.

#### **1.07.03.03 WHEN THE TASER MAY BE USED**

The TASER is considered a device that can be utilized on subjects that an officer believes to be at a level of active resistant or higher according to the Department's use of force continuum.

The TASER may be deployed to control violent or potentially violent suspect(s) when an officer reasonably believes that the following conditions exist:

- A. Deadly force does not appear to be justifiable and/or necessary.
- B. Attempts to subdue the suspect by conventional tactics have been or will likely be ineffective for the situation at hand.
- C. There is a reasonable expectation that it will be unsafe for officers to approach to within contact range of the suspect.

#### **1.07.03.04 TRAINING ON THE TASER**

The TASER shall only be used by personnel who have successfully completed the departmental TASER training program and are certified to use it. Personnel should periodically complete a refresher course after the initial certification training.

#### **1.07.03.05 DISTINCTIVE MARKINGS ON THE TASER**

The TASER shall be clearly marked with visible yellow markings on the sides. The 25' cartridges marked by green blast doors are authorized.

#### **1.07.03.06 PRECAUTIONS**

- A. The TASER shall not knowingly be used on a person who has any flammable liquid on him/her or is in the dangerous vicinity of explosive compounds or gasses. This would include flammable-based O.C. products.
- B. The TASER should not be used against a person who is under controlled restraint.
- C. Generally, an officer should not deploy the TASER without at least one cover officer or a tactical plan.
- D. The TASER should not be used when a suspect is in danger of falling from a significant height.
- E. Always have lethal cover or another reasonable and appropriate force option available.
- F. When feasible, a warning should be given to the suspect that the TASER will be deployed if compliance is not gained.

#### **1.07.03.07 MEDICAL TREATMENT CONSIDERATIONS**

Officers that use the TASER shall ensure that medical treatment is obtained for the person(s) upon whom it is used. Whenever the TASER probes penetrate the skin, the suspect shall be examined by on scene paramedics or Emergency Medical Technicians

(EMT). On scene paramedics / EMT's may remove the probes. If paramedics / EMT's are not readily available, officers will transport to the nearest medical facility for treatment.

If the probes have penetrated the skin in a sensitive area, such as the face, throat, breasts and genitals, the suspect shall be transported to the hospital for removal of probes by qualified medical personnel. Any person, who loses consciousness, shall be given aid by on scene personnel and immediately transported to the nearest medical facility for examination by medical personnel.

### **1.07.03.08 REPORTING PROCEDURES**

- A. The area on the suspect(s) body shall be photographed to document the existence or the lack of a visible injury.
- B. Anytime the TASER is deployed, appropriate documentation will be made. The report will include the minimum:
  - 1. Incident Report
  - 2. "Use of Force" form
- C. The following evidence shall be collected (if possible) at the scene:
  - 1. Taser cartridge
  - 2. AFID ID tags
  - 3. Photographs
    - a. Injury
    - b. Probes

### **1.07.03.09 ADMINISTRATION NOTIFICATION**

Anytime a suspect loses consciousness due to the TASER application, the Chief of Police or his/her designee will be notified by the on scene supervisor at a reasonable time after the scene is secured. The Chief of Police or his/her designee will determine if the appropriate investigative personnel will be called out.

### **1.07.03.10 REVIEW PROCESS**

The Chief of Police or his/her designee shall review the use of the TASER as soon as practical following the incident or operation to ensure the TASER was used according to policy. Information obtained will be utilized for statistical and training purposes.

## **1.08 NON-LETHAL WEAPONS**

### **1.08.01**

Commissioned Marysville Police Officers may carry department authorized and issued non-lethal weapons while on duty once they have been instructed in, and/or certified in the use of those specific weapons.

Commissioned Marysville Police Officers who choose to carry department authorized and issued non-lethal weapons off-duty may only use them in the capacity of a Marysville Police Officer for the preservation of life, under the auspices of the Police Powers Act, or with prior written permission of the Chief of Police.

## **1.09 FIREARMS DISCHARGE AND APPLICATION OF FORCE**

### **1.09.01 ACCIDENTAL DISCHARGE**

Whenever an officer, either on-duty or off-duty, accidentally discharges a firearm authorized for department use, he/ she shall submit an incident report fully explaining the circumstances. If injury or damage has occurred, or is alleged to have occurred, the incident shall be fully investigated and reported.

### **1.09.02 INTENTIONAL DISCHARGE**

Whenever an officer, on-duty or off-duty, intentionally discharges a firearm, except in the context of a firing range, demonstration, training, or recreational situation, when a crime, injury, or damage of any kind is involved, immediate action shall be taken to accomplish the following:

- A. Care for the injured.
- B. Request assistance including a supervisor and medical aid if necessary.
- C. Apprehend any suspects.
- D. Protect the scene.
- E. Locate and identify witnesses.

### **1.09.03 NOTIFICATION OF DISCHARGE**

Dispatch shall be notified immediately. Dispatch will then notify the on-duty sergeant, the Patrol Operations Commander, and the Chief of Police.

### **1.09.04 REPORTING A DISCHARGE OF A FIREARM**

The employee will provide the on-scene supervisor with a verbal report. He/ She will also be asked to prepare either a written or taped report of the incident. This may be prepared with the assistance of the department's and the officer's legal counsel, if they are available. In any case the initial report shall be completed within 72 hours of the incident. Additional time may be granted by the Chief of Police or his/her designee.

NOTE: In the beginning of the report, the officer involved should always state for the record the following statement:

"This report is prepared by me pursuant to departmental requirements and through its submission, I do not intend to waive any of my constitutional rights with regard to any possible criminal or civil liability.

### **1.09.05 SUPERVISOR'S RESPONSIBILITY**

The Shift Supervisor shall immediately respond to the scene of an intentional discharge of a firearm and do the following:

- A. Ensure that the responsibilities outlined in the prior section are carried out.
- B. Obtain from the involved officers a brief description of the incident and what action has been taken.
- C. Request department detectives be called out if appropriate.
- D. Request a Snohomish County SMART Team response if appropriate.
- E. Ensure that the discharged weapon is secured consistent with Marysville Police Department evidence collecting practices as outlined in Chapter 35. The affected officer may be provided with another similar weapon if appropriate. In the event that

other pieces of uniform equipment were taken pursuant to the investigation, the officer will be provided with replacement pieces as soon as is practical.

- F. Direct the involved officer to the Public Safety Building, and to refrain from discussing the incident with anyone until the arrival of investigators.
- G. Assign an officer to accompany any injured person to the hospital. The responsibilities of this officer are:
  - 1. Secure and preserve any and all evidence and all personal property belonging to the subject.
  - 2. Prevent escape of the subject.
  - 3. Keep Department Command Staff apprised of the injured subject's condition.
  - 4. In the event that the subject dies, make sure that the personal effects are secured and released only to investigators or the Snohomish County Medical Examiner's Office.
- H. Assign an officer to prepare the Incident Report. The report shall be submitted prior to going off duty.
- I. Ensure that the Chief of Police is kept informed of the situation and any new developments.
- J. Ensure that the MPOA President or his/her designee is kept informed of the situation and any new developments.
- K. Brief arriving investigators and then relinquish investigative command of the scene to them.
- L. Provide personnel support to the investigators as needed.
- M. Contact the Department approved Peer Support Team via Marysville Dispatch, as well as the department's chaplain and request their services.

## **1.10 POST SHOOTING** *(Revised 06/14/02 Memo 02-013)*

### **1.10.01**

The employee whose actions or use of force resulted in a death or serious physical injury will be removed from his/her current assignment and placed on paid administrative leave pending an administrative review. The assignment to administrative leave is not to be construed as punishment or that the employee has acted improperly.

### **1.10.02**

In all cases where any person has been injured or killed as a result of an action involving in employee, the involved employee will be required to undergo a post-event trauma interview by the department psychologist within an appropriate time of the incident. The debriefing shall not be related to any departmental investigation of the incident. Nothing discussed in the interview will be reported to the department. This interview is to help determine whether the employee is fit for continued duties.

### **1.10.03**

All employees who are involved in an incident where another person was seriously injured or killed as the result of the actions of an employee, will be offered the services of the Department approved Peer Support Team, the department chaplain, and the employee assistance program.

### **1.10.04**

An employee's family will receive the opportunity to receive services from the department chaplain whenever necessary. The department chaplain's services are not related to the department's investigation of the incident. Nothing discussed will be divulged to the department.

#### **1.10.05**

The involved employee shall not discuss the incident with anyone except the department's legal advisor, the employee's psychologist, the employee's own legal counsel, the chosen clergy, the employee's spouse, and those assigned to investigate and debrief the employee as related to the incident.

ADOPTED:	03/21/2001		
REVISED:	Section 1.10	06/14/2002	Memo 02-013
	Section 1.07	01/03/2003	Memo 03-002
	Section 1.05	08/01/2004	Memo 04-006
	Section 1.07	12/02/2008	G.O. 08-007
	Section 1.05.07	06/30/2010	G.O. 10-003
	Section 1.07.02	08/17/2011	G.O. 11-006
	Section 1.07.02.01.01	10/19/2011	G.O. 11-010
	Section 1.07.02.03	10/19/2011	
	Section 1.07.02.07	10/19/2011	
	Section 1.04.02.03.j.1	03/25/2013	G.O. 13-001
	Section 1.05.18	03/25/2013	G.O. 13-001
	Section 1.07.03.04	07/29/2013	G.O. 13-003
	Section 1.07.03.06(F)	07/29/2013	G.O. 13-003
	Appendix 1C	12/05/2013	G.O. 13-004
	Appendix 1D	12/05/2013	G.O. 13-004